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11 Attorneys for DEFENDANTS

12
 13 UNITED STATES DISTRICT COURT FOR THE
 14 NORTHERN DISTRICT OF CALIFORNIA

15
 16 SIMON PESCH,
 17
 Plaintiff,
 18
 vs.
 19 INDEPENDENT BREWERS UNITED
 CORPORATION, NORTH AMERICAN
 20 BREWIERES, INC., and DOES 1 to 25, inclusive
 21
 Defendant.

Case No.: C 13-05317 DMR

**JOINT STIPULATION TO DISMISS
 WITHOUT PREJUDICE CERTAIN OF
 PLAINTIFF'S CLAIMS AND TO AMEND
 FIRST AMENDED COMPLAINT
 ACCORDINGLY; ~~PROPOSED~~ ORDER**

[FRCP 41(a)(2) and 15(a)]

1st Amended Complaint Filed: October 11, 2013
 Alameda Case No.: RG13686413
 Trial Date: March 16, 2015

22
 23 Plaintiff Simon Pesch ("Plaintiff") and Defendants Independent Brewers United Corporation
 24 and North American Breweries ("Defendants"), by and through their respective counsel of record,
 25 hereby stipulate that the following claims in Plaintiff's First Amended Complaint will be dismissed
 26 without prejudice and that, by force of this stipulation and Order, Mr. Pesch's First Amended
 27 Complaint will be amended as follows:
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1. Plaintiff's Sixth Cause of Action for breach of contract is dismissed without prejudice;
 2. Plaintiff's Seventh Cause of Action for breach of the covenant of good faith and fair dealing is dismissed without prejudice;
 3. Plaintiff's Eighth Cause of Action for tortious termination of contract in violation of public policy is dismissed without prejudice; and
 4. The words "as well as past lost wages^{NY} benefits, future lost wages/benefits and emotional distress" are deleted from paragraph 1 of Plaintiff's prayer on page 13 of his First Amended Complaint; and

10 Therefore, Plaintiff's First Amended Complaint, filed in Alameda County Superior Court on
11 October 11, 2013 and removed to this court by Defendants on November 15, 2013 shall be deemed so
12 amended by this Order.

13 Because this amendment limits existing claims but does not add any new claims, Defendants'
14 currently operative Answer, filed in Alameda County Superior Court on November 14, 2013, shall
15 continue to be its currently operative Answer with the exceptions of the Third, Fifth, Nineteenth, and
16 Twenty-Second Affirmative Defenses, which are hereby voluntarily dismissed without prejudice.

17 IT IS SO STIPULATED.

18 DATED: June 24, 2014

JACKSON LEWIS P.C.

19 By: 
20 _____
21 DYLAN B. CARP
Attorneys for Defendants

22 DATED: June 23, 2014

LAW OFFICES OF RICHARD J. VAZNAUGH

23 By: 
24 _____
25 RICHARD J. VAZNAUGH
Attorney for Plaintiff
SIMON PESCH

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 29, 2014



HON. DONNA M. RYU
USDC Magistrate Judge

4851-5619-1003, v. 1