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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII**

GRAHAM T. CHELIUS, M.D., *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

CIV. NO. 1:17-00493-  
JAO-RT

**STIPULATION OF  
VOLUNTARY  
DISMISSAL AND  
LEAVE TO AMEND**

Plaintiff Dr. Graham Chelius will soon be moving out of Hawai'i to take a new job in another state. On June 3, 2024, Plaintiffs informed counsel for Defendants of this factual update and that they intended to amend their Amended and Supplemental Complaint, ECF 169, for the limited purposes of (1) replacing Dr. Chelius with his colleague Dr. Heidi Purcell, whose facts are substantially the same, and (2) removing a few allegations relating to the Patient Agreement Form which Plaintiffs no longer believe are supported based on their review of the administrative record. Since then, the Parties have conferred regarding next steps in this matter, including a reasonable deadline for Defendants to respond to the Second Amended and Supplemental Complaint.<sup>1</sup>

Pursuant to Rules 41(a) and 15(a) of the Federal Rules of Civil Procedure, the Parties hereby stipulate that:

1. Dr. Chelius be dismissed as a plaintiff without prejudice.
2. Plaintiffs may file the attached proposed Second Amended and Supplemental

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<sup>1</sup> On April 18, 2023, the Court granted the Parties' Stipulation Staying Defendants' Deadline to Answer or Otherwise Respond to Amended and Supplemental Complaint. ECF 170. Since then, the Court has resolved Defendants' Motion to Stay Proceedings, ECF 191, and Plaintiffs' Motion to Complete or, in the Alternative, Supplement the Record, ECF 207. There is not currently a scheduling order in place, and Defendants have not yet responded to Plaintiffs' Amended and Supplemental Complaint, ECF 169. Defendants filed an Answer to Plaintiffs' original Complaint on June 29, 2018. ECF 44.

Complaint. *See* **Exhibit 1**.<sup>2</sup>

3. Defendants' deadline to respond to the Second Amended and Supplemental Complaint is July 26, 2024.

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<sup>2</sup> In compliance with LR10.4, this stipulation is accompanied by the Second Amended and Supplemental Complaint in redline format, which indicates in every respect how the Second Amended and Supplemental Complaint differs from the pleading it amends. *See* **Exhibit 2**.

Respectfully submitted,

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*\*admitted pro hac vice*

DATED: Honolulu, Hawai‘i, June 21, 2024

APPROVED AND SO ORDERED.

DATED: Honolulu, Hawai‘i, June 21, 2024.



A handwritten signature in black ink, appearing to read "Jill A. Otake".

Jill A. Otake  
United States District Judge

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CIV. NO. 1:17-00493-JAO-RT; Graham T. Chelius, M.D. v. Xavier Becerra;  
Stipulation of Voluntary Dismissal and Leave to Amend