

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF WASHINGTON

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5 WING C. CHAU, M.D., et al.,
6 Plaintiffs,

7 v.

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9 AVIVA LIFE AND ANNUITY COMPANY,
10 et al.,
11 Defendants.

No. CV-09-5037-FVS

ORDER DENYING DEFENDANTS'
MOTION TO DISMISS,
GRANTING PLAINTIFFS'
MOTION TO AMEND, AND
GRANTING DEFENDANTS'
MOTION TO STAY

12 **THIS MATTER** comes before the Court for consideration of three
13 motions. The parties have fully and ably briefed all three motions.
14 Given the nature of the issues raised by the motions, and given the
15 superior quality of the parties' briefing, the Court has determined
16 oral argument is unnecessary.

17 **IT IS HEREBY ORDERED:**

18 1. The plaintiffs' motion to amend (**Ct. Rec. 32**) is **granted**. The
19 plaintiff shall file the "Second Amended Complaint."

20 2. The defendants' motion to dismiss (**Ct. Rec. 13**) is **denied** as
21 moot with leave to refile.

22 3. The defendants' motion to stay proceedings (**Ct. Rec. 23**) is
23 **granted**. All proceedings in this case are **STAYED** pending a
24 determination by the United States Judicial Panel on Multidistrict
25 Litigation with respect to whether this action should be transferred
26 to the Northern District of Texas. The parties are to advise this

1 Court when the Panel makes its determination.

2 4. All hearings scheduled before this Court are stricken.

3 **IT IS SO ORDERED.** The District Court Executive is hereby
4 directed to enter this order and furnish copies to counsel.

5 **DATED** this 9th day of September, 2009.

6
7 s/ Fred Van Sickle
8 Fred Van Sickle
9 Senior United States District Judge
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