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7 UNITED STATES DISTRICT COURT
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 9 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

10 LEWIS MUIR,

11 Plaintiff,

12 vs.

13 UC DAVIS; ELIZABETH DAVID M.D.; PAUL
 14 PERYY, M.D.; MEGAN DALY, M.D.; and
 15 DOES 1-100.

16 Defendants.

Case No.: 2:14-CV-02716-MCE-CKD

**STIPULATION TO DISMISS
 DEFENDANTS THE REGENTS OF THE
 UNIVERSITY OF CALIFORNIA’S, PAUL
 PERVY, M.D.’S AND MEGAN DALY,
 M.D.’S MOTION TO DISMISS
 PLAINTIFF’S COMPLAINT**

17 PLEASE TAKE NOTICE that, the parties herein, by and through their respective attorneys, agree
 18 and stipulate to immediately dismiss Defendants The Regents of the University of California, Paul Pervy,
 19 M.D.’s and Megan Daly, M.D.’s Motion to Dismiss Plaintiff’s Complaint.

20 WHEREAS this case involves multiple parties, the death of the original Plaintiff, and the recent
 21 discovery that the United States of America is a party; the parties have had difficulty in meeting and
 22 conferring with regard to amending the Complaint to include Plaintiff’s estate in place of Plaintiff John
 23 Muir subsequent to his death. As such, Defendants original extension on filing a responsive pleading was
 24 about to lapse prior to an agreement amongst parties on how they were to proceed in this matter. Thus,
 25 Defendants filed the aforementioned dispositive motion as a responsive pleading to Plaintiff’s complaint,
 26 addressing the need for an Amended Complaint. Plaintiff’s counsel is in agreement with Defendants that the
 27 original complaint requires an amendment, and thus parties stipulate to the following:
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ORDER

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Having reviewed the stipulation, signed by all parties, IT IS ORDERED THAT the Motion to Dismiss Plaintiff's Complaint in this matter (ECF No. 5) previously calendared to be heard by the Honorable Morrison C. England, Jr. on January 8, 2015 at 2:00 p.m. in Courtroom 7, is DENIED as moot and the hearing is VACATED. It is also ordered that Plaintiff file an amended Complaint substituting the estate or successors in in interest of Plaintiff John Muir on or before January 16, 2015.

IT IS SO ORDERED.

Dated: January 5, 2015


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT