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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

EPICENTRX, INC.,

Plaintiff,

v.

JAMES A. BIANCO, M.D., et al.,

Defendants.

Case No.: 21-cv-1950-MMA (DDL)

**ORDER DISCHARGING ORDER TO
SHOW CAUSE AND DISMISSING
COUNTERCOMPLAINT AND
THIRD-PARTY COMPLAINT**

JAMES A. BIANCO, M.D., et al.,

Counter Claimants,

v.

EPICENTRX, INC., et al.,

Counter Defendants.

DONNA TEMPEL, Ph. D., et al.,

Third Party Plaintiffs,

v.

FRANK BINKHAUS, et al.,

Third Party Defendants.

1 On August 29, 2021, the Court ordered Counterclaimants and Third-Party
2 Plaintiffs James A. Bianco, M.D. and Donna Tempel, Ph. D. to show cause why their
3 Countercomplaint and Third-Party Complaint should not be dismissed for failure to
4 serve. *See* Doc. No. 27 (the “OSC”). Bianco and Tempel responded to the OSC, *see*
5 Doc. No. 30, and filed a notice of voluntary dismissal pursuant to Federal Rule of Civil
6 Procedure 41(a)(1)(A)(i), *see* Doc. No. 29. Accordingly, the Court **DISCHARGES** the
7 OSC and **DISMISSES** Bianco and Tempel’s counterclaims and third-party claims,
8 asserted in their Amended Answer, Counterclaims, and Third-Party Claims, *see* Doc.
9 No. 15, without prejudice.

10 **IT IS SO ORDERED.**

11 Dated: September 15, 2022



HON. MICHAEL M. ANELLO
United States District Judge