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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 GARRETT PROCKNOW,,)	CASE NO. C-11-03589-WHA
)	
12 Plaintiff,)	<i>The Honorable William H. Alsup</i>
)	
13 v.)	<i>San Francisco Superior Court Action No. CGC-</i>
)	<i>11-511648</i>
14 WABASH METAL PRODUCTS, INC., ACS)	
15 GROUP, INC. and DOES 1 through 20,)	STIPULATION STRIKING PUNITIVE
inclusive,,)	DAMAGE ALLEGATIONS FROM
)	PLAINTIFF'S COMPLAINT/TIME FOR
16 Defendant.)	ANSWER TO COMPLAINT AND ORDER
)	THEREON

17
 18
 19 **STIPULATION**

20 **IT IS HEREBY STIPULATED** by and between plaintiff GARRETT PROCKNOW,
 21 through his attorneys of record, KERSHAW, CUTTER & RATINOFF, and defendant WABASH
 22 METAL PRODUCTS, INC., through its attorneys, LEWIS BRISBOIS BISGAARD & SMITH LLP,
 23 as follows:

- 24 1. That Paragraph 21 of plaintiff's complaint, which alleges that plaintiff is entitled to an
 25 award of exemplary and punitive damages, shall be stricken from the complaint without prejudice to
 26 plaintiff's ability to later file a motion to amend his complaint to replead punitive and exemplary
 27 damages.
 28 2. That defendant WABASH METAL PRODUCTS, INC. may have ten (10) days from the

1 date of the Court's order to file its answer to plaintiff's complaint.

2
3 DATED: August 19, 2011

KERSHAW, CUTTER & RATINOFF

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5 By: /s/ C. Brooks Cutter
6 C. Brooks Cutter
Attorneys for Plaintiff

7 DATED: August 19, 2100

LEWIS BRISBOIS BISGAARD & SMITH LLP

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9 By: /s/ Bruce L. Shaffer
10 Bruce L. Shaffer
11 Attorneys for Defendant
WABASH METAL PRODUCTS, INC.

12 **ORDER**

13 Based on the pleadings and papers on file herein and the above Stipulation,

14 IT IS HEREBY ORDERED AS FOLLOWS:

15 1. That Paragraph 21 of plaintiff's complaint, which alleges that plaintiff is entitled to an
16 award of exemplary and punitive damages, shall be stricken without prejudice to plaintiff's ability to
17 later file a motion to amend his complaint to replead punitive and exemplary damages.

18 2. That defendant WABASH METAL PRODUCTS, INC. shall have ten (10) days from the
19 date of this Order to file its answer to plaintiff's complaint.

20 DATED: August 29, 2011

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22 
23 THE HONORABLE WILLIAM ALSUP
24 United States District Court Judge