

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

RICHARD PHAY TU, M.D.,
THAO PHUONG DANG, M.D.,
LAN CHAU TU, M.D.,
NU THI DANG, D.D.S.,
and
TRAM BUI, RPh

Plaintiffs,

v.

Case No. 2009-18307

VIETNAMESE MEDICAL SOCIETY
OF NORTHEAST AMERICA,

VINH DUC NGUYEN, M.D.,
SANG VAN TRAN, M.D.,
LOC BICH NGUYEN, D.D.S.,
ANH HUU PHAM, D.D.S.,

and
TRUONG SON VAN, M.D.,

Defendants.

ORDER AND
SUSPENDING ORDER

THIS CAUSE came to be heard on September 9, 2010 upon Defendant's Demurrer and was argued by counsel.

UPON CONSIDERATION THEREOF,

IT APPEARING that the Court went through an inquiry as to Due H. Tran, Esq.'s involvement in this case from the beginning and made a finding that the facts as set forth in the Defendant's Opposition to Plaintiff's Motion for Substitution of Counsel were indeed the facts reflecting Due H. Tran, Esq.'s involvement; and

IT FURTHER APPEARING that Due H. Tran, Esq. ^{was not} ~~declined to be~~ present on this day despite being advised by the Court's law clerk to be present; and

IT FURTHER APPEARING that the Court went into an inquiry of Jason F. Zellman, Esq. who had drafted the Complaint as to the reasons for proceeding with a declaratory judgment action and reviewed the demurrer and the pleadings in support of the demurrer; and

IT FURTHER APPEARING to the Court that the Plaintiffs have failed to state a claim upon which any of the demanded relief may be granted; and

IT FURTHER APPEARING that Plaintiffs' stated desire for a shareholders' derivative action precludes the possibility of any amendment to their pleadings, as filed; it is therefore

ORDERED that the Defendant's Demurrer to the Plaintiffs' Complaint is SUSTAINED; and

IT IS FURTHER ORDERED that Plaintiff's Complaint is dismissed ^{without} with prejudice, ~~and~~ without leave to amend, ~~and~~ *as it may be re-filed as a shareholder's derivative action; and*

IT IS FURTHER ORDERED that final entry of this order be suspended until such time as Defendant's Motion for Sanctions is filed, heard and fully decided by this Court, *but no more than 30 days.*

ENTER: *[Signature]*
JUDGE OF THE FAIRFAX COUNTY CIRCUIT COURT

DATE: 9-13-10

I ASK FOR THIS:

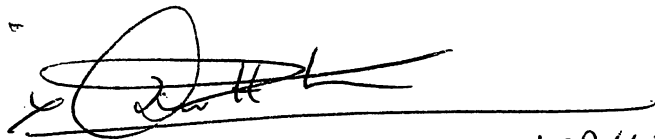
[Signature]

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SEEN and Objected to

waived per rule 1:13
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Counsel for Plaintiffs

Seen and objected to:



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