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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DONNA M. AVILA, et al.

Plaintiffs,

v.

WILLITS ENVIRONMENTAL
 REMEDIATION TRUST, et al.

Defendants,

Case No.: C-99-3941 SI

~~AMENDED~~ STIPULATION AND
 PROPOSED ORDER

WHEREAS, the parties wish to make the following corrections to the Stipulation filed 4/27/12 [Docket#1380] and Order filed 5/02/12, [Docket#1382] adding Melissa Abbott, Barbara Mulugani & Kenneth Wickerstrom to pending action:

Pg 1, Para 1, line 17	Marion Malugani, died on 7/10/10	Marion Malugani, died on 7/13/10
Page 2, Para 5, line 4	1. Melissa Abott for the death of Diane Boethcer	1. Melissa Abbott for the death of Diane Boettcher

Page 2, Para 5, line 5	2. Barbara Mulgani for the death of Marion Malugani	2. Marion Sue Gilchrist for the death of Marion Malugani
Page 2, Para 5, line 6	3. Barbara Mulugani for the death of Lloyd Malugnai	3. Betty Malugani for the death of Lloyd Malugani, Sr.

The [Amended] Stipulation and Order is to read as follows:

WHEREAS, plaintiff Diane Boettcher, died on 12/8/10; plaintiff Lloyd Malugani, Sr died on 4/28/10; plaintiff Marion Malugani, died on 7/13/10; and plaintiff Sandra Wickstrom died on 12/27/10.

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

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

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

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

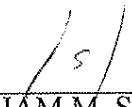
1. Melissa Abbott for the death of Diane Boettcher
2. Marion Sue Gilchrist for the death of Marion Malugani
3. Betty Malugani for the death of Lloyd Malugani, Sr.
4. Kenneth Wickstrom for the death of Sandra Wickstrom

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

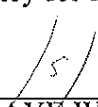
- 1 1. Melissa Abbott for the death of Diane Boettcher
2 2. Marion Sue Gilchrist for the death of Marion Malugani
3 3. Betty Malugani for the death of Lloyd Malugani, Sr.
4 4. Kenneth Wickstrom for the death of Sandra Wickstrom

5 **IT IS FURTHER** agreed by the parties that the wrongful death and survival actions are
6 deemed filed as of the date of the signing of this stipulation filed for the purpose of the
7 statute of limitation.


8 Dated: July 23, 2012


WILLIAM M. SIMPICH
Attorney for Plaintiffs

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10 Dated: July 23, 2012

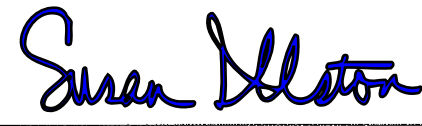

TESFAYE W TSADIK
Attorney for Plaintiffs

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12
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14 Dated: July 16, 2012


COLLIE JAMES
Attorney for Plaintiffs

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17 **IT IS SO ORDERED**

18 Dated: 7/25/12


HONORABLE SUSAN ILLSTON
Judge of the US District Court