

1 LAWRENCE G. BROWN
 United States Attorney
 2 KELLI L. TAYLOR
 Assistant U. S. Attorney
 3 501 I Street, Suite 10-100
 Sacramento, California 95814
 4 Telephone: (916) 554-2741
 Facsimile: (916) 554-2900
 5

6 Attorneys for Defendant United States of America
 7

8 IN THE UNITED STATES DISTRICT COURT FOR THE
 9 EASTERN DISTRICT OF CALIFORNIA
 10

11 CALEB A. MILLS, a minor, by and
 through his Guardian ad Litem, JACOB C.
 12 MILLS,

13 Plaintiffs,

14 v.

15 FAMILY HEALTHCARE NETWORK;
 ANDY PHAN, M.D.; RARIA REYNA
 16 PCA1; and THE UNITED STATES OF
 AMERICA
 17

18 Defendants.

1:09-cv-00900-LJO-DLB

STIPULATION TO DISMISS DEFENDANTS
 FAMILY HEALTHCARE NETWORK; ANDY
 PHAN, M.D., and RARIA REYNA PCA 1

Complaint Filed: May 20, 2009
 Trial Date: TBD

19
 20 Plaintiff CALEB A. MILLS, a minor, by and through his Guardian ad Litem, JACOB C.
 21 MILLS, and Defendant UNITED STATES OF AMERICA, hereby stipulate, by and through their
 22 counsel of record, to dismiss Defendants FAMILY HEALTHCARE NETWORK; ANDY PHAN,
 23 M.D., and RARIA REYNA PCA 1 without prejudice, and to have the caption changed to reflect the
 24 UNITED STATES OF AMERICA as the sole Defendant in this suit. Good cause exists for the
 25 stipulated dismissal and caption change since Plaintiff’s complaint for medical malpractice is brought
 26 pursuant to the Federal Tort Claims Act and alleges that the named entity is a federally funded health
 27 care clinic and that the individually named Defendants were acting within the course and scope of
 28

1 their employment during all relevant times herein. As such, the United States is the only proper
2 Defendant. 28 U.S.C. § 2679.

3 IT IS SO STIPULATED.

4
5 Dated: October 13, 2009

BARADAT, EDWARDS & PABOOJIAN, LLP

6
7 By: /s/ David G. Edwards
8 DAVID G. EDWARDS
9 DANIEL R. BARADAT
Attorneys for Plaintiff

10 Dated: October 13, 2009

LAWRENCE G. BROWN
United States Attorney

11
12 By: /s/ Kelli L. Taylor
13 KELLI L. TAYLOR
14 Assistant U.S. Attorney
Attorneys for the United States of America

15 **ORDER**

16 GOOD CAUSE APPEARING, including the parties' stipulation, it is hereby
17 ordered that Defendants FAMILY HEALTHCARE NETWORK; ANDY PHAN, M.D., and RARIA
18 REYNA PCA 1 are dismissed, without prejudice, from this lawsuit. It is further ordered and
19 approved that the caption can be changed to reflect that the UNITED STATES OF AMERICA is the
20 sole Defendant in this suit. This dismissal does not close this action.

21
22 IT IS SO ORDERED.

23 **Dated: October 14, 2009**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE