

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

## **MOTION TO DISMISS DEFENDANT ISRAEL**

On the ground that plaintiff and Defendant Dr. Israel have resolved all matters at issue, plaintiff moves the Court to dismiss with prejudice and without costs defendant Dr. Israel.

1. Now pending before the Court is plaintiff's motion for leave to file a sixth amended complaint. (ECF No. 230.) The proposed sixth amended complaint eliminates, *inter alia*, all claims against Defendant Dr. Israel.

2. None of the parties oppose dismissal with prejudice and without costs of Defendant Israel. The Wexford defendants otherwise oppose the filing of the sixth amended complaint.

3. Defendant Israel has an interest in the termination of this litigation. In addition, the settlement between plaintiff and Dr. Israel cannot be consummated until the Court dismisses Dr. Israel.

Plaintiff therefore requests that the Court dismiss with prejudice defendant Dr. Israel while it considers the other matters at issue in the motion for leave to file a sixth amended complaint.

Respectfully submitted,

/s/ Kenneth N. Flaxman  
Kenneth N. Flaxman  
ARDC No. 830399  
Joel A. Flaxman  
200 South Michigan Ave, Ste 201  
Chicago, Illinois 60604  
(312) 427-3200  
*attorneys for plaintiff*