

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA
EX REL. THE OKLAHOMA BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,

Plaintiff,

v.

HERBERT WAIN LINDLEY, M.D.,
LICENSE NO. 13390

Defendant.

FEB 09 2009

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 08-03-3460

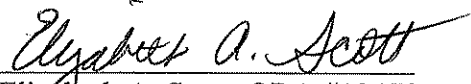
DISMISSAL WITHOUT PREJUDICE

COMES NOW the plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision, and for its Dismissal Without Prejudice, submits the following:

1. On or about April 4, 2008, the State filed a Complaint and Citation against Defendant based upon discipline imposed upon his license in the State of Texas.
2. Subsequent to the filing of the Complaint and Citation, Defendant supplied additional mitigating information relating to the facts surrounding the disciplinary action in Texas.
3. Based upon a review of the new evidence submitted by Defendant, the State has elected to dismiss its complaint against Defendant effective May 15, 2008.

WHEREFOR, the State of Oklahoma hereby dismisses its complaint against Defendant, Herbert Wain Lindley, M.D., License No. 13390, without prejudice to the refiling of the same.

Respectfully submitted,

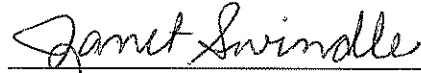


Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118

Attorney for the Plaintiff

CERTIFICATE OF SERVICE

I certify that on the 10 day of February, 2009, I mailed, via first class mail, postage pre-paid, a true and correct copy of this pleading to Linda G. Scoggins, Scoggins & Cross, PLLC, 204 N. Robinson, Suite 3100, Oklahoma City, OK 73102



Janet Swindle