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4		E-FILED on <u>01/27/09</u>			
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8		IN THE UNITED STATES DISTRICT COURT			
9		FOR THE NORTHERN DISTRICT OF CALIFORNIA			
10	SAN JOSE DIVISION				
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12	DALE ROY	AL BUXTON,	No. C-08-04404-RMW		
13		Plaintiff,	ORDER GRANTING IN PART AND		
14	v.		DENYING IN PART DEFENDANT'S MOTION TO DISMISS		
15	EAGLE TE	ST SYSTEMS, INC.,	[Re Docket No. 12]		
16		Defendant.			
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18			•		
19	For th	For the reasons stated at the hearing, the court:			
20	1.	1. Grants Eagle's motion to dismiss Buxton's claim for breach of the covenant of good			
21		faith and fair dealing.			
22	2.	Grants Eagle's motion to dismiss B	uxton's claim for intentional infliction of		
23		emotional distress.			
24	3.	_	uxton's claims for fraud, unlawful inducement to		
25		move, and wrongful termination.			
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ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S MOTION TO DISMISS—No. C-08-04404-RMW JAS

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United States District Court For the Northern District of California

1	4.	Strikes the declarations of Stacey McKee Knight in support of the motion to dismiss
2		and strikes the declaration of Robert Bohn in opposition to the motion to dismiss.
3	5.	Strikes the allegations in the complaint seeking punitive damages for the breach of
4		contract claim and seeking attorneys' fees for the first, second, and fifth claims.
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8	DATED:	01/26/09 Kmala M Whyte RONALD M. WHYTE
9		United States District Judge
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1	Notice of this document has been electronically sent to:				
2	Counsel for Plaintiff:				
3	Robert Herbert Bohn , Sr.	bbohn@bohnlaw.com			
4	Counsel for Defendants:				
5	Stacey Dianne McKee-Knight	stacey.knight@kattenlaw.com			
6	Council are responsible for distributing somics of this document to an accuract that have not				
7	Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program.				
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10	Dated: 01/27/09	JAS Chambers of Judge Whyte			
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	ORDER GRANTING IN PART AND DENVIN	GIN PART DEFENDANT'S MOTION TO DISMISSNo. C-08-04404-RMW			