

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

GOLD CROSS EMS, INC.,

Plaintiff,

v.

THE CHILDREN'S HOSPITAL OF  
ALABAMA,

Defendant.

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CV 113-081

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O R D E R

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Presently before the Court is the parties' Stipulation of Dismissal with Prejudice. (Doc. 91). The parties seek to dismiss the remaining claims in this case with prejudice. For clarity's sake, the Court briefly recounts the status of all claims once asserted in this case.

Plaintiff's Amended Complaint asserted two claims against Defendant. The first was a claim for contribution, which the Court dismissed with prejudice by summary judgment. (Amended Complaint, Doc. 25 at 6; Order, Doc. 61). The second alleged Defendant's breach of a joint defense agreement, which was scheduled for trial on September 21, 2015. (Doc. 25 at 7).

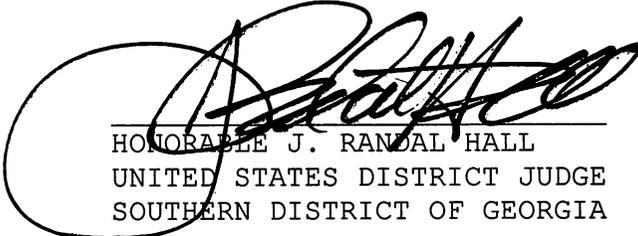
In its Amended Answer, Defendant asserted two counterclaims against Plaintiff. (Answer, Doc. 4 at 8-12). The first was for attorney's fees and expenses associated with defending a related state court case. (Id. at 10). The second alleged that certain medical expenses incurred by Defendant resulted from Plaintiff's employees' negligent actions. (Id. at 11). Both of Defendant's counterclaims

were scheduled for trial on September 21, 2013. However, at the pre-trial conference on September 16th, Defendant abandoned its second counterclaim for medical expenses. Defendant's counterclaim for attorney's fees and expenses remained set for trial.

In sum, on the eve of trial two claims remained in this case: Plaintiff's claim for breach of a joint defense agreement and Defendant's claim for attorney's fees and expenses. On the morning of trial, September 21, 2015, the parties stated on the record their intention to dismiss each of their remaining claims with prejudice and forgo the trial. Accordingly, the parties' Stipulation reflects Plaintiff's request to dismiss with prejudice its claim for the breach of a joint defense agreement, and Defendant's request to dismiss with prejudice its counterclaim for attorney's fees and expenses. (Stipulation of Dismissal, Doc. 91).

Therefore, the Court **DISMISSES WITH PREJUDICE** all claims remaining in this matter. The clerk is **DIRECTED** to **CLOSE** this case. Each party shall bear its own costs and fees.

**ORDER ENTERED** at Augusta, Georgia, this 24<sup>th</sup> day of September, 2015.

  
HONORABLE J. RANDAL HALL  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF GEORGIA