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8 Attorneys for Plaintiffs

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 DONNA M. AVILA, et al.)	Case No.: C-99-3941 SI
)	
12 Plaintiffs,)	(Consolidated with Case Nos. C-01-0266 SI
)	and C-06-2555 SI)
13 v.)	
)	
14 WILLITS ENVIRONMENTAL)	ORDER
REMEDIAITON TRUST, et al.)	
)	
15 Defendants)	

16
 17 **WHEREAS**, plaintiff Diane Boettcher, died on 12/8/10; plaintiff Lloyd Malugani, Sr-
 18 died on 4/28/10; plaintiff Marion Malugani, died on 7/10/10; and plaintiff Sandra Wickstrom,,
 19 died on 12/27/10

20 **WHEREAS**, the heirs of these deceased plaintiffs have a wrongful and survival claim
 21 against defendant Whitman Corporation (aka Pepsi-Cola Metropolitan Bottling Company Inc.)
 22 and Pneumo Abex, ,

23 **WHEREAS**, in the interest of judicial economy and convenience to the parties, the
 24 parties are desirous that the claim of these new plaintiffs be added and resolved to the pending
 25 action,

26 **WHEREAS**, the parties agree that this stipulation to add new plaintiffs, does not in any
 27 way limit the right of defendants to assert any affirmative or other defenses defendants may have

1 to the claims,

2 **NOW THEREFORE**, the parties hereby stipulate the following plaintiffs wrongful death
3 and survival action be added to the pending action;

- 4 1. Melissa Abott for the death of Diane Boethcer
5 2. Barbara Mulgani for the death of Marion Malugani
6 3. Barbara Mulugani for the death of Lloyd Malugnai
7 4. Kenneth Wickstrom for the death of Sandra Wickstrom

8 **IT IS FURTHER** agreed by the parties that the wrongful death and survival action are
9 deemed filed as of the date of of the signing of this stipulation filed for the purpose of the
10 statute of limitation.

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Dated:: 04/26/2012

/s/ William M. Simpich
William M. Simpich, Esq.
Attorney for Plaintiffs

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Dated: 04/26/2012

/s/Tesfaye W. Tsadik
Tesfaye W. Tsadik, Esq.
Attorney for Plaintiffs


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Dated: 04/26/2012


Collie James, Esq.
Attorney for Defendants

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IT IS SO ORDERED

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Dated: 4/30/12



Honorable Susan Illston
JUDGE OF THE UNITED STATES DISTRICT COURT

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