

**United States District Court
District of Puerto Rico (San Juan)
CIVIL DOCKET FOR CASE #: 3:15-cv-01016-JAG**

American Board of Internal Medicine v. Salas-
Rutherford
Assigned to: Judge Jay A. Garcia-Gregory
Cause: 28:1338 Copyright Infringement

Date Filed: 01/11/2015
Date Terminated: 10/05/2015
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

**American Board of Internal
Medicine**

represented by **Carlos A. Rodriguez-Vidal**
Goldman Antonetti & Cordova
PO Box 70364
San Juan, PR 00936-8364
787-759-4117
Fax: 787-767-9177
Email: crodriguez-
vidal@gaclaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

Jaime Salas-Rutherford

represented by **Maria S. Pineiro-Soler**
Edificio Ponce de Leon 161
Suite 302
Ave. Ponce de Leon 161
San Juan, PR 00918
787-250-8304/250-8314
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ruben T. Nigaglioni
Nigaglioni Law Offices PSC
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Guillermo L. Mena-Irizarry
Diligent Legal LLC
PO Box 11383
San Juan, PR 00922
787-347-9793
Email: guillermo75@gmail.com
ATTORNEY TO BE NOTICED

Counter Claimant

Jaime Salas-Rutherford

represented by **Maria S. Pineiro-Soler**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Guillermo L. Mena-Irizarry
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**American Board of Internal
Medicine**

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
ATTORNEY TO BE NOTICED

Counter Defendant

Insurance Company A

ThirdParty Plaintiff

Jaime Salas-Rutherford

represented by **Maria S. Pineiro-Soler**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Guillermo L. Mena-Irizarry
(See above for address)
ATTORNEY TO BE NOTICED

V.

Third Party Defendant

Company B
unknown insurance company

Third Party Defendant
Insurance Company A

Third Party Defendant
Richard Roe

Third Party Defendant
Dr. Christine K. Cassel
*in her personal capacity and as
former officer of ABIM*

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Third Party Defendant
Naomi P. O'Grady

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Third Party Defendant
John Doe

Third Party Defendant
Dr. Joan M. Von Feldt
*in her personal and official
capacities*

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Third Party Defendant
Dr. Eric S. Holmboe
*in his personal capacity and in his
official capacity*

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Third Party Defendant
Company C
unknown insurance company

Third Party Defendant

David L. Coleman
in his personal and official capacities

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Third Party Defendant

Dr. Richard J. Baron
in his personal capacity and as CEO
of ABIM

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Third Party Defendant

Lynn O. Langdon

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Third Party Plaintiff

Jaime Salas-Rutherford

represented by **Maria S. Pineiro-Soler**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Guillermo L. Mena-Irizarry
(See above for address)
ATTORNEY TO BE NOTICED

V.

Third Party Defendant

Naomi P. O'Grady

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Third Party Defendant

David L. Coleman
in his personal and official capacities

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Third Party Defendant

Company B

unknown insurance company

Third Party Defendant

John Doe

Third Party Defendant

Insurance Company A

Third Party Defendant

Dr. Joan M. Von Feldt

*in her personal and official
capacities*

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Third Party Defendant

Dr. Richard J. Baron

*in his personal capacity and as CEO
of ABIM*

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Third Party Defendant

Company C

unknown insurance company

Third Party Defendant

Lynn O. Langdon

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Third Party Defendant

Dr. Christine K. Cassel

*in her personal capacity and as
former officer of ABIM*

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Third Party Defendant

Dr. Eric S. Holmboe
*in his personal capacity and in his
official capacity*

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Third Party Defendant

Richard Roe

Counter Claimant

Jaime Salas-Rutherford

represented by **Maria S. Pineiro-Soler**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Ruben T. Nigaglioni
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Guillermo L. Mena-Irizarry
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

**American Board of Internal
Medicine**

represented by **Carlos A. Rodriguez-Vidal**
(See above for address)
ATTORNEY TO BE NOTICED

Counter Defendant

Insurance Company A

Date Filed	#	Docket Text
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01/11/2015	1	COMPLAINT against AMERICAN BOARD OF INTERNAL MEDICINE (Filing fee \$400 receipt number 0104-4221134.), filed by AMERICAN BOARD OF INTERNAL MEDICINE. Service due by 5/14/2015, (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Civil Cover Sheet, # 8 Category Sheet, # 9 Summons)(Rodriguez-Vidal, Carlos) (Entered: 01/11/2015)
01/12/2015	2	NOTICE OF JUDGE ASSIGNMENT Case has been assigned to Judge Jay A. Garcia-Gregory (jla) (Entered: 01/12/2015)
01/12/2015	3	Summons Issued as to JAIME SALAS-RUTHERFORD (jla) (Entered: 01/12/2015)
01/28/2015	4	MOTION to Dismiss for Failure to State a Claim - <i>Time-barred and Implausible</i> filed by Guillermo L. Mena-Irizarry on behalf of Jaime Salas-Rutherford Suggestions in opposition/response due by 2/17/2015 (Attachments: # 1 Supplement Memorandum of Law in Support, # 2 Exhibit Ex 1 Complaint in ABIM v Arora, # 3 Affidavit Ex 2 Declaration of Dr. Jaime Salas Rushford, # 4 Exhibit Ex 2(a) Page from Arora Course Handout)(Mena-Irizarry, Guillermo) (Entered: 01/28/2015)
01/28/2015	5	NOTICE of Appearance of <i>Mara S. Pieiro-Soler and Guillermo L. Mena-Irizarry</i> by Guillermo L. Mena-Irizarry on behalf of Jaime Salas-Rutherford (Mena-Irizarry, Guillermo) (Entered: 01/28/2015)
01/28/2015	6	COUNTERCLAIM against American Board of Internal Medicine, Insurance Company A, THIRD PARTY COMPLAINT against Company B, Insurance Company A, Richard Roe, Christine K. Cassel, Naomi P. O'Grady, JOHN DOE, Joan M. Von Feldt, Eric S. Holmboe, Company C, David L. Coleman, Richard J. Baron, Lynn O. Langdon, filed by Jaime Salas-Rutherford. (Attachments: # 1 Exhibit Ex 3 - Arora Review 2008 Advertising Mailing, # 2 Exhibit Ex 4 - May 2012 ABIM letter to Dr. Salas Rushford, # 3 Exhibit Ex 5 - ABIM Appeal Panel Decision of Oct 2014, # 4 Exhibit Ex 6 - Certification of Dr. Salas' Medical Service for Aug 1 2009)(Mena-Irizarry, Guillermo) (Entered: 01/28/2015)
02/02/2015	7	REPORT ON THE FILING OF AN ACTION regarding a copyright (Initial Notification), filed by American Board of Internal Medicine. (Attachments: # 1 Exhibit A)(Rodriguez-Vidal, Carlos) (Entered: 02/02/2015)
02/04/2015	8	AMENDED DOCUMENT by American Board of Internal Medicine. Amendment to 1 Complaint, <i>Amended Civil Cover Sheet</i> . (Rodriguez-Vidal, Carlos) (Entered: 02/04/2015)
02/04/2015	9	AMENDED DOCUMENT by American Board of Internal Medicine. <i>amended Category Sheet</i> . (Rodriguez-Vidal, Carlos) (Entered: 02/04/2015)
02/04/2015	10	INFORMATIVE Motion regarding Filing of Amended Civil Cover Sheet and Category Sheet filed by Carlos A. Rodriguez-Vidal on behalf of American Board of Internal Medicine Suggestions in opposition/response

		due by 2/23/2015 (Attachments: # 1 Amended Civil Cover Sheet, # 2 Amended Category Sheet)(Rodriguez-Vidal, Carlos) (Entered: 02/04/2015)
02/04/2015	11	MOTION for extension of time until March 13, 2015 to File Opposition to Motion to Dismiss filed by Carlos A. Rodriguez-Vidal on behalf of American Board of Internal Medicine Suggestions in opposition/response due by 2/23/2015 (Rodriguez-Vidal, Carlos) (Entered: 02/04/2015)
02/05/2015	12	ORDER noted 10 INFORMATIVE motion. Signed by Judge Jay A. Garcia-Gregory on 12/5/2015. (MAC) (Entered: 02/05/2015)
02/05/2015	13	ORDER granting 11 Motion for Extension of Time. Opposition to MTD due by 3/13/2015. Signed by Judge Jay A. Garcia-Gregory on 2/5/2015. (MAC) (Entered: 02/05/2015)
02/13/2015	14	MOTION for extension of time until March 16, 2015 to File Motion to Dismiss Counterclaim filed by Carlos A. Rodriguez-Vidal on behalf of American Board of Internal Medicine Suggestions in opposition/response due by 3/2/2015 (Rodriguez-Vidal, Carlos) (Entered: 02/13/2015)
02/20/2015	15	MOTION to Stay filed by Carlos A. Rodriguez-Vidal on behalf of American Board of Internal Medicine Suggestions in opposition/response due by 3/9/2015 (Attachments: # 1 Exhibit A (New Jersey Complaint), # 2 Exhibit B (Salas Motion to Dismiss New Jersey), # 3 Exhibit C (ABIM Opposition Motion to Dismiss NJ), # 4 Exhibit D (Salas Reply To Opposition To Motion to Dismiss NJ), # 5 Exhibit E (Salas Letter to USDC NJ), # 6 Exhibit F (ABIM Letter to USDC NJ), # 7 Exhibit G (ABIM Letter to Salas Counsel), # 8 Exhibit H (Salas Letter to ABIM Counsel))(Rodriguez-Vidal, Carlos) (Entered: 02/20/2015)
03/09/2015	16	RESPONSE in Opposition to Motion <i>to Stay</i> filed by Jaime Salas-Rutherford Re: 15 MOTION to Stay filed by American Board of Internal Medicine filed by Jaime Salas-Rutherford. (Attachments: # 1 Appendix March 2014 E-mail from Salas Rushford Counsel to ABIM Counsel Lantieri re Damages)(Mena-Irizarry, Guillermo) (Entered: 03/09/2015)
03/12/2015	17	MOTION requesting Order filed by Carlos A. Rodriguez-Vidal on behalf of American Board of Internal Medicine Suggestions in opposition/response due by 3/30/2015 (Rodriguez-Vidal, Carlos) (Entered: 03/12/2015)
03/13/2015	18	Memorandum in Opposition to Motion <i>to Dismiss</i> filed by American Board of Internal Medicine Re: 4 MOTION to Dismiss for Failure to State a Claim - <i>Time-barred and Implausible</i> filed by Jaime Salas-Rutherford filed by American Board of Internal Medicine. (Rodriguez-Vidal, Carlos) (Entered: 03/13/2015)
03/16/2015	19	REPLY to Response to Motion <i>to Dismiss</i> filed by Jaime Salas-Rutherford Re: 4 MOTION to Dismiss for Failure to State a Claim - <i>Time-barred and Implausible</i> filed by Jaime Salas-Rutherford filed by Jaime Salas-Rutherford. (Attachments: # 1 Supplement Defendant's Reply Memorandum to Plaintiff's

		Opposition to Motion to Dismiss)(Mena-Irizarry, Guillermo) (Entered: 03/16/2015)
03/16/2015	20	MOTION to Strike Re: 6 Counterclaim, Third Party Complaint,,,, filed by Jaime Salas-Rutherford filed by Carlos A. Rodriguez-Vidal on behalf of American Board of Internal Medicine Suggestions in opposition/response due by 4/2/2015 (Related document(s) 6) (Rodriguez-Vidal, Carlos) (Entered: 03/16/2015)
03/19/2015	21	MOTION for Leave to File Document (<i>Reply to Opposition to Motion to Stay</i>) filed by Carlos A. Rodriguez-Vidal on behalf of American Board of Internal Medicine Suggestions in opposition/response due by 4/6/2015 (Attachments: # 1 Exhibit Reply to Opposition to Motion to Stay)(Rodriguez-Vidal, Carlos) (Entered: 03/19/2015)
03/19/2015	22	Memorandum in Opposition to Motion <i>to Strike and Request for Realignment of Parties</i> filed by Jaime Salas-Rutherford Re: 20 MOTION to Strike Re: 6 Counterclaim, Third Party Complaint,,,, filed by Jaime Salas-Rutherford filed by American Board of Internal Medicine filed by Jaime Salas-Rutherford. (Mena-Irizarry, Guillermo) (Entered: 03/19/2015)
03/19/2015	23	MOTION to Strike <i>or Deny the Motion to Stay as Moot</i> Re: 15 MOTION to Stay filed by American Board of Internal Medicine filed by Guillermo L. Mena-Irizarry on behalf of Jaime Salas-Rutherford Suggestions in opposition/response due by 4/6/2015 (Related document(s) 15) (Mena-Irizarry, Guillermo) (Entered: 03/19/2015)
03/30/2015	24	MOTION to Strike <i>or, in the Alternative, to Dismiss for Lack of Personal Jurisdiction or For Failure to State a Claim</i> Re: 6 Counterclaim, Third Party Complaint,,,, filed by Jaime Salas-Rutherford filed by Carlos A. Rodriguez-Vidal on behalf of Richard J. Baron, Christine K. Cassel, David L. Coleman, Eric S. Holmboe, Lynn O. Langdon, Naomi P. O'Grady, Joan M. Von Feldt Suggestions in opposition/response due by 4/16/2015 (Attachments: # 1 Exhibit A (Declaration of Dr. Baron), # 2 Exhibit B (Declaration of Dr. Cassel), # 3 Exhibit C (Declaration of Dr. Holmboe), # 4 Exhibit D (Declaration of Dr. Coleman), # 5 Exhibit E (Declaration of Dr. Von Feldt), # 6 Exhibit F (Declaration of Dr. O'Grady), # 7 Exhibit G (Declaration of Dr. Langdon))(Related document(s) 6) (Rodriguez-Vidal, Carlos) (Entered: 03/30/2015)
03/31/2015	25	MOTION for Leave to File Document <i>Reply to Opposition to Motion to Strike</i> filed by Carlos A. Rodriguez-Vidal on behalf of American Board of Internal Medicine Suggestions in opposition/response due by 4/17/2015 (Attachments: # 1 Exhibit Tendered Reply to Opposition to Motion to Strike)(Rodriguez-Vidal, Carlos) (Entered: 03/31/2015)
04/01/2015	26	RESPONSE in Opposition to Motion <i>to Strike</i> filed by American Board of Internal Medicine Re: 23 MOTION to Strike <i>or Deny the Motion to Stay as Moot</i> Re: 15 MOTION to Stay filed by American Board of Internal Medicine

		filed by Jaime Salas-Rutherford filed by American Board of Internal Medicine. (Rodriguez-Vidal, Carlos) (Entered: 04/01/2015)
04/13/2015	27	MOTION for Extension of Time until May 13, 2015 to File Response/Reply <i>or take other appropriate action</i> as to 24 MOTION to Strike <i>or, in the Alternative, to Dismiss for Lack of Personal Jurisdiction or For Failure to State a Claim</i> Re: 6 Counterclaim, Third Party Complaint,,,, filed by Jaime Salas-Rutherford filed by Eric S. Holmboe, Christine K. Cassel, Naomi P. O'Grady, David L. Coleman, Richard J. Baron, Joan M. Von Feldt, Lynn O. Langdon filed by Guillermo L. Mena-Irizarry on behalf of Jaime Salas-Rutherford Suggestions in opposition/response due by 4/30/2015 (Related document(s) 24) (Mena-Irizarry, Guillermo) (Entered: 04/13/2015)
05/13/2015	28	ANSWER to 1 Complaint, with Jury Demand , Amended THIRD PARTY COMPLAINT against Naomi P. O'Grady, David L. Coleman, Company B, John Doe, Insurance Company A, Joan M. Von Feldt, Richard J. Baron, Company C, Lynn O. Langdon, Christine K. Cassel, Eric S. Holmboe, Richard Roe, Amended COUNTERCLAIM against American Board of Internal Medicine, Insurance Company A filed by Guillermo L. Mena-Irizarry on behalf of Counter Defendants American Board of Internal Medicine, Insurance Company A.(Mena-Irizarry, Guillermo) (Entered: 05/13/2015)
05/14/2015	29	MOTION to Strike <i>as Moot</i> Re: 24 MOTION to Strike <i>or, in the Alternative, to Dismiss for Lack of Personal Jurisdiction or For Failure to State a Claim</i> Re: 6 Counterclaim, Third Party Complaint,,,, filed by Jaime Salas-Rutherford filed by Eric S. Holmboe, Christine K. Cassel, Naomi P. O'Grady, David L. Coleman, Richard J. Baron, Joan M. Von Feldt, Lynn O. Langdon, 20 MOTION to Strike Re: 6 Counterclaim, Third Party Complaint,,,, filed by Jaime Salas-Rutherford filed by American Board of Internal Medicine filed by Guillermo L. Mena-Irizarry on behalf of Jaime Salas-Rutherford Suggestions in opposition/response due by 6/1/2015 (Related document(s) 24 , 20) (Mena-Irizarry, Guillermo) (Entered: 05/14/2015)
05/26/2015	30	MOTION for Extension of Time until June 17, 2015 to File Response/Reply filed by Carlos A. Rodriguez-Vidal on behalf of All Plaintiffs Suggestions in opposition/response due by 6/12/2015 (Rodriguez-Vidal, Carlos) (Entered: 05/26/2015)
05/26/2015	31	MOTION for Extension of Time until June 17, 2015 to File Response/Reply as to 28 Answer to Complaint, Third Party Complaint, Counterclaim,,,,, filed by Jaime Salas-Rutherford filed by Carlos A. Rodriguez-Vidal on behalf of Richard J. Baron(in his personal capacity and as CEO of ABIM), Christine K. Cassel(in her personal capacity and as former officer of ABIM), David L. Coleman(in his personal and official capacities), Eric S. Holmboe(in his personal capacity and in his official capacity), Lynn O. Langdon, Naomi P. O'Grady, Joan M. Von Feldt(in her personal and official capacities) Suggestions in opposition/response due by 6/12/2015 (Related document(s) 28) (Rodriguez-Vidal, Carlos) (Entered: 05/26/2015)

06/11/2015	32	MOTION requesting Order <i>on Motion to Stay or, in the alternative, for a Protective Order</i> filed by Carlos A. Rodriguez-Vidal on behalf of American Board of Internal Medicine Suggestions in opposition/response due by 6/29/2015 (Rodriguez-Vidal, Carlos). Added MOTION for Protective Order on 6/12/2015 (su). (Entered: 06/11/2015)
06/17/2015	33	MOTION to Dismiss for Failure to State a Claim 28 <i>First Amended Counterclaim</i> filed by Carlos A. Rodriguez-Vidal on behalf of American Board of Internal Medicine Suggestions in opposition/response due by 7/6/2015 (Rodriguez-Vidal, Carlos) Modified on 6/19/2015 to add relationship (su). (Entered: 06/17/2015)
06/17/2015	34	MOTION to Dismiss/Lack of Jurisdiction 28 <i>Amended Counterclaims and Third-Party Complaint</i> as to Jaime Salas-Rutherford, MOTION to Dismiss for Failure to State a Claim 28 <i>Amended Counterclaims and Third-Party Complaint</i> filed by Carlos A. Rodriguez-Vidal on behalf of Naomi P. O'Grady, David L. Coleman(in his personal and official capacities), Richard J. Baron(in his personal capacity and as CEO of ABIM), Lynn O. Langdon, Christine K. Cassel(in her personal capacity and as former officer of ABIM), Joan M. Von Feldt(in her personal and official capacities), Eric S. Holmboe(in his personal capacity and in his official capacity) Suggestions in opposition/response due by 7/6/2015 (Rodriguez-Vidal, Carlos) Modified on 6/19/2015 to add relationship (su). (Entered: 06/17/2015)
06/22/2015	35	RESPONSE in Opposition to Motion filed by Jaime Salas-Rutherford Re: 32 MOTION requesting Order <i>on Motion to Stay or, in the alternative, for a Protective Order</i> MOTION for Protective Order filed by American Board of Internal Medicine filed by Jaime Salas-Rutherford. (Mena-Irizarry, Guillermo) (Entered: 06/22/2015)
07/06/2015	36	Memorandum in Opposition to Motion <i>to Dismiss</i> filed by Jaime Salas-Rutherford Re: 33 MOTION to Dismiss for Failure to State a Claim <i>First Amended Counterclaim</i> filed by American Board of Internal Medicine filed by Jaime Salas-Rutherford. (Mena-Irizarry, Guillermo) (Entered: 07/06/2015)
07/06/2015	37	MOTION for Extension of Time until July 31, 2015 to File Response/Reply as to 34 MOTION to Dismiss/Lack of Jurisdiction <i>Amended Counterclaims and Third-Party Complaint</i> as to Jaime Salas-Rutherford MOTION to Dismiss for Failure to State a Claim <i>Amended Counterclaims and Third-Party Complaint</i> filed by Eric S. Holmboe, Christine K. Cassel, Naomi P. O'Grady, David L. Coleman, Richard J. Baron, Joan M. Von Feldt, Lynn O. Langdon filed by Guillermo L. Mena-Irizarry on behalf of Jaime Salas-Rutherford Suggestions in opposition/response due by 7/23/2015 (Related document(s) 34) (Mena-Irizarry, Guillermo) (Entered: 07/06/2015)
07/17/2015	38	ORDER granting 14 Motion for Extension of Time. Signed by Judge Jay A. Garcia-Gregory on 7/17/2015. (MAC) (Entered: 07/17/2015)

07/21/2015	39	<p>REPLY to Response to Motion to <i>Dismiss First Amended Counterclaims and Third-Party Complaint</i> filed by American Board of Internal Medicine, Richard J. Baron(in his personal capacity and as CEO of ABIM), Christine K. Cassel(in her personal capacity and as former officer of ABIM), David L. Coleman(in his personal and official capacities), Eric S. Holmboe(in his personal capacity and in his official capacity), Lynn O. Langdon, Naomi P. O'Grady, Joan M. Von Feldt(in her personal and official capacities) Re: 33 MOTION to Dismiss for Failure to State a Claim <i>First Amended Counterclaim</i> filed by American Board of Internal Medicine filed by American Board of Internal Medicine, Richard J. Baron(in his personal capacity and as CEO of ABIM), Christine K. Cassel(in her personal capacity and as former officer of ABIM), David L. Coleman(in his personal and official capacities), Eric S. Holmboe(in his personal capacity and in his official capacity), Lynn O. Langdon, Naomi P. O'Grady, Joan M. Von Feldt(in her personal and official capacities). (Rodriguez-Vidal, Carlos) (Entered: 07/21/2015)</p>
07/30/2015	40	<p>Memorandum in Opposition to Motion filed by Jaime Salas-Rutherford Re: 34 MOTION to Dismiss/Lack of Jurisdiction <i>Amended Counterclaims and Third-Party Complaint</i> as to Jaime Salas-Rutherford MOTION to Dismiss for Failure to State a Claim <i>Amended Counterclaims and Third-Party Complaint</i> filed by Eric S. Holmboe, Christine K. Cassel, Naomi P. O'Grady, David L. Coleman, Richard J. Baron, Joan M. Von Feldt, Lynn O. Langdon filed by Jaime Salas-Rutherford. (Attachments: # 1 Exhibit 8 - Declaration of Dr Jaime Salas Rushford, # 2 Exhibit 9 - Letter of 5/10/12 from Dr Salas Rushford to Lynn Langdon, # 3 Exhibit 10 - E-mail of 11/15/12 from Hara Jacobs to Dr Salas Rushford, # 4 Exhibit 11 - Letter of 11/16/12 from Dr Salas Rushford to Lynn Langdon, # 5 Exhibit 12 - Letter of 12/7/12 from Lynn Langdon to Dr Salas Rushford, # 6 Exhibit 13 - ABIM Website printout Revocation Recommended 12/12/12, # 7 Exhibit 14 - Letter of 12/14/12 from Maria Pineiro Soler to Lynn Langdon, # 8 Exhibit 15 - Letter of 2/6/13 from Maria Pineiro Soler to Lynn Langdon, # 9 Exhibit 16 - Letter of 2/12/13 from Hara Jacobs to Maria Pieiro Soler, # 10 Exhibit 17 - Letter dated 3/5/13 from Hara Jacobs to Maria Pieiro Soler, # 11 Exhibit 18 - Letter dated 3/14/13 from Catherine Rushford to Lynn Langdon, # 12 Exhibit 19 - Letter dated 7/10/13 from Paul Lantieri to Catherine Rushford and Dr Jaime Salas Rushford, # 13 Exhibit 20 - ABIM - Holmboe SCC Decision of July 2013, # 14 Exhibit 21 - Letter of 8/5/13 from Catherine Rushford to Dr Eric Holmboe without attachments, # 15 Exhibit 22 - Letter of 11/1/13 from Dr Richard Baron to Dr Salas Rushford with attachment and envelope, # 16 Exhibit 23 - E-mail of 12/19/13 from Dr Richard Baron to Dr Salas Rushford, # 17 Exhibit 24 - E-mail of 2/19/14 from ABIM to Dr Salas Rushford, # 18 Exhibit 25 - Letter of 2/10/14 [misdated 2013] from Catherine Rushford to Paul Lantieri, # 19 Exhibit 26 - Letter of 3/6/14 from Paul Lantieri to Catherine Rushford, # 20 Exhibit 27 - Letter of 3/7/14 from Catherine Rushford to Paul Lantieri, # 21 Exhibit 28 - E-mail of 3/12/14</p>

		from Paul Lantieri to Ms Catherine Rushford, # 22 Exhibit 29 - E-mail of 3/17/14 from Catherine Rushford to Paul Lantieri, # 23 Exhibit 30 - E-mail of 3/28/14 from Hara Jacobs to Catherine Rushford, # 24 Exhibit 31 - E-mail of 3/28/14 from Catherine Rushford to Hara Jacobs, # 25 Exhibit 32 - E-mail of 4/18/14 from Ms Hara Jacobs to Catherine Rushford, # 26 Exhibit 33 - E-mail of 4/18/14 from Paul Lantieri to Catherine Rushford, # 27 Exhibit 34 - Letter of 5/30/14 from Paul Lantieri to Catherine Rushford and Dr Jaime Salas Rushford, # 28 Exhibit 35 - ABIM Policies and Procedures for Certification-October-2008)(Mena-Irizarry, Guillermo) Modified on 7/31/2015 text (su). (Entered: 07/30/2015)
08/05/2015	41	SURREPLY filed by Jaime Salas-Rutherford Re: 33 MOTION to Dismiss for Failure to State a Claim First Amended Counterclaim 39 Reply to Response to Motion, filed by Eric S. Holmboe, Christine K. Cassel, Naomi P. O'Grady, David L. Coleman, Richard J. Baron, Joan M. Von Feldt, American Board of Internal Medicine, Lynn O. Langdon filed by Jaime Salas-Rutherford. (Mena-Irizarry, Guillermo) Modified on 8/5/2015 event and to add relationship (su). (Entered: 08/05/2015)
08/14/2015	42	MOTION for Leave to File Document <i>in Reply to Opposition to Motion to Dismiss Amended Counterclaims and Third-Party Complaint</i> filed by Carlos A. Rodriguez-Vidal on behalf of Richard J. Baron(in his personal capacity and as CEO of ABIM), Christine K. Cassel(in her personal capacity and as former officer of ABIM), David L. Coleman(in his personal and official capacities), Insurance Company A, Company B(unknown insurance company), Company C(unknown insurance company), Eric S. Holmboe(in his personal capacity and in his official capacity), Lynn O. Langdon, Naomi P. O'Grady, Joan M. Von Feldt(in her personal and official capacities) Suggestions in opposition/response due by 8/31/2015 (Attachments: # 1 Exhibit Tendered Reply)(Rodriguez-Vidal, Carlos) (Entered: 08/14/2015)
09/04/2015	43	ORDER TO SHOW CAUSE. Plaintiff has represented to the Court that it filed this action to guard against the risk that the suit filed in the District Court for the District of New Jersey would be dismissed for lack of personal jurisdiction. In view Judge Hayden's Opinion issued on September 2, 2015, such risk is no longer existent. Accordingly, Plaintiff is ordered to show cause why the Complaint should not be dismissed pursuant to Rule 41 of the Federal Rules of Civil Procedure. Show Cause Response due by 9/9/2015. Signed by Judge Jay A. Garcia-Gregory on 9/4/2015. (MAC) (Entered: 09/04/2015)
09/09/2015	44	Motion In Compliance <i>with Order to Show Cause</i> filed by Carlos A. Rodriguez-Vidal on behalf of American Board of Internal Medicine, Richard J. Baron(in his personal capacity and as CEO of ABIM), Christine K. Cassel(in her personal capacity and as former officer of ABIM), David L. Coleman(in his personal and official capacities), Eric S. Holmboe(in his personal capacity and in his official capacity), Lynn O. Langdon, Naomi P. O'Grady, Joan M. Von Feldt(in her personal and official capacities)

		Suggestions in opposition/response due by 9/28/2015 (Attachments: # 1 Exhibit Opinion of USDC New Jersey 9-2-2015, # 2 Exhibit Order USDC New Jersey 9-2-2015)(Rodriguez-Vidal, Carlos) (Entered: 09/09/2015)
09/10/2015	45	ORDER noted 44 Motion In Compliance. Plaintiff shall file a formal motion to dismiss the Complaint pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. Defendant's Counterclaim and Third-Party Complaint shall remain pending until such time as the Court rules on 33 Motion to Dismiss and 34 Motion to Dismiss. Rule 41(a)(2) Motion due by 9/14/2015. Signed by Judge Jay A. Garcia-Gregory on 9/10/2015. (MAC) (Entered: 09/10/2015)
09/14/2015	46	MOTION to dismiss <i>Complaint Pursuant to Fed.R.Civ. R. 41(a)(@) and to Restate Motion to Dismiss Amended Counterclaims and Amended Third Party Complaint</i> as to Jaime Salas-Rutherford filed by Carlos A. Rodriguez-Vidal on behalf of Naomi P. O'Grady, David L. Coleman(in his personal and official capacities), American Board of Internal Medicine, Richard J. Baron(in his personal capacity and as CEO of ABIM), Lynn O. Langdon, Christine K. Cassel(in her personal capacity and as former officer of ABIM), Joan M. Von Feldt(in her personal and official capacities), Eric S. Holmboe(in his personal capacity and in his official capacity) Suggestions in opposition/response due by 10/1/2015 (Rodriguez-Vidal, Carlos) (Entered: 09/14/2015)
09/15/2015	47	ORDER. The Court notes that the parties in this case have submitted an excessive number of filings, often repeating the same kinds of arguments, and in various instances without leave of the Court. ABIM and the Third-Party Defendants just filed 46 Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 41(a)(2), but they also filed, via the same motion, 46 Motion to Restate Motion to Dismiss Amended Counterclaims and Amended Third-Party Complaint. Dr. Salas-Rutherford is hereby ORDERED to submit his objections to part A of 46 , should he have any, by Friday, September 18, 2015. This filing shall NOT exceed 7 pages. With regard to parts B and C of 46 , Dr. Salas-Rutherford shall file his opposition thereto by Friday, September 25, 2015. This filing, in turn, shall NOT exceed 15 pages. The Court will not allow replies or surreplies; accordingly, Dr. Salas-Rutherford is advised to refine his arguments and present them to the Court in the clearest and most concise way possible. <u>The Court expects strict compliance with this Order. Failure to comply shall result in the striking of the briefs, the imposition of sanctions, or the dismissal of the case, as appropriate.</u> Signed by Judge Jay A. Garcia-Gregory on 9/15/2015. (MAC) (Entered: 09/15/2015)
09/16/2015	48	MEMORANDUM of Law in Opposition to filed by Jaime Salas-Rutherford Re: 46 MOTION to dismiss <i>Complaint Pursuant to Fed.R.Civ. R. 41(a)(@) and to Restate Motion to Dismiss Amended Counterclaims and Amended Third Party Complaint</i> as to Jaime Salas-Rutherford filed by Eric S. Holmboe, Christine K. Cassel, Naomi P. O'Grady, David L. Coleman, Richard J. Baron, Joan M. Von Feldt, American Board of Internal Medicine,

		Lynn O. Langdon filed by Jaime Salas-Rutherford. (Mena-Irizarry, Guillermo) Modified on 9/17/2015 event (su). (Entered: 09/16/2015)
09/25/2015	49	MOTION for Joinder <i>Legal Representation</i> filed by Ruben T. Nigaglioni on behalf of Jaime Salas-Rutherford. Suggestions in opposition/response due by 10/13/2015 (Nigaglioni, Ruben) (Entered: 09/25/2015)
09/25/2015	50	MOTION for Leave to File Document <i>copy of the pleadings filed by defendant in the parallel action filed in New Jersey, American Board of Internal Medicine v. Jaime Salas Rushford, M.D., Case No. 2:14-cv-6428-KSH-CLW, U.S. District Court, District of New Jersey</i> filed by Carlos A. Rodriguez-Vidal on behalf of American Board of Internal Medicine, Richard J. Baron(in his personal capacity and as CEO of ABIM), Christine K. Cassel(in her personal capacity and as former officer of ABIM), David L. Coleman(in his personal and official capacities), Eric S. Holmboe(in his personal capacity and in his official capacity), Lynn O. Langdon, Naomi P. O'Grady, Joan M. Von Feldt(in her personal and official capacities) Suggestions in opposition/response due by 10/13/2015 (Attachments: # 1 Exhibit Pleadings filed by Defendant in New Jersey action)(Rodriguez-Vidal, Carlos) Modified on 10/5/2015 to add text (su). (Entered: 09/25/2015)
09/25/2015	51	RESPONSE in Opposition to Motion <i>Parts B and C as ordered</i> filed by Jaime Salas-Rutherford Re: 46 MOTION to dismiss <i>Complaint Pursuant to Fed.R.Civ. R. 41(a)(@) and to Restate Motion to Dismiss Amended Counterclaims and Amended Third Party Complaint</i> as to Jaime Salas-Rutherford filed by Eric S. Holmboe, Christine K. Cassel, Naomi P. O'Grady, David L. Coleman, Richard J. Baron, Joan M. Von Feldt, American Board of Internal Medicine, Lynn O. Langdon filed by Jaime Salas-Rutherford. (Mena-Irizarry, Guillermo) (Entered: 09/25/2015)
09/28/2015	52	ORDER granting 50 Motion for Leave to File. Signed by Judge Jay A. Garcia-Gregory on 9/28/2015. (MAC) (Entered: 09/28/2015)
09/28/2015	53	ORDER noted 49 Motion for Joinder. Signed by Judge Jay A. Garcia-Gregory on 9/28/2015. (MAC) (Entered: 09/28/2015)
09/30/2015	54	MEMORANDUM AND ORDER finding as moot 4 Motion to Dismiss for Failure to State a Claim; granting 46 Motion to Dismiss; finding as moot 15 Motion to Stay. Signed by Judge Jay A. Garcia-Gregory on 9/30/2015. (MAC) (Entered: 10/05/2015)
10/05/2015	55	JUDGMENT. Case dismissed WITHOUT PREJUDICE. Signed by Judge Jay A. Garcia-Gregory on 10/5/2015. (MAC) (Entered: 10/05/2015)