

1 Wilmer J. Harris, SBN 150407
wharris@sshhzlaw.com
2 Sarah L. Dawley, SBN 325897
sdawley@sshhzlaw.com
3 **SCHONBRUN SEPLOW HARRIS**
HOFFMAN & ZELDES LLP
4 715 Fremont Ave., Suite A
South Pasadena, CA. 91030
5 Telephone No.: (626) 441-4129
Facsimile No.: (626) 283-5770

6 [Additional counsel on following page]

7 Attorneys for Plaintiff/Relator Nicolle O'Neill
8

9
10 **UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 UNITED STATES and the STATE OF
13 CALIFORNIA ex rel. NICOLLE O'NEILL,
14 NICOLLE O'NEILL

Plaintiffs/Relator

15 vs.

16 SOMNIA, INC., PRIMARY ANESTHESIA
17 SERVICES, PST SERVICES LLC,
18 ROBERT GOLDSTEIN, M.D., ROY
WINSTON, M.D., BYRON
19 MENDENHALL, M.D., QUINN GEE,
M.D., AND MARGARET VASSILEV,
20 M.D, and DOES 1 through 10, inclusive
Defendants.

Case No. 1:15-cv-00433-DAD-EPG

**STIPULATION AND ORDER TO
DISMISS DEFENDANTS DR. ROBERT
GOLDSTEIN, M.D., ROY WINSTON,
M.D., AND MARGARET VASSILEV,
M.D.**

(ECF No. 189)

1 Andrea Gold, *Appearing Pro Hac Vice*
agold@tzlegal.com

2 **TYCKO & ZAVAREEI LLP**
1828 L Street NW, Suite 1000
3 Washington, DC 20036
4 Telephone No.: (202) 973-0900
Facsimile No.: (202) 973-0950

5
6 Mallory Morales, SBN 324094
mmorales@tzlegal.com

7 **TYCKO & ZAVAREEI LLP**
1970 Broadway - Suite 1070
8 Oakland, CA 94612
9 Telephone No.: (510) 254-6810
Facsimile No.: (202) 973-0950

10

11 Michael D. Seplow, SBN 150183
msepflow@sshhlaw.com
12 **SCHONBRUN SEPLOW HARRIS**
13 **HOFFMAN & ZELDES LLP**
9415 Culver Blvd., #115
14 Culver City, CA 90232
15 Telephone No.: (310) 396-0731
Facsimile No.: (310) 399-7040

16 Attorneys for Plaintiff Nicolle O'Neill

17

18

19

20

21

22

23

24

25

26

27

28

1 Plaintiff Nicole O’Neill (“Plaintiff”) and Defendants Somnia, Inc. (“Somnia”), Primary
2 Anesthesia Services, P.C. (“PAS”), Byron Mendenhall, M.D. (“Mendenhall”), Quinn Gee, M.D.
3 (“Gee”) and Margaret Vassilev, M.D. (“Vassilev”) (collectively, “Defendants”), by and through
4 their respective counsel of record, hereby jointly stipulate as follows:

5 WHEREAS, on March 19, 2015, Plaintiff filed under seal her initial Complaint against
6 Defendants, Somnia, Inc., Primary Anesthesia Services, McKesson Corporation, Robert
7 Goldstein, M.D. (“Goldstein”), Roy Winston, M.D. (“Winston”), Byron Mendenhall, M.D.,
8 Quinn Gee, M.D., and Margaret Vassilev M.D. (“Vassilev”);

9 WHEREAS, in or around December 2016, the filing was unsealed;

10 WHEREAS, Plaintiff and Defendants now wish to dismiss Defendants Goldstein,
11 Winston and Vassilev from this action with prejudice as to Plaintiff in return for a waiver of
12 costs from each of Goldstein, Vassilev and Winston;

13 WHEREAS, the United States Department of Justice consented in writing on June 17,
14 2021, to the dismissal of defendants Goldstein, Winston, and Vassilev without prejudice as to
15 the United States. (ECF No. 179.)

16 WHEREAS, the State of California Department of Justice consented in writing on June
17 8, 2021 to the dismissal of defendants Goldstein, Winston, and Vassilev without prejudice as to
18 the State of California. (ECF No. 174.)

19 THEREFORE, the parties hereby stipulate and request the Court dismiss defendants
20 Goldstein, Winston, and Vassilev from this action with prejudice as to Plaintiff and without
21 prejudice as to the State of California and the United States.

22 ///

23 ///

24 ///

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

Dated: July 8, 2021

SCHONBRUN SELOW HARRIS
HOFFMAN & ZELDES LLP

TYCKO & ZAVAREEI LLP

/s/ Wilmer J. Harris

By: _____
Wilmer J. Harris
Sarah L. Dawley
Attorneys for Plaintiff/Relator Nicolle O’Neill

Dated: July 8, 2021

NIXON PEABODY LLP

/s/ Bruce Copeland

By: _____
Bruce Copeland
Attorneys for Defendants
SOMNIA, INC., PRIMARY ANESTHESIA SERVICES,
P.C., BYRON MENDENHALL, M.D., QUINN GEE, M.D.,
and MARGARET VASSILEV, M.D.

Dated: July 8, 2021

KING & SPALDING LLP

/s/ W. Scott Cameron

By: _____
W. Scott Cameron
Attorneys for Defendants PST Services, LLC

1 **ORDER**

2 GOOD CAUSE HAVING BEEN SHOWN AND THE PARTIES HAVING STIPULATED TO
3 THE SAME:

4 The Court GRANTS the above-stated Stipulation (ECF No. 189) and hereby orders as
5 follows:

- 6 1. Plaintiff dismisses defendants Robert Goldstein, M.D., Roy Winston, M.D. and
7 Margaret Vassilev, M.D. from this action with prejudice.
- 8 2. The State of California Department of Justice dismisses defendants Robert
9 Goldstein, M.D., Roy Winston, M.D. and Margaret Vassilev, M.D. from this action
10 without prejudice to the rights of the State of California.
- 11 3. The United States Department of Justice dismisses defendants Robert Goldstein,
12 M.D., Roy Winston, M.D. and Margaret Vassilev, M.D. from this action without
13 prejudice to the rights of the United States.
- 14 4. Pursuant to the stipulation, the case against defendants Robert Goldstein, M.D., Roy
15 Winston, M.D. and Margaret Vassilev, M.D. has ended, *see* Fed. R. Civ. P.
16 41(a)(1)(A)(ii), and the Clerk of the Court is respectfully directed to terminate only
17 defendants Robert Goldstein, M.D., Roy Winston, M.D. and Margaret Vassilev,
18 M.D. on the docket.

19
20
21 IT IS SO ORDERED.

22 Dated: July 8, 2021

23 /s/ Eric P. Shoj
24 UNITED STATES MAGISTRATE JUDGE