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 13 Jeff Rutherford

14 **IN THE UNITED STATES DISTRICT COURT**  
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 JEFF RUTHERFORD,	)	Case No.: C10-05756
	)	
17 Plaintiff,	)	<b>(PROPOSED) ORDER TO DISMISS</b>
	)	<b>CAUSE OF ACTION FOR</b>
18 v.	)	<b>PUNITIVE DAMAGES WITHOUT</b>
	)	<b>PREJUDICE</b>
19 M/V ENTERPRISE, her engines, tackle,	)	
apparel, furniture, and appurtenances, <i>in rem</i> ;	)	
20 AMNAV MARITIME SERVICE, SORT	)	
WELL, INC., MARINE RESOURCES	)	
21 GROUP, INC, SALTCHUK RESOURCES,	)	
INC. and DOES 1-10, <i>in personam</i>	)	
	)	
22 Defendants.	)	
	)	

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25 The Joint Stipulation and Proposed Order is hereby adopted by the Court and the

26 plaintiff's claim for punitive damages is dismissed without prejudice. If at his sole

27 discretion, the plaintiff deems that the assertion of such claims are warranted by any facts

28 arising after the date of the execution of this stipulation, the plaintiff may file an amended

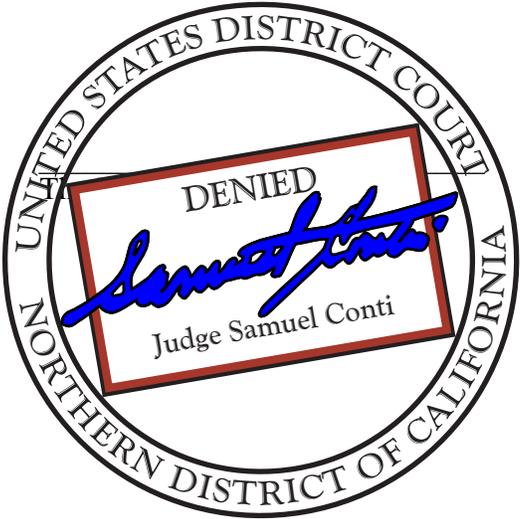
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complaint for punitive damages. If such an amended complaint is filed, defendant will have twenty (20) days to file a responsive pleading, unless the Court orders a shorter or longer period.

Dated: 12/8/11



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