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

DAVID A. HEATON and
MARCIALYN J. HEATON

Plaintiffs,

v.

HARTFORD CASUALTY INSURANCE
COMPANY, and DOES ONE through ONE
HUNDRED, inclusive,

Defendants.

No. C 11-03626 WHA

**STIPULATION AND ORDER FOR
LEAVE TO FILE A FIRST AMENDED
COMPLAINT**

IT IS HEREBY STIPULATED between Ted A. Smith, Esq. of Berger Kahn, counsel for Defendant HARTFORD CASUALTY INSURANCE COMPANY and Paul G. Minoletti, Esq., counsel for Plaintiffs DAVID A. HEATON and MARCIALYN J. HEATON, that Plaintiffs may amend their Complaint to delete the Third Cause of Action, which is the subject of a Motion to Dismiss. A copy of the proposed First Amended Complaint is submitted herewith.

It is so stipulated.

DATED: 8-31, 2011 Law Offices of Paul G. Minoletti

By: Paul G. Minoletti
PAUL G. MINOLETTI
Attorneys for Plaintiffs
DAVID A. HEATON and
MARCIALYN J. HEATON

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DATED: August 31, 2011

BERGER KAHN

/s/ TED A. SMITH

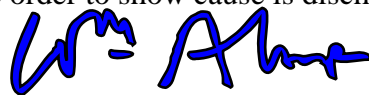
By: _____

TED A. SMITH
Attorneys for Defendant
HARTFORD CASUALTY INSURANCE
COMPANY

ORDER

Based on the foregoing Stipulation, it is hereby ordered that Plaintiffs may file an Amended Complaint deleting the Third Cause of Action. Defendant's motion to dismiss the original complaint is **Denied as moot**, and the order to show cause is discharged.

DATED: September 2, 2011



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE