

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

GERALD LEE, et al.,

Plaintiffs,

v.

Case No. 2:17-cv-312

CHIEF JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Elizabeth P. Deavers

UNITED STATES OF AMERICA,
et al.,

Defendants.

ORDER

This matter is before the Court for consideration of Defendant the United States of America's Motion to Dismiss for Lack of Subject Matter Jurisdiction for failure to exhaust administrative remedies under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2401(b), 2671–2680. (ECF No. 5.) The United States, having previously substituted itself as defendant for the Muskingum Valley Health Centers, Inc., Carl Schowengerdt, M.D., and Roger D. Ward, Jr., D.O., also clarifies that its notice of substitution and Motion to Dismiss is not intended to cover any incidents involving Roger D. Ward, Jr. which are alleged to have occurred after July 31, 2013. (ECF No. 7.) Plaintiffs do not oppose the motion to dismiss. (ECF No. 8.) Accordingly, Defendant's motion is **GRANTED**. The Clerk is **DIRECTED** to reactive Mr. Ward as a Defendant in this case and the United States is hereby **DISMISSED** from the case.

IT IS SO ORDERED.

6-14-2017
DATED



EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT CHIEF JUDGE