

United States District Court
For the Northern District of California

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E-FILED on 01/27/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DALE ROYAL BUXTON,
Plaintiff,
v.
EAGLE TEST SYSTEMS, INC.,
Defendant.

No. C-08-04404-RMW

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION TO DISMISS

[Re Docket No. 12]


For the reasons stated at the hearing, the court:

1. Grants Eagle's motion to dismiss Buxton's claim for breach of the covenant of good faith and fair dealing.
2. Grants Eagle's motion to dismiss Buxton's claim for intentional infliction of emotional distress.
3. Denies Eagle's motion to dismiss Buxton's claims for fraud, unlawful inducement to move, and wrongful termination.

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- 4. Strikes the declarations of Stacey McKee Knight in support of the motion to dismiss and strikes the declaration of Robert Bohn in opposition to the motion to dismiss.
- 5. Strikes the allegations in the complaint seeking punitive damages for the breach of contract claim and seeking attorneys' fees for the first, second, and fifth claims.

DATED: 01/26/09



RONALD M. WHYTE
United States District Judge

