

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

J.H.M., by his Next Friend and Mother,
Guadalupe Manriquez-Servin,
GUADALUPE MANRIQUEZ-SERVIN,
Individually, and GERARDO
HERNANDEZ RIVERA,

Plaintiffs,

vs.

ROBERT ROY GRANT, M.D., and
UNITED STATES OF AMERICA,

Defendants.

No. C 15-4216-MWB

**MEMORANDUM OPINION AND
ORDER REGARDING DEFENDANT
GRANT'S MOTION FOR SUMMARY
JUDGMENT**

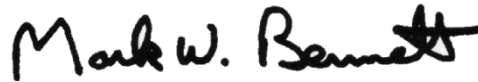
This medical malpractice case pursuant to the Federal Tort Claims Act (FTCA) is before me on defendant Robert Roy Grant's August 11, 2016, Motion For Summary Judgment (docket no. 16). Dr. Grant seeks summary judgment on the ground that the plaintiffs have failed to generate any required expert testimony to support the medical negligence claims against him and that, without such expert testimony, they cannot establish the standard of care or breach of that standard, so that their claims against him necessarily fail. On September 6, 2016, the plaintiffs filed a Response To Defendant Robert Roy Grant, M.D.'s Motion For Summary Judgment (docket no. 17), stating that they sought permission of the other parties to voluntarily dismiss Dr. Grant from the case, but the United States would not agree to that. They state, "Because Plaintiffs were of the mind to voluntarily dismiss Dr. Robert Roy Grant following depositions, they offer no response to Defendant Robert Roy Grant, M.D.'s Motion For Summary Judgment." Plaintiffs' Response at 2. On September 9, 2016, the defendant United States filed a

Statement Of No Resistance Pursuant To Local Rule 56(c) (docket no. 18), stating that it does not resist Dr. Grant's Motion For Summary Judgment. Because no party opposes summary judgment in favor of Dr. Grant, and no party has identified any genuine issue of material fact that would preclude summary judgment in his favor, I find that Dr. Grant's Motion For Summary Judgment should be granted. *See* FED. R. CIV. P. 56; *Torgerson v. City of Rochester*, 643 F.3d 1031, 1042-43 (8th Cir. 2011) (en banc).

THEREFORE, defendant Robert Roy Grant's August 11, 2016, Motion For Summary Judgment (docket no. 16) is **granted**. Defendant Grant is dismissed from this case. This case will continue only against the United States.

IT IS SO ORDERED.

DATED this 12th day of September, 2016.



MARK W. BENNETT
U.S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA