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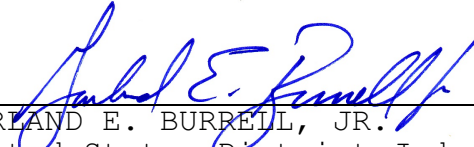
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PASSPORT HEALTH, INC., a)	
Maryland corporation,)	2:09-cv-01753-GEB-JFM
)	
Plaintiff,)	
)	<u>ORDER</u>
v.)	
)	
TRAVEL MED, INC., a California)	
corporation and GINA FLAHARTY,)	
an individual and citizen of the)	
State of California)	
)	
Defendants.)	
_____)	
)	
TRAVEL MED, INC., a California)	
corporation and GINA FLAHARTY,)	
an individual and citizen of the)	
State of California,)	
)	
Counter-Claimants,)	
)	
v.)	
)	
PASSPORT HEALTH, INC., a)	
Maryland corporation,)	
)	
Counter-Claim)	
Defendants.)	
_____)	

Defendants Travel Med, Inc. ("Travel Med") and Gina Flaharty ("Flaharty") (collectively, "Defendants") state in a footnote in their trial brief that they "hereby abandon the Counterclaim based on Cal. Bus. & Professions Code § 17200 and withdraw their request for a jury for the calculation of damages in this action." (ECF No. 72.) Therefore, this counterclaim is dismissed.

1 Further, if the parties waive their right to a jury trial,
2 each party shall file a document in which this is stated no later than
3 4:00 p.m. on April 4, 2011, and shall submit proposed prevailing party
4 findings of fact and conclusions of law on the damages issues no later
5 than seven (7) court days before the trial commencement date.

6 Dated: April 1, 2011

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GARLAND E. BURRELL, JR.
United States District Judge

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