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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAKIA RUSSELL ET AL.,

Plaintiffs,

v.

UNITED STATES OF AMERICA ET
AL.,

Defendants.

NO. C 08-5651 TEH

CORRECTED ORDER
GRANTING DEFENDANT'S
MOTION AND PARTIAL
MOTION TO DISMISS AND
MOTION TO STRIKE

The Court is in receipt of Defendant's motion and partial motion to dismiss and motion to strike, and Plaintiffs' statement of non-opposition to those motions. In light of the parties' agreement that these motions should be granted, and the Court's consideration of the legal arguments on these matters, the motion is hereby GRANTED. Plaintiffs' second cause of action for the intentional tort of deceit is barred by the "intentional tort" exception to the FTCA and is hereby DISMISSED with prejudice. *See* 28 U.S.C. § 2680(h). Plaintiff's claims against the United States Coast Guard and Coast Guard Maintenance and Logistics Command Pacific are hereby DISMISSED with prejudice because the United States of America is the only proper defendant in this FTCA action. *See* 28 U.S.C. § 2679(a). Finally, Plaintiffs have demanded a jury trial. There is no right to a jury trial in any FTCA action and the demand for a jury trial is hereby STRICKEN. *See* 28 U.S.C. §2402. Trial in this action


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shall be before the Court and shall commence on the date previously set by the Court .

IT IS SO ORDERED.

Dated: August 6, 2009



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT