THOMAS J. DOYLE, BAR NO. 114485		
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Attorneys for Defendant and Cross-Complainant BANNER HEALTH dba BANNER LASSEN MEDICAL CENTER		
UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA		
I.P., a minor, by and through her guardian ad litem, FAGUNDO PALACIO DIAZ; MICAELA) NO. 2:13-CV-01012 JAM-CKD	
PALACIO,) STIPULATION TO CONSOLIDATE RELAT	
Plaintiffs,) CASES; ORDER)	
vs.)	
UNITED STATES OF AMERICA,)	
Defendant.)	
ISABELLA PALACIO, a minor, by and through her guardian ad litem, FAGUNDO PALACIO DIAZ, MICAELA PALACIO, FACUNDO PALACIO DIAZ,) NO. 2:13-CV-02013 JAM-CKD))	
Plaintiffs,)	
vs.)	
BANNER HEALTH, an Arizona Corporation, dba)	
BANNER LASSEN MEDICAL CENTER, et al.,)	
Defendants.)	
)	
Plaintiffs Isabella Palacio, a minor by and thro	ough her Guardian Ad Litem, Fagundo Palacio D	
Micaela Palacio, and Facundo Palacio Diaz, Defendant	Banner Health, an Arizona Corporation, dba Ban	
Lassen Medical Center, and Defendant United States o	f America hereby submit the following Stipulation	
Consolidate Related Cases:		
13cv1012.o.111913.WPD 1		

1	WHEREAS, Plaintiffs Isabella Palacio, a minor by and through her Guardian Ad Litem, Fagundo
2	Palacio Diaz, and Micaela Palacio, previously filed an action in this district against the United States of America
3	captioned Palacio, et. al v. United States of America E.D. Cal. Case No. 2:13-cv-01012-JAM-CKD;
4	WHEREAS, the Palacio, et. al v. United States of America action is currently pending and is assigned to
5	the Honorable John A. Mendez;
6	WHEREAS the Plaintiffs Isabella Palacio, a minor by and through her Guardian Ad Litem, Fagundo
7	Palacio Diaz, Micaela Palacio, and Facundo Palacio Diaz commenced an action against Defendant Banner
8	Health, an Arizona Corporation, dba Banner Lassen Medical Center in Lassen County Superior Court;
9	WHEREAS Defendant Banner Health, an Arizona Corporation, dba Banner Lassen Medical Center
10	in Lassen County Superior Court filed a cross-complaint against Paul Davainis, M.D. in Lassen County Superior
11	Court;
12	WHEREAS The United States of America substituted as cross-defendant in place of Paul C. Davains,
13	M.D.;
14	WHEREAS Cross-Defendant The United States of America petitioned for removal of the state court
15	action to the U.S. District Court for the Eastern District of California and the action was so removed and
16	captioned I.P., et al v. Banner Health, et al., E.D. Cal. Case No. 2:13-cv-02013-JAM-CKD;
17	WHEREAS, the I.P., et al v. Banner Health action is currently pending and is assigned to the Honorable
18	John A. Mendez;
19	WHEREAS, the Palacio, et. al v. United States of America action involves similar parties, similar claims,
20	and a similar questions of fact and law as the I.P., et al v. Banner Health, et al., such that consolidation would
21	promote efficient litigation and judicial economy.
22	THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the Palacio, et. al
23	v. United States of America parties, and the I.P., et al v. Banner Health parties, through their respective counsel of
24	record herein, that the Palacio, et. al v. United States of America, and the I.P., et al v. Banner Health actions be
25	consolidated.
26	Dated: November 18, 2013 SCHUERING ZIMMERMAN & DOYLE, LLP
27	
28	By <u>/s/ THOMAS J. DOYLE</u> THOMAS J. DOYLE
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	STIPULATION TO CONSOLIDATE RELATED CASES; ORDER
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	BANNÉR HEALTH dba BANNER LA MEDICAL CENTER
Dated: November 18, 2013	LAW OFFICES OF BRUCE G. FAGEL AND Associates
	By <u>/s/ EDUARDO JESUS ASCENCIO</u> BRUCE GARY FAGEL EDUARDO JESUS ASCENCIO Attorneys for Plaintiffs ISABELLA PALAO minor by and through her guardian ad FAGUNDO PALACIO DIAZ, MIC PALACIO, FACUNDO PALACIO DIAZ
Dated: November 18, 2013	Benjamin B. Wagner United States Attorney
	By <u>/s/ VICTORIA L. BOESCH</u> VICTORIA L. BOESCH Assistant United States Attorney Attorneys for Defendant UNITED STATI AMERICA
IT IS SO ORDERED. DATED: 11/19/2013	
	<u>/s/ John A. Mendez</u> UNITED STATES DISTRICT COURT JUDGE
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