

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
Big Stone Gap Division**

NICOLAS REYES,

Plaintiff,

vs.

HAROLD CLARKE, et al.,

Defendants.

Civil Action No. 2:19-CV-00035

JOINT MOTION TO DISMISS DEFENDANT EVERETT MCDUFFIE, M.D.

COME NOW Plaintiff Nicolas Reyes (“Mr. Reyes”) and Defendant Everett McDuffie, M.D. (“Dr. McDuffie”), by counsel, pursuant to Rule 68 of the Federal Rules of Civil Procedure, jointly move to dismiss all pending claims against Dr. McDuffie in the above-styled action. In support of this Motion, Mr. Reyes and Dr. McDuffie state:

1. Dr. McDuffie served upon Mr. Reyes an Offer of Judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure, attached hereto as Exhibit A.

2. Mr. Reyes notified Dr. McDuffie in writing within fourteen days after being served Dr. McDuffie’s Rule 68 Offer of Judgment that he accepted such offer, pursuant to Rule 68(a) of the Federal Rules of Civil Procedure.

3. Mr. Reyes submits a Notice of Acceptance of Dr. McDuffie’s Rule 68 Offer of Judgment, attached hereto as Exhibit B.

4. Therefore, Mr. Reyes and Dr. McDuffie move for entry, under Rule 68 of the Federal Rules of Civil Procedure, of the agreed upon Order Dismissing Defendant Everett McDuffie, M.D., setting forth that all claims have been resolved between them, attached hereto as Exhibit C.

WHEREFORE, Mr. Reyes and Dr. McDuffie respectfully request that the Court grant this Motion and enter an Order Dismissing Defendant Everett McDuffie, M.D.

Respectfully submitted this 12th day of June, 2020.

NICOLAS REYES

EVERETT MCDUFFIE, M.D.

By: /s/ Vishal Agraharkar
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CERTIFICATE OF SERVICE

I certify that on the 12th day of June 2020, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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