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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CORBY KUCIEMBA, et al.,
Plaintiffs,
v.
VICTORY WOODWORKS, INC.,
Defendant.

Case No. [20-cv-09355-MMC](#)

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS; AFFORDING
PLAINTIFFS LEAVE TO AMEND**

United States District Court
Northern District of California

Before the Court is defendant Victory Woodworks, Inc's "Motion to Dismiss for Failure to State a Claim," filed January 5, 2021. Plaintiffs Corby Kuciemba and Robert Kuciemba have filed opposition, to which defendant has replied. The matter came on regularly for hearing on February 12, 2021. Mark Freeman of Venardi Zurada LLP appeared on behalf of plaintiffs; William Bogdan of Hinshaw & Culbertson LLP appeared on behalf of defendant.

Having read and considered the parties' respective written submissions as well as the arguments of counsel at the hearing, the Court, for the reasons stated in detail on the record at the hearing, rules as follows:

1. The Fourth Cause of Action, titled, "Public Nuisance," fails for lack of standing.
2. The First, Second, Third, and Fifth Causes of Action, titled, respectively, "Negligence," "Negligence Per Se," "Negligence – Premises Liability," and "Loss of Consortium," are barred by the exclusive remedy provisions of California's workers' compensation statutes. See Cal. Labor Code §§ 3600, 3602.


Accordingly, the Motion to Dismiss is hereby GRANTED, and plaintiffs are hereby

1 afforded leave to file, no later than March 19, 2021, a First Amended Complaint.

2 **IT IS SO ORDERED.**

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4 Dated: February 22, 2021


MAXINE M. CHESNEY
United States District Judge

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United States District Court
Northern District of California