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20 Attorneys for Defendants  
 21 ORKIN SERVICES OF CALIFORNIA, INC.  
 22 (also improperly sued and served herein as ORKIN, INC.  
 23 & ORKIN EXTERMINATING COMPANY, INC.)

24 **UNITED STATES DISTRICT COURT**  
 25 **NORTHERN DISTRICT OF CALIFORNIA**

26 EVA FORRESTER, CHRISTOPHER M.  
 27 FORRESTER, BRYAN THOMAS  
 28 FORRESTER, and STEFANIE FORRESTER ,  
 Plaintiffs,  
 v.  
 ORKIN, INC., and DOES 1 through 20,  
 inclusive,  
 Defendants.

CASE NO. 3:12-CV-01975 JST

**JOINT STIPULATION TO DISMISS  
 COUNT II (WRONGFUL DEATH)  
 FROM PLAINTIFF'S COMPLAINT;  
 [PROPOSED] ORDER**

1 Plaintiffs Eva Forrester, Christopher M. Forrester, Bryan Thomas Forrester and Stefanie  
2 Forrester (hereinafter the "Forresters"), by and through their attorney SCOTT H.Z. SUMNER, and  
3 Defendant ORKIN SERVICES OF CALIFORNIA, INC. (hereinafter "Orkin"), by and through its  
4 attorneys, Anna M. Martin, Joseph F. Charles and Daniel J. Gerber (admitted Pro Hac Vice) jointly  
5 stipulate the following claim in Plaintiffs' First Amended Complaint be dismissed with prejudice  
6 and that, by force of this stipulation and Order, the Forresters' First Amended Complaint be  
7 amended as follows:

8 1. Plaintiffs' Second Cause of Action for wrongful death is dismissed with prejudice;  
9 and

10 2. The Parties further stipulate that they are each to bear its own attorney's fees and  
11 costs and that all rights of appeal are waived, as related to the above-mentioned claim.

12 Therefore, Plaintiffs' First Amended Complaint, filed in Contra Costa County Superior  
13 Court on February 29, 2012 and removed to this court by Orkin on April 20, 2012, shall be deemed  
14 so amended by this Stipulation and Order.

15 Because this amendment limits existing claims but does not add any new claims, Orkin's  
16 currently operative Answer, filed in Contra Costa County Superior Court on April 23, 2012, shall  
17 continue to be its currently operative Answer.

18 IT IS SO STIPULATED

19  
20 DATED: March 19, 2013

20 By: /S/ Scott H.Z. Sumner  
21 SCOTT H.Z. SUMNER  
22 KHORRAMI, LLP  
23 Attorneys for Plaintiffs  
24 EVA FORRESTER, CHRISTOPHER M.  
25 FORRESTER, BRYAN THOMAS FORRESTER,  
26 and STEPHANIE FORRESTER

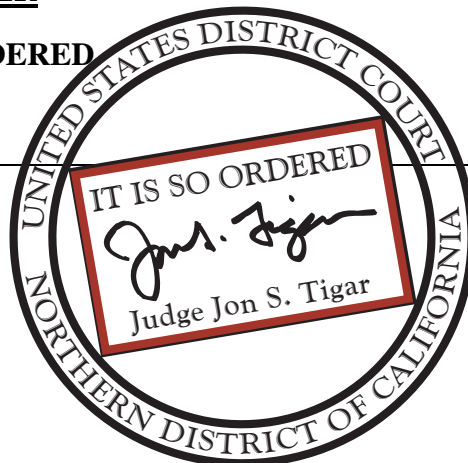
24 DATED: March 19, 2013

24 By: /S/ Anna M. Martin  
25 ANNA M. MARTIN  
26 JOSEPH F. CHARLES  
27 Attorneys for Defendants  
28 ORKIN SERVICES OF CALIFORNIA, INC.;  
(also improperly sued and served herein as ORKIN,  
INC. and ORKIN EXTERMINATING COMPANY,  
INC.)

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: April 1, 2013



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