

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

JULIUS H. GLENN, SR., )  
Plaintiff, )

v. )

**JUDGMENT**

PERFORMANCE ANESTHESIA, P.A., )  
WALTER R. HAND, JR., )  
RAYMOND E. BREZINSKI, )  
DENISE CONNEEN, )  
COREY E. EICHELBERGER, )  
UNITED STATES OF AMERICA, )  
Defendants. )

No. 5:09-CV-309-BR

**Decision by Court.**

This action came before Senior United States District Judge W. Earl Britt for consideration of three motions: defendant United States of America’s motion to dismiss, plaintiff’s motion for review of the United States’ scope of employment certifications , and defendant’s motion to stay discovery.

**IT IS ORDERED, ADJUDGED AND DECREED** that defendant’s motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) is **GRANTED**. Plaintiff’s motion for review of the United States’ scope of employment certifications is **DENIED**. In light of the foregoing rulings, defendant’s motion to stay discovery is moot and is therefore **DENIED**. Because Performance Anesthesia, P.A. remains as a party defendant, this case is **REMANDED** to the General Court of Justice, Superior Court Division, Cumberland County, North Carolina.

**This judgment filed and entered on August 27, 2010, and served on:**

- Donald H. Beskind (via CM/ECF Notice of Electronic Filing)
- Tobin W. Lathan (via CM/ECF Notice of Electronic Filing)
- Joshua B. Royster (via CM/ECF Notice of Electronic Filing)
- R.A. Renfer, Jr. (via CM/ECF Notice of Electronic Filing)
- Linda Priest, Clerk of Superior Court, Cumberland County, NC (via U.S. Mail)

August 27, 2010

/s/ Dennis P. Iavarone  
Clerk of Court