

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**STEVEN M. ELIAS,**

**Plaintiff,**

v.

**NO. 2:17-CV-00785 SMV/GBW**

**MARK BIERI, M.D., and  
RIO GRANDE UROLOGY, P.A.,  
A Foreign Professional Association  
Doing Business in New Mexico,**

**Defendants.**

**STIPULATED ORDER GRANTING MOTION FOR REMAND TO STATE COURT**

**THIS MATTER**, having come before this Court on Plaintiff Steven M. Elias’s Motion for Remand and with stipulation of Defendants Mark Bieri, M.D., and Rio Grande Urology, P.A., through their counsel of record, Remo E. Gay & Associates (Brendan O’Reilly), the Court hereby finds:

1. On January 4, 2017, Plaintiff filed a “Complaint for Violations of the Unfair Practices Act, and Medical Malpractice Arising Out of Failure to Obtain Informed Consent.” *See*, Case 1:17-cv-00785 Doc. 1-1 referencing underlying State Court action, D-307-2017-00029 assigned to the Hon. Marci Beyer.
2. On July 31, 2017 Defendants filed a “Notice of Removal.” *See*, Case 1:17-cv-00785 Doc. 1.
3. The Motion for Remand is well-taken and should be granted.
4. Accordingly, remand of this case to the Third Judicial District Court of the State of New Mexico is required.
5. Each party has agreed to bear its own fees and costs.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT the above-captioned case is remanded to the Third Judicial District Court, County of Dona Ana, State of New Mexico for further proceedings with each party to bear its own costs and fees relating to the Notice of Removal in the United States District Court for the District of New Mexico.



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**STEPHAN M. VIDMAR  
UNITED STATES MAGISTRATE JUDGE  
DISTRICT OF NEW MEXICO**

**STIPULATED AND AGREED:**

**Counsel for Plaintiff:**

**WILLIAM F. WEBBER, P.A.**

By *Electronically Approved – August 18, 2017*  
William F. Webber

**Counsel for Defendants Mark Bieri, M.D., and Rio Grande Urology, P.A.**

**REMO E. GAY & ASSOCIATES, P.C.**

By */s/ Brendan O'Reilly*  
Brendan O'Reilly