

United States District Court
For the Northern District of California

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E-FILED on 7/30/2012

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

JAMIE GONZALEZ,

Plaintiff,

v.

THE EGGO COMPANY, INC. DBA
KELLOGGS; ECOLAB, INC.; JACOBS
ENGINEERING, INC. STATE CERTIFIED
PLUMBING; and DOES 1-100, inclusive,

Defendants.

No. C-12-02955 RMW

ORDER GRANTING DEFENDANT EGGO'S
MOTION TO DISMISS

[Re Docket No. 11]

Defendant The Eggo Company ("Eggo") moves to dismiss plaintiff's second, third, fourth, and fifth causes of action. In response, plaintiff seeks leave to amend to allege additional facts in support of his claims. As to the fifth cause of action for negligence, plaintiff concedes it should be dismissed as against Eggo. Plaintiff also seeks leave to add additional claims. Eggo does not appear to object to allowing plaintiff an opportunity to amend. Thus, the motion to dismiss is granted, with leave to amend except as to the negligence claim. Plaintiff shall have until August 27, 2012 to file an amended complaint.

DATED: July 30, 2012

Ronald M. Whyte
RONALD M. WHYTE
United States District Judge