

1 BENJAMIN B. WAGNER
 United States Attorney
 2 BENJAMIN E. HALL (SBN 219924)
 Assistant United States Attorney
 3 United States Courthouse
 2500 Tulare Street, Suite 4401
 4 Fresno, California 93721
 Telephone: (559) 497-4000
 5 Facsimile: (559) 497-4099
 6 Attorneys for Defendant
 United States of America
 7

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

11 WILLIAM ROBINSON,) 1:09-cv-00166-LJO-GSA
 12) consolidated with 09-cv-1403
) (lead case)
 13 Plaintiff,)
 14 v.) **STIPULATION AND ORDER FOR**
) **DISMISSAL OF CLAIMS AND TO**
) **CONSOLIDATE CASES**
 15 KAWEAH DELTA HOSPITAL; KAWEAH)
 16 DELTA HEALTH CARE DISTRICT;)
 17 FAMILY HEALTH CARE NETWORK;)
 18 PARLEY MADSEN, III, M.D., and)
 19 AMANDA SEGARS, P.A.; and DOES)
 1 through 100, inclusive,)
 Defendants.)

20 The parties, by and through their attorneys, hereby
 21 stipulate and agree and request that the Court order as follows:

22 1. Plaintiff's claims against Kaweah Delta Hospital and
 23 Kaweah Delta Health Care District shall be dismissed with
 24 prejudice from this matter only, Case No. 1:09-cv-00166-LJO-GSA.

25 2. Thereafter this action shall be consolidated for all
 26 purposes with William Robinson v. Kaweah Delta Hospital et al.,
 27 Case No. 1:09-cv-01403-LJO-GSA, because the actions involve

1 common parties, common claims and common witnesses, and
2 consolidation serves the interests of judicial economy and
3 convenience of the Court and the parties.

4 3. All further filings in these cases shall be made under
5 Case No. 1:09-cv-01403-LJO-GSA.

6 Respectfully submitted,
7 Dated: December 7, 2009. BENJAMIN B. WAGNER
8 United States Attorney

9 By: /s/ Benjamin E. Hall
10 BENJAMIN E. HALL
11 Assistant U.S. Attorney
Attorneys for Defendant
United States of America

12 Dated: December 7, 2009. LAW OFFICES OF WILLIAM H.
13 NEWKIRK

14 [Authorized 12/4/09]
15 By: /s/ William H. Newkirk
16 WILLIAM H. NEWKIRK
Attorneys for Plaintiff

17 Dated: December 7, 2009. NELSON & ROZIER
18 [Authorized 12/3/09]
19 By: /s/ Jeffery S. Nelson
20 JEFFERY S. NELSON
21 Attorneys for Defendants
Kawah Delta Hospital and
Kawah Delta Health Care
District

22 **ORDER**

23 Plaintiff's claims against Kaweah Delta Hospital and Kaweah
24 Delta Health Care District shall be dismissed with prejudice from
25 this matter only, Case No. 1:09-cv-00166-LJO-GSA. The remainder
26 of the above entitled action shall be consolidated with William
27 Robinson v. Kaweah Delta Hospital et al., Case No. 1:09-cv-01403-

1 LJO-GSA, which shall be the lead case. All further filings shall
2 be made solely in the lead case.

3 IT IS SO ORDERED.

4 **Dated: December 8, 2009**

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28