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 16 MMI TANK, INC.

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

19 CORY LEDBETTER

20 Plaintiffs,

21 v.

22 SWISSPORT FUELING, INC., a Delaware
 23 Corporation; DOES 1 through 20, inclusive,

24 Defendants

Case No. 4:11-cv-1405-SBA

**Assigned for All Purposes to District Court
 Judge Sandra Brown Armstrong**

JOINT STIPULATION TO PERMIT
 PLAINTIFF TO AMEND COMPLAINT AND
 FILE FIRST AMENDED COMPLAINT TO
 ADD MMI, INC. AS A NAMED
 DEFENDANT, DISMISS SWISSPORT
 FUELING INC. WITH PREJUDICE,
 REQUEST THE COURT TO ALLOW MMI,
 INC. TO FILE A THIRD PARTY
 COMPLAINT AGAINST COR-RAY
 PAINTING; AND ORDER THEREON

28 IT IS HEREBY STIPULATED by and between the parties hereto, through their respective

1 counsel, that this Court allow Plaintiff CORY LEDBETTER to amend his complaint to further specify
2 MMI TANK, INC. as a Defendant, who will accept service of same via email as proper service on
3 MMI TANK, INC. The Amended Complaint shall be filed and served within ten days of this order, and
4 MMI TANK, INC.'s answer therefore will be due twenty-one (21) days from said date.

5 Plaintiff CORY LEDBETTER also agrees to dismiss his claims against SWISSPORT
6 FUELING, INC. with prejudice, in exchange for which SWISSPORT FUELING, INC. agrees to waive
7 its right to recover costs from Plaintiff CORY LEDBETTER only. This agreement shall have no
8 impact on SWISSPORT FUELING, INC.'s third-party claims against MMI TANK, INC. which shall
9 remain in full force and effect. The dismissal shall be filed within twenty (20) days from the date the
10 Court signs this Order
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12 It is further agreed that MMI TANK, INC. shall be allowed to file a Third Party Complaint
13 against Cor-Ray Painting within the time period specified in the Federal Rules of Civil Procedure and
14 local rules of this Court.
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16 This Stipulation shall be submitted to the Court forthwith.

17 SAMUEL and SAMUEL
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20 Dated: October 11, 2011

21 By: _____
22 ROBERT F. SAMUEL, ESQ.
23 Attorneys for Plaintiff,
24 CORY LEDBETTER

25 FITZPATRICK & HUNT ET AL, LLP

26 Dated: October 11, 2011

27 By: _____
28 STEPHANIE N. BRIE, ESQ.
Attorneys for Defendant
SWISSPORT FUELING, INC.

1 BECHERER KANNETT & SCHWEITZER

2
3 Dated: October 11, 2011

4 By: _____
5 EMILY D. BERGSTROM, ESQ.
6 Attorneys for Defendant
7 MMI, INC.

8 **ORDER**

9 The Parties Having Stipulated to the above and Good Cause appearing therefore, it is ordered
10 that Plaintiff file his First Amended Complaint within ten (10) days from the date of this Order, that
11 Plaintiff dismiss his claims against Swissport Fueling, Inc., with prejudice, within twenty (20) days
12 from the date of this Order, that MMI Tank, Inc. accept service of the First Amended Complaint and
13 answer same within twenty-one (21) days from the date of this Order and MMI Tank, Inc. may file a
14 Third Party Complaint adding Cor-Ray Painting as a Third Party Defendant within the Federal Rules of
15 Civil Procedure and Rules of this Court.

16 **IT IS SO ORDERED.**

17 Dated: 12/15/11

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20 UNITED STATES DISTRICT JUDGE
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