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 JENNIFER LARA  
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8 THE UNITED STATES DISTRICT COURT  
 9 THE EASTERN DISTRICT OF CALIFORNIA  
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11 JENNIFER LARA,

12 Plaintiff,

13 vs.

14 SUTTER DAVIS HOSPITAL, SALUD  
 CLINIC, SUTTER WEST WOMEN'S  
 15 HEALTH, SUSAN MAAYAH, M.D.,  
 AMELIA BAUERMANN, C.N.M., and  
 16 DOES 1 to 100, inclusive,

17 Defendants.  
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19 SUTTER DAVIS HOSPITAL,

20 Cross-Complainant,

21 vs.

22 UNITED STATES OF AMERICA, and  
 ROES 1 - 10.

23 Cross-Defendants.  
 24

CASE NO: 2:12-CV-02407-WBS-CKD

STIPULATION AND [PROPOSED] ORDER  
 OF VOLUNTARY DISMISSAL PURSUANT  
 TO F.R.C.P. 41(a)(1)(A)(ii)

25  
 26 SUBJECT TO THE APPROVAL OF THE COURT, THE PARTIES THROUGH  
 27 THEIR RESPECTIVE COUNSEL OF RECORD HEREBY STIPULATE AND AGREE AS  
 28 FOLLOWS:

1 Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the  
2 Plaintiff, Jennifer Lara, and her counsel, Linda Fermoye Rice of Rice & Bloomfield, LLP,  
3 hereby stipulate to a voluntary dismissal of all claims asserted against Defendants,  
4 Sutter Davis Hospital, Sutter West Women’s Health and Susan Maayah, M.D.  
5 (collectively with Plaintiff, Defendants and Cross-Defendant, United States of America,  
6 herein referred to as the “Parties”), without prejudice, in the above-captioned matter.<sup>1</sup>

7 This Stipulation is not intended to dismiss with or without prejudice any claims  
8 that may be brought on behalf of plaintiff’s minor child, ER.

9 Defendant/Cross-Complainant, Sutter Davis Hospital, hereby stipulates to a  
10 voluntary dismissal of its third party complaint asserted against Cross-Defendant,  
11 United States of America, with prejudice.

12 Federal Rule of Civil Procedure 41(a)(1)(A)(ii) provides, in relevant part:

13 **(a) Voluntary Dismissal**

14 **(1) By the Plaintiff.**

15 (A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66  
16 and any applicable federal statute, the plaintiff may dismiss an action  
17 without a court order by filing:

18 (ii) a stipulation of dismissal signed by all parties who have  
19 appeared.

20 On or about January 28, 2014, the Parties entered into a Settlement Agreement  
21 (Doc. 47), whereby Defendants, Sutter Davis Hospital, Sutter West Women’s Health  
22 and Susan Maayah, M.D. would be released from any and all claims before this Court in  
23 exchange for a waiver of any and all fees, including a cost award due by Plaintiff Lara to  
24 Defendants Sutter Davis Hospital, Sutter West Women’s Health and Susan Maayah,  
25 M.D. pursuant to Order of the Court entered on January 17, 2014 (Doc. 46).

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27 \_\_\_\_\_  
28 <sup>1</sup> Plaintiff previously dismissed her claims against Salud Clinic and Amelia Bauermann with prejudice while the action was pending in state court.

1 The parties further stipulate that each side shall bear its own attorney's fees and  
2 costs.

3 WHEREFORE, the Parties request that this Court enter an Order dismissing the  
4 above-captioned action filed by Plaintiff Lara against Defendants Sutter Davis Hospital,  
5 Sutter West Women's Health and Susan Maayah, M.D. without prejudice.

6 WHEREFORE, the Parties further request that this Court enter an Order  
7 dismissing Defendant/Cross-Complainant, Sutter Davis Hospital's third party complaint  
8 filed against Cross-Defendant, United States of America with prejudice.

9 IT IS SO STIPULATED.

10 Respectfully submitted,  
11 Dated: February 18, 2014 Rice & Bloomfield, L.L.P.

/s/ Linda Fermoyle Rice  
LINDA FERMOYLE RICE,  
Counsel for Plaintiffs, Jennifer Lara

15 Dated: February 19, 2014 Lafollette, Johnson, De Haas, Fesler & Ames

/s/ Larry Byron Thorton  
LARRY BYRON THORTON,  
Counsel for Defendant and Cross Claimant,  
Sutter Davis Hospital

19 Dated: February 20, 2014 U.S. Attorney


/s/ Edward A. Olsen  
EDWARD A. OLSEN,  
Counsel for Cross Defendant, The United  
States of America

23 Dated: February 20, 2014 Schuering Zimmerman & Doyle, LLP

/s/ Kat Todd for Robert Zimmerman  
ROBERT HARRY ZIMMERMAN  
Counsel for Defendants, Sutter West Women's  
Health and Susan K. Maayah, M.D.

27 IT IS SO ORDERED.

Dated: February 28, 2014

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE