

1 WILKE, FLEURY, HOFFELT, GOULD & BIRNEY, LLP  
 2 RONALD R. LAMB (SBN 99396)  
 3 rlamb@wilkefleury.com  
 4 BIANCA S. WATTS (SBN 278231)  
 5 bwatts@wilkefleury.com  
 6 400 Capitol Mall, Twenty-Second Floor  
 7 Sacramento, California 95814  
 8 Telephone: (916) 441-2430  
 9 Facsimile: (916) 442-6664

10 Attorneys for The Regents of the University of  
 11 California, sued and served as UC Davis Medical  
 12 Center

13  
 14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

16 LAURA KAVALAUSKAS AS EXECUTOR  
 17 AND TRUSTEE OF THE LEWIS W. MUIR  
 18 REVOCABLE TRUST; AND LAURA  
 19 KAVALAUSKAS, LOREN D. MUIR,  
 20 HALLIE CORDES, AND LEWIS B. MUIR  
 21 AS SUCCESSOR-IN-INTEREST OF  
 22 DECEDENT LEWIS W. MUIR,

23 Plaintiffs,

24 v.

25 UC DAVIS MEDICAL CENTER;  
 26 ELIZABETH DAVID, M.D.; PAUL PERYY,  
 27 M.D.; MEGAN DALY, M.D.; THE UNITED  
 28 STATES OF AMERICA; and DOES 1-100,

Defendants.

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

**STIPULATION AND ORDER FOR  
 VOLUNTARY DISMISSAL OF MEGAN  
 DALEY, M.D. AND PAUL PERRY, M.D.**

Judge: Hon. Morrison C. England, Jr.

First Amended Complaint Filed: 1/15/15

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs Laura Kavalaukas as Executor and Trustee of the Lewis W. Muir Revocable Trust, Laura Kavalaukas, Loren D. Muir, Hallie Cordes, and Lewis B. Muir as Successor-In-Interest of Decedent Lewis W. Muir (“Plaintiffs”) have named Defendants Paul Perry, M.D. and Megan Daley, M.D. as party defendants in the initial Complaint filed by Lewis B. Muir in action No. 2:14-CV-02716-MCE-CKD, and in the First

1 Amended Complaint filed herein on January 15, 2015. Plaintiffs have decided to no longer pursue  
2 any claims against Defendants Paul Perry, M.D. and Megan Daley, M.D.

3 In return for that voluntary dismissal, Defendants Paul Perry, M.D. and Megan Daley, M.D.  
4 have agreed to waive any claims for costs or fees they may otherwise have against Plaintiffs.

5 Given the foregoing, and good cause appearing, the parties hereby agree that Defendants Paul  
6 Perry, M.D. and Megan Daley, M.D. should, and hereby are, dismissed from this action, without  
7 prejudice.

8 IT IS SO STIPULATED:

9 THE CARAWAY LAW FIRM

10  
11 By:           /s/ Charles D. Caraway            
12 CHARLES D. CARAWAY  
13 Attorneys for Plaintiffs

14 WILKE, FLEURY, HOFFELT,  
15 GOULD & BIRNEY, LLP

16  
17  
18 By:           /s/ Ronald R. Lamb            
19 RONALD R. LAMB  
20 Attorneys for Defendants

21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER OF DISMISSAL**

Based upon the foregoing Stipulation of the parties and good cause appearing, it is hereby ORDERED that pursuant to Federal Rule of Civil Procedure 41(a)(2) Defendants Paul Perry, M.D. and Megan Daly, M.D. are hereby DISMISSED, without prejudice, from this action.

IT IS SO ORDERED.

Dated: May 8, 2015

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