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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELIZABETH AGNES WALKER; MARIO  
JAMES GAYLES,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA;  
DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; JANSSEN  
PHARMACEUTICALS, INC., a  
pharmaceutical company of Johnson &  
Johnson, a New Jersey corporation;  
CLINICA SIERRA VISTA; FRAZIER  
MOUNTAIN COMMUNITY HEALTH  
CENTER; SHARON POWELL, PNP-C;  
SUNDAY IRENE, M.D.;  
METROPOLITAN FAMILY MEDICAL  
CLINICS, INC; and JOE MAWAD, M.D.,

Defendants.

No. 1:15-cv-01597-DAD-JLT

ORDER REGARDING STIPULATION TO  
DISMISS JOE MAWAD, M.D. AND SAN  
MARCOS MEDICAL GROUP, INC., D/B/A  
METROPOLITAN FAMILY CLINIC

(Doc. No. 11)

On April 8, 2016, the parties filed a joint stipulation dismissing Joe Mawad, M.D., and San Marcos Medical Group, Inc., d/b/a Metropolitan Family Medical Clinic, with prejudice. (Doc. No. 11.) The parties further stipulated that:

[T]he parties remaining in the Federal action, Plaintiffs Elizabeth Agnes Walker and Mario James Gayles, Defendants, Janssen Pharmaceuticals, Clinica Sierra Vista, Frazier Mountain Community Health Center, Sharon Powell, FNP-C, and Sunday Irene, M.D., and the parties to the California State Superior Court

1 action, Plaintiffs Elizabeth Agnes Walker and Mario James Gayles,  
2 and Defendants, Janssen Pharmaceuticals, Joe Mawad, M.D., and  
3 San Marcos Medical Group, Inc., dba Metropolitan Family Medical  
Clinic, agree to conduct joint discovery including depositions.

4 (Doc. No. 11, at 2.)

5 In light of the parties' stipulation, Joe Mawad, M.D., and San Marcos Medical Group,  
6 Inc., d/b/a Metropolitan Family Medical Clinic have been terminated from this action, *see* Fed. R.  
7 Civ. P. 41(a)(1)(A)(ii); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997), and have  
8 been dismissed with prejudice. Joe Mawad, M.D., and San Marcos Medical Group, Inc., d/b/a  
9 Metropolitan Family Medical Clinic's motion to dismiss (Doc. No. 9) is hereby moot.

10 This dismissal does not affect the status of plaintiffs' complaint against Joe Mawad, M.D.,  
11 and San Marcos Medical Group, Inc., d/b/a Metropolitan Family Medical Clinic, in the state court  
12 action filed in the San Bernardino County Superior Court, Case No. CIVDS 1500655.

13 Furthermore, as stipulated by the parties, the parties in this action shall conduct joint discovery  
14 including depositions with the parties in the state court action.

15 IT IS SO ORDERED.

16 Dated: April 11, 2016

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19 UNITED STATES DISTRICT JUDGE  
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