

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DOLORES A. SULLIVAN,

Plaintiff,

and

RETIREE/SURVIVOR MEDICARE-ELIGIBLE  
MEDICAL BENEFIT PLAN,

Subrogated Plaintiff,

v.

DOLGENCORP, LLC,  
*incorrectly designated as Dollar General Corporation,*

Defendant.

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ORDER

13-cv-724-jdp

Plaintiff, through counsel, has filed a notice of dismissal, Dkt. 71, of her claims against The Centers for Medicare and Medicaid Services (CMS). CMS was designated as a party in this case in the Second Amended Complaint, Dkt. 66, which the court had allowed on the basis of its understanding that CMS had consented to participate in this case. That understanding was incorrect. CMS never agreed to participate nor did plaintiff move for joinder under Rule 19, so there was no justification for adding CMS as a party to this case. The court's December 5, 2014, order, Dkt. 69, is therefore VACATED. CMS is no longer a party to this case.

Because the court has been advised by counsel for plaintiff that the above-entitled action has been settled, this case is hereby dismissed. Any party may move to reopen for good cause shown.

Entered this 9th day of December, 2014.

BY THE COURT:

/s/

JAMES D. PETERSON

District Judge