

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:18-CV-00009-D

**United States of America & State of  
North Carolina,**

Plaintiffs,

v.

**Dr. Ibrahim N. Oudeh, Teresa Sloan-  
Oudeh, & Ibrahim N. Oudeh, M.D.  
P.A.,**

Defendants.

**Stipulation of Dismissal &  
Consent Order**

The parties have reached a Settlement Agreement to resolve this case. The Settlement Agreement is attached as Exhibit 1 and incorporated by reference. As part of the Settlement Agreement, Defendants agree to entry of the Consent Judgment (the "Consent Judgment"), attached as Exhibit 2, against them at a future date if the Plaintiffs reasonably determine that certain circumstances which are described in the Settlement Agreement have occurred.

Thus, it is STIPULATED and ORDERED that

1. This action is dismissed with prejudice under Rule 41(a)(2) of the Federal Rules of Civil Procedure. Each party shall bear their own costs.
2. This matter shall be closed for statistical purposes; however, the Court shall retain jurisdiction of this matter to enforce the terms of the Settlement Agreement, including the entry of the Consent Judgment.
3. The Court hereby finds that the Consent Judgment is based upon the consent of the parties and is otherwise a valid judgment.


4. The Clerk of Court shall not enter a final judgment in this matter at this time. If the Plaintiffs reasonably determines that circumstances have arisen that entitle them to file the Consent Judgment, they may immediately file a document entitled "Notice to Clerk to File Consent Judgment" (the "Notice") with this Court. Plaintiffs may file the Notice with the Court *ex parte* and without providing any notice to Defendants, and Defendants expressly waive notice and opportunity to be heard as to the filing of the Notice. The Notice must contain a general description of the circumstances that caused the Plaintiffs to believe they were entitled to file the Notice.

5. Upon the filing of the Notice, the Clerk of Court shall, as soon as practicable, reopen this case, date, sign, and file the Consent Judgment without further instruction by the Court. Defendants expressly waive notice and opportunity to be heard as to the filing and/or entry of the Consent Judgment by the Clerk. But Defendants are not waiving a right to contest collection efforts or to initiate an action alleging that they are entitled to relief because the Plaintiffs have violated the Settlement Agreement by filing the Notice.

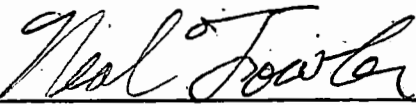
6. The Defendants hereby further waive any and all available defenses as to the Plaintiffs' filing of the Notice and/or the Consent Judgment and as to filing and/or entry of the Consent Judgment by the Clerk, including, but not limited to, defenses based upon any statute of limitations, any failure to file a summons or complaint, any due process claim, any claim of prejudice, or any other claim or defense whatsoever. But Defendants are not waiving defenses to collection efforts. Nor are Defendants waiving the ability to initiate an action alleging that they are entitled to relief because the Plaintiffs have violated the Settlement Agreement by filing the Notice.

7. Finally, notwithstanding the language of 28 U.S.C. § 3205 or any other statute, Defendants agree that Plaintiffs may take immediate collection action as soon as the Consent Judgment is entered. Alternatively, Defendants agree that, as of the date of this stipulation, Plaintiffs have made demand on Defendants for payment of the amount listed in the Consent Judgment and that Defendants have not paid the amount due.

SO ORDERED this 18 day of April, 2020.

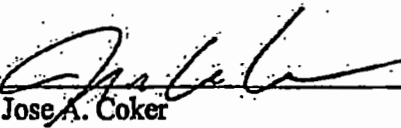
  
James C. Dever III  
United States District Judge

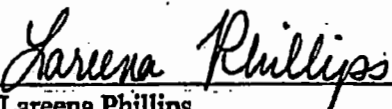
STIPULATED AND AGREED TO:

  
Neal Fowler

  
R. Jonathan Charleston

  
John Harris  
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Jose A. Coker  
*Attorneys for Defendants*

  
Lareena Phillips  
*Attorney for the State of North Carolina*