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

YUHONG YAO, as Heir, and on behalf of  
all Heirs and the Estate of Xiulan Zhang,  
deceased,

No. C 14-03561 WHA

Plaintiff,

v.

NORTH EAST MEDICAL SERVICES,  
JOSEPH KERBLESKI, JUDY HSU, BIN  
YAO,

**ORDER TO SHOW CAUSE  
AND RE CASE MANAGEMENT  
CONFERENCE**

Defendants.

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In August 2014, plaintiff commenced this action involving alleged personal injury and wrongful death against defendants North East Medical Services, Joseph Kerbleski, Judy Hsu, and Bin Yao. Counsel for defendants North East Medical Services, Joseph Kerbleski, and Judy Hsu subsequently entered a stipulation to extend the deadline to respond to the complaint (Dkt. No. 17).

On September 16, the United States filed a notice substituting itself “in place of defendants North East Medical Services, Joseph Kerbleski, and Judy Hsu” pursuant to Section 2679(d)(1) of Title 28 of the United States Code. The notice stated that as to those defendants, “this action is dismissed with prejudice as to all claims for which the United States is substituted.” The United States certified that North East Medical Services, Joseph Kerbleski, and Judy Hsu were “deemed employees of the Public Health Service” and were “acting in the scope of such employment at the time of the incident” (Dkt. No. 23-1).

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All parties have until **NOON ON SEPTEMBER 24, 2014**, to show cause why defendants North East Medical Services, Joseph Kerbleski, and Judy Hsu should not be dismissed with prejudice and the United States should not be substituted as the “proper defendant.” If no statement is timely filed, those defendants will be dismissed and their private counsel will be terminated in this action in ECF. Please inform the Court whether the caption should be amended.

\* \* \*

The stipulation to continue the initial case management conference is **GRANTED IN PART**. The case management conference is hereby reset to **NOVEMBER 20, 2014, AT 11:00 A.M.** A joint case management statement is due by **NOON ON NOVEMBER 13**. Plaintiff shall promptly serve a copy of this order on all parties.

**IT IS SO ORDERED.**

Dated: September 17, 2014.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE