

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**DR. FORTUNEE MASSUDA, an Illinois
resident and citizen,**

Plaintiff,

v.

**PANDA EXPRESS, INC., a California
corporation, PANDA RESTAURANT
GROUP, INC. f/k/a PANDA
MANAGEMENT COMPANY, INC., a
California corporation, CITADEL PANDA
EXPRESS, INC., a California Corporation,
ANDREW CHERNG, a California resident
and citizen, and PEGGY CHERNG, a
California resident and citizen.**

Defendants.

Civil Action No. 12-CV-09683

Honorable Ronald A. Guzman

MOTION FOR ENTRY OF PROPOSED FINAL JUDGMENT

Defendants Panda Express et al. (collectively, “Defendants”), by and through their undersigned attorneys respectfully request that this Court enter the proposed final Judgment, attached hereto as Exhibit A. In support of this Motion, Defendants state as follows:

1. On July 16, 2013, this Court granted Defendants’ Motion to Dismiss, dismissing all claims with prejudice except Plaintiff’s individual fraud claim, which was dismissed without prejudice. Plaintiff was allowed 14 days to file an amended fraud claim. (Docket No. 58).

2. On July 23, 2013, Plaintiff submitted a Status Report indicating that she did not intend to amend, and with respect to the fraud claim which was dismissed without prejudice, would stand on the allegations of the Complaint. (Docket No. 66).

3. On July 25, 2013, counsel for the parties attended a status hearing on this matter before this Honorable Court, where Plaintiff’s counsel confirmed Plaintiff did not intend to

amend the individual fraud claim, and would stand on the allegations of the Complaint. Based on Plaintiff's representations that she did not intend to amend, Defendants' moved that all claims, including the individual fraud claim, be dismissed with prejudice. Counsel for Plaintiff indicated that Plaintiff did not oppose, and the Court directed that all claims would be dismissed with prejudice.

4. As the Court has granted Defendants' Motion to Dismiss and Plaintiff has stated she does not intend to re-plead the only salvageable claim, judgment should be entered against Plaintiff and in favor of Defendants in the form of the proposed final Judgment attached hereto, dismissing this action with prejudice.

WHEREFORE, Defendants respectfully request that the Court enter the proposed final Judgment attached hereto as Exhibit A.

Respectfully submitted,

PANDA EXPRESS, INC., CITADEL
PANDA EXPRESS, INC., PANDA
RESTAURANT GROUP, ANDREW
CHERNG, and PEGGY CHERNG

Dated: August 2, 2013

By: /Tanya H. Miari/
One of Their Attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies under penalty of perjury that on August 2, 2013, a true and correct copy of the foregoing MOTION FOR ENTRY OF PROPOSED FINAL JUDGMENT was electronically filed with the Clerk of the Court for the Northern District of Illinois using the CM/ECF system and thereby served by e-mail notification upon all parties of record.

/s/ Tanya H. Miari