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7 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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9 EMMETT L. SMITH,

10 Plaintiff,

11 v.

12 UNITED STATES OF AMERICA,

13 Defendant.

Case No. C15-116RSL

ORDER GRANTING UNITED  
STATES' UNOPPOSED MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT


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15 This matter comes before the Court on the government's motion for partial summary  
16 judgment. Dkt. # 37. In this case, plaintiff Emmett L. Smith sues the United States under the  
17 Federal Tort Claims Act for the alleged medical negligence of two physicians, Dr. Angel Lin  
18 and Dr. Nirav Patel, who treated plaintiff in their capacities as federal employees at the  
19 HealthPoint Community Health Center in Renton, Washington. The government moves for  
20 partial summary judgment on the portion of plaintiff's claim that arises from treatment by Dr.  
21 Patel in February 2013. Specifically, the government argues that plaintiff cannot establish a  
22 prima facie case of negligence arising from this treatment because none of plaintiff's medical  
23 experts will testify that Dr. Patel violated the applicable standard of care in February 2013.  
24 Plaintiff does not oppose partial summary judgment on this point. Dkt. # 41.

25 Having reviewed the parties' briefs, declarations, exhibits, and the remainder of the  
26 record, and in light of plaintiff's non-opposition, the Court GRANTS the government's motion.  
27 The portion of plaintiff's claim that alleges that Dr. Patel violated the standard of care when

28 ORDER GRANTING UNITED STATES' UNOPPOSED  
MOTION FOR PARTIAL SUMMARY JUDGMENT - 1

1 providing medical treatment to plaintiff in February 2013 is DISMISSED WITH PREJUDICE.

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3 DATED this 9th day of March, 2017.

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6 Robert S. Lasnik  
7 United States District Judge  
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