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6 Attorneys for Defendant and Cross-Complainant  
 LASER THERAPY PRODUCTS LLC and  
 7 Defendant J. RODNEY McGINNIS

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 10 **UNITED STATES DISTRICT COURT**  
 11 **EASTERN DISTRICT OF CALIFORNIA - FRESNO**

12 Gary HALL, D.C., an individual; Ken  
 13 ALLDRIN, an individual; and LASER  
 THERAPY PRODUCTS WEST, INC., a  
 14 California corporation,

15 Plaintiffs,

16 vs.

17 LASER THERAPY PRODUCTS LLC, a  
 Tennessee limited liability company; J. Rod  
 18 McGINNIS D.C., an individual; DOES 1  
 through 10,

19 Defendants.

20 LASER THERAPY PRODUCTS LLC, a  
 Tennessee limited liability company,

21 Cross-Complainant,

22 vs.

23 Gary HALL, D.C., an individual, and  
 24 ROES 1 through 10,

25 Cross-Defendant.

CASE NO.: 1:08-CV-01905-LJO-SMS

**JOINT STIPULATION TO DISMISS  
 CERTAIN CLAIMS, WITHDRAW  
 CERTAIN MOTIONS AND TO EXTEND  
 DEADLINE FOR J. ROD McGINNIS TO  
 FILE A RESPONSIVE PLEADING;  
 RDER THEREON**

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1 **STIPULATION**

2 **WHEREAS**, Defendant Laser Therapy Products LLC has filed a Cross-Complaint in  
3 this action against Plaintiff Gary Hall, D.C.;

4 **WHEREAS**, Defendant Laser Therapy Products LLC has filed a Motion for Judgment  
5 on the Pleadings, which has been set for hearing on February 10, 2009;

6 **WHEREAS**, Defendant Laser Therapy Products LLC has also filed a motion to transfer  
7 this action to the Middle District of Tennessee, which has also been set for hearing on February  
8 10, 2009;

9 **WHEREAS**, Defendant J. Rod McGinnis was personally served with a copy of the  
10 Summons and Complaint in this case on December 31, 2008;

11 **WHEREAS**, resolution of currently-pending motions may remove this action from the  
12 federal courts entirely, transfer it to a different district, and/or significantly alter the scope of the  
13 claims asserted; and

14 **WHEREAS**, the parties have met and conferred in an effort to streamline this case and  
15 reduce the number of issues pending before this Court;

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17 **IT IS NOW HEREBY STIPULATED BETWEEN THE PARTIES HERETO:**

18 1. That Plaintiff Ken Alldrin shall dismiss his Complaint against Laser Therapy  
19 Products LLC and J. Rod McGinnis without prejudice either in this Court upon resolution of  
20 jurisdictional issues or in any court to which this matter may be transferred or remanded;

21 2. That Defendant Laser Therapy Products LLC shall dismiss its Cross-Complaint  
22 against Gary Hall, D.C. without prejudice;

23 3. That Defendant Laser Therapy Products LLC shall withdraw its motion for  
24 judgment on the pleadings, reserving its right to re-file at a later date;

25 4. That Plaintiff and Cross-Defendant Gary Hall, D.C. shall withdraw his motion to  
26 dismiss the Cross-Complaint pursuant to Federal Rules of Civil Procedure 12(b)(6); and

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5. That the deadline for Defendant J. Rod McGinnis to file a responsive pleading shall be extended to February 17, 2009.

DATED: February 5, 2009

DOLL AMIR & ELEY LLP

By: /s/ Hunter R. Eley  
Hunter R. Eley  
Attorneys for Defendant and Cross-Complainant  
LASER THERAPY PRODUCTS LLC and  
Defendant J. RODNEY MCGINNIS

DATED: February 5, 2009

GOODIN, MACBRIDE, SQUERI, DAY  
& LAMPREY, LLP

By: /s/ Anne Hayes Hartman (as authorized on 2/03/09).  
Anne Hayes Hartman  
Attorneys for Plaintiffs GARY HALL, D.C.,  
KEN ALLDRIN, LASER THERAPY  
PRODUCTS WEST, INC. and Cross-Defendant  
GARY HALL, D.C.

**ORDER**

Upon the stipulation of the parties as set forth above, **IT IS SO ORDERED.**

DATED: February 4, 2009

/s/ LAWRENCE J O'NEILL  
U.S. District Judge