

McMahon, C.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NEW YORK STATE PSYCHIATRIC ASSOCIATION, INC., in a representational capacity on behalf of its members and their patients, MICHAEL A. KAMINS, on his own behalf and on behalf of his beneficiary son, and on behalf of all other similarly situated health insurance subscribers, JONATHAN DENBO, on his own behalf and on behalf of all other similarly situated health insurance subscribers, BRAD SMITH, on his own behalf and on behalf of his beneficiary son, and on behalf of all other similarly situated health insurance subscribers, JORDAN OLIN, on his own behalf and on behalf of his beneficiary son, and on behalf of all other similarly situated health insurance subscribers, and JULIE ANN ALLENDER, Ed.D., and SHELLY MENOLASCINO, M.D., on their own behalf and in a representation capacity on behalf of their beneficiary patients and on behalf of all other similarly situated providers and their patients,

Plaintiffs,

-v-

UNITEDHEALTH GROUP, UHC INSURANCE COMPANY, UNITED HEALTH-CARE INSURANCE COMPANY OF NEW YORK and UNITED BEHAVIORAL HEALTH,

Defendants.

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Whereas, Plaintiff **Jordan Olin** did not appeal from the October 31, 2013, Order of this Court dismissing his claims with prejudice; and

Whereas, the remaining Plaintiffs either withdrew or did not appeal from other claims that were the subject of the October 31, 2013, Order of this Court;

Whereas, Plaintiffs **Brad Smith** and **Julie Ann Allender, Ed. D.** withdrew with prejudice their appeal from this Court's October 31, 2013, Order, which withdrawal was so ordered by the United States Court of Appeals on April 16, 2014;

Whereas, although Plaintiff **Michael A. Kamins** appealed from the October 31, 2013, Order of this Court declining to exercise supplemental jurisdiction over his New York state law

STIPULATION OF DISMISSAL

13-cv-1599(CM)

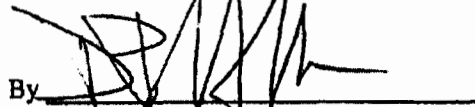
claims that it dismissed without prejudice, he withdrew his appeal in proceedings before the United States Court of Appeals for the Second Circuit;

Whereas, the claims of Plaintiffs New York State Psychiatric Association, Jonathan Denbo, and Shelley Menolascino, M.D. were the subject of an August 20, 2015 Decision of the United States Court of Appeals for the Second Circuit, including the affirmance of the dismissal of Dr. Menolascino's claims;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, BY AND BETWEEN THE REMAINING PARTIES TO THIS ACTION, THROUGH THEIR UNDERSIGNED COUNSEL, AS FOLLOWS:

1. The claims of Plaintiff Jonathan Denbo are dismissed with prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), and without costs or attorney's fees to any party; and
2. In so far as the claims of Plaintiff New York State Psychiatric Association have not already been withdrawn, or to the extent they were dismissed in this Court's October 31, 2013 Order and there was no appeal from such dismissal, the claims of Plaintiff New York State Psychiatric Association are dismissed without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), and without costs or attorney's fees to any party.
3. With these dismissals, there are no remaining claims in the above litigation.

ZUCKERMAN SPAEDER LLP

By 

D. Brian Hufford

Jason S. Cowart

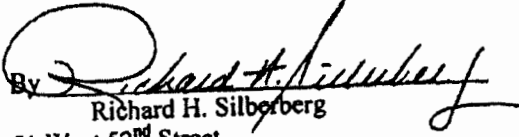
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SO ORDERED:



U.S.D.J.

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