

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**CYNTHIA MORRIS, as Special
Administrator of the ESTATE OF
HEATHER S. MATTERN, Deceased,
and CYNTHIA MORRIS, individually,**

Plaintiffs,

v.

**CALIFORNIA MEDICAL PRODUCTS,
INC., and LAERDAL MEDICAL
CORPORATION, a Foreign
Corporation,**

Defendants.

CASE NO. 8:08CV72

ORDER

This matter is before the Court on the Defendant California Medical Products, Inc.’s Motion for Summary Judgment (Filing No. 45), and Plaintiffs’ Motion for Dismissal Without Prejudice of California Medical Products, Inc. (Filing No. 57). In support of the Motion for Summary Judgment, counsel for Defendants California Medical Products, Inc. (“CMP”), and Laerdal Medical Corporation (“Laerdal”) present evidence to the effect that Laerdal acquired CMP through a complete stock purchase in 1991, assuming all CMP’s legal liabilities, and that CMP now has no legal existence. Plaintiffs’ only response to the Motion for Summary Judgment is its Motion for Dismissal Without Prejudice. Accordingly,

IT IS ORDERED:

1. The Plaintiffs’ Motion for Dismissal Without Prejudice of California Medical Products, Inc. (Filing No. 57) is granted;

2. The Plaintiffs' action is dismissed as to California Medical Products, Inc., without prejudice;
3. The Defendant California Medical Products, Inc.'s Motion for Summary Judgment (Filing No. 45) is denied as moot; and
4. The Clerk of the Court is directed to amend the caption in this case by terminating California Medical Products, Inc. as a defendant.

DATED this 15th day of September, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge