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2008 OCT -3 P 1:42

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

6 Attorneys for Defendant,  
MALCOLM JOHNSON, M.D.

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 RICHARD W. WIEKING  
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 NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

**LAW OFFICES OF STEVEN D. HILLYARD**  
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12 WILLIA PUGH, Ph.D. and TOMMIE PUGH

CASE NO. C08-04159 PJH

13 Plaintiffs,

Honorable Phyllis J. Hamilton

14 v.

**STIPULATION AND ORDER RE:**

15 DOCTORS MEDICAL CENTER and  
16 MALCOLM JOHNSON, M.D.,

**(1) DISMISSAL OF SECOND CAUSE OF ACTION AS TO PLAINTIFF WILLIA PUGH, Ph.D., ONLY, WITH PREJUDICE; and**

17 Defendants.

**(2) WITHDRAWAL OF ALL CLAIMS FOR PUNITIVE DAMAGES, WITHOUT PREJUDICE**

21 **IT IS HEREBY STIPULATED** by and between the parties hereto, and through their  
22 respective counsel that:

23 **WHEREAS** the parties agree that the Second Cause of Action for Violation of Civil Code  
24 section 51 as alleged by plaintiff WILLIA PUGH, Ph.D., only, shall be dismissed with prejudice;  
25 and

26 **WHEREAS** the parties agree that any and all claims of punitive damages as found in  
27 Plaintiffs' Complaint for Damages shall be stricken from the Complaint without prejudice; and

28 **WHEREAS** the parties agree that pursuant to the Local Rules for the United States

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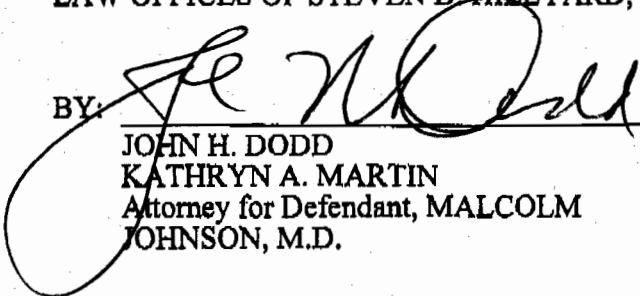
1 District Court, Northern District, Rule 6-1(a), the time for defendant MALCOM JOHNSON,  
2 M.D., to answer or otherwise respond to Plaintiffs' Complaint shall be extended to five (5) days  
3 from the date of the Court's execution of the Order granting this Stipulation.

4 NOW THEREFORE IT IS HEREBY STIPULATED by the parties hereto, through their  
5 respective counsel, that (1) Plaintiff WILLIA PUGH, Ph.D., will dismiss the Second Cause of  
6 Action for Violation of Civil Code section 51 with prejudice; (2) Plaintiffs WILLIA PUGH, Ph.D.  
7 and TOMMIE PUGH agree to withdraw and strike all claims for punitive damages from the  
8 Complaint for Damages; (3) the time for defendant MALCOM JOHNSON, M.D., to answer or  
9 otherwise respond to Plaintiffs' Complaint shall be extended to five (5) days from the date of the  
10 Court's execution of the Order granting this Stipulation; and (4) this stipulation may be executed  
11 by duplicating signature pages furnished via facsimile transmission.

12 DATED: OCTOBER 3, 2008


LAW OFFICES OF STEVEN D. HILLYARD, APC

14 BY:

  
JOHN H. DODD  
KATHRYN A. MARTIN  
Attorney for Defendant, MALCOLM  
JOHNSON, M.D.

18 DATED: OCTOBER 2, 2008

20 BY:

  
WALTER DAVIS  
Attorney for Plaintiffs, WILLIA PUGH, PhD  
and TOMMIE PUGH

23 IT IS SO ORDERED:

24 DATED: OCTOBER 20, 2008

26 BY:

  
HON. PHYLLIS J. HAMILTON

for Phyllis J. Hamilton