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 Pneumo Abex LLC (successor to Pneumo Abex  
 12 Corporation)

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 HARRY WHITLOCK, et. al.,  
 16 Plaintiffs,  
 17 v.

18 PEPSIAMERICAS; WHITMAN  
 19 CORPORATION; PNEUMO ABEX  
 CORPORATION; DOES 1-XX,  
 20 Defendants.  
 21

CASE NO. C-08-2742 SI

**STIPULATION AND [PROPOSED]  
 ORDER ADDING WRONGFUL DEATH  
 CLAIMS**

(Honorable Susan Illston)

STIPULATION

WHEREAS, plaintiffs seek to add two new plaintiffs Kevin Todd and Rebecca Lynne to this action;

WHEREAS, Mr. Todd's and Ms. Lynne's claims are limited to a single cause of action for wrongful death based upon the death of their father, Gerald Duncan;


WHEREAS, Defendants have agreed to the addition of these claims while expressly reserving all rights and defenses related thereto;

WHEREAS, Defendants have agreed that, unless they deem it necessary to file an amended answer, their answers currently on file will apply to the amended complaint.

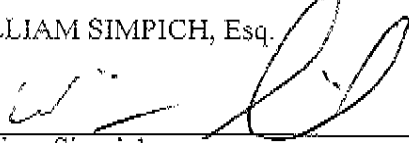
THEREFORE, subject to Court approval, the parties STIPULATE that the wrongful death claims of Kevin Todd and Rebecca Lynne based on the death of their father Gerald Duncan shall be added to this action and the complaint shall be amended to reflect this addition.

Dated: January 22, 2009

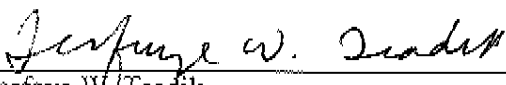
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By   
Holly J. Tate  
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PNEUMO ABEX CORPORATION and  
WHITMAN CORPORATION

Dated: January 31, 2009

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By   
William Simpich  
Attorneys for Plaintiffs

Dated: January 31, 2009

TESFAYE W. TSADIK, ESQ.  
By   
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Attorneys for Plaintiffs

IT IS SO ORDERED.

DATED: \_\_\_\_\_, 2009

  
Honorable Susan Illston  
UNITED STATES DISTRICT COURT JUDGE