



IN THE CIRCUIT COURT OF RALEIGH COUNTY, WEST VIRGINIA

IN RE: RALEIGH HEART CLINIC LITIGATION

CIVIL ACTION NO. 18-C-5000

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THIS DOCUMENT APPLIES TO ALL CASES

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**ORDER DISMISSING PLAINTIFFS' CLAIMS AGAINST DEFENDANTS  
THAIR BARGHOUTHI, M.D. AND RALEIGH HEART CLINIC, INC.**

On July 22, 2019, this Court entered an *Order Approving Settlement Between Plaintiffs and Defendants, Thair Barghouthi, M.D. and Raleigh Heart Clinic, Inc.; Plaintiffs Claims Against Defendant Cardinal Health 414, LLC Shall Remain Pending* (Transaction ID 63568073). Per the Order, this Court held that "[o]nce Plaintiffs' Lead counsel receives the settlement funds, the Plaintiffs' claims against RHC Defendants shall be dismissed with prejudice." *Order Approving Settlement* at p. 5, ¶ 13. Plaintiffs and Thair Barghouthi, M.D. and Raleigh Heart Clinic, Inc. (collectively the RHC Defendants) represent to this Court that the settlement funds have been received by Plaintiffs' Lead counsel. Therefore, Plaintiffs and RHC Defendants move this Court for entry of an Order dismissing Plaintiffs' claims, with prejudice, against the RHC Defendants.

Hearing no objection, it is hereby ORDERED that the Plaintiffs' claims against RHC Defendants are DISMISSED WITH PREJUDICE. It is further ORDERED that the parties shall bear their own costs and expenses incurred in prosecuting and defending this action.

As stated within the *Order Approving Settlement Between Plaintiffs and Defendants, Thair Barghouthi, M.D. and Raleigh Heart Clinic, Inc.; Plaintiffs Claims Against Defendant Cardinal Health 414, LLC Shall Remain Pending* (Transaction ID

63568073), Defendant Cardinal Health 414, LLC's cross-claims for contribution and implied indemnity are hereby DISMISSED WITH PREJUDICE as a result of the good faith settlement between Plaintiffs and RHC Defendants. However, it should be noted for the record that Defendant Cardinal Health 414, LLC's cross-claim against the RHC Defendants for contractual indemnity is still pending in these matters. Therefore, the RHC Defendants will remain parties to this case in regard to the contractual indemnity claim.

Additionally, all other claims pending between Plaintiffs and Defendant Cardinal Health 414, LLC shall remain active on the docket of this Court.

It is so ORDERED.

ENTERED: August 5, 2019.

/s/ Jay M. Hoke  
Lead Presiding Judge  
Raleigh Heart Clinic Litigation