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8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 LORENA S. ALVARADO, a minor,)
 11 by and through her Guardian)
 ad Litem LORENA ALVARADO,)
 12)
 Plaintiff,)
 13)
 v.)
 14)
 UNITED STATES OF AMERICA,)
 15)
 Defendant.)
 16)

1:06-cv-01381-OWW-DLB

**STIPULATION RE DISMISSAL
 WITHOUT PREJUDICE AS TO THIRD-
 PARTY DEFENDANT JILL
 GHANBARIAN, FNP; ORDER**

17 UNITED STATES OF AMERICA,)
 18 Third-Party Plaintiff,)
 19 v.)
 20 CHILDREN'S HOSPITAL CENTRAL)
 CALIFORNIA, JOHN E. DINSMORE,)
 21 MD, DAVID HODGE, MD, and JILL)
 GHANBARIAN, FNP,)
 22)
 Third-Party Defendants.)
 23)

24 The parties hereby stipulate, by and through their
 25 respective counsel, that Third-Party Defendant Jill Ghanbarian,
 26 FNP, is an employee of Third-Party Defendant Children's Hospital
 27 Central California and at all relevant times was acting within
 28 the scope of her employment. At all relevant times, counsel for

1 Children's Hospital Central California has represented Jill
2 Ghanbarian FNP in her capacity as an employee. Children's
3 Hospital Central California stipulates that it is responsible for
4 all of the acts and omissions of Jill Ghanbarian FNP in
5 connection with this case and will agree to indemnify the Third-
6 Party Plaintiff United States for any and all liability, if any,
7 assessed against Jill Ghanbarain, FNP in this matter.

8 Based on the above, the parties hereby stipulate that
9 Third-Party Defendant Jill Ghanbarian, FNP be dismissed without
10 prejudice from this action and that Jill Ghanbarian FNP, will
11 bear her own costs and fees, if any, arising from this action.
12 The parties request the Court endorse this stipulation by way of
13 formal order.

14 Respectfully submitted,

15 Dated: December 1, 2009.

GWILLIAM, IVARY, CHIOSSO, CAVALLI &
BREWER

(As authorized 12/01/09)

/s/ Steven J. Brewer

By: Steven J. Brewer

Attorneys for Plaintiff

19 Dated: November 30, 2009.

MCNAMARA, DODGE, NEY, BEATTY,
SLATTERY, PFALZER, BORGES &
BROTHERS, LLP

(As authorized 11/30/09)

/s/ Robert W. Hodges

By: Robert W. Hodges

Attorneys for Third-Party
Defendant, David Hodge, MD

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1 Dated: December 4, 2009.

STAMMER, MCKNIGHT, BARNUM &
BAILEY, LLP

(As authorized 12/04/09)

/s/ Jerry D. Jones

By: Jerry D. Jones

Attorneys for Third-Party
Defendants, Children's Hospital
Central California and Jill
Ghanbarian, FNP

7 Dated: December 2, 2009.

MCCORMICK, BARSTOW, SHEPPARD, WAYTE
& CARRUTH, LLP

(As authorized 12/02/09)

/s/ Lawrence E. Wayte

By: Lawrence E. Wayte

Attorneys for Third-Party
Defendant, John E. Dinsmore, MD

12 Dated: December 3, 2009.

BENJAMIN B. WAGNER
United States Attorney

By: /s/ Jeffrey J. Lodge

JEFFREY J. LODGE

Assistant U.S. Attorney
Attorneys for Federal Cross-
Defendant United States of
America

18 **ORDER**

19 Pursuant to Federal Rule of Civil Procedure 41(a)(2) and the
20 terms of the stipulation set forth above, Third-Party Defendant
21 Jill Ghanbarian, FNP is hereby dismissed without prejudice.

22 IT IS SO ORDERED.

23 **Dated: December 4, 2009**

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE