

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

DO NO HARM,

*Plaintiff,*

v.

VITUITY, also known as,  
CEP AMERICA LLC,

*Defendant.*

Case No. 3:23-cv-24746-TKW-HTC

**JOINT STIPULATION OF DISMISSAL**

Per Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties jointly stipulate to the following:

1. Do No Harm filed this suit to challenge Vituity's Black Physician Leadership Incentive, which falls under the initiatives of Vituity's Bridge to Brilliance Program.
2. Vituity represents that, prior to this lawsuit, it had already made the decision to end the Black Physician Leadership Incentive. Do No Harm takes no position on that representation.
3. Moving forward, when applicable, while reviewing applications for incentives, Vituity may only take into consideration how race affected a physician's life, be it through discrimination, inspiration, or otherwise.
4. This case is hereby dismissed, with each side bearing its own fees and costs.

Dated: January 2, 2024

Respectfully submitted,

/s/ Denise E. Giraudó

Daniel C. Johnson (FL Bar 522880)  
CARLTON FIELDS, P.A.  
200 S. Orange Ave., Ste 1000  
Orlando, FL 32801  
(407) 849-0300  
djohnson@carltonfields.com

Denise E. Giraudó\*  
SHEPPARD MULLIN RICHTER  
& HAMPTON LLP  
2099 Pennsylvania Ave., Ste. 100  
Washington, DC 20006  
(202) 747-1900  
dgiraudó@sheppardmullin.com

\* pro hac vice

Attorneys for Vituity

/s/ Cameron T. Norris

Thomas R. McCarthy\* (DC Bar 489651)  
Cameron T. Norris\* (TN Bar 33467)  
Taylor A.R. Meehan (VA Bar 97358)  
C'Zar D. Bernstein\* (DC Bar 1736561)  
CONSOVOY MCCARTHY PLLC  
1600 Wilson Blvd., Ste. 700  
Arlington, VA 22209  
(703) 243-9423  
tom@consovoymccarthy.com  
cam@consovoymccarthy.com  
taylor@consovoymccarthy.com  
czar@consovoymccarthy.com

\* pro hac vice

Attorneys for Do No Harm

## **CERTIFICATE OF SERVICE**

On January 2, 2024, I e-filed this stipulation with the Court.

/s/ Cameron T. Norris