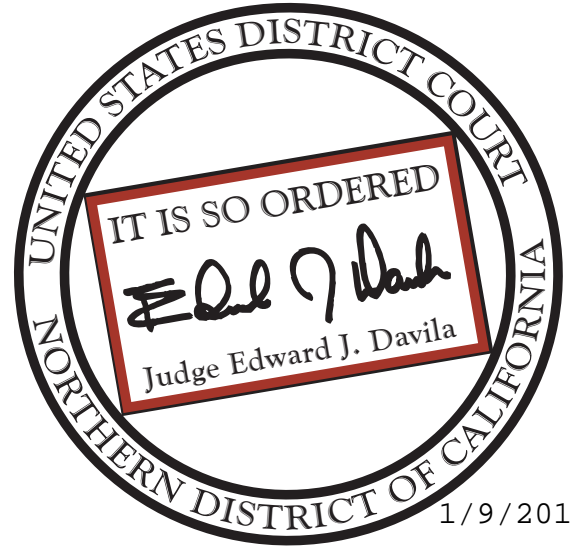


1 DARON L. TOOCH (State Bar No. 137269)
 KATHERINE M. DRU (State Bar No. 280231)
 2 **HOOPER, LUNDY & BOOKMAN, P.C.**
 1875 Century Park East, Suite 1600
 3 Los Angeles, California 90067-2517
 Telephone: (310) 551-8111
 4 Facsimile: (310) 551-8181
 E-Mail: dtooch@health-law.com

5 Attorneys for Plaintiffs BAY AREA SURGICAL
 6 GROUP, INC.; KNOWLES SURGERY
 CENTER, LLC, NATIONAL AMBULATORY
 7 SURGERY CENTER, LLC, LOS ALTOS
 SURGERY CENTER, LP, FOREST
 8 SURGERY CENTER, LP and SOAR
 SURGERY CENTER, LLC



10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

HOOPER, LUNDY & BOOKMAN, P.C.
 1875 CENTURY PARK EAST, SUITE 1600
 LOS ANGELES, CALIFORNIA 90067-2517
 TEL: (310) 551-8111 • FAX: (310) 551-8181

13 BAY AREA SURGICAL GROUP, INC.;
 KNOWLES SURGERY CENTER, LLC;
 14 NATIONAL AMBULATORY SURGERY
 CENTER, LLC; LOS ALTOS SURGERY
 15 CENTER, LP; FOREST AMBULATORY
 SURGICAL ASSOCIATES, LP; SOAR
 16 SURGERY CENTER, LLC,

CASE NO. 13-CV-05430 EJD

**NOTICE OF VOLUNTARY DISMISSAL
 OF DEFENDANT DIAGEO NORTH
 AMERICA, INC.**

Trial Date: None Set

17 Plaintiffs,
 18 vs.
 19 AETNA LIFE INSURANCE COMPANY, *et*
al.,
 20 Defendants.

21
22
23
24
25
26
27
28

13-CV-05430 EJD

**NOTICE OF VOLUNTARY DISMISSAL OF
 DEFENDANT DIAGEO NORTH AMERICA, INC.**

HOOPER, LUNDY & BOOKMAN, P.C.
1875 CENTURY PARK EAST, SUITE 1600
LOS ANGELES, CALIFORNIA 90067-2517
TEL: (310) 551-8111 • FAX: (310) 551-8181

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

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i),
Plaintiffs BAY AREA SURGICAL GROUP, INC.; KNOWLES SURGERY CENTER, LLC;
NATIONAL AMBULATORY SURGERY CENTER, LLC; LOS ALTOS SURGERY CENTER,
LP; FOREST AMBULATORY SURGICAL ASSOCIATES, LP; and SOAR SURGERY
CENTER, LLC, by and through its counsel, voluntarily dismisses without prejudice all causes of
action against Defendant DIAGEO NORTH AMERICA, INC. in the above-captioned action.

This dismissal relates ONLY to DIAGEO NORTH AMERICA, INC.

DATED: January 8, 2013

HOOPER, LUNDY & BOOKMAN, P.C.

By: /s/ Daron L. Tooch
 DARON L. TOOCH
Attorneys for Plaintiffs BAY AREA SURGICAL
GROUP, INC.; KNOWLES SURGERY CENTER,
LLC, NATIONAL AMBULATORY SURGERY
CENTER, LLC, LOS ALTOS SURGERY CENTER,
LP, FOREST SURGERY CENTER, LP and SOAR
SURGERY CENTER, LLC