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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELI LILLY AND COMPANY, an Indiana corporation,

Plaintiff,

v.

JOHN DEREK GITMED, an individual;
HOLLY GITMED, an individual;
FELICIA GITMED, an individual;
ANTHONY POLLINO JR., an individual;
and DOES 1-50, inclusive,

Defendants.

No. 1:16-cv-00178-DAD-SAB

ORDER DIRECTING CLERK OF THE COURT TO TERMINATE DEFENDANT FELICIA GITMED FROM THIS ACTION

(Doc. No. 33)

On September 7, 2016, plaintiff Eli Lilly and Company and defendant Felicia Gitmed filed a joint stipulation, signed by both parties, dismissing defendant Felicia Gitmed from this action without prejudice, with each party to bear its own costs and attorneys' fees. (Doc. No. 33.) In light of the parties' stipulation, Felicia Gitmed has been dismissed from this action without prejudice and without an award of attorneys' fees and costs to either party. See Fed. R. Civ. P. 41(a)(1)(A)(ii); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

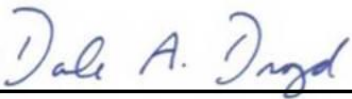
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Accordingly, the Clerk of the Court is directed to terminate defendant Felicia Gitmed from this action. This dismissal does not affect the status of the other defendants in the action.

IT IS SO ORDERED.

Dated: September 13, 2016


DALE A. FLOYD
UNITED STATES DISTRICT JUDGE