

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**JOSEPH TUHOLSKI, as Independent Administrator
of the ESTATE OF DENNIS D. TUHOLSKI and
DENNIS L. TUHOLSKI,**

Plaintiffs,

v.

Case No. 13-CV-1349

DELAVAN RESCUE SQUAD, INC.,

Defendant and Third-Party Plaintiff,

and

PHILIPS MEDICAL SYSTEMS, INC., et al.,

Defendants,

v.

PHILIPS MEDICAL SYSTEMS, et al.,

Third-Party Defendants.

ORDER GRANTING MOTIONS TO DISMISS

Defendants Philips Electronics North America Corporation (“Philips”) and Delavan Rescue Squad (“Delavan”) have moved to dismiss counts nine (negligent misrepresentation) and eleven (punitive damages) of the plaintiffs’ fourth amended complaint. The plaintiffs do not oppose these motions and do not oppose the Court dismissing these counts. (Docket # 117.)

NOW, THEREFORE, IT IS HEREBY ORDERED that Philips' Motion to Dismiss Counts Nine and Eleven of the plaintiffs' Fourth Amended Complaint (Docket # 82) and Delavan Rescue's Motion to Dismiss Count Eleven of the plaintiffs' Fourth Amended Complaint (Docket # 98) are hereby **GRANTED**.

Dated at Milwaukee, Wisconsin this 19th day of August, 2014.

BY THE COURT

s/Nancy Joseph

NANCY JOSEPH

United States Magistrate Judge