

**INDEX**  
**Date Discrepancy Cases**

The following index is based on cases cited in the Spreadsheet cited by the *amici curie* Chamber of Commerce, et al., in *Cochise Consultancy and the Parson Corporation v U.S. ex rel. Billie Joe Hunt*. See *Chamber Amici* Brief, p. 16. The Chamber Amici claimed that between 2004-2013 there were 278 cases that remained pending in district court for over three years after the United States declined to intervene, that resulted in zero recoveries. Based on a review by the National Whistleblower Center, this accounting was not accurate. Below is an index to 112 cases that the Chamber Amici spreadsheet listed as lasting over three years, with no post-declination recovery, which in fact were resolved prior to three years. The docket sheets from the original Electronic Case Files for which this index was prepared are also printed below.

1. Anderson, Cheryl; US v RehabCare Group Inc; Ecumen
2. Manning, Ronald B relator F/T Interior v POGO Producing Co
3. U.S. ex rel Lobel, Charles v Express Scripts Inc
4. US ex rel Mitchell, Kenneth v Beverly Enterprises Inc
5. US ex rel Amato, Vito v Harborside Rehabilitation Ltd Partnership et al
6. US ex rel Armenteros, Antonio v Westward Medical Center Inc et al
7. US ex rel Barber, Bradley v Brasfield & Gorrie Inc; Hoar Construction LLC et al
8. US ex rel Bates, April v Stolarski, Alex; Rishon Corp; Rishon Holding Co Inc et al
9. US ex rel Bednarczyk, Adam v Abbott Labs Inc
10. US ex rel Beken, Robert v Safe Foundations Inc; Reinert, Gary L Sr & Gary L Jr et al
11. US ex rel Big Sandy Guardrail Inc v D&D Foundation Supply Inc; Jim Smith Contracting Co LLC
12. US ex rel Black, Paul R v Health & Hosp Corp of Marion County; Elwell, Douglas L et al
13. US ex rel Brickman, James R; Greenlight Capital Inc v Business Loan Express LLC et al
14. US ex rel Brown, Corwin; Stewart, Christopher v Ondeo Nalco Co
15. US ex rel Brunson, Denise; Ronk, Michelle v Narrows Health & Wellness LLC
16. US ex rel Burke, Brian v Record Press Inc
17. US ex rel Burnett, Christopher T v KVH Industries Inc; Titan Corp; Titan Systems Corp
18. US ex rel Carter, John W MD v Board of Trustees of Tipton County Memorial Hosp et al
19. US ex rel Clausen, Jeffrey Scott v Smithkline Beecham Clinical Labs Inc
20. US ex rel Cole, Gayle D; State of Illinois v University of Illinois
21. US ex rel Collyer, Glenn J v Weiss Peck & Greer LLC; Venture Banking Group; Does 1-100
22. US ex rel Coss, Beverly v Northrop Grumman Inc
23. US ex rel D'Onofrio, Dean v Marriott Foundation For People With Disabilities
24. US ex rel Davidson, Robert M MD v Davita Inc; Gambro Healthcare Inc et al
25. US ex rel Dixon, Terry v Lincare Corp; Med4Home Inc
26. US ex rel Doe, Jane & John v Sanders, Kim; Lecesne, Kenneth; Ragsdale, Barry et al
27. US ex rel Doyen, Russell v Tryco Inc; Tryco Intl Inc; Zenz, Franz
28. US ex rel Doyle, John; Lamp, Angela v Diversified Collection Services Inc
29. US ex rel Feldstein, Jeffrey v Organon Inc; Akzo Nobel
30. US ex rel Finney, Ann Catherine v Nextwave Telecom Inc; Nextwave Personal Communications Inc et al
31. US ex rel Fraud Watch et al v Future Combat Systems LLC et al

32. US ex rel Gagne, Edward L; Jeneski, Linda v City of Worcester Mass
33. US ex rel Galyean, Rhonda S; Cunningham, Debra J v Greenwell, Maryann J et al
34. US ex rel Genovese, Joanne v D A Collins Construction Co Inc; Jointa Galusha LLC et al
35. US ex rel George, Ellis M; Rutherford, Richard W v United Student Aid Funds Inc et al
36. US ex rel Hampton, Gary L v Alphapointe Assoc F/T Blind
37. US ex rel Health Dimensions Rehabilitation Inc v RehabCare Group Inc
38. US ex rel Herndon, Mary Anne v Science Applications Intl Corp
39. US ex rel Herrman, Daniel J v University of Kansas Hospital Authority
40. US ex rel Howard, Patricia v USA Environmental Inc
41. US ex rel Jones, Terrence A MD PHD v St Mary's Regional Medical Center; St Mary's Medical Group et al
42. US ex rel Judd, Jeffrey v Maloy, Dennis; South Community Inc et al
43. US ex rel Kappenman, Barbara v Compassionate Care Hospice O/T Midwest LLC et al
44. US ex rel Kee Corp Inc D/B/A Utah Shuttle Services Inc et al v Native American Bank Natl Assoc et al
45. US ex rel Kirkpatrick, Deborah v SSM Healthcare
46. US ex rel Knight, Rebecca O RN; Lipke, Virginia RN; Chapman, Maurice v Piedmont Hosp Inc
47. US ex rel Lacy, Sara v New Horizons Inc D/B/A New Frontier ICF/MR D/B/A ASL Housing et al
48. US ex rel Lanser, Craig v Blackburn, David A & Linda
49. US ex rel Limon, Sheila; Heath, Nancy v Permian Basin Community Centers et al
50. US ex rel Link, Laura L v University of Nevada; Reno University et al
51. US ex rel Litman, Martin F v New York City Health & Hosps Corp; Bellevue Hosp Cener et al
52. US ex rel Lowman, Bruce G MD v Hilton Head Medical Center & Clinics et al
53. US ex rel Lytle, Gloria; Morrison, Roger v Capital Area Intermediate Unit; Zehner, Glenn PHD et al
54. US ex rel Mailly, Ken; Inglett, Barry v HealthSouth Holdings Inc et al
55. US ex rel Makro Capital v UBS AG
56. US ex rel Marcy, Robert Daniel v Rowan Companies Inc; Newfield Exploration Gulf Coast Inc et al
57. US ex rel Marlar, Claudia v BWXT Y-12 LLC
58. US ex rel Masters, Mary L v E ON U S LLC D/B/A Western Kentucky Energy Corp et al
59. US ex rel McCready, Kenneth A v Becker, Danny Lyle Jr & Pamela Kay Bussell A/K/A Pamela Kay Russell
60. US ex rel McKinnie-Cobb, Tanya v Frayser-Millington-North Shelby Mental Health Center Inc
61. US ex rel McMasters, Scarlett v Northrop Grumman Ship Systems Inc; Lovelien, Phil
62. US ex rel Mont, Jerome; Cassidy, John v Allied Signal Inc A/K/A Honeywell Intl Inc et al
63. US ex rel Montezuma County Board of Commissioners; State of Colorado et al v Kinder Morgan CO2 Co LP
64. US ex rel Mosler, Stanley et al v City of Long Beach et al
65. US ex rel Motley, Milwood PhD; Williams, Larry PhD v Benedict College; Swinton, David PhD
66. US ex rel Nathan, Noah v Takeda Pharmaceuticals North America Inc
67. US ex rel Newton, Karen v HCR Manor Care Inc

68. US ex rel O'Connor, Michelle A v Prime Care Urgent & Family Care; Goeden, Michael MD et al
69. US ex rel Parker, Michael R v American Bridge Manufacturing Co
70. US ex rel Pellenberg, Jeffrey v St Vincent's Medical Center
71. US ex rel Pfeifer, Mary Jo v Ela Medical Inc; Sorin Group USA Inc; Sorin Group; Sorin SPA et al
72. US ex rel Pilecki-Simko, Mary Beth; Giunta, Tom v Chubb Institute; Chubb Corp et al
73. US ex rel Pitman, Randy v Texaco Trading & Transportation Inc; Equilon Enterprises LLC et al
74. US ex rel Pollack, Martin I MD v Staten Island University Hosp; Kleiner, Morton MD et al
75. US ex rel Proctor, Philip L v Higher Education Asst Foundation; HEAF Liquidating Trust et al
76. US ex rel Roche, Joyce v Cherry Hill Pediatric Group P A
77. US ex rel Ross, Pamela v Sage Medical Lab; Dantini, Daniel C & Chris
78. US ex rel Ryan v CACI Inc-Commercial
79. US ex rel Salvan, Sherwood Allen v Young, Chandra M; Hamilton, Courtney A B D/B/A et al
80. US ex rel Sammarco, Darlene C v Ludeman, Cal Minnesota Commissioner Dept of Human Services et al
81. US ex rel Sanchez, Laika v Lymphatx
82. US ex rel Sandager, Bryan v Hewlett Packard Co; CDW Govt Inc; CDW Corp et al
83. US ex rel SanMiguel, Sylvia J v Phoenix Children's Hosp; Meyer, Bob; Smith, Larry et al
84. US ex rel Santos, Joseph v Los Angeles Unified School Dist; Torres, Timoteo et al
85. US ex rel Scott, George L III v Halliburton Energy Services Inc
86. US ex rel Shank, Michael J; State of Illinois v Lewis Enterprises Inc; Lewis, David M et al
87. US ex rel Sharp, Elaine C MD; Griffith, John III MD v Sisters of St Marys Health Care et al
88. US ex rel Shivashankar, Rama v Methodist Healthcare Systems
89. US ex rel Sprague, Priscilla v Kennebunk Nursing & Rehabilitation Facility et al
90. US ex rel State of Florida; Fellman, Howard v Click OK Inc D/B/A New Horizons Computer Learning Ctrs
91. US ex rel Stokes, Richard PhD v Agnor, David W PhD PC D/B/A Senior Connections
92. US ex rel Sweeney, Sheri v Manor Care Inc; Doe, John 1-50; Doe, John Inc 1-5
93. US ex rel Swift-Freeman, Benjene v Bon Secours Baltimore Health System et al
94. US ex rel Tamanaha, Alvin v Furukawa Electric Co Ltd; Furukawa America Inc; Yu, Timothy et al
95. US ex rel Tetsuwari, Philip A v Fluor Fernald Inc
96. US ex rel Told, Morris v Interwest Construction Co Inc; Does 1-100
97. US ex rel Tucker, Pam v Nayak, P D L MD
98. US ex rel Vuyyuru, Lokesh MD v Jadhav, Gopinath MD; Southside Gastroenterology Assoc Ltd et al
99. US ex rel Wilson, Valorie v Callahan Eye Foundation Hospital; Lanier, Lynne
100. US ex rel Wynne, Rosalind L v Blue Cross/Blue Shield of KS Inc
101. US Ex Rel Wynne, Rosalind v Blue Cross Blue Shield of KS
102. US ex rel Zeiler, Robert William III v Wrathall, Paul; Fowler, Sonya et al

103. US ex rel Zemplyeni, Eva MD v Group Health Cooperative; Group Health Permanente et al
104. US; Commonwealth of Massachusetts ex rel Howrey, Linda M v Fallon Clinic Inc
105. US; Commonwealth of Virginia ex rel Martinez, Maria A MD v Virginia Urology Center PC
106. US; State of California ex rel Stierli, Mike v Shasta Services Inc D/B/A Timberworks et al
107. US; State of Florida ex rel Brown, L v Walt Disney Co; Disney Destinations LLC et al
108. US; State of Michigan ex rel Branch, Katrina v Holland Community Hosp
109. US; State of Michigan ex rel Smith, Deborah J v Ciena Healthcare Mgt Inc et al
110. US; State of Tennessee ex rel Lane, Darla v Murfreesboro Dermatology Clinic PLC; Bell, Michael W MD
111. US; States of California, Delaware et al ex rel Tessitore, Arlene v Infomedics Inc et al
112. US; States of California; Delaware et al ex rel Pearson, Robert v Abbott Labs Inc

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**U.S. District Court**  
**U.S. District of Minnesota (DMN)**  
**CIVIL DOCKET FOR CASE #: 0:08-cv-01410-SRN-LIB**

Anderson, et al. v. Ecumen, et al.  
Assigned to: Judge Susan Richard Nelson  
Referred to: Magistrate Judge Leo I. Brisbois  
Cause: 31:3729 False Claims Act

Date Filed: 05/21/2008  
Date Terminated: 09/07/2012  
Jury Demand: Plaintiff  
Nature of Suit: 370 Fraud  
Jurisdiction: Federal Question

**Plaintiff****Cheryl Anderson**

*bringing this action on behalf of herself and  
the United States of America*

represented by **David H Redden**

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**Date Discrepancy Cases 001**

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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/21/2008	<a href="#">1</a>	COMPLAINT for Violation of the False Claims Act with Attached Exhibits A-B. (Filing fee \$ 350 receipt number 4023984) Assigned to Judge Paul A. Magnuson per 6th Division Master List and referred to Chief Magistrate Judge Raymond L. Erickson(08xv143). (akl) (Additional attachment(s) added on 1/7/2011: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Civil Cover Sheet) (akl). (Entered: 05/22/2008)
10/19/2010	<a href="#">29</a>	NOTICE of Election to Decline Intervention by United States of America, ex rel. (ATTACHMENTS: (1) Certificate of Service.) (kt) Modified on 1/7/2011 (akl). (Entered: 10/19/2010)
11/12/2010	<a href="#">30</a>	ORDER re <a href="#">29</a> Notice of Election to Decline Intervention filed by United States of America, ex rel. Signed by Senior Judge Paul A. Magnuson on 11/10/10. (LPH) Modified on 1/5/2011 (TSS). (Entered: 11/15/2010)
12/15/2010		Summons Issued as to Ecumen, RehanCare Group, Inc. (TSS) (Entered: 12/16/2010)
12/16/2010	<a href="#">31</a>	STIPULATION FOR EXTENSION OF TIME TO ANSWER COMPLAINT by Cheryl Anderson, Ecumen. (kt) Modified on 1/7/2011 (akl). (Entered: 12/17/2010)
12/17/2010	<a href="#">32</a>	ORDER extending time for Ecumen to Answer to 1/7/11. Signed by Senior Judge Paul A. Magnuson on 12/16/10. (kt) Modified on 1/7/2011 (akl). (Entered: 12/17/2010)
01/05/2011	<a href="#">33</a>	MOTION for Admission Pro Hac Vice for James G. Martin by RehabCare Group, Inc. (Burt, Ryan) Modified on 1/5/2011 (MMC). (Entered: 01/05/2011)
01/05/2011	<a href="#">34</a>	STIPULATION re <a href="#">1</a> Complaint, <i>For extension of time to answer or otherwise plead</i> by all parties. (Burt, Ryan) Modified on 1/5/2011 (tss). Added filers on 1/7/2011 (RLR). (Entered: 01/05/2011)
01/05/2011	<a href="#">35</a>	CERTIFICATE OF SERVICE by RehabCare Group, Inc. re <a href="#">33</a> MOTION for Admission Pro Hac Vice for Ryan J. Burt (Burt, Ryan) Modified on 1/5/2011 (tss). (Entered: 01/05/2011)
01/06/2011	<a href="#">36</a>	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly-owned subsidiary to report for Defendant RehabCare Group, Inc.. (Attachments: # <a href="#">1</a> Certificate of Service)(Burt, Ryan) (Entered: 01/06/2011)
01/06/2011	<a href="#">37</a>	STIPULATION ( <i>SECOND</i> ) for Extension of Time to Answer Complaint by Ecumen, Cheryl Anderson. (Bergstrom, Kathryn) Modified filers and text on 1/7/2011 (akl).

**Date Discrepancy Cases 003**

		(Entered: 01/06/2011)
01/06/2011	<a href="#">38</a>	CERTIFICATE OF SERVICE by Ecumen re <a href="#">37</a> Stipulation ( <i>SECOND</i> ) Stipulation for Extension of Time to Answer Complaint (Bergstrom, Kathryn) (Entered: 01/06/2011)
01/06/2011		TEXT ONLY ENTRY - ORDER granting <a href="#">33</a> Motion for Admission Pro Hac Vice of attorney James G. Martin for RehabCare Group, Inc. Fee paid; receipt number 4-051300. Approved by Magistrate Judge Leo I. Brisbois on 1/6/11. (MMC) (Entered: 01/07/2011)
01/07/2011	<a href="#">39</a>	ORDER GRANTING EXTENSION OF TIME TO ANSWER COMPLAINT Pursuant to the Stipulation of the parties (ECF No. 34), the time for Defendant RehabCare Group, Inc., to files its Answer to Relator's Complaint is extended to January 21, 2011. Signed by Magistrate Judge Leo I. Brisbois on 01/07/2011. (jz) (Entered: 01/07/2011)
01/12/2011	40	TEXT-ONLY ENTRY. CLERK'S NOTICE OF REASSIGNMENT. Due to the elevation of Judge Susan Richard Nelson, this case is reassigned to her. Senior Judge Paul A. Magnuson no longer assigned to the case. <b>NOTE:</b> the new case number is <b>08cv1410 SRN/LIB</b> . Please use this case number for all subsequent pleadings. (JME) (Entered: 01/12/2011)
01/13/2011	<a href="#">41</a>	NOTICE of Appearance by John A Fabian, III on behalf of Cheryl Anderson. (Attachments: # <a href="#">1</a> Certificate of Service)(Fabian, John) (Entered: 01/13/2011)
01/14/2011	<a href="#">42</a>	ANSWER to Complaint by Ecumen. (Attachments: # <a href="#">1</a> Certificate of Service) (Bergstrom, Kathryn) (Entered: 01/14/2011)
01/21/2011	<a href="#">43</a>	ANSWER to Complaint <i>AND ADDITIONAL DEFENSES TO RELATOR'S COMPLAINT</i> by RehabCare Group, Inc. (Attachments: # <a href="#">1</a> Certificate of Service) (Burt, Ryan) (Entered: 01/21/2011)
01/25/2011	<a href="#">44</a>	MOTION for Admission Pro Hac Vice for Jeffrey L. Schultz by RehabCare Group, Inc.. (Attachments: # <a href="#">1</a> Certificate of Service)(Burt, Ryan) (Entered: 01/25/2011)
01/27/2011		TEXT ONLY ENTRY - ORDER granting <a href="#">44</a> Motion for Admission Pro Hac Vice of attorney Jeffrey L. Schultz for RehabCare Group, Inc. Fee paid; receipt number 4-051774. Approved by Magistrate Judge Leo I. Brisbois on 1/27/11. (MMC) (Entered: 01/27/2011)
01/31/2011	<a href="#">45</a>	PRETRIAL NOTICE AND ORDER A Pretrial Conference in this matter is set for 10:00 a.m., on Tuesday, March 8, 2011, before United States Magistrate Judge Leo I. Brisbois, in Courtroom 2, United States Courthouse, 118 South Mill St., Fergus Falls, Minnesota. Signed by Magistrate Judge Leo I. Brisbois on 01/31/2011. (Attachments: # <a href="#">1</a> Consent Form)(jz) (Entered: 01/31/2011)
03/02/2011	<a href="#">46</a>	STATEMENT OF CASE as to Cheryl Anderson. (Attachments: # <a href="#">1</a> Certificate of Service) (Fabian, John) (Entered: 03/02/2011)
03/04/2011	<a href="#">47</a>	STATEMENT OF CASE as to RehabCare Group, Inc. (Attachments: # <a href="#">1</a> Certificate of Service)(Burt, Ryan) (Entered: 03/04/2011)
03/04/2011	<a href="#">48</a>	STATEMENT OF CASE as to Ecumen. (Dillon, Brian) (Entered: 03/04/2011)
03/08/2011	<a href="#">49</a>	Minute Entry for proceedings held before Magistrate Judge Leo I. Brisbois: Initial Pretrial Conference held on 3/8/2011. Dates discussed for the progression of the case. Written Pretrial Order to be issued. (jz) (Entered: 03/10/2011)
03/11/2011	<a href="#">50</a>	PRETRIAL ORDER Amended Pleadings due by 6/1/2011. Discovery due by 1/9/2012. Motions (non-disp) due 2/9/2012. Motions (disp) due by 3/9/2012. Ready for trial due by 6/11/2012. Signed by Magistrate Judge Leo I. Brisbois on 03/11/2011. (jz) (Entered: 03/11/2011)

**Date Discrepancy Cases 004**



08/22/2011	<a href="#">51</a>	STIPULATION to Amend Pretrial Scheduling Order by Cheryl Anderson, Ecumen, RehabCare Group, Inc.. (Fabian, John) (Entered: 08/22/2011)
08/23/2011	<a href="#">52</a>	MOTION to Alter/Amend/Correct Other Orders Amend Scheduling Order by Cheryl Anderson. (Fabian, John) (Entered: 08/23/2011)
08/23/2011	<a href="#">53</a>	NOTICE OF HEARING ON MOTION <a href="#">52</a> MOTION to Alter/Amend/Correct Other Orders Amend Scheduling Order : Motion Hearing set for 9/6/2011 10:00 AM in Courtroom 1 (DUL) before Magistrate Judge Leo I. Brisbois. (Fabian, John) (Entered: 08/23/2011)
08/23/2011	<a href="#">54</a>	MEMORANDUM in Support re <a href="#">52</a> MOTION to Alter/Amend/Correct Other Orders Amend Scheduling Order filed by Cheryl Anderson. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate)(Fabian, John) (Entered: 08/23/2011)
08/23/2011	<a href="#">55</a>	AFFIDAVIT of John A. Fabian in SUPPORT OF <a href="#">52</a> MOTION to Alter/Amend/Correct Other Orders Amend Scheduling Order filed by Cheryl Anderson. (Attachments: # <a href="#">1</a> Exhibit(s) 1, # <a href="#">2</a> Exhibit(s) 2, # <a href="#">3</a> Exhibit(s) 3)(Fabian, John) (Entered: 08/23/2011)
08/23/2011	<a href="#">56</a>	CERTIFICATE OF SERVICE by Cheryl Anderson re <a href="#">52</a> MOTION to Alter/Amend/Correct Other Orders Amend Scheduling Order, <a href="#">53</a> Notice of Hearing on Motion, <a href="#">55</a> Affidavit in Support of Motion, <a href="#">54</a> Memorandum in Support of Motion (Fabian, John) (Entered: 08/23/2011)
08/30/2011	<a href="#">57</a>	RESPONSE re <a href="#">52</a> MOTION to Alter/Amend/Correct Other Orders Amend Scheduling Order filed by RehabCare Group, Inc.. (Attachments: # <a href="#">1</a> Exhibit(s) A)(Burt, Ryan) (Entered: 08/30/2011)
08/31/2011	<a href="#">58</a>	ORDER That the Stipulation [Docket No. <a href="#">51</a> ] is APPROVED, and the Pretrial Scheduling Order is amended as follows: Plaintiff's Expert Disclosures and Reports: from on or before September 12, 2011 to on or before October 12, 2011; Defendant's Expert Disclosures and Reports: from October 12, 2011 to on or before November 11, 2011; Deadline for depositions of expert witnesses only: from January 9, 2012 to on or before February 8, 2012. The deadline for all other discovery will remain January 9, 2012. That the Hearing Date of Tuesday, September 6, 2011, is cancelled. Signed by Magistrate Judge Leo I. Brisbois on 08/31/2011. (jz) (Entered: 08/31/2011)
08/31/2011	<a href="#">59</a>	Letter re: withdrawal of motion re <a href="#">52</a> MOTION to Alter/Amend/Correct Other Orders Amend Scheduling Order, <a href="#">53</a> Notice of Hearing on Motion, <a href="#">55</a> Affidavit in Support of Motion, <a href="#">54</a> Memorandum in Support of Motion, <a href="#">56</a> Certificate of Service. (Fabian, John) (Entered: 08/31/2011)
09/28/2011	<a href="#">60</a>	MOTION to Compel Discovery by Cheryl Anderson. (Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">61</a>	NOTICE OF HEARING ON MOTION <a href="#">60</a> MOTION to Compel Discovery : Motion Hearing set for 10/12/2011 01:30 PM in Courtroom 2 (FF) before Magistrate Judge Leo I. Brisbois. (Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">62</a>	MEMORANDUM in Support re <a href="#">60</a> MOTION to Compel Discovery filed by Cheryl Anderson. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate)(Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">63</a>	AFFIDAVIT of John A. Fabian in SUPPORT OF <a href="#">60</a> MOTION to Compel Discovery filed by Cheryl Anderson. (Attachments: # <a href="#">1</a> Exhibit(s) 1, # <a href="#">2</a> Exhibit(s) 2, # <a href="#">3</a> Exhibit(s) 3, # <a href="#">4</a> Exhibit(s) 4, # <a href="#">5</a> Exhibit(s) 5, # <a href="#">6</a> Exhibit(s) 6, # <a href="#">7</a> Exhibit(s) 7, # <a href="#">8</a> Exhibit(s) 8, # <a href="#">9</a> Exhibit(s) 9, # <a href="#">10</a> Exhibit(s) 10, # <a href="#">11</a> Exhibit(s) 11, # <a href="#">12</a> Exhibit(s) 12, # <a href="#">13</a> Exhibit(s) 13,

**Date Discrepancy Cases 005**

		# <a href="#">14</a> Exhibit(s) 14, # <a href="#">15</a> Exhibit(s) 15, # <a href="#">16</a> Exhibit(s) 16, # <a href="#">17</a> Exhibit(s) 17, # <a href="#">18</a> Exhibit(s) 18, # <a href="#">19</a> Exhibit(s) 19, # <a href="#">20</a> Exhibit(s) 20)(Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">64</a>	CERTIFICATE OF SERVICE by Cheryl Anderson re <a href="#">61</a> Notice of Hearing on Motion, <a href="#">62</a> Memorandum in Support of Motion, <a href="#">60</a> MOTION to Compel <i>Discovery</i> , <a href="#">63</a> Affidavit in Support of Motion,, to <i>Compel Discovery</i> (Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">65</a>	MOTION to Alter/Amend/Correct Other Orders <i>Scheduling Order</i> by Cheryl Anderson. (Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">66</a>	NOTICE OF HEARING ON MOTION <a href="#">65</a> MOTION to Alter/Amend/Correct Other Orders <i>Scheduling Order</i> : Motion Hearing set for 10/12/2011 01:30 PM in Courtroom 2 (FF) before Magistrate Judge Leo I. Brisbois. (Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">67</a>	MEMORANDUM in Support re <a href="#">65</a> MOTION to Alter/Amend/Correct Other Orders <i>Scheduling Order</i> filed by Cheryl Anderson. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate)(Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">68</a>	CERTIFICATE OF SERVICE by Cheryl Anderson re <a href="#">66</a> Notice of Hearing on Motion, <a href="#">65</a> MOTION to Alter/Amend/Correct Other Orders <i>Scheduling Order</i> , <a href="#">67</a> Memorandum in Support of Motion to <i>Amend Scheduling Order</i> (Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">69</a>	MOTION for Protective Order by Cheryl Anderson. (Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">70</a>	NOTICE OF HEARING ON MOTION <a href="#">69</a> MOTION for Protective Order : Motion Hearing set for 10/12/2011 01:30 PM in Courtroom 2 (FF) before Magistrate Judge Leo I. Brisbois. (Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">71</a>	MEMORANDUM in Support re <a href="#">69</a> MOTION for Protective Order filed by Cheryl Anderson. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate)(Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">72</a>	AFFIDAVIT of John A. Fabian in SUPPORT OF <a href="#">69</a> MOTION for Protective Order filed by Cheryl Anderson. (Attachments: # <a href="#">1</a> Exhibit(s) A)(Fabian, John) (Entered: 09/28/2011)
09/28/2011	<a href="#">73</a>	CERTIFICATE OF SERVICE by Cheryl Anderson re <a href="#">72</a> Affidavit in Support of Motion, <a href="#">71</a> Memorandum in Support of Motion, <a href="#">69</a> MOTION for Protective Order , <a href="#">70</a> Notice of Hearing on Motion (Fabian, John) (Entered: 09/28/2011)
10/05/2011	<a href="#">74</a>	RESPONSE in Opposition re <a href="#">60</a> MOTION to Compel <i>Discovery</i> filed by Ecumen. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate)(Bergstrom, Kathryn) (Entered: 10/05/2011)
10/05/2011	<a href="#">75</a>	RESPONSE in Opposition re <a href="#">65</a> MOTION to Alter/Amend/Correct Other Orders <i>Scheduling Order</i> , <a href="#">69</a> MOTION for Protective Order filed by Ecumen. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate)(Bergstrom, Kathryn) (Entered: 10/05/2011)
10/05/2011	<a href="#">76</a>	AFFIDAVIT of Kathryn Bergstrom in OPPOSITION TO <a href="#">69</a> MOTION for Protective Order , <a href="#">60</a> MOTION to Compel <i>Discovery</i> filed by Ecumen. (Attachments: # <a href="#">1</a> Exhibit(s) A and B)(Bergstrom, Kathryn) (Entered: 10/05/2011)
10/05/2011	<a href="#">77</a>	RESPONSE in Opposition re <a href="#">60</a> MOTION to Compel <i>Discovery</i> filed by RehabCare Group, Inc. (Attachments: # <a href="#">1</a> Exhibit(s) A, # <a href="#">2</a> Exhibit(s) B, # <a href="#">3</a> LR7.1 Word Count Compliance Certificate)(Burt, Ryan) (Entered: 10/05/2011)
10/05/2011	<a href="#">78</a>	RESPONSE re <a href="#">69</a> MOTION for Protective Order filed by RehabCare Group, Inc. (Burt, Ryan) (Entered: 10/05/2011)
10/05/2011	<a href="#">79</a>	RESPONSE re <a href="#">65</a> MOTION to Alter/Amend/Correct Other Orders <i>Scheduling Order</i>

**Date Discrepancy Cases 006**

		filed by RehabCare Group, Inc. (Burt, Ryan) (Entered: 10/05/2011)
10/05/2011	<a href="#">80</a>	AFFIDAVIT of Service by RehabCare Group, Inc. re <a href="#">78</a> Response, <a href="#">77</a> Response in Opposition to Motion, <a href="#">79</a> Response. (Burt, Ryan) (Entered: 10/05/2011)
10/05/2011	<a href="#">81</a>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by Ecumen re <a href="#">65</a> MOTION to Alter/Amend/Correct Other Orders <i>Scheduling Order</i> , <a href="#">69</a> MOTION for Protective Order , <a href="#">60</a> MOTION to Compel <i>Discovery</i> (Bergstrom, Kathryn) (Entered: 10/05/2011)
10/11/2011	<a href="#">82</a>	LETTER TO MAGISTRATE JUDGE by United States of America, ex rel. . (Wilhelm, D) (Entered: 10/11/2011)
10/12/2011	<a href="#">83</a>	Minute Entry for proceedings held before Magistrate Judge Leo I. Brisbois: Motion Hearing held on 10/12/2011 re Plaintiff's Motion to Compel Discovery [Docket No. <a href="#">60</a> ], Plaintiff's Motion to Amend Scheduling Order [Docket No. <a href="#">65</a> ], Plaintiff's Motion for Protective Order [Docket No. <a href="#">69</a> ]. Motions taken under advisement as of: 10/12/2011. Order to be issued. (Court Reporter Nancy M. Utke) (jz) (Entered: 10/14/2011)
10/20/2011	<a href="#">84</a>	LETTER TO MAGISTRATE JUDGE by Cheryl Anderson . (Fabian, John) (Entered: 10/20/2011)
11/03/2011	<a href="#">85</a>	PROTECTIVE ORDER. Signed by Magistrate Judge Leo I. Brisbois on 11/03/2011. (jz) (Entered: 11/03/2011)
11/04/2011	<a href="#">86</a>	AMENDED PRETRIAL ORDER Discovery due by 3/9/2012. Motions (non-disp) due 4/9/2012. Motions (disp) due by 5/9/2012. Ready for trial due by 8/9/2012. Signed by Magistrate Judge Leo I. Brisbois on 11/03/2011. (jz) (Entered: 11/04/2011)
11/07/2011	<a href="#">87</a>	ORDER 1. Plaintiff's Motion to Compel Discovery [Docket No. <a href="#">60</a> ] is GRANTED in part. Signed by Magistrate Judge Leo I. Brisbois on 11/03/2011. (jz) (Entered: 11/07/2011)
01/31/2012	<a href="#">88</a>	MOTION to Compel <i>Discovery</i> by RehabCare Group, Inc. (Burt, Ryan) (Entered: 01/31/2012)
01/31/2012	<a href="#">89</a>	NOTICE OF HEARING ON MOTION <a href="#">88</a> MOTION to Compel <i>Discovery</i> : Motion Hearing set for 2/15/2012 03:30 PM in Courtroom 2 (FF) before Magistrate Judge Leo I. Brisbois. (Burt, Ryan) (Entered: 01/31/2012)
01/31/2012	<a href="#">90</a>	MEMORANDUM in Support re <a href="#">88</a> MOTION to Compel <i>Discovery</i> filed by RehabCare Group, Inc. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate)(Burt, Ryan) (Entered: 01/31/2012)
01/31/2012	<a href="#">91</a>	MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order by RehabCare Group, Inc. (Burt, Ryan) (Entered: 01/31/2012)
01/31/2012	<a href="#">92</a>	NOTICE OF HEARING ON MOTION <a href="#">91</a> MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order : Motion Hearing set for 2/15/2012 03:30 PM in Courtroom 2 (FF) before Magistrate Judge Leo I. Brisbois. (Burt, Ryan) (Entered: 01/31/2012)
01/31/2012	<a href="#">93</a>	Declaration of Jeffrey L. Schultz in Support of <a href="#">88</a> MOTION to Compel <i>Discovery</i> , <a href="#">91</a> MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order filed by RehabCare Group, Inc. (Attachments: # <a href="#">1</a> Exhibit(s) A, # <a href="#">2</a> Exhibit(s) B, # <a href="#">3</a> Exhibit(s) C, # <a href="#">4</a> Exhibit(s) D, # <a href="#">5</a> Exhibit(s) E)(Burt, Ryan) (Entered: 01/31/2012)
01/31/2012	<a href="#">94</a>	MEMORANDUM in Support re <a href="#">91</a> MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order filed by RehabCare Group, Inc. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate)(Burt, Ryan) (Entered: 01/31/2012)
02/01/2012	<a href="#">95</a>	Third MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order by Cheryl

**Date Discrepancy Cases 007**

		Anderson. (Fabian, John) (Entered: 02/01/2012)
02/01/2012	<a href="#">96</a>	NOTICE OF HEARING ON MOTION <a href="#">95</a> Third MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order : Motion Hearing set for 2/15/2012 03:30 PM in Courtroom 2 (FF) before Magistrate Judge Leo I. Brisbois. (Fabian, John) (Entered: 02/01/2012)
02/01/2012	<a href="#">97</a>	MEMORANDUM in Support re <a href="#">95</a> Third MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order filed by Cheryl Anderson. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate)(Fabian, John) (Entered: 02/01/2012)
02/01/2012	<a href="#">98</a>	Declaration of Cheryl Anderson in Support of <a href="#">97</a> Memorandum in Support of Motion filed by Cheryl Anderson. (Fabian, John) (Entered: 02/01/2012)
02/01/2012	<a href="#">99</a>	AFFIDAVIT of David Redden in SUPPORT OF <a href="#">95</a> Third MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order filed by Cheryl Anderson. (Attachments: # <a href="#">1</a> Exhibit(s) 1, # <a href="#">2</a> Exhibit(s) 2, # <a href="#">3</a> Exhibit(s) 3, # <a href="#">4</a> Exhibit(s) 4, # <a href="#">5</a> Exhibit(s) 5, # <a href="#">6</a> Exhibit(s) 6, # <a href="#">7</a> Exhibit(s) 7, # <a href="#">8</a> Exhibit(s) 8, # <a href="#">9</a> Exhibit(s) 9, # <a href="#">10</a> Exhibit(s) 10, # <a href="#">11</a> Exhibit(s) 11, # <a href="#">12</a> Exhibit(s) 12, # <a href="#">13</a> Exhibit(s) 13, # <a href="#">14</a> Exhibit(s) 14, # <a href="#">15</a> Exhibit(s) 15, # <a href="#">16</a> Exhibit(s) 16, # <a href="#">17</a> Exhibit(s) 17, # <a href="#">18</a> Exhibit(s) 18)(Fabian, John) (Entered: 02/01/2012)
02/01/2012	<a href="#">100</a>	CERTIFICATE OF SERVICE by Cheryl Anderson re <a href="#">96</a> Notice of Hearing on Motion, <a href="#">95</a> Third MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order , <a href="#">99</a> Affidavit in Support of Motion, <a href="#">98</a> Declaration in Support, <a href="#">97</a> Memorandum in Support of Motion. (Fabian, John) Mo (Entered: 02/01/2012)
02/01/2012	<a href="#">101</a>	Second MOTION to Compel <i>Discovery</i> by Cheryl Anderson. (Fabian, John) (Entered: 02/01/2012)
02/01/2012	<a href="#">102</a>	NOTICE OF HEARING ON MOTION <a href="#">101</a> Second MOTION to Compel <i>Discovery</i> : Motion Hearing set for 2/15/2012 03:30 PM in Courtroom 2 (FF) before Magistrate Judge Leo I. Brisbois. (Fabian, John) (Entered: 02/01/2012)
02/01/2012	<a href="#">103</a>	MEMORANDUM in Support re <a href="#">101</a> Second MOTION to Compel <i>Discovery</i> filed by Cheryl Anderson. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate)(Fabian, John) (Entered: 02/01/2012)
02/01/2012	<a href="#">104</a>	CERTIFICATE OF SERVICE by Cheryl Anderson re <a href="#">101</a> Second MOTION to Compel <i>Discovery</i> , <a href="#">103</a> Memorandum in Support of Motion, <a href="#">102</a> Notice of Hearing on Motion. (Fabian, John) (Entered: 02/01/2012)
02/06/2012	<a href="#">105</a>	MEMORANDUM in Opposition re <a href="#">91</a> MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order filed by Cheryl Anderson. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate, # <a href="#">2</a> Certificate of Service)(Fabian, John) (Entered: 02/06/2012)
02/06/2012	<a href="#">106</a>	MEMORANDUM in Opposition re <a href="#">88</a> MOTION to Compel <i>Discovery</i> filed by Cheryl Anderson. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate, # <a href="#">2</a> Certificate of Service)(Fabian, John) (Entered: 02/06/2012)
02/08/2012	<a href="#">107</a>	RESPONSE in Opposition re <a href="#">101</a> Second MOTION to Compel <i>Discovery</i> filed by RehabCare Group, Inc. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate) (Burt, Ryan) (Entered: 02/08/2012)
02/08/2012	<a href="#">108</a>	RESPONSE in Opposition re <a href="#">95</a> Third MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order filed by RehabCare Group, Inc. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate)(Burt, Ryan) (Entered: 02/08/2012)
02/08/2012	<a href="#">109</a>	DECLARATION of Jeffrey L. Schultz in Opposition to <a href="#">95</a> Third MOTION to

**Date Discrepancy Cases 008**

		Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order filed by RehabCare Group, Inc. (Attachments: # <a href="#">1</a> Exhibit(s) A)(Burt, Ryan) (Entered: 02/08/2012)
02/08/2012	<a href="#">110</a>	MEMORANDUM in Opposition re <a href="#">101</a> Second MOTION to Compel <i>Discovery</i> , <a href="#">95</a> Third MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order filed by Ecumen. (Attachments: # <a href="#">1</a> LR7.1 Word Count Compliance Certificate)(Bergstrom, Kathryn) (Entered: 02/08/2012)
02/08/2012	<a href="#">111</a>	AFFIDAVIT of Kathryn Bergstrom in OPPOSITION TO <a href="#">101</a> Second MOTION to Compel <i>Discovery</i> , <a href="#">95</a> Third MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order filed by Ecumen. (Attachments: # <a href="#">1</a> Exhibit(s) A-C)(Bergstrom, Kathryn) (Entered: 02/08/2012)
02/09/2012	<a href="#">112</a>	LETTER TO MAGISTRATE JUDGE by United States of America, ex rel. (Wilhelm, D) Modified on 2/9/2012 (RLR). (Entered: 02/09/2012)
02/15/2012	<a href="#">113</a>	Minute Entry for proceedings held before Magistrate Judge Leo I. Brisbois: Motion Hearing held on 2/15/2012 re <a href="#">101</a> Second MOTION to Compel <i>Discovery</i> filed by Cheryl Anderson, <a href="#">88</a> MOTION to Compel <i>Discovery</i> filed by RehabCare Group, Inc., <a href="#">95</a> Third MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order filed by Cheryl Anderson, <a href="#">91</a> MOTION to Alter/Amend/Correct Other Orders <a href="#">86</a> Scheduling Order filed by RehabCare Group, Inc. Motions taken under advisement as of today's date: Order to be Issued. (Court Reporter Leah M. Klitzke) (jz) (Entered: 02/15/2012)
02/27/2012	<a href="#">114</a>	NOTICE of Filing of Official Transcript. A total of 1 transcripts are associated with this filing. (kt) (Entered: 02/27/2012)
02/27/2012	<a href="#">115</a>	TRANSCRIPT of Motions Hearing held on 2/15/12 before Magistrate Judge Leo I. Brisbois. (46 pages). Court Reporter: Leah M. Klitzke (Advantage Court Reporting: 800-255-1685) Redaction Request due 3/19/2012. Redacted Transcript Deadline set for 3/29/2012. Release of Transcript Restriction set for 5/29/2012. For information on redaction procedures, please review <a href="#">Local Rule 5.5</a> . (kt) (Entered: 02/27/2012)
03/09/2012	<a href="#">116</a>	ORDER 1. RehabCare's Motion to Compel Discovery [Docket No. <a href="#">88</a> ] is GRANTED asdiscussed above; 2. RehabCares Motion to Amend the Scheduling Order [Docket No. <a href="#">91</a> ] is GRANTED and the Amended Pretrial Order (Docket No. 86) is hereby further amended as follows: (See Order for details). 3. Relator's Motion to Amend the Scheduling Order [Docket No. 95] is GRANTED as set forth in paragraph 2 above; and 4. Relator's Motion to Compel [Docket No. <a href="#">101</a> ] is DENIED. Signed by Magistrate Judge Leo I. Brisbois on 03/09/2012. (jz) (Entered: 03/09/2012)
07/27/2012	<a href="#">117</a>	STIPULATION <i>To Amend Pretrial Scheduling Order</i> by Cheryl Anderson, Ecumen, RehabCare Group, Inc., United States of America, ex rel. (Fabian, John) Modified on 7/27/2012 (RLR). (Entered: 07/27/2012)
07/27/2012	<a href="#">118</a>	Minute Entry for proceedings held before Magistrate Judge Leo I. Brisbois: Status Conference held on 7/27/2012. Informal telephone status conference upon the parties' joint unopposed motion to amend the PretrialScheduling Order. Written order to be issued. (jz) (Entered: 07/27/2012)
07/27/2012	<a href="#">119</a>	ORDER Discovery Deadline: from on or before August 10, 2012, to on or before August31, 2012. Signed by Magistrate Judge Leo I. Brisbois on 07/27/2012. (jz) (Entered: 07/27/2012)
09/07/2012	<a href="#">120</a>	STIPULATION of Dismissal by Cheryl Anderson, Ecumen, RehabCare Group, Inc., United States of America, ex rel. (Fabian, John) Modified on 9/7/2012 (RLR). (Entered: 09/07/2012)
09/07/2012	<a href="#">121</a>	ORDER DISMISSING CASE. Signed by Judge Susan Richard Nelson on 9/7/12. (LPH)

**Date Discrepancy Cases 009**

(Entered: 09/07/2012)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 12:47:51			
<b>PACER Login:</b>	kk0155	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	0:08-cv-01410-SRN-LIB
<b>Billable Pages:</b>	8	<b>Cost:</b>	0.80

CLOSED

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Houston)  
CIVIL DOCKET FOR CASE #: 4:08-cv-02896**

Manning, rel., for the United States Department of the Interior v. Pogo Producing Company  
Assigned to: Judge Lee H Rosenthal  
Cause: 31:3729 False Claims Act

Date Filed: 07/01/2008  
Date Terminated: 11/24/2008  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Ronald B. Manning**  
*rel.*

represented by **Ronald B. Manning**  
No. 1332683 – (3–107)  
2400 Wallace Pack Rd.  
Navasota, TX 77868  
PRO SE

**Michael Steven Porter**  
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303–940–8370  
Fax: 303–421–4309  
Email: [porterlaw@comcast.net](mailto:porterlaw@comcast.net)  
*TERMINATED: 11/12/2008*  
*LEAD ATTORNEY*

**Michael Steven Porter**  
(See above for address)  
*TERMINATED: 11/12/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**United States Department of the Interior**

represented by **Mary Michelle Zingaro**  
U S Attorney's Office  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Pogo Producing Company**

Date Filed	#	Docket Text
07/01/2008	<u>1</u>	COMPLAINT against Pogo Producing Company (Filing fee \$ 350) filed by Ronald B. Manning. (mewilliams, ) (Entered: 10/01/2008)
09/05/2008	<u>2</u>	SEALED MOTION filed. Motion Docket Date 10/21/2008. (mewilliams, ) (Entered: 10/01/2008)
09/30/2008	<u>3</u>	SEALED NOTICE , filed. (mewilliams, ) (Entered: 10/01/2008)

10/06/2008	<u>4</u>	SEALED ORDER (Signed by Judge Lee H Rosenthal) Parties notified.(kmurphy, ) (Entered: 10/08/2008)
10/09/2008	<u>5</u>	SEALED NOTICE filed. (kmurphy, ) Modified on 10/15/2008 (Entered: 10/10/2008)
10/14/2008	<u>6</u>	ORDER Unsealing complaint, lifting seal to all other matters occurring in this action after the date of this Order and order for service.(Signed by Judge Lee H Rosenthal) Parties notified.(kmurphy, ) (Entered: 10/15/2008)
10/29/2008	<u>7</u>	Unopposed MOTION for Michael S. Porter to Withdraw as Attorney by Ronald B. Manning, filed. Motion Docket Date 11/18/2008. (Attachments: # <u>1</u> Proposed Order)(Porter, Michael) (Entered: 10/29/2008)
11/12/2008	<u>8</u>	ORDER entered GRANTING <u>7</u> Unopposed MOTION for Michael S. Porter to Withdraw as Attorney. The relator has until 1/5/09 to have new counsel file an appearance or this case will be dismissed.(Signed by Judge Lee H Rosenthal) Parties notified.(leddins, ) (Entered: 11/12/2008)
11/12/2008	<u>9</u>	MOTION to Dismiss by Ronald B. Manning, filed. Motion Docket Date 12/2/2008. (kmurphy, ) (Entered: 11/14/2008)
11/24/2008	<u>10</u>	ORDER OF DISMISSAL entered GRANTING Pltfs. <u>9</u> MOTION to Dismiss.(Signed by Judge Lee H Rosenthal) Parties notified.(leddins, ) (Entered: 11/24/2008)



**United States District Court  
Eastern District of Pennsylvania (Philadelphia)  
CIVIL DOCKET FOR CASE #: 2:05-cv-02707-JF**

LOBEL v EXPRESS SCRIPTS, INC.  
Assigned to: HONORABLE JOHN P. FULLAM  
Case in other court: USCA THIRD CIRCUIT, 09-01047  
Cause: 31:3729 False Claims Act

Date Filed: 06/08/2005  
Date Terminated: 12/01/2008  
Jury Demand: None  
Nature of Suit: 890 Other Statutes: Other  
Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**CHARLES LOBEL**

*Individually and in THE NAME OF THE  
UNITED STATES GOVERNMENT  
PURSUANT TO THE FALSE CLAIMS ACT,  
31 U.S.C., SECTION 3730*

represented by **JAMES G. SHEEHAN**  
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*TERMINATED: 02/20/2008*  
*LEAD ATTORNEY*

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*LEAD ATTORNEY*

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*TERMINATED: 02/20/2008*  
*LEAD ATTORNEY*

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**Date Discrepancy Cases 013**

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ATTORNEY TO BE NOTICED*

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*TERMINATED: 03/02/2009*

V.

**Defendant**

**EXPRESS SCRIPTS, INC.**

represented by **AARON MICHAEL KATZ**  
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617-951-7117  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**BRIEN T. O'CONNOR**  
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**Intervenor**

**UNITED STATES**  
**TERMINATED: 03/14/2008**

represented by **THOMAS F. JOHNSON**  
 (See above for address)  
**TERMINATED: 03/14/2008**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/08/2005	<a href="#">1</a>	COMPLAINT against deft EXPRESS SCRIPTS, INC. ( Filing fee \$ 250 receipt number 917820.), filed by plff CHARLES LOBEL.(gn, ) (Entered: 02/04/2008)
01/31/2008	<a href="#">13</a>	UNITED STATES' NOTICE OF ELECTION TO DECLINE INTERVENTION. (gn, ) (Entered: 02/04/2008)
02/04/2008		Summons Issued as to deft EXPRESS SCRIPTS, INC.. Forwarded To: counsel on 2/4/08 (gn, ) (Entered: 02/04/2008)
02/04/2008	<a href="#">14</a>	ORDER THAT THE COMPLAINT BE UNSEALED AND SERVED UPON THE DEFTS. IT IS FURTHER ORDERED THAT ALL OTHER CONTENTS OF THE COURT'S FILE IN THIS ACTION REMAIN UNDER SEAL AND NOT BE MADE PUBLIC OR SERVED UPON THE DEFTS, EXCEPT FOR THIS ORDER AT THE GOVERNMENT'S NOTICE OF ELECTION TO DECLINE INTERVENTION WHICH WILL BE SERVED UPON THE DEFT ONLY AFTER SERVICE OF THE COMPLAINT AND ALLOTHER MATTERS OCCURRING IN THIS ACTION AFTER THE DATE OF THIS ORDER, ETC. ( SIGNED BY HONORABLE JOHN P. FULLAM ON 2/4/08. ) 2/4/08 ENTERED AND COPIES MAILED, E-MAILED.(gn, ) (Entered: 02/04/2008)
02/20/2008	<a href="#">15</a>	NOTICE of Withdrawal of Appearance by JAMES G. SHEEHAN on behalf of CHARLES LOBEL(SHEEHAN, JAMES) (Entered: 02/20/2008)
02/20/2008	<a href="#">16</a>	NOTICE of Withdrawal of Appearance by K. T. NEWTON on behalf of CHARLES LOBEL(NEWTON, K.) (Entered: 02/20/2008)
02/20/2008	<a href="#">17</a>	NOTICE of Withdrawal of Appearance by MARILYN S. MAY on behalf of CHARLES LOBEL(MAY, MARILYN) (Entered: 02/20/2008)
03/14/2008	<a href="#">18</a>	FIRST AMENDED QUI TAM COMPLAINT against EXPRESS SCRIPTS, INC., filed by CHARLES LOBEL.(jl, ) (Additional attachment(s) added on 3/14/2008: # 1 EXHIBITS FILED UNDER SEAL (jl, ). Modified on 6/5/2008 (jl, ). (Entered: 03/14/2008)
03/14/2008		AMENDED Summons Issued as to EXPRESS SCRIPTS, INC.. Forwarded To: ROSS

**Date Discrepancy Cases 015**

		BEGELMAN on 3/14/08 (jl, ) (Entered: 03/14/2008)
05/13/2008	<a href="#">19</a>	Stipulation for Extension of Time to File Answer <i>to the Complaint</i> filed by EXPRESS SCRIPTS, INC...(DELL'OSA, ROBERT) (FILED IN ERROR BY ATTORNEY; COPY FORWARDED TO CLERK/JUDGE FOR APPROVAL) Modified on 5/14/2008 (nd). (Entered: 05/13/2008)
05/13/2008	<a href="#">20</a>	Disclosure Statement Form pursuant to FRCP 7.1 by EXPRESS SCRIPTS, INC.. (DELL'OSA, ROBERT) (Entered: 05/13/2008)
05/14/2008	<a href="#">21</a>	MOTION for Pro Hac Vice <i>of Kirsten Mayer</i> filed by EXPRESS SCRIPTS, INC..Certificate of Service.(DELL'OSA, ROBERT) (Entered: 05/14/2008)
05/14/2008	<a href="#">22</a>	STIPULATION AND ORDER THAT DEFENDANT EXPRESS SCRIPTS, INC. HAS UNTIL ANSWER, MOVE OR OTHERWISE PLEAD TO PLAINTIFF'S COMPLAINT IS EXTENDED TO 6/4/08; ETC.. SIGNED BY HONORABLE JOHN P. FULLAM ON 5/14/08. 5/15/08 ENTERED AND COPIES MAILED, E-MAILED AND FAXED.(jl, ) (Entered: 05/15/2008)
05/15/2008	<a href="#">23</a>	MOTION for Pro Hac Vice <i>of Aaron Michael Katz</i> filed by EXPRESS SCRIPTS, INC..Certificate of Service.(DELL'OSA, ROBERT) (Entered: 05/15/2008)
05/16/2008		PRO HAC VICE fee: \$ 40.00, receipt number 948365 (jl, ) (Entered: 05/16/2008)
05/30/2008	<a href="#">24</a>	ORDER THAT THE APPLICATION OF KIRSTEN MAYER TO APPEAR PRO HAC VICE IS GRANTED; ETC.. SIGNED BY HONORABLE JOHN P. FULLAM ON 5/30/08. 5/30/08 ENTERED AND COPIES MAILED, E-MAILED AND FAXED.(jl, ) (Entered: 05/30/2008)
05/30/2008	<a href="#">25</a>	ORDER THAT THE APPLICATION OF AARON MICHAEL KATZ TO APPEAR PRO HAC VICE IS GRANTED; ETC.. SIGNED BY HONORABLE JOHN P. FULLAM ON 5/30/08. 5/30/08 ENTERED AND COPIES MAILED, E-MAILED AND FAXED.(jl, ) (Entered: 05/30/2008)
06/03/2008	<a href="#">26</a>	SUMMONS Returned Executed by CHARLES LOBEL re: JANE NUNN served Summons and AMENDED Complaint upon EXPRESS SCRIPTS, INC. by PERSONAL SERVICE. EXPRESS SCRIPTS, INC. served on 4/28/2008, answer due 5/19/2008. (jl, ) (Entered: 06/04/2008)
06/04/2008	<a href="#">27</a>	STIPULATION for Protective Order <i>HIPAA Qualified</i> filed by EXPRESS SCRIPTS, INC..Certificate of Service.(DELL'OSA, ROBERT) <b>**(FILED IN ERROR BY ATTY., STIPULATION FORWARDED TO CLERK/JUDGE FOR APPROVAL)**</b> Modified on 6/5/2008 (fh) (Entered: 06/04/2008)
06/04/2008	<a href="#">28</a>	MOTION to Seal Document <i>Exhibit 1 to Motion to Dismiss</i> filed by EXPRESS SCRIPTS, INC. with Memorandum and Certificate of Service.(DELL'OSA, ROBERT) Modified on 6/5/2008 (le, ). (Entered: 06/04/2008)
06/04/2008	29	EXPRESS SCRIPTS, INC. MOTION TO DISMISS. (FILED UNDER SEAL)(jl, ) (Entered: 06/05/2008)
06/05/2008	<a href="#">30</a>	STIPULATED HIPPA QUALIFIED PROTECTIVE ORDER WITH COURT APPROVAL RE: CERTAIN STATEMENTS; ETC.. SIGNED BY HONORABLE JOHN P. FULLAM ON 6/5/08. 6/5/08 ENTERED AND COPIES MAILED, E-MAILED AND FAXED.(jl, ) (Entered: 06/05/2008)
06/05/2008	<a href="#">31</a>	ORDER THAT DEFENDANT MOTION FOR PERMISSION TO FILE EXHIBIT 1 TO ESI MOTION TO DISMISS UNDER SEAL IS GRANTED; ETC.. SIGNED BY

**Date Discrepancy Cases 016**

		HONORABLE JOHN P. FULLAM ON 6/5/08. 6/5/08 ENTERED AND COPIES MAILED, E-MAILED AND FAXED.(jl, ) (Entered: 06/05/2008)
06/17/2008	<a href="#">32</a>	STIPULATION AND ORDER THAT PLAINTIFF HAS A TWO WEEK EXTENSION TO FILE A RESPONSE TO DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT. PLAINTIFF'S RESPONSE WILL BE FILED WITH THE COURT ON OR BEFORE 7/2/08; ETC.. SIGNED BY HONORABLE JOHN P. FULLAM ON 6/17/08. 6/17/08 ENTERED AND COPIES MAILED, E-MAILED AND FAXED.(jl, ) (Entered: 06/17/2008)
07/01/2008	<a href="#">33</a>	CHARLES LOBEL REPLY TO MOTION TO DISMISS, CERTIFICATE OF SERVICE. (Attachments: # <a href="#">1</a> PART 1, # <a href="#">2</a> PART 2)(jl, ) (PAGES 15-20 OF EXHIBIT A FILED UNDER SEAL PURSUANT TO ORDER DATED 7/21/2008, DOC. NO. 39) Modified on 7/24/2008 (ap, ). (Additional attachment(s) added on 7/24/2008: # <a href="#">2</a> Exhibit A (pages 1-19, 21)) (ap, ). (Entered: 07/01/2008)
07/02/2008	<a href="#">34</a>	MOTION to Seal Document <i>Pages 15-20 to Ex A to Plaintiff's Reply to Motion to Dismiss</i> filed by EXPRESS SCRIPTS, INC..Certificate of Service.(DELL'OSA, ROBERT) (Entered: 07/02/2008)
07/03/2008	<a href="#">35</a>	MOTION for Leave to File <i>a Statement of Interest</i> filed by UNITED STATES.Certificate of Service.(JOHNSON, THOMAS) (Entered: 07/03/2008)
07/09/2008	<a href="#">36</a>	ORDER THAT THE MOTION OF THE UNITED STATES TO FILE A STATEMENT OF INTEREST IS GRANTED AND THE UNITED STATES WILL HAVE UNTIL 7/11/08 TO FILE SUCH A STATEMENT OF INTEREST; ETC.. SIGNED BY HONORABLE JOHN P. FULLAM ON 7/9/08. 7/10/08 ENTERED AND COPIES MAILED, E-MAILED AND FAXED.(jl, ) (Entered: 07/10/2008)
07/11/2008	<a href="#">37</a>	<i>Statement of Interest in Response to Defendant's Motion to Dismiss with Certificate of Service</i> by UNITED STATES. (JOHNSON, THOMAS) (Entered: 07/11/2008)
07/17/2008	<a href="#">38</a>	RESPONSE in Support re 29 MOTION to Dismiss filed by EXPRESS SCRIPTS, INC.. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1, # <a href="#">2</a> Exhibit Exhibit 2)(DELL'OSA, ROBERT) (Entered: 07/17/2008)
07/21/2008	<a href="#">39</a>	ORDER THAT THE MOTION TO SEAL DOCUMENT IS GRANTED AND PAGES 15-20 OF DOCUMENT 33-3 SHALL BE PLACED UNDER SEAL. SIGNED BY HONORABLE JOHN P. FULLAM ON 7/21/2008.7/22/2008 ENTERED AND COPIES MAILED, E-MAILED AND FAXED.(ap, ) (Entered: 07/22/2008)
11/03/2008	<a href="#">40</a>	NOTICE of Hearing: ORAL ARGUMENT, re: DEFENDANT EXPRESS SCRIPTS, INC.'S MOTION TO DISMISS SET FOR 11/10/2008, 10:00 A.M. IN COURTROOM 15-A BEFORE THE HONORABLE JOHN P. FULLAM. (rbh) (Entered: 11/03/2008)
11/06/2008	<a href="#">41</a>	NOTICE of Hearing: ORAL ARGUMENT, re: DEFENDANT EXPRESS SCRIPTS, INC.'S MOTION TO DISMISS RESCHEDULED FOR 11/20/2008, 10:00 A.M. IN COURTROOM 15-A BEFORE THE HONORABLE JOHN P. FULLAM. (rbh) (Entered: 11/06/2008)
11/17/2008	<a href="#">42</a>	MOTION for Pro Hac Vice of <i>Brien T. O'Connor</i> filed by EXPRESS SCRIPTS, INC..Certificate of Service.(DELL'OSA, ROBERT) (Entered: 11/17/2008)
11/18/2008		APPEAL fee: \$ 40.00, receipt number 953069 (jl, ) (Entered: 11/18/2008)
11/20/2008	43	Minute Entry for proceedings held before HONORABLE JOHN P. FULLAM: Motion Hearing held on 11/20/08 re 29 MOTION to Dismiss filed by EXPRESS SCRIPTS, INC. (jl, ) (Entered: 11/20/2008)

**Date Discrepancy Cases 017**

11/24/2008	<a href="#">44</a>	ORDER THAT APPLICATION FOR PRO HAC VICE OF BRIEN T. O'CONNOR IS GRANTED SIGNED BY HONORABLE JOHN P. FULLAM ON 11/24/08. 11/25/08 ENTERED AND COPIES BEGELMAN, O'CONNOR, KATZ. COPIES EMAILED TO COUNSEL.(rf, ) Modified on 11/25/2008 (rf, ). (Entered: 11/25/2008)
12/01/2008	<a href="#">45</a>	MEMORANDUM AND ORDER THAT DEFENDANT'S MOTION TO DISMISS IS GRANTED. THE COMPLAINT IS DISMISSED. THE CLERK IS DIRECTED TO MARK THE CASE-FILE CLOSED; ETC.. SIGNED BY HONORABLE JOHN P. FULLAM ON 12/1/08. 12/2/08 ENTERED AND COPIES MAILED, E-MAILED AND FAXED.(jl, ) (Entered: 12/02/2008)
12/09/2008	<a href="#">46</a>	CHARLES LOBEL MOTION TO RECONSIDER MEMORANDUM AND ORDER OF 12/1/08, CERTIFICATE OF SERVICE.(jl, ) (Entered: 12/09/2008)
12/12/2008	<a href="#">47</a>	RESPONSE in Opposition re <a href="#">46</a> MOTION for Reconsideration filed by EXPRESS SCRIPTS, INC.. (DELL'OSA, ROBERT) (Entered: 12/12/2008)
12/24/2008	<a href="#">48</a>	NOTICE OF APPEAL by CHARLES LOBEL. Filing fee \$ 455, receipt number 953890. Copies to Judge, Clerk USCA, Appeals Clerk and ROSS BEGELMAN, CERTIFICATE OF SERVICE. (Attachments: # <a href="#">1</a> CERTIFICATE OF SERVICE)(jl, ) (Entered: 12/24/2008)
12/24/2008	<a href="#">49</a>	Clerk's Notice to USCA re <a href="#">48</a> Notice of Appeal : (jl, ) (Entered: 12/24/2008)
12/24/2008		Record Complete for Purposes of Appeal re <a href="#">48</a> Notice of Appeal. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (om, ) Modified on 12/24/2008 (om, ).(FILED IN ERROR). (Entered: 12/24/2008)
01/05/2009	<a href="#">50</a>	ORDER THAT PLAINTIFF'S MOTION FOR RECONSIDERATION IS DENIED; ETC.. SIGNED BY HONORABLE JOHN P. FULLAM ON 1/5/09.1/5/09 ENTERED AND COPIES MAILED, E-MAILED AND FAXED BY CHAMBERS.(jl, ) (Entered: 01/05/2009)
01/15/2009		NOTICE of Docketing Record on Appeal from USCA re <a href="#">48</a> Notice of Appeal filed by CHARLES LOBEL. USCA Case Number 09-1047 (jl, ) (Entered: 01/16/2009)
03/02/2009	<a href="#">51</a>	NOTICE of Withdrawal of Appearance by MARC M. ORLOW on behalf of CHARLES LOBEL(jl, ) (Entered: 03/03/2009)
04/23/2009	<a href="#">52</a>	TRANSCRIPT of 11/20/08 held on 11/20/08, before Judge FULLAM. Court Reporter/Transcriber ESR. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 5/14/2009. Redacted Transcript Deadline set for 5/26/2009. Release of Transcript Restriction set for 7/22/2009. (jl, ) (Entered: 04/23/2009)
04/23/2009	<a href="#">53</a>	Notice of Filing of Official Transcript with Certificate of Service re <a href="#">52</a> Transcript - PDF, 4/23/09 Entered and Copies Emailed and Mailed.. (jl, ) (Additional attachment(s) added on 4/24/2009: # <a href="#">1</a> NOTICE) (jl, ). (Entered: 04/23/2009)
01/04/2010	<a href="#">54</a>	ORDER of USCA as to <a href="#">48</a> Notice of Appeal filed by CHARLES LOBEL THAT THE JUDGMENT OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA ENTERED 12/1/08, BE AND THE SAME IS HEREBY AFFIRMED. ALL OF THE ABOVE IN ACCORDANCE WITH THE OPINION OF THIS COURT; ETC. (jl, ) (Entered: 01/05/2010)

**PACER Service Center****Transaction Receipt**

01/23/2019 16:46:40

<b>PACER Login:</b>	KK0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:05-cv-02707-JF
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50

**U.S. District Court  
Northern District of Alabama (Southern)  
CIVIL DOCKET FOR CASE #: 2:02-cv-02085-LSC**

Mitchell v. Beverly Enterprises  
Assigned to: Judge L Scott Coogler  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 08/27/2002  
Date Terminated: 08/31/2005  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff****Kenneth Mitchell**

represented by **G Douglas Jones**  
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ATTORNEY TO BE NOTICED

V.

**Defendant****Beverly Enterprises, Inc.**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/27/2002	1	COMPLAINT filed, amount paid \$ 150.00, receipt # 200 181877 (BST) (Entered: 08/27/2002)
12/04/2002	9	AMENDED complaint filed cs (BST) (Entered: 12/04/2002)
08/30/2004	23	NOTICE by USA of election to decline intervention and MOTION by plaintiff Kenneth Mitchell to extend time 30 days to enter order lifting seal filed cs (BST) (Entered: 08/31/2004)
09/03/2004	24	ORDER granting motion to extend time 30 days to enter order lifting seal [23-1]; 30 days after entry of this order, the complaint is to be unsealed and filed upon the dft by the relator; all other contents of file to remain under seal except for this order and the notice of election to decline intervention filed ( by Judge L S. Coogler ) cm (BST) (Entered: 09/03/2004)

**Date Discrepancy Cases 020**



10/20/2004	25	MOTION by plaintiff Kenneth Mitchell for order for partial lifting of the seal filed cs (BST) (Entered: 10/20/2004)
10/25/2004	26	25 - ORDER granting motion for order for partial lifting of the seal to allow relator to serve a copy of the complaint and related submission upon dft [25-1] ( by Judge L S. Coogler ) entered cm (BST) (Entered: 10/25/2004)
05/23/2005	<a href="#">27</a>	ORDER TO SHOW CAUSE. Relator/Plaintiff has 5 days from the entry of this order to show cause why this case should not be dismissed for failure to prosecute. Signed by Judge L Scott Coogler on 05/23/05. (LIB, ) (Entered: 05/23/2005)
05/25/2005	<a href="#">28</a>	Summons Issued as to Beverly Enterprises, Inc. del to pla for service. (BST, ) (Entered: 05/25/2005)
05/26/2005	<a href="#">29</a>	RESPONSE to Court Order dated May 23, 2005 filed by Kenneth Mitchell. (Jones, G) (Entered: 05/26/2005)
06/01/2005	<a href="#">30</a>	ORDER that it is the Court's determination that this case should be dismissed without prejudice for failure to prosecute. The United States has until June 13, 2005, to file its written consent to the dismissal of this action. Signed by Judge L Scott Coogler on 06/01/05. (LIB, ) (Entered: 06/01/2005)
06/02/2005	<a href="#">31</a>	NOTICE by United States of America of Consent to Dismissal (Peeples, Lloyd) (Entered: 06/02/2005)
06/02/2005	<a href="#">32</a>	MOTION for Reconsideration by Kenneth Mitchell. (Jones, G) (Entered: 06/02/2005)
06/06/2005	<a href="#">33</a>	ORDER Setting Hearing on Motion <a href="#">32</a> MOTION for Reconsideration: Motion Hearing set for 6/16/2005 01:30 PM in Courtroom 7 before Judge L Scott Coogler.. Signed by Judge L Scott Coogler on 06/06/05. (LIB, ) (Entered: 06/06/2005)
06/16/2005		Minute Entry for proceedings held before Judge L. Scott Coogler : Motion Hearing held on 6/16/2005 re <a href="#">32</a> MOTION for Reconsideration filed by Kenneth Mitchell; Order (oral) dismissing case without prejudice dictated into the record - written order to follow. (Court Reporter Lindy Fuller.) (YMB, ) Modified on 6/16/2005 (YMB, ). (Entered: 06/16/2005)
06/16/2005	<a href="#">34</a>	ORDER denying pla's motion to reconsider order that case be dismissed for failure to prosecute; DISMISSING CASE w/o prej to refile; costs taxed as paid . Signed by Judge L Scott Coogler on 6/16/2005. (BST, ) (Entered: 06/16/2005)
06/27/2005	<a href="#">35</a>	MOTION for Reconsideration by Kenneth Mitchell. (Jones, G) (Entered: 06/27/2005)
07/05/2005		ORDER granting <a href="#">35</a> Motion for Reconsideration/Reinstatement. Signed by Judge L Scott Coogler on 07/05/05. (LIB, ) (Entered: 07/05/2005)
08/31/2005	<a href="#">36</a>	ORDER DISMISSING CASE w/o prej subject to a tolling agreement between the parties so that the case can be refiled by the pla at a later date if necessary; any party may move to set aside this order w/i 60 days; costs taxed as paid. Signed by Judge L Scott Coogler on 8/31/2005. (BST, ) (Entered: 08/31/2005)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/24/2019 09:21:46			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search</b>	2:02-cv-02085-
<b>Date Discrepancy Cases 021</b>			

		<b>Criteria:</b>	LSC
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

IN THE COURT OF APPEALS OF OHIO  
FOURTH APPELLATE DISTRICT  
WASHINGTON COUNTY

RHONDA S. GALYEAN, et al.,	:	
	:	Case No. 05CA11
Plaintiffs-Appellants,	:	
	:	<b>Released: January 29, 2007</b>
vs.	:	
	:	
MARYANN J. GREENWELL, et al.,	:	<u>DECISION AND JUDGMENT</u>
	:	<u>ENTRY</u>
Defendants-Appellees.	:	

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APPEARANCES:

Tony C. Merry, Law Offices of Tony C. Merry, LLC, Columbus, Ohio for Appellant Rhonda S. Galyean.

Patrick S. Cassidy, Cassidy, Myers, Cogan & Voegelin, LC, Wheeling, West Virginia, for Appellant Debra J. Cunningham.

Bryan R. Cokeley and Scott E. Johnson, Steptoe & Johnson, PLLC, Charleston, West Virginia, for Appellees Maryann J. Greenwell and Quorum Health Resources, LLC.

Scott E. Williams, Hammond, Sowards & Williams, Columbus, Ohio, for Appellee Selby General Hospital.

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Per Curiam:

{¶1} Plaintiffs-Appellants, Rhonda Galyean and Debra Cunningham, appeal from the Washington County Common Pleas Court's grant of summary judgment in favor of Appellees on several claims contained in their joint complaint. Appellants allege that 1) the trial court erred in

granting summary judgment in favor of Appellees on their whistleblower claims; 2) the trial court erred in granting Appellee, Selby Hospital's, motion for summary judgment on Appellant, Rhonda Galyean's wrongful discharge claim; and 3) the trial court erred in granting Appellees' motions for summary judgment on Appellants' defamation claims. Because we find Appellants' failed to meet all the requirements in order to invoke protection under Ohio's whistleblower statute, which requires strict compliance, and Appellant Galyean failed to establish a public policy independent of that contained in the whistleblower statute to support her wrongful discharge claim, we overrule Appellants' first and second assignments of error. Further, because we find that the Appellants failed to establish the existence of genuine issues of material fact related to their defamation claims, we believe the trial court properly granted summary judgment on these claims. Accordingly, we affirm the trial court's grant of summary of judgment in favor of Appellees on all claims appealed herein.

{¶2} Selby General Hospital ("Selby") contracts with Quorum Health Resources, LLC ("Quorum") to provide management services within its facility. In order to fulfill this function, Quorum placed Maryann Greenwell at Selby to serve as its CEO. Maryann Greenwell, on behalf of Selby, hired several "senior staff members" including Appellant Cunningham, who was

hired pursuant to a three-year employment agreement with Selby on October 26, 1999. She was hired to fill the position of Vice President, Strategic Development. The employment agreement specified that Appellant Cunningham would be provided with secretarial services. Appellant Galyean was subsequently hired by Selby to perform secretarial services for Appellant Cunningham and took on the additional responsibility of Credentials Coordinator on March 1, 2001. Appellant Galyean was considered an at-will employee, contrary to Appellee Cunningham.

{¶3} Appellants Galyean and Cunningham remained employed with Selby until their terminations, which serve as the basis of this litigation. Appellants contend that they were terminated in retaliation for reporting criminal activity and safety hazards in violation of R.C. 4113.52 and in violation of Ohio's public policy. Appellees assert that Appellant Galyean was merely laid off in connection with a reduction in staff, but was later categorized as ineligible for rehire due to performance deficiencies discovered after her departure. Appellees assert that Appellant Cunningham was terminated as a result of conduct which occurred prior to being placed on leave and also conduct that was discovered after she was placed on leave.

{¶4} On November 27, 2002, Appellants filed an amended complaint which included claimed violations of Ohio's whistleblower statute, wrongful discharge, and defamation.<sup>1</sup>

{¶5} Appellees moved for partial summary judgment, claiming that Appellants' whistleblower claims and public policy claims were barred. Specifically, Appellees argued that Appellants could not "identify any state or federal statute, ordinance or regulation of a political subdivision that would preclude the reported activity," nor could they identify any work rule or company policy that would prevent the reported activity (in this case, backdating of physician credentials). Appellees further argued that the Appellants could not meet the other requirements of the whistleblower statute, which requires that the employee "reasonably believe that the alleged violation is a criminal offense likely to cause an imminent risk of physical harm to persons or hazards to public health or safety or is a felony."

{¶6} With regard to Appellant Galyean's wrongful discharge in violation of public policy claim, Appellees argued, in their motions for partial summary judgment, that Appellant failed to set forth a clear public policy in support of her claim. Appellees also moved for summary judgment

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<sup>1</sup> Appellants also brought claims for tortious interference with contract and breach of contract, which are not part of this appeal.

on Appellants' defamation claims, arguing that the statements at issue were privileged communications, and, therefore, were not defamatory.

{¶7} With respect to Appellants' whistleblower claims, the trial court found that affidavits filed in support of Appellants' memorandum in opposition to Appellees' motions for partial summary judgment, conflicted with their previous deposition testimony. Specifically, the trial court found that Appellants' testified in their depositions "that they had never seen any criminal activity at the hospital and that there was no hazard to public health or safety that resulted from the actions complained of." However, the trial court also found that "[i]n an affidavit they then reversed their position[,] and further added that "[t]he court will not give credence to the affidavits filed to create an issue of fact contradicted by previous testimony." The court also held that "[e]ven if this practice [allowing uncredentialed and uninsured physicians to work in the emergency room] could give rise to some criminal charge as a result of billing for uncredentialed physicians to Medicaid and/or Medicare, there is no indication of any reasonable belief that this practice 'created an imminent risk of harm to persons,' nor that it would be a felony."

{¶8} In regards to Appellant Galyean's wrongful discharge claim, the trial court found that each and every statute cited by Appellant in support of

her claim was either too broad, insufficiently specific, or completely inapplicable to her claim, and, therefore granted summary judgment in favor of Appellees.

{¶9} Similarly, the court held that the Appellants' defamation claims failed for two reasons: 1) the statements do not identify Appellant Galyean specifically and 2) "the statements were made subject to a qualified privilege because the statements were made as part of the communications between corporate officers, management and employees concerning another employee's job performance and are privileged absent actual malice."

On appeal, Appellants assert the following assignments of error.

{¶10} "I. THE TRIAL COURT ERRED IN GRANTING SUMMARY JUDGMENT IN FAVOR OF ALL DEFENDANTS-APPELLEES AND AGAINST BOTH PLAINTIFFS-APPELLEES (SIC) ON THEIR WHISTLEBLOWER CLAIMS.

{¶11} II. THE TRIAL COURT ERRED IN GRANTING DEFENDANTS-APPELLEES MOTIONS FOR SUMMARY JUDGMENT ON GALYEAN'S WRONGFUL DISCHARGE CLAIM.

{¶12} III. THE TRIAL COURT ERRED IN GRANTING DEFENDANTS-APPELLANTS' (SIC) MOTIONS FOR SUMMARY JUDGMENT ON APPELLEES' (SIC) DEFAMATION CLAIMS.

{¶13} It is well-settled that appellate courts review summary judgments de novo. See *Broadnax v. Greene Credit Service* (1997), 118 Ohio App.3d 881, 887, 694 N.E.2d 167; *Coventry Twp. V. Ecker* (1995),



101 Ohio App.3d 38, 41, 654 N.E.2d 1327. In other words, appellate courts afford no deference to a trial court's summary judgment decision, see *Hicks v. Leffler* (1997), 119 Ohio App.3d 424, 427, 695 N.E.2d 777; *Dillon v. Med. Ctr. Hosp.* (1993), 98 Ohio App.3d 510, 514-515, 648 N.E.2d 1375; *Morehead v. Conley* (1991), 75 Ohio App.3d 409, 411-412, 599 N.E.2d 786, and conduct an independent review to determine if summary judgment is appropriate. *Woods v. Dutta* (1997), 119 Ohio App.3d 228, 233-234, 695 N.E.2d 18; *McGee v. Goodyear Atomic Corp.* (1995), 103 Ohio App.3d 236, 241, 659 N.E.2d 317.

{¶14} Summary judgment is appropriate when the following have been established: (1) that there is no genuine issue as to any material fact; (2) that the moving party is entitled to judgment as a matter of law; and (3) that reasonable minds can come to but one conclusion, and that conclusion is adverse to the party against whom the motion for summary judgment is made, that party being entitled to have the evidence construed most strongly in its favor. *Bostic v. Connor* (1988), 37 Ohio St.3d 144, 146, 524 N.E.2d 881, citing *Harless v. Willis Day Warehousing Co.* (1978), 54 Ohio St.2d 64, 66, 375 N.E.2d 46. See, also, *State ex rel. Coulverson v. Ohio Adult Parole Auth.* (1991), 62 Ohio St.3d 12, 14, 577 N.E.2d 352; Civ.R. 56(C). The burden of showing that no genuine issue exists as to any material fact

falls upon the party requesting summary judgment. *Mitseff v. Wheeler* (1988), 38 Ohio St.3d 112, 115, 526 N.E.2d 798.

{¶15} If the moving party satisfies this burden, "the nonmoving party then has a reciprocal burden under Civ.R. 56(E) to set forth specific facts showing that there is a genuine issue for trial, and if the nonmovant does not so respond, summary judgment, if appropriate, shall be entered against the nonmoving party." *Kulch v. Structural Fibers, Inc.* 78 Ohio St.3d 134, 145, 1997-Ohio-219, 677 N.E.2d 308, citing *Dresher v. Burt* (1996), 75 Ohio St.3d 280, 295, 662 N.E.2d 264. In responding to a motion for summary judgment, the nonmoving party may not rest on "unsupported allegations in the pleadings." *Harless*, 54 Ohio St.2d at 66. Rather, Civ.R. 56 requires the nonmoving party to respond with competent evidence that demonstrates the existence of a genuine issue of material fact. Specifically, Civ.R. 56(E) provides:

{¶16} " \* \* \* \* When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the party's pleadings, but the party's response, by affidavit or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the party does not so respond, summary judgment, if appropriate, shall be entered against the

party."

{¶17} Consequently, once the moving party satisfies its Civ. R. 56 burden, the nonmoving party must demonstrate, by affidavit or by producing evidence of the type listed in Civ. R. 56(C), that a genuine issue of material fact remains for trial. A trial court may grant a properly supported motion for summary judgment if the nonmoving party does not respond, by affidavit or as otherwise provided in Civ. R. 56, with specific facts showing that there is a genuine issue for trial. See *Dresher*, 75 Ohio St.3d at 293; *Jackson v. Alert Fire & Safety Equip., Inc.* (1991), 58 Ohio St.3d 48, 52, 567 N.E.2d 1027. With these principles in mind we turn our attention to the case at hand.

{¶18} In their first assignment of error, Appellants argue that the trial court erred in granting summary judgment in favor of all Appellees on their whistleblower claims. In support of this assignment of error, Appellants specifically argue that 1) the trial court erred in rejecting their affidavits, which they argue were not in conflict with their deposition testimony; 2) even if the affidavits conflicted with the deposition testimony in part, the trial court erred in rejecting the affidavits in their entirety; 3) the trial court erred in granting Appellees' motions for summary judgment on their whistleblower claims because material questions of fact remained at issue;

4) the trial court erred in finding facts and drawing inferences therefrom in favor of the moving parties instead of in favor of Appellants; and 5) the trial court misapplied the requirements of the Ohio Whistleblower statute to the facts at issue in this case and thereby erred in granting Appellees' motions for summary judgment.

{¶19} Appellants brought claims under R.C. 4113.52, otherwise known as Ohio's whistleblower statute. R.C. 4113.52 provides in pertinent part, as follows:

"(A)(1)(a) If an employee becomes aware in the course of the employee's employment of a violation of any state or federal statute or any ordinance or regulation of a political subdivision that the employee's employer has authority to correct, and the employee reasonably believes that the violation either is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety or is a felony, the employee orally shall notify the employee's supervisor or other responsible officer of the employee's employer of the violation and subsequently shall file with that supervisor or officer a written report that provides sufficient detail to identify and describe the violation. If the employer does not correct the violation or make a reasonable and good faith effort to correct the violation within twenty-four hours after the oral notification or the receipt of the report, whichever is earlier, the employee may file a written report that provides sufficient detail to identify and describe the violation with the prosecuting authority of the county or municipal corporation where the violation occurred, with a peace officer, with the inspector general if the violation is within the inspector general's jurisdiction, or with any other appropriate public official or agency that has regulatory authority over the employer and the industry, trade, or business in which the employer is engaged.

\* \* \*

- (3) If an employee becomes aware in the course of the employee's employment of a violation by a fellow employee of any state or federal statute, any ordinance or regulation of a political subdivision, or any work rule or company policy of the employee's employer and the employee reasonably believes that the violation either is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety or is a felony, the employee orally shall notify the employee's supervisor or other responsible officer of the employee's employer of the violation and subsequently shall file with the supervisor or officer a written report that provides sufficient detail to identify and describe the violation."

{¶20} The statute further provides in section(3)(B) that "no employer shall take any disciplinary or retaliatory action against an employee for making any report authorized by divisions (A)(1) or (2) \* \* \* [or] by division (A)(3) of this section if the employee made a reasonable and good faith effort to determine the accuracy of any information so reported \* \* \*." "In order for an employee to be afforded protection as a 'whistleblower,' such employee must strictly comply with the dictates of R.C. 4113.52. Failure to do so prevents the employee from claiming the protections embodied in that statute." *Contreras v. Ferro Corp.* (1995), 73 Ohio St.3d 244, 652 N.E.2d 940, paragraph one of the syllabus.

{¶21} In the case sub judice, Appellants reported several actions by both their employer and also fellow employees, to Quorum, Selby's

management company, and specifically to Quorum's compliance officer. Appellants' first amended complaint alleges the following: 1) that they internally reported both orally and in writing "conditions and activities existing at Selby General Hospital that jeopardize the stability of the Hospital and the health and safety of members of the general public;" 2) "Defendant Greenwell, in particular, has resisted taking action to remedy the conditions and activities that have placed the Hospital and patients in jeopardy;" 3) that the hospital "in violation of law, permitted a physician who was not credentialed by the Hospital to perform a surgery in the Hospital's surgical suite;" 4) that in response Appellants were directed to backdate that physician's credentials to cover the procedure that was performed; 5) that three days after Appellants reported this conduct to Quorum's compliance officer, they were advised their department was being eliminated due to budgetary constraints; and, finally 6) that Appellants reasonably believed and continue to believe that the actions of backdating physician credentials and other violations, were violations of state and federal law likely to cause imminent risk of physical harm to persons or a hazard to the public health and safety.

{¶22} However, in their depositions, Appellants' reasons for reporting this conduct unequivocally related to liability concerns for themselves and

the hospital, rather than patient safety concerns. Appellant Cunningham was deposed over a period of four days, resulting in over one thousand pages of transcripts. During her deposition, she was asked a variety of questions regarding the criminal and safety violations that were alleged in the complaint and she testified at length regarding these issues. For instance, Appellant Cunningham testified, in pertinent part, as follows:

"Q: With reference to document number 131, are you aware of any illegal activity which took place in the women's health services?

A: *Illegal? No.*

Q: Inappropriate? Improper?

A: What I believe to be improper, yes." (Emphasis added).

{¶23} With regard to billing Medicare for services performed by one physician, but billing under another physician's name, Appellant Cunningham testified as follows:

"Q: Do you recall being aware of any billing at the hospital being done under another doctor's name?

A: That Paula did?

Q: *Anyone.*

A: I was only aware of the things that the physicians like Dr. Horton because of the questions that would be asked or if he would ask me to fill out an insurance form.

Q: What were you aware of?

A: The incident being the asking her to bill under a different physician's name.

Q: Okay. Other than that, are you aware of any similar situation occurring at the hospital?

A: That involved Paula Shephard?

Q: That involved *anyone.*

A: There was some things that I thought were questionable. *I can't say that they were illegal.*" (Emphasis added).

{¶24} However, later, in reference to the same issue, but involving the chief financial officer, Tom Kelly, Appellant Cunningham testified as follows:

"Q: In – do you know of anything that Tom's done at the hospital that you consider to be *illegal*?

A: *Yes.*

Q: What has he done that you consider to be illegal?

A: He asked Paula Shepherd to bill underneath another doctor's name.

\* \* \*

Q: Did you make a report to any outside agency about billing under another doctor's number?

A: No.

Q: Do you know if there was ever a report to any outside agency about billing under a different doctor's number?

A: Not to my knowledge.

Q: Do you know of anything else that Tom Kelley did or was involved in at Selby General hospital which in your opinion was illegal?

A: No." (Emphasis added).

{¶25} With respect to her report about permitting uncredentialed physicians to work in the emergency room, Appellant Cunningham testified as follows:

"Q: So from May 9, 2001, until July 2, 2003, you had never reported any issue relating to the ER to anyone at Quorum; correct?

A: Only to Maryann until it got so bad that *we were afraid we were going to be in trouble.*

Q: It's your testimony, ma'am, that *the reason you called Julia Costa Bicmore on July 2, 2002, was that it had gotten so bad that you would be in trouble?*



A: Yes." (Emphasis added).

{¶26} Regarding potential Stark II<sup>2</sup> violations associated with providing physicians, who were not employees of the hospital, with certain benefits and/or perks in the form of paid health insurance, Appellant Cunningham testified as follows:

"Q: Do you know if he [Dr. Thomas] used his insurance card?

A: I don't know that if – if he used it. I knee (sic) that he had it. I know that the hospital was paying for it and he was not an employee.

Q: Okay. What did Maryann Greenwell do after you brought this to her attention?

A: I don't know that she did anything.

Q: Did you do anything other than this note to file after discussing it with Maryann Greenwell?

A: No, I did not.

Q: Do you know of anything illegal about the arrangement with Dr. Thomas?

A: *I don't know that it's illegal*, but she was saying that a physician was an employee when they weren't and they were getting insurance and the hospital was paying for it and the doctor should have been paying for it himself. It could be an enormous issue.

Q: Was Dr. Thomas admitting patients at the hospital?

A: Yes, he was." (Emphasis added)

{¶27} With respect to her report to Maryann Greenwell that Tom Kelly allowed a physician without privileges to treat a patient in the emergency room on one occasion, Appellant Cunningham testified as follows:

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<sup>2</sup> 42 CFR Parts 411 and 424 Medicare Program; Physicians' Referrals to Health Care Entities With Which They Have Financial Relationships (Phase II); Interim Final Rule governs Physician Self Referral and Anti-Kickback issues related to physician recruitment and retention by hospitals receiving payment for services from Medicare and Medicaid.

"Q: Did you want her [Maryann Greenwell] to do something about this particular situation \* \* \*?"

A: Number one, I wanted to make sure that Tom had told her; and, number two, *this is liability on the hospital's part*, and I would think as a CEO that she would be greatly concerned that Tom Kelly allowed a physician to see a patient in the emergency room without privileges and *put the hospital at risk.*" (Emphasis added).

{¶28} At another point during her deposition, Appellant Cunningham attempted to explain her reasoning for her practice of exposing and correcting violations when found. Appellant Cunningham was questioned regarding a memo to Maryann Greenwell and testified as follows:

"Q: Page 1123, look at page 1122, I'm sorry, under paragraph C near the top, do you see that, when I came here?"

A: Yes.

Q: I discovered that there were many federal violations and, yes, I did stick my nose in where employees thought I shouldn't have but by law in my position if I did not expose and correct these violations *I could be personally fined and liable.*" (Emphasis added).

{¶29} With regard to her reasons for reporting several compliance concerns to Selby's compliance officer, Rebecca Nigh, Appellant Cunningham testified as follows:

"Q: Why was it on July 9 that you were going back over these issues?"

A: I was probably doing follow-up or I was checking to see if something had happened from a compliance issue.

Q: Were you concerned about the hospital for were you just wanting to stir the pot on compliance issues?"

A: *I was concerned about myself.*" (Emphasis added).

{¶30} In order for an employee to be protected by the provisions of the whistleblower statute, he or she must "reasonably believe that the violation either is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety or is a felony. *Herrington v. Daimler Chrysler Corp.* (N.D. Ohio, 2003), 262 F. Supp.2d 861; citing R.C. 4113.52(A)(1)(a). Based on her deposition testimony, Appellant Cunningham cannot support her claim that she reasonably believed that there was criminal activity taking place or that any of the reported activities were likely to cause imminent harm to persons or pose a hazard to public safety. Appellant Cunningham, when questioned, repeatedly stated that while she believed certain conduct was improper or unethical, she could not say that it was illegal. Also, she reiterated numerous times that her motivations for reporting were due to liability concerns and risks to the hospital and to herself, personally, not because of patient safety concerns.

{¶31} The only testimony that arguably supports Appellant Cunningham's claim is as follows and was filed under seal:

"Q: \* \* \* Do you know of any danger to the public health that Dr. Z presented by being in the emergency room?

A: Yes.

\* \* \*

Q: What danger did you believe Dr. Z to pose to the emergency room patients by being there in the emergency room?

A: I am answering this question based on information that is confidential in his credentialing files that he has – reports to the data bank.

Q: What reports to the data bank?

A: He has reports to the data bank. I can't name them all, but they have to do with the well-beings of patients.

\* \* \*

Q: Has he ever flunked a credentialing process?

A: Not at Selby.

\* \* \*

Q: \* \* \* Let me ask you this. Do you have an opinion as to whether or not Dr. Z would have received credentials for the emergency room if he had applied for those credentials?

A: It's my opinion that he would have been credentialed.

\* \* \*

Q: The time that you processed that [Dr. Z's eventual emergency room credentials] through your office, did you believe that Dr. Z posed a risk to the emergency room patients?

A: Doesn't matter what I believe it. It matters if the medical credentialing committee approves him or not.

\* \* \*

Q: Did you have an opinion?

A: Yes.

Q: And what was your opinion of Dr. Z's qualifications for the ER or suitability for credentials at the time your department processed his credentials?

A: He met the basic requirements."

{¶32} Although Appellant Cunningham initially stated that she had patient safety concerns related to Dr. Z's practicing in the emergency room, her testimony immediately following that initial statement does not support that conclusion.

{¶33} Appellant Galyean's deposition testimony follows the same spirit as that of Appellant Cunningham with respect to her reasons for reporting alleged misconduct. Appellant Galyean's deposition testimony provides as follows:

- "Q: \* \* \* Do you know of any harm that came to patients because Drs. Merrill, Waters, and Spencer did not have technical privileges for the ER?  
A: To patients?  
Q: (Nodding head.)  
A: I do not know.  
Q: Do you know of *any other harm*?  
A: *No.*" (Emphasis added).

{¶34} With respect to the alleged criminal violations, Appellant Galyean testified as follows:

- "Q: Do you know of any instance where a physician was given illegal benefit, given something that they shouldn't have, either money or office space or computer equipment or special privileges, anything like that?  
A: No.  
\* \* \*  
Q: Do you know of any situation where the hospital overbilled Medicare or Medicaid?  
A: I don't.  
\* \* \*  
Q: It looks like you have gone through and identified various members of management?  
A: Yes.  
Q: CEO, the CFO, the CCO, and the director of surgery?  
A: Yes.  
Q: Do you believe that any of these individuals committed crimes while they were – while you worked there at the hospital?

A: I don't know.

Q: Did you ever suspect that Maryann Greenwell, Nancy Chandler, Tom Kelly, or Mark Mattes were guilty of any criminal acts?

A: No."

{¶35} However, despite the above quoted deposition testimony, both Appellants filed affidavits in support of their memorandums in opposition to Appellees partial motions for summary judgment, which, in the view of the trial court, contradicted their deposition testimony. Pertinent provisions of those affidavits are set forth as follows.

By Appellant Cunningham:

- "8. With respect to the several occasions where I objected to Selby officials permitting uncredentialed physicians to work in surgery or in the emergency room, I had several concerns, including patient safety and welfare and protecting Selby from potential liability.
9. For example, I am aware that both the state of Ohio and the federal government carefully regulate services provided by Hospitals and by physicians, and it is my belief that permitting an uncredentialed physician to practice in a Hospital is a violation of federal and state law.

\* \* \*

14. Although I cannot identify a specific injury that was inflicted upon any patient at Selby by a physician practicing without proper credentials, I am convinced that permitting uncredentialed physicians to practice medicine at Selby was dangerous to the health and safety of the public and, if allowed to continue, will inevitably result in harm."

Appellant Galyean's affidavit states as follows:

"7. Based upon my knowledge and training, I believe that permitting physicians to practice without proper credentials is against the law and is a danger to the health and safety of Selby patients. I also know that permitting physicians without credentials to practice at Selby is a violation of Selby policy.

\* \* \*

10. The reports I made to various officials at Selby and at Quorum about improper credentialing reflected my concern that persons at Selby were violating the law, as well as hospital policy, and that their violations posed an imminent risk of harm to the public."

{¶36} In our view, Appellants' affidavits are clearly inconsistent with their earlier deposition testimony. "Generally, a nonmoving party cannot defeat a motion for summary judgment by submitting an affidavit which, without good explanation, contradicts that party's previous deposition testimony." *Mollett v. Million Dollar General Corp.*, Scioto App. No. 04CA2941, 2005-Ohio-589 at ¶ 17; citing *Steiner v. Steiner* (July 12, 1995), Scioto App. No. 93CA2191, 1995 WL 416941, citing *Crosswhite v. Desai* (1989), 64 Ohio App.3d 170, 580 N.E.2d 1119; *Brannon v. Rinzler* (1991), 77 Ohio App.3d 749, 603 N.E.2d 1049; *Pain Ent. Inc. v. Wessling* (Mar. 22, 1995), Hamilton App. No. C-930888, 1995 WL 121459; *McCain v. Cormell* (June 30, 1994), Trumbull App. No. 93T-4967, 1994 WL 320915; *Bellian v. Bicron Corp.* (Dec. 18, 1992), Geauga App. No. 92-G-1695, 1992

WL 387354.<sup>3</sup>

{¶37} However, this is not a complete bar to the consideration of an affidavit that contradicts prior deposition testimony. *Mollett* at ¶ 17. "A court may consider a contradictory affidavit where the affiant can provide a legitimate reason for the contradiction, including, but not limited to, affiant's confusion at the time of the deposition, or affiant's previous lack of access to material facts coupled with affiant's averment of newly discovered facts." *Id.*; See, e.g., *Push v. A-Best Prod. Co.* (Apr. 18, 1996), Scioto App. No. 94CA2306, 1996 WL 192968 at fn. 8; *Bulishak v. Finast Supermarkets* (Mar. 19, 1992), Cuyahoga App. No. 62301, 1992 WL 55835.

{¶38} This approach was recently reaffirmed, and to some extent extended, by the Supreme Court of Ohio in *Byrd v. Smith*, 110Ohio St.3d 24, 2006-Ohio-3455, 850 N.E. 2d 47. In *Byrd*, the Court held that "[w]hen determining the effect of a party's affidavit that appears to be inconsistent with the party's deposition and that is submitted either in support of or in opposition to a motion for summary judgment, a trial court must consider whether the affidavit contradicts or merely supplements the deposition." The Court further reaffirmed that "[a]n affidavit of a party opposing

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<sup>3</sup> We have, however, permitted consideration of the conflict when an affidavit has been filed that sufficiently explains the reason for the discrepancy. *Fiske v. Rooney* (1998), 126 Ohio App.3d 649, 711 N.E.2d 239.



summary judgment that contradicts former deposition testimony of that party may not, without sufficient explanation, create a genuine issue of material fact to defeat the motion for summary judgment." *Byrd*, supra, at paragraph three of the syllabus.

{¶39} Here, Appellants argue on appeal that their affidavits do not directly conflict with their deposition testimony. They argue that they were asked about specific harms to specific patients, inflicted by specific individuals, while their affidavit testimony speaks more generally to the potential harms associated with the practice of permitting uncredentialed physicians to practice at Selby. We are not persuaded by Appellants' argument.

{¶40} Aside from the direct and specific questions that were asked during depositions, Appellants were also asked general questions, in which they had ample opportunity to expound upon the alleged criminal violations and safety concerns. For instance, Appellant Cunningham was questioned as follows:

"Q: \* \* \* The compliance concerns that you are referring to in this letter [the letter reporting concerns to Quorum], I suspect that those are compliance concerns that we've discussed over the last few days; is that correct?

A: Yes.

Q: Is there any compliance issues that we have not discussed that you can think of?

- A: The compliance issues that are in this letter addressed to Joe Beck we've already discussed.
- Q: Okay. So everything's in this, everything – *we've discussed everything then?*
- A: *Yes.*
- \* \* \*
- Q: In your complaint there's allegations that Selby and the other defendant's violated state and federal laws. And at any time during your employment with Selby did you ever have cause to go to the police about any activity at Selby?
- A: No.
- Q: The assistant prosecutor or prosecutor?
- A: No.
- Q: The FBI?
- A: No.
- Q: Were you ever a witness to any criminal activity at Selby hospital?
- A: No.
- \* \* \*
- Q: Okay. And Mr. Williams mentioned going to the police, going to the prosecutor, and things like that. I understand that with hospital compliance issues you can be – receive civil penalties or have your accreditation – get in trouble with your accreditation. Did you think that Maryann Greenwell should have gone to jail for anything that you saw or heard going on at Selby General Hospital?
- A: I didn't have that thought one way or the other.
- Q: All right. Did you have the thought that either Mark Mattes or Tom Kelly should have gone to jail over anything happening at Selby General Hospital?
- A: I didn't have that thought one way or the other.
- Q: *Did you ever think during the time that you were employed at Selby General Hospital that people like Mark or Maryann or others at the hospital were violating the criminal statutes of either Ohio or the United States government?*
- A: *No.*" (Emphasis added).

{¶41} Appellant Galyean was also presented with a summary question during deposition, to which she responded as follows:

"Q: Do you know of *any situation* where a physician without privileges posed some risk of harm to a patient because of *anything* that they were doing at the hospital?

A: *No.*"

{¶42} Here, we have later affidavits directly conflicting with previous deposition testimony. In keeping with the approach recently set forth in *Byrd*, supra, we conclude that the testimony contained in the affidavits is contradictory, and not merely supplemental to the deposition testimony. Further, because there is nothing in the record from Appellants that sufficiently explains the inconsistent evidence they submitted, we will not consider the affidavits in our analysis. Thus, in our view, the trial court properly granted summary judgment in favor of all Appellees on Appellants' whistleblower claims. The deposition testimony of both Appellants fails to establish a reasonable belief that any crimes had been committed and even if it did, there is no indication in the deposition testimony of either Appellant, that the report to Quorum was motivated by their concerns for public health or patient safety.

{¶43} To the contrary, Appellants, especially Appellant Cunningham, were very clear as to their motivations for making a report to Quorum, and that motivation was liability concerns on the part of Selby hospital and

themselves individually. Thus, because there exists no genuine issue of material fact regarding Appellants' reasonable beliefs at the time of the report and their motivations for reporting to Quorum were not protected by statute, Appellants failed to strictly comply with the Ohio's whistleblower statute and Appellees are entitled to judgment as a matter of law.

Accordingly, we overrule Appellants' first assignment of error and affirm the trial court's grant of summary judgment in favor of all Appellees on Appellants' whistleblower claims.

{¶44} In her second assignment of error, Appellant Galyean argues that the trial court erred in granting Appellee Selby's motion for summary judgment on her wrongful discharge claim. In support of this assignment of error, Appellant Galyean argues that 1) the trial court erred in holding that only the statutory bases for her wrongful discharge claim that she listed in her complaint could form the basis for her claim; 2) the trial court erred in finding there were no disputes of material fact concerning her wrongful discharge claim; and 3) the trial court erred in concluding that the factual underpinnings of her claim were insufficient to establish the jeopardy element of her wrongful discharge claim.

{¶45} Under Ohio law, an employer may discharge an at-will employee for any reason as long as the discharge does not contravene a clear

public policy. *Greeley v. Miami Valley Maintenance Contrs., Inc.* (1990), 49 Ohio St.3d 228, 551 N.E.2d 981, paragraph two of the syllabus. See, also, *Painter v. Graley* (1994), 70 Ohio St.3d 377, 1994-Ohio-334, 639 N.E.2d 51, paragraph two of the syllabus. If an employer's discharge of an at-will employee violates public policy, that employee may bring a cause of action for wrongful discharge in violation of public policy. *Painter*, supra. Appellant Galyean asserts that her claim for wrongful discharge in violation of Ohio public policy arises under *Greeley* and *Painter*, supra, as well as *Kulch v. Structural Fibers, Inc.*, 78 Ohio St.3d 134, supra.

{¶46} In *Kulch*, the Supreme Court of Ohio reaffirmed the test for determining whether a viable common-law cause of action for tortious wrongful discharge in violation of public policy exists. The elements that must be met, in order for a claim to be viable, are as follows:

1. That [a] clear public policy existed and was manifested in a state or federal constitution, statute or administrative regulation, or in the common law (the clarity element);
2. That dismissing employees under circumstances like those involved in the plaintiff's dismissal would jeopardize the public policy (the jeopardy element);
3. The plaintiff's dismissal was motivated by conduct related to the public policy (the causation element); and
4. The employer lacked overriding legitimate business justification for the dismissal (the overriding justification element). *Kulch*, supra, 78 Ohio St.3d at 150-151, citing *Painter*, supra, 70 Ohio St.3d at 384, relying on H. Perritt, *The Future of Wrongful Dismissal Claims: Where Does Employer Self Interest Lie?* (1989), 58 U.Cin.L.Rev. 397, 398-399.

{¶47} In *Kulch*, the Supreme Court of Ohio also noted its prior holding in *Collins v. Rizkana* (1995), 73 Ohio St.3d 65, 70, 1995-Ohio-135, 652 N.E.2d 653, "that the clarity and jeopardy elements of the tort of wrongful discharge are questions of law to be determined by the court," and that "[c]onversely, the causation and overriding justification elements are questions of fact for the trier-of-fact."

{¶48} In her Amended Complaint, Appellant Galyean alleged that she was wrongfully discharged in violation of public policy. Appellant Galyean alleged that the applicable public policies were contained in R.C. 3701 (Department of Health), 3727 (Hospitals) and 4731 (Professions), as well as "administrative regulations adopted pursuant to those chapters." However, in her memorandum in opposition to the Appellee's motions for summary judgment, Appellant Galyean failed to advance her claim under R.C. 3701, but claimed public policy violations under R.C. 3727.06 (Hospitals/Admission and Supervision of patients), R.C. 3727.10 (Hospitals/Prohibitions on hospital conduct), R.C. 4731.143 (Physicians; Limited Practitioners/Notice of lack of malpractice insurance), and advanced new claims based on R.C. 4101.11 (Division of Industrial Compliance/Duty of employer to protect employees and frequenters), R.C. 4765.50 (Emergency Medical Services/Prohibitions; exceptions) and finally, 42

U.S.C. 11101, et seq. (Health Care Quality Improvement Act). The Appellees objected to Appellant's reliance on public policies not originally pled her original or amended complaint.

{¶49} The trial court held that "[t]o the extent that the sections mentioned in her brief were not pled, and to which the Defendant's object, the Court finds that she cannot rely upon them. However, even if the sections were properly pled, none of the briefed sections support a claim for wrongful discharge in violation of public policy." Despite the court's holding, it went on to consider the newly claimed public policy arguments, which included R.C. 4101.11, 42 U.S.C. 11101, et seq., and R.C. 4765.50. With regard to R.C. 4101.11, which essentially deals with premises liability situations, the trial court held that "it is neither sufficiently specific, nor clearly related to the situation at hand, to be the basis for a claim such as this."

{¶50} As to 42 U.S.C. 11101, et seq., the trial court held that it was a "general statement of policy [that] is too broad and insufficiently specific for the Court to find a clear expression of public policy that is implicated by the facts of this case." The trial court also held that the effective date of R.C. 4765.50 was "on or after November, 3, 2002," which was after the alleged discharge occurred. It further held, with regard to that statute, that "[t]here is

nothing in the factual underpinnings of this case that in any way implicate this section of Ohio Law."

{¶51} In her brief, Appellant Galyean claims that the trial court erred in holding that only the statutory bases for her wrongful discharge claim that she listed in her complaint could form the basis for her claim. In support of her assertion, she argues that she was "not required, either in her complaint or in her deposition, to point to a particular statute as the basis for her public policy claim," and that "all she is and was required to do is to identify facts that, if proven, constitute conduct that violated public policy." We are not persuaded by Appellant's arguments. The first element of a claim for wrongful discharge in violation of public policy is "[t]hat [a] clear public policy exist[s] and [is] manifested in a state or federal constitution, statute or administrative regulation, or in the common law." In her complaint, Appellant specifically names several statutes that she claims embody the public policy issues in her claim.

{¶52} However, although the trial court stated that Appellant could not rely on sections [of the Ohio Revised Code and United States Code] not pled in her complaint, it went on to individually address each claim on the merits. We agree with the trial court's assessment that R.C. 4101.11, R.C. 4765.50 and 42 U.S.C. 11101, et seq. are not sufficiently specific to serve as



that basis for Appellant's claim. R.C. 4101.11 deals with traditional premises liability, not malpractice or medical negligence. 42 U.S.C. 11101, et seq., known as the Health Care Quality Improvement Act, at least the provision specifically set forth by Appellant, is primarily geared toward the promotion of effective peer review among physicians. It does not afford protection to hospital employees who report believed credentialing violations. Finally, R.C. 4765.50, as the trial court correctly noted, did not become effective until November 3, 2002, which is after the events giving rise to this litigation. Therefore, that section is inapplicable to the facts sub judice, on its face.

{¶53} We now turn our attention to the remaining claimed public policy violations that were originally pled and also advanced at the summary judgment stage, which include a claim based on R.C. 4113.51 (Ohio's whistleblower statute), as well as, R.C. 3727.06, R.C. 3727.10 and R.C. 4731.143. We first address Appellant's reliance on R.C. 4113.52. In her brief, Appellant argues that "[t]o the extent the Court finds that Galyean may proceed to trial on her whistleblower claim, that conclusion is also sufficient to sustain Galyean's wrongful discharge claim." Appellant cites *Kulch*, supra, in support. However, the Supreme Court of Ohio, in *Kulch*, supra, also explained, citing its earlier reasoning in *Contreras v. Ferro Corp.*

(1995), 73 Ohio St.3d 244, 652 N.E.2d 940, that "an employee who fails to strictly comply with the requirements of R.C. 4113.52 cannot base a *Greeley* claim solely upon the public policy embodied in that statute." In light of our holding that Appellant's whistleblower claim fails, she cannot bring a *Greeley* claim based upon that statute. Therefore, Appellant's wrongful discharge in violation of public policy claim, based upon the public policy embodied in Ohio's whistleblower statute, is not a viable claim.

{¶54} Although Appellant included R.C. Chapter 3727 in her complaint and specifically argued R.C. 3727.06 in her memorandum in opposition to summary judgment, in her appellate brief she sets forth five different bases for her claim, none of which include this statute. Therefore, we will not consider it as part of our analysis. R.C. 3727.10 deals with prohibitions on hospital conduct "on or after November 3, 2002." As with R.C. 4765.50, the trial court held that it was inapplicable to the facts sub judice because the events at issue occurred prior to the effective date of the statute. We agree with the trial court's assessment and also find that it is inapplicable.

{¶55} R.C. 4731.143 provides, in pertinent part, that:

(A) Each *person* holding a valid *certificate* under this chapter authorizing the *certificate holder* to practice medicine and surgery, osteopathic medicine

and surgery, or podiatric medicine and surgery, who is not covered by medical malpractice insurance as defined in section 3929.71 of the Revised Code, *shall provide a patient with written notice of the certificate holder's lack of such insurance coverage* prior to providing *nonemergency* professional services to the patient."

{¶56} The trial court held that this statute was inapplicable to the present facts because it did not prohibit uninsured physicians from treating patients, but rather, it specifically permitted treatment, as long the patient was notified of the lack of insurance. Also, the trial court noted that the statute excepted from its coverage "nonemergency" services provided to patients. The claimed violations here included physicians providing treatment in the emergency room at Selby Hospital. Not only do we agree with the trial court's reasoning on this issue, we believe there are additional reasons for this statute's inapplicability to the present facts. The statute requires that the person who possesses the valid certificate to practice medicine (i.e. physician) inform the patient of his/her lack of insurance coverage. In our view, this is physician duty, not a duty of the hospital, and therefore does not implicate the hospital in any way. As such, Appellant's reliance on this statute as an expression of public policy in support of her claim is misplaced.

{¶57} We agree with the trial court's determination that none of the previously discussed statutes set forth a clear public policy in support of Appellant's wrongful discharge claim. As a result, the clarity element, which is the first of four elements required for a viable claim, has not been met. Because the clarity element is a question of law to be determined by the court, the failure to meet this element destroys the viability of the claim. Therefore, the trial court properly granted summary judgment to Appellee Selby on Appellant's claim.

{¶58} We now consider Appellants' third and final assignment of error. Appellants argue that the trial court erred in granting Appellees' motions for summary judgment on their defamation claims. In support of this assignment of error, Appellants specifically argue that 1) the trial court erred in concluding that no actionable defamatory statements applied to Galyean and 2) the trial court erred in granting Appellees' motions for summary judgment on their defamation claims because material questions of fact existed regarding Appellees' claims of privilege and Appellants' claims of malice. Because the trial court granted summary judgment to Appellees on Appellants' defamation claims, the appropriate standard of review is *de novo*. See *Broadnax v. Greene Credit Service* and *Coventry Twp. V. Ecker*, *supra*.

{¶59} In their complaints and throughout their deposition testimony, Appellants seemingly hinged their claims on what ultimately turned out to be mere rumor, which was unable to be traced back to the Defendants. However, during the discovery portion of this case, Appellants assert additional testimony was obtained indicating Appellee Greenwell made comments, after Appellants were discharged and/or placed on leave, that Appellants concealed pertinent credentialing information related to a certain physician, referred to as Dr. A. Beginning at the summary judgment phase and continuing into appeal, Appellants now base their defamation claims on those comments, alleging that the comments were defamatory, were not privileged, and were made with malice.

{¶60} In support of their defamation claims, Appellants primarily rely on the deposition testimony of three individuals, which include, Jim Phillippe, Treva Spurlock, and William Peoples. Jim Phillippe is a regional vice president with Quorum Health Resources. He directly supervised Maryann Greenwell at the times at issue. He testified as follows:

"Q: Okay. Let's talk about the – [Dr. A]. Tell me what your understanding of the [Dr. A] issue is.

A: Well, the part that concerned me is I learned that [Dr. A] had been summarily suspended from a medical staff, and I believe it was in Marquette, Michigan, and that this was not reported to the credentials committee or the medical staff or the board until after [Dr. A] had been credentialed.

Q: Okay. And what is the source of your knowledge?

- A: Management.  
Q: Management being Mrs. Greenwell?  
A: Yep."

{¶61} Treva Spurlock was Maryann Greenwell's secretary. Part of her duties included taking the minutes at the hospital's board meetings. She testified as follows:

- "Q: \* \* \* Did you ever hear Maryann Greenwell suggest that *Debra Cunningham* had concealed or misrepresented the contents of [Dr. A's] credentials file?  
A: Yes.  
Q: Tell me what you recall her saying.  
A: Did not report what they had found in the database.  
Q: And it was specifically Debbie didn't report that?  
A: *I don't know if it was Debbie or Rhonda.*  
Q: Okay. *Do you recall who she said that to?*  
A: *The board.*  
Q: Was that at a board meeting?  
A: I cannot recall that, but I know it was mentioned.  
Q: To several board members?  
A: I can't recall that either. I just know that it was mentioned."  
(Emphasis added).

{¶62} William Peoples serves on the board of Selby General Hospital.

He testified as follows:

- "Q: What facts do have then to support your *feeling* that you were not getting complete information?  
A: *I don't know that I have any facts.* You asked me what my feeling was during her [Debra Cunningham] time there and that was the overall feeling that I had.  
Q: Our feelings generally come from a source. You can't express to me what the source of your feeling is?  
A: I guess not off hand.  
Q: Did Ms. Greenwell, for example, ever suggest to you that you weren't getting straight information from *Debbie*?

- A: I'm fairly confident that was discussed.
- Q: So you are fairly confident that Ms. Greenwell suggested that *Debbie* wasn't being truthful?
- A: No. I'm not saying that. I'm saying that those discussions were had. Now, whether it came from Ms. Greenwell or from another board member or just the circumstances, I can't recall.
- Q: So from your discussion with other board members and perhaps staff people, you came to the *feeling* that you weren't getting straight information from *Debbie* or you weren't getting complete information from *Debbie*?
- A: That's fair." (Emphasis added).

{¶63} Defamation is defined as "[t]he act of harming the reputation of another by making a false statement to a third person." Black's Law Dictionary (8th ed. 2004). The four elements of defamation have been described as follows:

- " ' (a) a false and defamatory statement concerning another;  
(b) an unprivileged publication to a third party;  
(c) fault amounting at least to negligence on the part of the publisher; and  
(d) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.' " *Cassidy v. U.S. Health Corp.* (1994), Scioto App. No. 2158, 1994 WL 88942; citing *Akron-Canton Waste Oil, Inc. v. Safety-Kleen Oil Serv., Inc.* (1992), 81 Ohio App.3d 591, 611 N.E.2d 955; relying on 3 Restatement of the Law 2d, Torts (1977) 155, Section 558; See, also, *Tohline v. Central Trust Co., N.A.* (1988), 48 Ohio App.3d 280, 284, 549 N.E.2d 1223.

{¶64} Appellees counter Appellants' assertions by arguing that none of the allegedly defamatory statements set forth by Appellants refers to Appellant Galyean and that, therefore, her claim must fail. The trial court agreed with Appellees, as do we. None of the above-quoted testimony refers

to Appellant Galyean concealing information. The only person that mentions Appellant Galyean was Treva Spurlock, and her reference does not rise to the level of defamation. Appellees also argue that the statements themselves are not actionable statements because they are privileged. In response, Appellants argue that genuine issues of fact exist as to whether the statements were privileged and whether Appellee Greenwell acted with malice in making the statements.

{¶65} For the purpose of reviewing the summary judgment, we assume that Appellee Greenwell's statements are defamatory. See *Bell v. Horton*, Ross App. No. 02CA2651, 2002-Ohio-7260. A person alleged to have published defamatory material may invoke the defense of qualified privilege in order to avoid liability. *A & B-Abell Elevator Co. v. Columbus/Cent. Ohio Bldg. & Constr. Trades Council*, 73 Ohio St.3d 1, 7 1995-Ohio-66, 651 N.E.2d 1283. A publication is qualifiedly privileged "where circumstances exist, or are reasonably believed by the defendant to exist, which cast on him the duty of making a communication to a certain other person to whom he makes such communication in the performances of such duty, or where the person is so situated that it becomes right in the interests of society that he should tell third persons of certain facts, which he



in good faith proceeds to do." *Hahn v. Kotten* (1975), 43 Ohio St.2d 237, 244, 331 N.E.2d 713.

{¶66} In *A & B-Abell*, the Supreme Court stated: "The defense of qualified privilege is deeply rooted in public policy. It applies in a variety of situations where society's interest in compensating a person for loss of reputation is outweighed by a competing interest that demands protection. Accordingly, the privilege does not attach to the communication, but to the *occasion* on which it is made. It does not change the actionable quality of the publication, but heightens the required degree of fault. This affords some latitude for error, thereby promoting the free flow of information on an occasion worthy of protection." *A & B-Abell Elevator Co.*, *supra*, at 8-9. (Emphasis added).

{¶67} Accordingly, once the defense of privilege attaches, the plaintiff can only defeat the privilege by a clear and convincing showing that the defendant made the communication with actual malice. *Id.* at 11. Actual malice is defined as acting with knowledge that the *statements* are false or acting with reckless disregard as to their truth or falsity. *Jacobs v. Frank* (1991), 60 Ohio St.3d 111, 573 N.E.2d 609, paragraph two of the syllabus; *Hahn*, 43 Ohio St.3d 237, paragraph two of the syllabus. (Emphasis added). In order to determine whether the defamatory statements are entitled to a

qualified privilege, courts consider the circumstances under which they were made.

{¶68} Here, the statements at issue were made in the employment context. Appellants' complaint alleges that "[a]ll of Defendant Greenwell's activities described herein were undertaken in the course and scope of her employment." Appellees argue that "[u]nder Ohio law communications between corporate officers, management, and employees concerning another employee's job performance are privileged absent actual malice," citing *Evely v. Carlon Co., Div. of Indian Head, Inc.* (1983), 4 Ohio St.3d 163, 165, 447 N.E.2d 1290. In *Evely*, the appellant conceded in his complaint that the allegedly defamatory statements were made by his employer, through its officers, within the scope of employment. On these facts, the Supreme Court of Ohio reasoned as follows: "[a]t the outset, it must be pointed out that all of the statements attributed to the officers of the appellee were made concerning the activities of the appellant arising out of his employment status with the company. None of these statements was directed to the appellant as an individual separate and apart from his employment. As such, the statements would be afforded a qualified privilege concerning matters of common business interest between the parties and, accordingly, there must be a showing that they were made with

actual malice in order for the appellant to prevail. In this regard there must be evidence adduced by the appellant beyond the mere allegations contained in the complaint." *Id.*

{¶69} In accordance with the holding in *Evely*, because Appellants alleged the statements at issue were made within the scope of employment, and because, based upon a review of the record it is clear that the statements were made to members of Quorum management and Selby's board<sup>4</sup>, both of which have a common business interest, it is clear that the statements are privileged.

{¶70} We must now consider Appellants' arguments that the statements were made with malice. Appellants claim, on appeal, that "there is abundant evidence of malice here." However, Appellants hinge their argument on Maryann Greenwell's history of untruthfulness, in general. Appellants, in their brief, state "[i]n this case, there is ample evidence to establish Greenwell's 'malicious' attitude toward the truth, in general, and toward the truth surrounding Appellants' discharge, in particular." In support of their arguments, Appellants' cite Appellee Greenwell's falsification of her educational credentials and her reputation at Selby as an

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<sup>4</sup> A review of the pertinent testimony indicates that although Treva Spurlock, a secretary, heard Maryann Greenwell state that Appellants had concealed credentialing information, she either obtained this information by keeping the minutes at the hospital board meetings or overheard a discussion between Maryann Greenwell and other board members, possibly in Greenwell's office, which is adjacent to her office. Therefore, we are not persuaded by Appellants arguments that she should not have been privy to this information.

"inveterate liar." With regard to the statements at issue, Appellants argue that Appellee Greenwell "knew her statements about \* \* \* concealing information about Dr. A. were fabrications." In support of this argument, they argue that they were initially informed they were being discharged due to budget considerations, but that Greenwell told others they were discharged because they had completed their objectives related to physician recruitment, and ultimately informed others that they had concealed information. Appellees, however, assert that it was not until Appellants were discharged that problems with the credentialing files were found, thereby leading to the statements about concealing information. We believe, based upon a review of the pertinent testimony, that although Appellees gave varying reasons for discharging Appellants, this inconsistency does not, in and of itself, provide the requisite showing of malice to defeat the privilege asserted by Appellees.

{¶71} Appellants argue, with respect to defamation, that "[i]t is the publisher's attitude toward the truth, rather than [her] attitude toward the plaintiff, personally, that is important," citing *Dupler v. Mansfield Journal Co.* (1980), 64 Ohio St.2d 116, 118-120, 413 N.E.2d 1187. As all Appellees herein properly note, Appellants misquoted the holding in *Dupler*. Instead, *Dupler* states as follows: "[a]ctual malice may not be inferred from

evidence of personal spite ill-will or intention to injure on the part of the writer. (citations omitted). Rather, the focus of the inquiry is on defendant's *attitude toward the truth or falsity of the publication \* \* \*.*" Id at 119. As such, Appellants' reliance on *Dupler* is misplaced. *Dupler* does not support Appellants' contention that a disregard for the truth, in general, rises to the level of malice with respect to a specific statement.

{¶72} Because we believe that Appellants failed to show genuine issues of material facts exist with respect to whether Appellee Greenwell acted with actual malice sufficient to defeat a claim of privilege, their claims fail. Assuming we found any of the statements at issue applied to Galyean, which we do not, her claim would fail, just as Cunningham's claim fails, because the statements at issue were privileged and are, therefore, insufficient to sustain a claim of defamation. Accordingly, Appellants' third assignment of error is without merit and we affirm the decision of the trial court.

**JUDGMENT AFFIRMED.**

**JUDGMENT ENTRY**

It is ordered that the JUDGMENT BE AFFIRMED and that the Appellees recover of Appellants costs herein taxed.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Washington County Common Pleas Court to carry this judgment into execution.

Any stay previously granted by this Court is hereby terminated as of the date of this entry.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Exceptions.

McFarland, P.J.: Concurs in Judgment and Opinion.

Kline, J.: Concurs in Judgment Only.

Abele, J.: Dissents.

For the Court,

BY: \_\_\_\_\_  
Presiding Judge Matthew W. McFarland

BY: \_\_\_\_\_  
Judge Roger L. Kline

BY: \_\_\_\_\_  
Judge Peter B. Abele

**NOTICE TO COUNSEL**

**Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.**

**U.S. District Court  
Middle District of Florida (Tampa)  
CIVIL DOCKET FOR CASE #: 8:03-cv-02429-EAK-EAJ**

Amato v. Harborside Rehabilitation, LP, et al.  
Assigned to: Judge Elizabeth A. Kovachevich  
Referred to: Magistrate Judge Elizabeth A. Jenkins  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 11/19/2003  
Date Terminated: 03/20/2006  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

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Date Filed	#	Docket Text
11/19/2003	<u>1</u>	FALSE CLAIMS ACT COMPLAINT against Harborside Rehabilitation Limited Partnership, 1240 Pinebrook Road, LLC, Florida Administrative Services, LLC; jury demand (Filing fee \$150 receipt number T024415) filed by Vito Amato.(bls) (Entered: 02/24/2005)
11/19/2003	2	Sealed document. (bls) (Entered: 02/24/2005)
11/19/2003	3	Sealed document. (bls) (Entered: 02/24/2005)
01/23/2004	4	Sealed document. (bls) (Entered: 02/24/2005)
01/23/2004	5	Sealed document. (bls) (Entered: 02/24/2005)
01/29/2004	6	Sealed document. (bls) (Entered: 02/24/2005)
03/10/2004	7	Sealed document. (bls) (Entered: 02/24/2005)
09/24/2004	8	Sealed document. (bls) (Entered: 02/24/2005)
09/24/2004	9	Sealed document. (bls) (Entered: 02/24/2005)

09/29/2004	10	Sealed document. (bls) (Entered: 02/24/2005)
02/22/2005	<u>11</u>	NOTICE of election to decline intervention by USA (bls) (Entered: 02/24/2005)
02/24/2005	<u>12</u>	ORDER re <u>11</u> Notice of election to decline intervention filed by USA. Signed by Judge Elizabeth A. Kovachevich on 2/24/2005. (bls) (Entered: 02/24/2005)
03/08/2005	<u>13</u>	RELATED CASE ORDER AND NOTICE of designation under Local Rule 3.05 – track 2. Notice of pendency of other actions due by 3/21/2005. Signed by Deputy Clerk on 3/8/2005. (cl-m) (Entered: 03/08/2005)
03/17/2005	<u>14</u>	AMENDED COMPLAINT against all defendants, filed by Vito Amato.(Maglio, Altom) (Entered: 03/17/2005)
03/21/2005	<u>15</u>	Summons issued as to Florida Administrative Services, LLC. (bls) (Entered: 03/21/2005)
03/21/2005	<u>16</u>	Summons issued as to 1240 Pinebrook Road, LLC. (bls) (Entered: 03/21/2005)
03/21/2005	<u>17</u>	Summons issued as to Harborside Rehabilitation Limited Partnership. (bls) (Entered: 03/21/2005)
04/07/2005	<u>18</u>	MOTION for extension of time to file answer or otherwise plead re <u>14</u> Amended complaint by Harborside Rehabilitation Limited Partnership, 1240 Pinebrook Road, LLC, Florida Administrative Services, LLC. (bls) (Entered: 04/07/2005)
04/08/2005	19	ENDORSED ORDER granting <u>18</u> Motion for extension of time to answer or respond Harborside Rehabilitation Limited Partnership. Answer due 5/9/2005 . Signed by Judge Elizabeth A. Kovachevich on 4/8/2005. (jm, ) (Entered: 04/08/2005)
04/14/2005	<u>20</u>	APPEARANCE of non-resident counsel and designation of local counsel by Laura McLane, Mark W. Pearlstein on behalf of Harborside Rehabilitation Limited Partnership, 1240 Pinebrook Road, LLC, Florida Administrative Services, LLC. Local Counsel: Albert J. Ferrera. (bls) (Entered: 04/18/2005)
05/09/2005	<u>21</u>	Dispositive MOTION to dismiss amended complaint by Harborside Rehabilitation Limited Partnership, 1240 Pinebrook Road, LLC, Florida Administrative Services, LLC. (jmg) (Entered: 05/10/2005)
05/09/2005	<u>22</u>	MEMORANDUM in support re <u>21</u> Motion to dismiss filed by Harborside Rehabilitation Limited Partnership, 1240 Pinebrook Road, LLC, Florida Administrative Services, LLC. (jmg) (Entered: 05/10/2005)
05/16/2005	<u>23</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>21</u> MOTION to dismiss amended complaint, <u>22</u> Memorandum in support by Vito Amato. (Maglio, Altom) (Entered: 05/16/2005)
05/17/2005	24	ENDORSED ORDER granting <u>23</u> Motion for Extension of Time to File Response/Reply re <u>21</u> MOTION to dismiss amended complaint. Responses due by 5/30/2005. Signed by Judge Elizabeth A. Kovachevich on 5/17/2005. (jm, ) (Entered: 05/17/2005)
05/31/2005	<u>25</u>	RESPONSE in opposition re <u>21</u> MOTION to dismiss amended complaint filed by Vito Amato. (Maglio, Altom) (Entered: 05/31/2005)
05/31/2005	<u>26</u>	CASE MANAGEMENT REPORT. (Maglio, Altom) (Entered: 05/31/2005)
06/14/2005	<u>27</u>	NOTICE of Appearance by Antonio A. Cifuentes on behalf of Harborside Rehabilitation Limited Partnership, 1240 Pinebrook Road, LLC, Florida Administrative Services, LLC (Cifuentes, Antonio) (Entered: 06/14/2005)
06/14/2005	<u>28</u>	Unopposed MOTION for leave to file Defendants' Unopposed Motion for Leave to File a Reply to Plaintiff's Response to <i>Defendants' Dispositive Motion to Dismiss Amended Complaint</i> by Harborside Rehabilitation Limited Partnership, 1240 Pinebrook Road, LLC, Florida Administrative Services, LLC. (Cifuentes, Antonio) (Entered: 06/14/2005)
06/15/2005	29	ENDORSED ORDER granting <u>28</u> Motion for leave to file . Signed by Judge Elizabeth A. Kovachevich on 6/15/2005. (jm, ) (Entered: 06/15/2005)

06/15/2005	<u>30</u>	CASE MANAGEMENT AND SCHEDULING ORDER: Discovery due by 8/1/2006. Dispositive motions due by 9/15/2006. This case is an 8 hour jury trial.Signed by Judge Elizabeth A. Kovachevich on 6/15/2005. (jm, ) (Entered: 06/15/2005)
06/15/2005	<u>31</u>	REPLY to response to motion re <u>28</u> Unopposed MOTION for leave to file Defendants' Unopposed Motion for Leave to File a Reply to Plaintiff's Response to Defendants' <i>Dispositive Motion to Dismiss Amended Complaint</i> filed by Harborside Rehabilitation Limited Partnership, 1240 Pinebrook Road, LLC, Florida Administrative Services, LLC. (Cifuentes, Antonio) (Entered: 06/15/2005)
07/13/2005	<u>32</u>	NOTICE by Harborside Rehabilitation Limited Partnership, 1240 Pinebrook Road, LLC, Florida Administrative Services, LLC <i>Change of Counsel of Record</i> (Valdez, Thomas) (Entered: 07/13/2005)
07/14/2005	33	ENDORSED ORDER re <u>32</u> Notice (Other) filed by Harborside Rehabilitation Limited Partnership,, 1240 Pinebrook Road, LLC,, Florida Administrative Services, LLC. The Clerk of Court shall substitute Thomas A. Valdez, Esq. for Albert J. Ferrera, Esq. and Antonio A. Cifuentes, Esq.Signed by Judge Elizabeth A. Kovachevich on 7/14/2005. (jm, ) (Entered: 07/14/2005)
10/07/2005	<u>34</u>	Notice of substitution of AUSA. Lacy R. Harwell, Jr substituting for Latour Lafferty. (Harwell, Lacy) (Entered: 10/07/2005)
10/07/2005	<u>35</u>	STIPULATION <i>Joint Motion for Modification</i> by Vito Amato. (Maglio, Altom) (Entered: 10/07/2005)
01/27/2006	<u>36</u>	NOTICE of Appearance by Albert J. Ferrera on behalf of Harborside Rehabilitation Limited Partnership (Ferrera, Albert) (Entered: 01/27/2006)
01/27/2006	<u>37</u>	NOTICE by Harborside Rehabilitation Limited Partnership <i>Specially Appearing Counsel's of Intent to Withdraw</i> (Ferrera, Albert) (Entered: 01/27/2006)
02/06/2006	<u>38</u>	MOTION Specially Appearing Counsel's Request for Leave to Withdraw re <u>37</u> Notice (Other) by all defendants. (Ferrera, Albert) (Entered: 02/06/2006)
02/09/2006	<u>39</u>	NOTICE by Harborside Rehabilitation Limited Partnership <i>Specially Appearing Counsel's Designation of Local Counsel and Consent-to-Act</i> (Ferrera, Albert) (Entered: 02/09/2006)
02/10/2006	<u>40</u>	ORDER granting <u>21</u> Motion to dismiss, with leave to amend. Signed by Judge Elizabeth A. Kovachevich on 2/10/2006. (jm, ) (Entered: 02/10/2006)
03/20/2006	41	ENDORSED ORDER re <u>40</u> Order on motion to dismiss, directing Plaintiff to show cause why no Amended Complaint has been filed. Failure to respond may result in the dismissal of this case. Signed by Judge Elizabeth A. Kovachevich on 3/20/2006. (jm, ) (Entered: 03/20/2006)
03/20/2006	<u>42</u>	RESPONSE re 41 Order by Vito Amato. (Maglio, Altom) (Entered: 03/20/2006)
03/20/2006	43	ENDORSED ORDER dismissing case without prejudice re <u>42</u> Response, 41 Order. The Clerk of Court shall close this case and terminate all pending motions. Signed by Judge Elizabeth A. Kovachevich on 3/20/2006. (jm, ) (Entered: 03/20/2006)

**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:11-cv-20975-PAS**

United States of America et al v. Westward Medical Center, Inc. et al  
Assigned to: Judge Patricia A. Seitz  
Referred to: Magistrate Judge Andrea M. Simonton  
Cause: 31:3729 False Claims Act

Date Filed: 03/22/2011  
Date Terminated: 10/04/2011  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**  
*Ex Rel.*

**Plaintiff**

**Antonio Armenteros**  
*Relator*

represented by **Peter Stanwood Herrick**  
4324 Bayshore Blvd NE  
St Petersburg, FL 33703  
786-877-6317  
Fax: 727-851-9245  
Email: pssherrick@gmail.com  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Westward Medical Center, Inc.**  
*a Florida Corporation*

**Defendant**

**Ocean Blue Medical Research Center,  
Inc.**  
*a Florida Corporation*

**Defendant**

**Yanet Rodriguez**  
*an individual*

**Defendant**

**Mario De La Rosa**  
*an individual*

Date Filed	#	Docket Text
03/22/2011	<a href="#">1</a>	PLAINTIFF/RELATOR'S MOTION to File Complaint Under Seal by Antonio Armenteros. (Attachments: # <a href="#">1</a> Sealed Tracking Form, # <a href="#">2</a> Text of Proposed Order)(nc) (Entered: 03/22/2011)

**Date Discrepancy Cases 072**

03/22/2011	<a href="#">2</a>	COMPLAINT for VIOLATIONS OF FALSE CLAIMS ACT against Mario De La Rosa, Ocean Blue Medical Research Center, Inc., Yanet Rodriguez, Westward Medical Center, Inc. Filing fee \$ 350.00 Receipt#: FLS 100016070, filed by United States of America, Antonio Armenteros. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Civil Cover Sheet/Receipt)(nc) (Entered: 03/22/2011)
03/22/2011	3	Judge Assignment to Judge Patricia A. Seitz and Magistrate Judge John J. O'Sullivan (nc) (Entered: 03/22/2011)
03/22/2011	4	Clerks Notice of Receipt of Filing Fee for New Case received on 3/22/2011 in the amount of \$ 350.00, receipt number FLS 100016070 (nc) (Entered: 03/22/2011)
03/30/2011	<a href="#">5</a>	ORDER Granting <a href="#">1</a> Motion to File Complaint Under Seal. Signed by Judge Patricia A. Seitz on 3/30/2011. (See Order for full details) (nc) (Entered: 03/30/2011)
04/04/2011	6	Case Reassignment of Paired Magistrate Judge pursuant to Administrative Orders 2010-145 and 2011-18 to Magistrate Judge Andrea M. Simonton. (mr1) (Entered: 04/04/2011)
05/27/2011	<a href="#">7</a>	NOTICE of Election to Decline Intervention by United States of America (Attachments: # <a href="#">1</a> Sealed Tracking Form, # <a href="#">2</a> Text of Proposed Order)(nc) (Entered: 05/27/2011)
09/19/2011	<a href="#">8</a>	ORDER re <a href="#">7</a> Notice of Election to Decline Intervention by United States of America. IT IS ORDERED that the Complaint be unsealed and served upon the Defendants by Relator. This Order, and all prior Orders of the Court, be unsealed. The United States' Notice of Election to Decline Intervention to be unsealed. All future filings in this case shall not be filed under seal. Signed by Judge Patricia A. Seitz on 6/7/2011. (See Order for full details) (nc) (Entered: 09/19/2011)
09/20/2011	<a href="#">9</a>	NOTICE of Voluntary Dismissal by Antonio Armenteros (Herrick, Peter) (Entered: 09/20/2011)
10/03/2011	<a href="#">10</a>	NOTICE by United States of America re <a href="#">9</a> Notice of Voluntary Dismissal of <i>Consent to Voluntary Dismissal</i> (Torres, Susan) (Entered: 10/03/2011)
10/04/2011	<a href="#">11</a>	FINAL DISMISSAL WITHOUT PREJUDICESigned by Judge Patricia A. Seitz on 10/4/2011. (ots) (Entered: 10/05/2011)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 15:55:05			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:11-cv-20975-PAS
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

### Date Discrepancy Cases 073

**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:11-cv-20975-PAS**

United States of America et al v. Westward Medical Center, Inc. et al  
 Date Filed: 03/22/2011  
 Date Terminated: 10/04/2011  
 Assigned to: Judge Patricia A. Seitz  
 Jury Demand: None  
 Referred to: Magistrate Judge Andrea M. Simonton  
 Nature of Suit: 890 Other Statutory Actions  
 Cause: 31:3729 False Claims Act  
 Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**  
*Ex Rel.*

**Plaintiff**

**Antonio Armenteros**  
*Relator*

represented by **Peter Stanwood Herrick**  
 4324 Bayshore Blvd NE  
 St Petersburg, FL 33703  
 786-877-6317  
 Fax: 727-851-9245  
 Email: [pssherrick@gmail.com](mailto:pssherrick@gmail.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Westward Medical Center, Inc.**  
*a Florida Corporation*

**Defendant**

**Ocean Blue Medical Research Center, Inc.**  
*a Florida Corporation*

**Defendant**

**Yanet Rodriguez**  
*an individual*

**Defendant**

**Mario De La Rosa**  
*an individual*

Date Filed	#	Docket Text
03/22/2011	<u>1</u>	PLAINTIFF/RELATOR'S MOTION to File Complaint Under Seal by Antonio Armenteros. (Attachments: # <u>1</u> Sealed Tracking Form, # <u>2</u> Text of Proposed Order)(nc) (Entered: 03/22/2011)
03/22/2011	<u>2</u>	COMPLAINT for VIOLATIONS OF FALSE CLAIMS ACT against Mario De La Rosa, Ocean Blue Medical Research Center, Inc., Yanet Rodriguez, Westward Medical Center, Inc. Filing fee \$ 350.00 Receipt#: FLS 100016070, filed by United States of America, Antonio Armenteros. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Civil Cover Sheet/Receipt)(nc) (Entered: 03/22/2011)
03/22/2011	3	Judge Assignment to Judge Patricia A. Seitz and Magistrate Judge John J. O'Sullivan (nc) (Entered: 03/22/2011)

03/22/2011	<u>4</u>	Clerks Notice of Receipt of Filing Fee for New Case received on 3/22/2011 in the amount of \$ 350.00, receipt number FLS 100016070 (nc) (Entered: 03/22/2011)
03/30/2011	<u>5</u>	ORDER Granting <u>1</u> Motion to File Complaint Under Seal. Signed by Judge Patricia A. Seitz on 3/30/2011. (See Order for full details) (nc) (Entered: 03/30/2011)
04/04/2011	<u>6</u>	Case Reassignment of Paired Magistrate Judge pursuant to Administrative Orders 2010-145 and 2011-18 to Magistrate Judge Andrea M. Simonton. (mr1) (Entered: 04/04/2011)
05/27/2011	<u>7</u>	NOTICE of Election to Decline Intervention by United States of America (Attachments: # <u>1</u> Sealed Tracking Form, # <u>2</u> Text of Proposed Order)(nc) (Entered: 05/27/2011)
09/19/2011	<u>8</u>	ORDER re <u>7</u> Notice of Election to Decline Intervention by United States of America. IT IS ORDERED that the Complaint be unsealed and served upon the Defendants by Relator. This Order, and all prior Orders of the Court, be unsealed. The United States' Notice of Election to Decline Intervention to be unsealed. All future filings in this case shall not be filed under seal. Signed by Judge Patricia A. Seitz on 6/7/2011. (See Order for full details) (nc) (Entered: 09/19/2011)
09/20/2011	<u>9</u>	NOTICE of Voluntary Dismissal by Antonio Armenteros (Herrick, Peter) (Entered: 09/20/2011)
10/03/2011	<u>10</u>	NOTICE by United States of America re <u>9</u> Notice of Voluntary Dismissal of <i>Consent to Voluntary Dismissal</i> (Torres, Susan) (Entered: 10/03/2011)
10/04/2011	<u>11</u>	FINAL DISMISSAL WITHOUT PREJUDICESigned by Judge Patricia A. Seitz on 10/4/2011. (ots) (Entered: 10/05/2011)

CLOSED

**U.S. District Court  
Eastern District of Michigan (Detroit)  
CIVIL DOCKET FOR CASE #: 2:09-cv-13058-GER-MJH**

Smith v Ciena Healthcare Management, Inc., et al  
Assigned to: District Judge Gerald E. Rosen  
Referred to: Magistrate Judge Michael J. Hluchaniuk  
Cause: 31:3729 False Claims Act

Date Filed: 08/03/2009  
Date Terminated: 06/07/2010  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America**  
*ex rel*

represented by **Michael J. Riordan**  
United States Attorney's Office  
211 W. Fort Street  
Suite 2001  
Detroit, MI 48226-3211  
313-226-9100  
Email: [michael.riordan@usdoj.gov](mailto:michael.riordan@usdoj.gov)  
(Inactive)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Deborah J. Smith**

represented by **Patricia A. Stamler**  
Hertz Schram  
1760 S. Telegraph Road  
Suite 300  
Bloomfield Hills, MI 48302  
248-335-5000  
Email: [pstamler@hertzschram.com](mailto:pstamler@hertzschram.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Ciena Healthcare Management, Inc.**

**Defendant**

**Autumnwood of Livonia**

**Defendant**

**Mohammed Qazi**

**Defendant**

**Seemab Khan, MD PC**

**Defendant**

**Chayanika Paul**

**Interested Party**

**State of Michigan**

represented by **Ronald J. Styka**  
Michigan Department of Attorney General  
Public Health Division  
P.O. Box 30758  
Lansing, MI 48909



517-373-3488  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/03/2009	<u>1</u>	QUI TAM COMPLAINT <i>and Demand for Jury Trial</i> filed by Ciena Healthcare Management, Inc., Autumnwood of Livonia, Mohammed Qazi, Seemab Khan, MD PC, Chayanika Paul against Autumnwood of Livonia, Ciena Healthcare Management, Inc., Seemab Khan, MD PC, Chayanika Paul, Mohammed Qazi with Jury Demand Receipt No: 0645000000002093755 – Fee: &#036 350. <b>County of 1st Plaintiff: Wayne – County Where Action Arose: Wayne – County of 1st Defendant: Wayne.</b> [Previously dismissed case: No] [Possible companion case(s): None] (Stamler, Patricia) (Entered: 08/03/2009)
06/01/2010	<u>4</u>	[UNSEALED] The United States' Notice of Election to Decline Intervention by United States of America. (Riordan, Michael) Modified on 6/3/2010 (CGre). (Entered: 06/01/2010)
06/03/2010	<u>5</u>	ORDER. Signed by District Judge Gerald E Rosen. (CGre) (Entered: 06/03/2010)
06/04/2010	<u>6</u>	Ex Parte MOTION to Dismiss <i>Qui Tam Case Without Prejudice to the U.S. and the Relator</i> by Deborah J. Smith. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1 – Notice to Decline, # <u>3</u> Exhibit 2 – Consent, # <u>4</u> Exhibit 3 – Proposed Order) (Stamler, Patricia) (Entered: 06/04/2010)
06/07/2010	<u>7</u>	EXPARTE ORDER OF DISMISSAL WITHOUT PREJUDICE TO THE UNITED STATES AND THE REALATOR re <u>6</u> Motion to Dismiss. Signed by District Judge Gerald E Rosen. (RGun) (Entered: 06/07/2010)

**U.S. District Court  
Northern District of Alabama (Southern)  
CIVIL DOCKET FOR CASE #: 2:07-cv-00012-JEO**

Barber v. Brasfield & Gorrie, Inc et al  
Assigned to: Magistrate-Judge John E Ott  
Cause: 31:3729 False Claims Act

Date Filed: 01/03/2007  
Date Terminated: 08/07/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Bradley Barber**  
ex rel. United States of America

represented by **Brian M Clark**  
WIGGINS CHILDS PANTAZIS FISHER &  
GOLDFARB  
The Kress Building  
301 19th Street North  
Birmingham, AL 35203-3204  
205-314-0500  
Fax: 205-254-1500  
Email: Bclark@wigginschilds.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Dennis G Pantazis**  
WIGGINS CHILDS PANTAZIS FISHER &  
GOLDFARB LLC  
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301 19th Street North  
Birmingham, AL 35203-3204  
205-314-0531  
Fax: 205-314-0731  
Email: dgp@wigginschilds.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

V.

**Defendant**

**Brasfield & Gorrie, Inc**

represented by **David R Boyd**  
BALCH & BINGHAM LLP  
P.O. Box 306  
Birmingham, AL 35201-0306  
205-251-8100  
Fax: 866-783-2739  
Email: dboyd@balch.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Matthew Todd Lowther**

**Date Discrepancy Cases 078**

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2204 Lakeshore Drive, Suite 330  
Birmingham, AL 35209  
205-872-1025  
Email: tlowther@btntlaw.com  
ATTORNEY TO BE NOTICED

**Defendant**

**Hoar Construction, LLC**

represented by **James F Archibald , III**  
BRADLEY ARANT BOULT CUMMINGS  
LLP  
1819 5th Avenue North  
P O Box 830709  
Birmingham, AL 35283-0709  
205-521-8000  
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LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Joseph B Mays , Jr**  
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LLP  
1819 5th Avenue North  
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205-521-8000  
Fax: 205-488-6433  
Email: jmays@babc.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Ty E Dedmon**  
BRADLEY ARANT BOULT CUMMINGS  
LLP  
1819 5th Avenue North  
Birmingham, AL 35283-0709  
205-521-8000  
Fax: 205-521-8800  
Email: tdedmon@babc.com  
ATTORNEY TO BE NOTICED

**Defendant**

**Bill (B L) Harbert International  
Contractors, LLC**

represented by **James F Archibald , III**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Joseph B Mays , Jr**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Ty E Dedmon**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Defendant**

**Opus South, Inc**

represented by **Brett A Ross**  
 CARR ALLISON PC  
 100 Vestavia Parkway  
 Birmingham, AL 35216  
 205-822-2006  
 Fax: 205-822-2057  
 Email: [bross@carrallison.com](mailto:bross@carrallison.com)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Kathy Rawding Davis**  
 CARR ALLISON  
 100 Vestavia Parkway  
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 205-822-2006  
 Fax: 205-822-2057  
 Email: [krdavis@carrallison.com](mailto:krdavis@carrallison.com)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Richard E Trehella , Jr**  
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 Birmingham, AL 35244  
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 Fax: 205-323-7674  
 Email: [rtrehella@constangy.com](mailto:rtrehella@constangy.com)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Chadwick S Godwin**  
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 100 Vestavia Parkway  
 Suite 200  
 Birmingham, AL 35216  
 205-822-2006  
 Fax: 205-822-2057  
 Email: [cgodwin@carrallison.com](mailto:cgodwin@carrallison.com)  
 ATTORNEY TO BE NOTICED

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/03/2007	<a href="#"><u>1</u></a>	COMPLAINT against Brasfield & Gorrie, Inc, Hoar Construction, LLC, Bill (B L) Harbert International Contractors, LLC, Opus South, Inc (Filing fee \$ 350 receipt #200 232476) , filed by Bradley Barber. (FILED UNDER SEAL)(KGE, ) (Entered: 01/04/2007)
10/31/2007	<a href="#"><u>9</u></a>	NOTICE of Election to decline intervention by United States of America (FILED UNDER SEAL) (KGE, ) (Entered: 10/31/2007)

**Date Discrepancy Cases 080**

11/02/2007	<a href="#">10</a>	ORDER the United States having declined to intervene, it is ORDERED that certain documents are to remain sealed and the seal be lifted as to all other matters occurring in this action after the date of this order as set out in this order. Signed by Judge John E Ott on 11/1/07. (KGE, ) Modified on 11/2/2007 (KGE, ). (Entered: 11/02/2007)
12/13/2007	<a href="#">11</a>	Summons Issued as to Brasfield & Gorrie, Inc, Hoar Construction, LLC, Bill (B L) Harbert International Contractors, LLC, Opus South, Inc., returned to pla for service (KGE) (Entered: 12/14/2007)
01/03/2008	<a href="#">12</a>	MOTION for More Definite Statement by Opus South, Inc. (Davis, Kathy) (Entered: 01/03/2008)
01/03/2008	<a href="#">13</a>	NOTICE of Appearance by Todd Lowther on behalf of Brasfield & Gorrie, Inc (Lowther, Todd) (Entered: 01/03/2008)
01/10/2008	<a href="#">14</a>	MOTION for Extension of Time to File Answer re <a href="#">1</a> Complaint by Hoar Construction, LLC, Bill (B L) Harbert International Contractors, LLC. (Dedmon, Ty) (Entered: 01/10/2008)
01/11/2008		ORDER. The motion for an extension of time to file an answer to the complaint <a href="#">14</a> by Defendants B. L. Harbert International, LLC, and Hoar Construction, LLC, is GRANTED. Said answer is due on Thursday, 01/31/08. Signed by Judge John E. Ott on 01/11/08. (DSS) (Entered: 01/11/2008)
01/16/2008		ORDER granting defendant Opus' motion for a more definite statement in the form of an amended complaint. <a href="#">12</a> Said amended complaint is due to be filed by January 31, 2008. Signed by Judge John E. Ott on 1/16/2008. (Ott, John) (Entered: 01/16/2008)
01/22/2008	<a href="#">15</a>	MOTION for Extension of Time to File Answer re Order on Motion for More Definite Statement which ordered filing of an Amended Complaint by Hoar Construction, LLC, Bill (B L) Harbert International Contractors, LLC. (Dedmon, Ty) (Entered: 01/22/2008)
01/22/2008	<a href="#">16</a>	MOTION for Extension of Time (Unopposed) by Brasfield & Gorrie, Inc. (Lowther, Todd) (Entered: 01/22/2008)
01/23/2008		ORDER. The motions for extension of time to answer <a href="#">15</a> and <a href="#">16</a> filed by the defendants are GRANTED. Defendants Brasfield & Gorrie, LLC, B. L. Harbert International, LLC, and Hoar Construction, LLC, responses to the complaint are due on February 14, 2008. Signed by Judge John E. Ott on 01/23/08. (DSS) (Entered: 01/23/2008)
01/31/2008	<a href="#">17</a>	AMENDED COMPLAINT First Amended Complaint against all plaintiffs, filed by Bradley Barber.(Clark, Brian) (Entered: 01/31/2008)
02/14/2008	<a href="#">18</a>	MOTION to Dismiss Brasfield & Gorrie, LLC's Motion to Dismiss by Brasfield & Gorrie, Inc. (Lowther, M) (Entered: 02/14/2008)
02/14/2008	<a href="#">19</a>	MOTION to Dismiss by Bill (B L) Harbert International Contractors, LLC. (Dedmon, Ty) (Entered: 02/14/2008)
02/14/2008	<a href="#">20</a>	MOTION to Dismiss by Hoar Construction, LLC. (Dedmon, Ty) (Entered: 02/14/2008)
02/14/2008	<a href="#">21</a>	Brief re <a href="#">20</a> MOTION to Dismiss, <a href="#">19</a> MOTION to Dismiss, <a href="#">18</a> MOTION to Dismiss Brasfield & Gorrie, LLC's Motion to Dismiss. (Dedmon, Ty) (Entered: 02/14/2008)
02/14/2008	<a href="#">22</a>	MOTION to Dismiss by Opus South, Inc. (Attachments: # <a href="#">1</a> )(Godwin, Chadwick) (Entered: 02/14/2008)
02/15/2008		ORDER. On February 14, 2008, the defendants filed motions to dismiss <a href="#">18</a> , <a href="#">19</a> , <a href="#">20</a> , and <a href="#">22</a> , and a brief in support thereof <a href="#">21</a> . The plaintiff's response to the motions to dismiss is

**Date Discrepancy Cases 081**

		due on Thursday, March 6, 2008, and the defendants' reply is due on Monday, March 17, 2008. Signed by Judge John E. Ott on 02/15/08. (DSS) (Entered: 02/15/2008)
02/15/2008	<a href="#">23</a>	NOTICE of Appearance by David R Boyd on behalf of Brasfield & Gorrie, Inc (Boyd, David) (Entered: 02/15/2008)
03/04/2008	<a href="#">24</a>	MOTION for Extension of Time of Briefing Dealing by Bradley Barber. (Clark, Brian) (Entered: 03/04/2008)
03/05/2008		ORDER. The plaintiff's "Motion for Extension of Briefing Deadline" <a href="#">24</a> is GRANTED. The plaintiff's response to the defendants' motions to dismiss is due on 03/17/08 and the defendants' reply is due on 03/28/08. Signed by Judge John E. Ott on 03/05/08. (DSS) (Entered: 03/05/2008)
03/17/2008	<a href="#">25</a>	Second MOTION to Amend/Correct Motion to Amend Complaint by Bradley Barber. (Attachments: # <a href="#">1</a> Exhibit Second Amended Complaint)(Clark, Brian) (Entered: 03/17/2008)
03/17/2008	<a href="#">26</a>	Opposition to re <a href="#">20</a> , <a href="#">21</a> , <a href="#">19</a> , <a href="#">22</a> , <a href="#">18</a> Consolidated Opposition to Motions to Dismiss filed by Bradley Barber. (Clark, Brian) (Entered: 03/17/2008)
03/28/2008	<a href="#">27</a>	REPLY Brief filed by Defendants Brasfield & Gorrie, Inc, Hoar Construction, LLC, Bill (B L) Harbert International Contractors, LLC re: <a href="#">20</a> MOTION to Dismiss, <a href="#">21</a> Brief, <a href="#">26</a> Opposition (other), <a href="#">19</a> MOTION to Dismiss, <a href="#">18</a> MOTION to Dismiss Brasfield & Gorrie, LLC's Motion to Dismiss Defendants' Reply in Support of Motion to Dismiss filed by Brasfield & Gorrie, Inc, Hoar Construction, LLC, Bill (B L) Harbert International Contractors, LLC. (Dedmon, Ty) (Entered: 03/28/2008)
03/28/2008	<a href="#">28</a>	RESPONSE to Motion re <a href="#">25</a> Second MOTION to Amend/Correct Motion to Amend Complaint Opposition to Plaintiff's Motion to Amend Complaint filed by Brasfield & Gorrie, Inc, Hoar Construction, LLC, Bill (B L) Harbert International Contractors, LLC. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B Part 1 of 4# <a href="#">3</a> Exhibit B Part 2 of 4# <a href="#">4</a> Exhibit B Part 3 of 4# <a href="#">5</a> Exhibit B Part 4 of 4# <a href="#">6</a> Exhibit C# <a href="#">7</a> Exhibit D# <a href="#">8</a> Exhibit E)(Dedmon, Ty) (Entered: 03/28/2008)
03/28/2008	<a href="#">29</a>	REPLY Brief filed by Defendant Opus South, Inc re: <a href="#">26</a> Opposition (other), <a href="#">22</a> MOTION to Dismiss filed by Opus South, Inc. (Godwin, Chadwick) (Entered: 03/28/2008)
04/14/2008	<a href="#">30</a>	REPLY to Opposition to Motion to Dismiss filed by Bradley Barber. (Clark, Brian) (Entered: 04/14/2008)
04/24/2008	<a href="#">31</a>	MOTION to Submit Surreply by Opus South, Inc. (Attachments: # <a href="#">1</a> Surreply Brief) (Godwin, Chadwick) (Entered: 04/24/2008)
04/25/2008		ORDER. Defendant Opus South Construction Corporation's "Motion to Submit Surreply" <a href="#">31</a> is GRANTED. Signed by Judge John E. Ott on 04/25/08. (DSS) (Entered: 04/25/2008)
04/29/2008	<a href="#">32</a>	Brief (Surreply) in Support of Opposition to Plaintiff's Motion to Amend Complaint filed by Opus South, Inc. (Godwin, Chadwick) (Entered: 04/29/2008)
07/10/2008	<a href="#">33</a>	ORDER The parties are hereby notified that the various pending motions have been taken under submission by the court. The parties are ORDERED to notify the Clerk of Court in writing within five (5) days of the entry of this order whether they wish for the undersigned magistrate judge to exercise jurisdiction under 28 U.S.C. § 636(c) for all purposes including determination of the motions, trial, and final judgment, or whether they decline to consent to 28 U.S.C. §636(c) jurisdiction as set out in this order. Signed by Magistrate-Judge John E Ott on 7/10/08. (KGE, ) (Entered: 07/10/2008)
07/15/2008	<a href="#">34</a>	CONSENT to Jurisdiction by US Magistrate Judge by Bradley Barber, Brasfield & Gorrie,

**Date Discrepancy Cases 082**

		Inc, Hoar Construction, LLC, Bill (B L) Harbert International Contractors, LLC, Opus South, Inc. (KGE) (Entered: 07/15/2008)
08/07/2008	<a href="#">35</a>	MEMORANDUM OPINION. Signed by Magistrate-Judge John E Ott on 8/7/08. (KGE) (Entered: 08/07/2008)
08/07/2008	<a href="#">36</a>	ORDER In accordance with the Memorandum Opinion entered, the plas second motion to amend the complaint (doc. 25) is DENIED and the dfts motions to dismiss (doc. 18, 19, 20, and 22) are GRANTED. Signed by Magistrate-Judge John E Ott on 8/7/08. (KGE) (Entered: 08/07/2008)

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

BRADLEY BARBER, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 BRASFIELD & GORRIE, INC., HOAR )  
 CONSTRUCTION, LLC, B.L. HARBERT )  
 INTERNATIONAL CONTRACTORS, LLC, )  
 and OPUS SOUTH, INC., )  
 )  
 Defendants. )

2:07-cv-00012-JEO

**MEMORANDUM OPINION**

This case is before the court on the defendants’, B.L. Harbert International, LLC (“Harbert”), Brasfield & Gorrie, Inc. (“B&G”), Hoar Construction, LLC (“Hoar”), and Opus South, Inc. (“Opus”), (collectively “the defendants”) motions to dismiss (docs. 18, 19, 20, and 22),<sup>1</sup> as well as the plaintiff’s motion to file a second amended complaint<sup>2</sup> (doc. 25).<sup>3</sup> For the reasons set out herein, the court finds that the plaintiff’s motion to amend the complaint is due to denied as futile and the defendants’ motions to dismiss are due to be granted.

**I. BACKGROUND**

The plaintiff, Bradley Barber, is a *qui tam* relator who brought this action on behalf of the United States against the defendants, all of whom are construction contractors. In the initial

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<sup>1</sup>Each defendant submitted its own motion to dismiss, but defendants B&G, Harbert, and Hoar submitted one collective brief in support of their motions (doc. 21). Opus filed a separate brief (doc. 22), which adopts and incorporates the arguments made by the other defendants and contains some additional argument particular to that defendant.

<sup>2</sup>The proposed second amended complaint is attached to the motion at exhibit A. The court will refer to the second amended complaint as “SAC” herein.

<sup>3</sup>References herein to “Doc. \_\_\_” are to the electronic document numbers assigned by the Clerk of the Court and located at the top of each document.



complaint, the plaintiff alleged that the defendants (1) violated the federal False Claims Act by failing to submit payroll certifications under the Davis-Bacon Act<sup>4</sup> and (2) are liable under the federal Racketeer Influenced Corrupt Organizations (“RICO”) Act by virtue of the alleged employment of illegal aliens by various subcontractors. The plaintiff further seeks class certification. (Doc. 1). The plaintiff has also filed a “First Amended Complaint” (doc. 7), and now seeks to file a second amended complaint (“SAC”) (doc. 25-2). The United States has declined to intervene in this action. (Doc. 9).

## II. STATEMENT OF FACTS<sup>5</sup>

Each of the defendants are general contractors and have operated independent of one another as the general contractors on four projects listed in the plaintiff’s second amended complaint: the University of Alabama at Birmingham North Pavilion Hospital; the Shelby Biomedical Interdisciplinary Center at the University of Alabama Birmingham; the UAB Recreational Center; and the Social Security Administration Building. (SAC at ¶ 23). In each of the building projects, the general contractors hire subcontractors to perform various functions in the construction process. (SAC at ¶ 24). According to the plaintiff, many of the subcontractors hired by the defendants, particularly the masonry subcontractors, regularly employed illegal alien workers on the projects at issue. (SAC at ¶¶ 25-27).

The plaintiff further alleges that the defendants were aware of the hiring of illegal

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<sup>4</sup>In his first two complaints, the plaintiff asserts False Claims Act claims against all the defendants. However, in his proposed second amended complaint, the plaintiff only asserts a False Claims Act claim against defendant Opus. The amended claim states that Opus submitted false claims certifying that its workers were paid the prevailing wage rate when, in fact, they were paid less.

<sup>5</sup>The facts are set out in a light most favorable to the plaintiff and are taken from the plaintiff’s first and second amended complaints.

workers on the projects and did nothing to prevent it. (SAC at ¶ 33).<sup>6</sup> In support of these claims, the plaintiff asserts that: (1) the subcontractors on all of the projects not only hired illegal workers, but brought in undocumented workers from other states, which was known to each defendant (SAC at ¶¶ 33-34); (2) each defendant accepted contracts from subcontractors they knew hired primarily, if not exclusively, illegal workers (SAC at ¶ 40); (3) the defendants benefitted from this conduct because “the subcontractors were able to submit bids below what they would have to bid them for, and the defendants reap the benefits of their artificially low bids” (SAC at ¶ 40); and, (4) while each of the defendant general contractors know of this activity, they “are happy to participate because they are able to bid projects at a lower rate, but keep margins steady because the subcontractor bids are below what they would have to be if said subcontractors hired a legal workforce.” (SAC at ¶ 40).

Furthermore, the plaintiff alleges that these illegal aliens are brought into the country by a “coyote” who is directed by the subcontractors to bring illegal workers to the construction sites. (SAC at ¶ 9). In addition to paying the illegal workers’ wages, the subcontractors aid the “coyote” in providing housing for the illegal workers. (SAC at ¶ 11). The subcontractors at each of the defendants’ construction sites have hired hundreds of individuals they knew to be aliens on a continuous basis. (SAC at ¶ 12).<sup>7</sup>

The plaintiff is aware of these activities from having sought work as a brick mason at each of the construction sites. (SAC at ¶ 25). The extent of the plaintiff’s knowledge as to each

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<sup>6</sup>As far as the court can discern, the individual defendants have no connection to each other.

<sup>7</sup>The plaintiff’s initial complaint and the first amended complaint do not contain any of the “coyote” type allegations that are found in the SAC. Instead, the plaintiff only alleged that the subcontractors hired illegal workers and aided them in assimilating into the economy, thereby shielding them from detection and harboring illegal aliens who have illegally entered the United States. (Compare Doc. 1, Doc. 17 at ¶ 58, and Doc. 25 at ¶¶ 9-12).

of the work sites is as follows:

a. The UAB Recreation Center - the plaintiff worked for subcontractor XCEL Masonry on this project. He was not paid the “Davis-Bacon mandated wages.” He questioned the workers giving false credentials for employment purposes and “observed workers give social security numbers that they kept, written on box tops, with no other documentation, for the purposes of supplying a social security number to complete the mandated I-9 form. When the plaintiff asked XCEL personnel what it did when and if it was notified by the IRS that the social security numbers were improper, he was told that it simply gives authorities newly created XCEL names and social security numbers. (SAC at ¶ 26b).

b. The plaintiff visited the site of Shelby Biomedical Center several times and sought employment with subcontractor Masonry Arts at the site. (SAC at ¶ 26c).

c. The plaintiff applied for work on the Social Security Administration project through subcontractor Heritage Masonry. He later went to the site and observed only illegal aliens as workers. He knew they were illegal because they were “confirmed to be unauthorized workers on other projects” and he recognized them. The plaintiff later learned that Masonry Arts had replaced Heritage and attempted to apply with them but they would not accept his application. He later viewed the site and “personally witnessed workers he knew to be unauthorized hired by Masonry Arts . . . [i]n fact, [he] took photographs of work at the site, and was assaulted by Opus employees who tried to wrestle [his] camera from his grasp . . . [in] an obvious attempt . . . to hide this continuing practice of knowingly contracting with subcontractors who hire illegal workers.” (SAC at ¶ 26d).

d. The plaintiff worked as a mason at the UAB North Pavilion Hospital Project. (SAC at

¶ 26e).

The plaintiff further alleges that he has witnessed the hiring of illegal workers by the subcontractors and that the “coyotes” arrange for the workers to be transported to the country, arrange for housing on behalf of the illegal workers, and transport the workers en masse from their apartments to the job sites. (SAC at ¶ 34). The plaintiff has also witnessed telephone calls made “‘downstream’, to transport in more workers, ultimately from border towns.” (SAC at ¶ 33).

### III. STANDARD OF REVIEW

In assessing the merits of the defendants’ motion, which was filed, in part, pursuant to Federal Rule of Civil Procedure 12(b)(6), the court begins with the premise that the complaint generally need not contain anything more than “a short and plain statement of the claim showing that the pleader is entitled to relief.” FED. R. CIV. P. 8(a)(2). It simply must “give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.” *Bell Atlantic Corp. v. Twombly*, \_\_\_ U.S. \_\_\_, 127 S. Ct. 1955, 1969, 167 L. Ed. 2d 929 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47, 78 S. Ct. 99, 2 L. Ed. 2d 80 (1957)). “To survive a motion to dismiss, plaintiffs must do more than merely state legal conclusions; they are required to allege some specific factual bases for those conclusions or face dismissal of their claims.” *Jackson v. BellSouth Telecommunications*, 372 F.3d 1250, 1263 (11th Cir. 2004) (“[C]onclusory allegations, unwarranted deductions of facts or legal conclusions masquerading as facts will not prevent dismissal.”). So long as the factual allegations in the complaint “raise a right to relief above the speculative level,” the complaint will withstand a 12(b)(6) challenge. *Twombly*, 127 S. Ct. at 1965. In assessing the motions, the court must also assume that all well-pleaded

allegations in the complaint are true. *Twombly*, 127 S. Ct. at 1965. Additionally, “in all averments of fraud . . . , the circumstances constituting fraud . . . shall be stated with particularity.” *United States ex Rel. Clausen v. Lab. Corp. of Am.*, 290 F.3d 1301, 1311 (11th Cir. 2002) (quoting FED. R. CIV. P. 9(b)).

#### IV. ANALYSIS

##### A. THE FALSE CLAIMS ACT CLAIMS ARE DUE TO BE DISMISSED

The False Claims Act (“FCA”) allows individuals (“relators”) to bring a claim against and recover damages on the behalf of the United States from any person who “knowingly presents, or causes to be presented, to an officer or employee of the United States Government . . . a false or fraudulent claim for payment or approval,” or “knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved by the Government.” 31 U.S.C. § 3729(a)(1) and (2). The FCA imposes a high threshold for culpable “intent” because the statute is designed to punish circumstances in which “the defendant possessed guilty knowledge or guilty intent to cheat the government.” *United States v. Thomas*, 709 F.2d 968, 972-73 (5th Cir. 1983) (citing *United States v. Gardner*, 73 F. Supp. 644 (N.D. Ala. 1947)).<sup>8</sup>

Rule 9(b)’s directive that “the circumstances constituting fraud and mistake shall be

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<sup>8</sup>In his second amended complaint, the plaintiff only asserts a claim under the FCA against defendant Opus. The court deems this, as well as the plaintiff’s statement in his brief in reply to the defendants’ motions to dismiss as a voluntary dismissal of the FCA claims against B&G, Hoar, and Harbert. Specifically, the plaintiff acknowledged:

It should be noted that Plaintiff deleted [the false claims act claims as to B&G, Hoar, and Harbert] without any motion requiring analysis of the evidence being filed. In other words, as soon as it became apparent that . . . the projects . . . were not subject to Davis-Bacon requirements, these claims were dropped. . . . Such is consistent with Plaintiff’s counsel’s . . . duty to the Court in dismissing claims as soon as it became apparent that sufficient evidentiary basis to continue to litigate those claims was not in the record.

(Doc. 30 at p. 22). Even if the plaintiff had not conceded these claims, the court would have found them due to be dismissed based upon the defendants’ meritorious arguments in their brief in support of their motions to dismiss.

stated with particularity” does not permit a False Claims Act plaintiff to state a claim by *speculating* that a false claim may have been submitted to the Government. *Clausen*, 290 F.3d at 1311. The plaintiff must present more than the mere assertion that a defendant has caused a false claim to be presented. *See Hall v. Bellmon*, 935 F.2d 1106, 1109-10 (10th Cir. 1991) (“conclusory allegations without supporting factual averments are insufficient to state a claim on which relief can be based.”). Even in circumstances where allegations of fraud may be based on information and belief because the facts are peculiarly within the opposing party’s knowledge, Rule 9(b) continues to require the complaint to “set forth the factual basis for the plaintiff’s belief.” *Koch v. Koch Industries*, 203 F.3d 1202, 1237 (10th Cir. 2000).

The Eleventh Circuit has specifically held:

Those bringing claims on behalf of the government under the False Claims Act for fraudulent claims must plead “facts as to time, place, and substance of the defendant’s alleged fraud, specifically the details of the defendants’ allegedly fraudulent acts, when they occurred, and who engaged in them. The directive to plead with particularity does not permit a False Claims Act plaintiff merely to describe a private scheme in detail but then to allege simply and without any stated reason for his belief that claims requesting illegal payments must have been submitted, were likely submitted or should have been submitted to the Government.

*Mitchell v. Beverly Enterprises*, 248 Fed. Appx. 73, 74 (11th Cir. 2007). And, although plaintiffs “need not prove their allegations in the complaint,” they must plead facts with enough particularity so that the court can distinguish “mere conjecture” from “a specifically pleaded allegation on an essential element of the lawsuit.” In finding a complaint due to be dismissed for lack of particularity, this court has also reasoned:

General averments do not suffice, no matter how difficult it may be for a relator to meet the stringent requirement of particularity without first obtaining court aided access to discovery materials from defendant. This is the clear lesson from the

Eleventh Circuit in *U.S., ex rel. Clausen v. Laboratory Corp. of America, Inc.*, 290 F.3d 1301 (11th Cir. 2002). The same lesson was even more recently taught by the First Circuit in *U.S., ex rel. Karvelas v. Melrose-Wakefield Hospital*, 360 F.3d 220 (1st Cir. 2004), which cited *Clausen*, and as to which the Supreme Court denied certiorari on October 4, 2004. The federal courts are increasingly reluctant to allow fishing expeditions by whistle-blowers employing the FCA and hoping for federal intervention. The whistle must be blown not only loudly, but with Rule 9(b) particularity in the complaint before the courts will listen.

*United States ex rel. Atkins v. McInteer*, 345 F. Supp. 2d 1302, 1305 (N.D. Ala. 2004).

In the instant case, the extent of the facts relating to the alleged submission of false claims are as follows:

4. Defendant Opus South is a contractor on a qualifying Davis-Bacon Act Project listed herein. Each Defendant in this case knew that the subcontractors on the jobs listed below hire illegal aliens perform work [sic] on the projects contained in this action, and pay them at rates beneath the prevailing rates required by the Davis-Bacon Act and lower than the market would dictate if there were not a glut of illegal workers in the labor market. Opus South and its subcontractors certify, upon requesting payment for these workers, that the workers are paid at the prevailing rates as required by law.

....

6. . . . As outlined below, hundreds of false claims for payments have been made to pay illegal aliens at wages below the prevailing rates on the projects outlined herein. Each such false certification creates its own liability subject to the civil penalties related above.

....

26. Mr. Barber has personal knowledge of the systematic hiring of illegal aliens, and the failure to pay them the prevailing rate, as required by law as follows.

....

d. Mr. Barber sought employment on the Social Security Administration project in April/May of 2006. Mr. Barber applied with Heritage Masonry, who was to be the masonry subcontractor on the

project. Mr. Barber got this information from a telephone conversation with Opus South personnel in Atlanta, Georgia. Mr. Barber applied to work as a journeyman mason on the project the next day. He was told that he would be contacted. Two weeks later, Mr. Barber went by the site and observed that Heritage Masonry was on-site using only illegal/unauthorized aliens as workers. Mr. Barber knew that there were unauthorized workers because these workers were confirmed to be unauthorized workers on other projects. Mr. Barber recognized these workers by sight. Mr. Barber was not hired because of Heritage Masonry's policy, known to Opus South, to only hire illegal/unauthorized workers.

At a later date, Mr. Barber learned that Masonry Arts had replaced Heritage as the masonry subcontractor on the Social Security Administration project. Mr. Barber sought employment with Masonry Arts, and Masonry Arts would not even accept his application.

Mr. Barber viewed the site as recently as January of 2008, wherein he personally witnessed workers he knew to be unauthorized hired by Masonry Arts, who was by now the masonry contractor for Opus South. In fact, Mr. Barber took photographs of work at the site, and was assaulted by Opus employees who tried to wrestle Mr. Barber's camera from his grasp. This was an obvious attempt by Opus personnel to hide this continuing practice of knowingly contracting with subcontractors who hire illegal workers at sub-legal wages, passing along this savings to Opus South in the form of artificially low bids and depriving subcontractors who follow the law of an opportunity to submit competitive bids. Because of the practice of hiring subcontractors who hire illegal masonry work, Mr. Barber has been unable to work on this project.

.....

29. Subcontractors on each of the construction projects at issue knowingly sign false I-9 "Employment Eligibility Verification" forms for illegal, undocumented workers. By signing the form, employers certify "under penalty of



perjury, that to the best of my knowledge, this employee is eligible to work in the United States . . . the document(s) examined appear to be genuine, originals, and relate to the individual.”

. . . .

37. Mechanically, for the Social Security Administration project, Davis-Bacon Act certifications for weekly payroll (forms 347 and 348) are sent to the local contract administrator, who, in turn, verifies payroll and authorizes the release of federal funds for payment.

38. On the Social Security Act project, the payroll submissions of subcontractors are taken, in turn, by the defendant general contractors, and certified to the United States government’s Local Contracting Authority as certifications of the workers who actually have been employed on the project. Monies are disbursed to the general contractors to pay the subcontract employees their wages at the prevailing rate, even though both contractors and subcontractors know these certifications include undocumented workers who are not paid the prevailing rate. This false certification has taken place weekly from the beginning of the work in the fall of 2005 to the present, each time constituting a false claim requesting payment.

. . . .

- b. The contract between Opus South and the General Services Administration has been administratively determined to be governed by the Davis-Bacon Act requirements, meaning that the various classes of laborers and mechanics must be paid based upon the wages determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics. 40 U.S.C. § 276a(a)<sup>9</sup> [now 40 U.S.C. § 3142(b)].
- c. The Davis-Bacon Act requires that payment be made to the covered laborers and mechanics on a weekly basis, in the amount determined to be the prevailing rate.
- d. The contractors must make payment once a week, and must also certify their compliance with the pertinent provisions of the act, i.e., that the subcontractors’ employees are paid the prevailing wage rate, on a weekly basis.

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<sup>9</sup>40 U.S.C.A. § 276 was repealed and replaced with 40 U.S.C.A. §§ 3141-48, effective September 27, 2006.

- e. The United States Code provides that the Secretary of Labor may make regulations for the implementation of the act, and that “each contractor and subcontractor shall furnish weekly a statement with respect to the wages paid each employee during the proceeding [sic] week.” 40 U.S.C. § 276c [now 40 U.S.C. § 3145]<sup>10</sup>.
- f. In addition . . . weekly payrolls must be sent to the contracting agency, or the agency’s representative, stating that each laborer or mechanic has been paid the full weekly wages according to the prevailing wage rate . . . The general contractor is responsible for the submission of all copies f [sic] payrolls by all subcontractors.
- g. . . . each payroll submitted must contain a “Statement of Compliance” . . .

....

- I. Each week, Opus, through its duly appointed agent, has submitted a certification, as required above that all laborers and mechanics have been paid the prevailing wage rate, with no deductions.
- j. These certifications were not true, and Opus knew they were not true, because it knew that the masonry subcontractors, and on information and belief, other subcontractors, hired primarily, if not exclusively, illegal workers, and paid the personnel who did the work less than the prevailing wage rate.

....

39. The moneys then come to the subcontractors, who do not pay the undocumented workers the prevailing rate, or at the rate they would have to pay American workers, but pay them at rates far below that which is required, or that a legal market would create for labor.

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<sup>10</sup>The regulation reads:

(a) In general. -- The Secretary of Labor shall prescribe reasonable regulations for contractors and subcontractors engaged in constructing, carrying out, completing, or repairing public buildings, public works, or buildings or works that at least partly are financed by a loan or grant from the Federal Government. The regulations shall include a provision that each contractor and subcontractor each week must furnish a statement on the wages paid each employee during the prior week.

40 U.S.C. § 3145(a).

....

56. As referenced above, Opus South must certify on its weekly payroll requests for the Social Security Administration project referenced herein that all mechanics and laborers are to be paid the prevailing rate as set by the Department of Labor for the area.

57. The certifications may have been made by the subcontractors, and then merely forwarded to the Local Contracting Authority (The United States Government) by the defendant subcontractors. However, this process is irrelevant for purposes of a claim under the False Claims Act. The Davis Bacon Act states that the contractor shall assure payment according to the prevailing rates of all laborers and mechanics employed by contractors **and** subcontractors on the project.

58. The Davis Bacon Act, at 40 U.S.C. §276c authorizes regulations to implement the Act's provisions. These regulations state that each payroll submitted shall be accompanied by a "Statement of Compliance" signed by the contractor or subcontractor certifying, "That each laborer or mechanic has been paid not less than the applicable wage rates." 29 C.F.R. § 5.5(a)(3)(ii)(B).

59. The regulations go on to state that, "The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under . . . §231 of Title 31 of the United States Code." 29 C.F.R. § 5.5(a)(3)(ii)(D). Because Opus South knew that its subcontractors, including the masonry subcontractors referenced herein, have illegal work focus that are paid less than the applicable wage rate, the certification that they have been paid the prevailing wage rate are false [sic].

(SAC). Although the plaintiff's false claims act claim is lengthy, it is short on factual allegations, and many of those that are enumerated are wholly conclusory. In fact, the plaintiff makes assertions with far less particularity in his complaint than the Eleventh Circuit has already held to be inadequate.

For example, in *Clausen*, the plaintiff, who described himself as a competitor of the defendant corporation, alleged facts in support of his false claims act claims that included references to conversations had with two named employees of the defendant about the company's

policies and procedures, specific descriptions of medical tests and codes used for medical tests that were allegedly put on the false claims and a reference to the specific form that would have been submitted to Medicare, and the testing histories of three identified patients as examples of the types of claims that would have been submitted to the government. *Clausen*, 290 F.3d at 1304-05. Additionally, the plaintiff in that case attached a blank claim form that the defendants would have used to submit their false claim, as well as a table of medical test codes. The court noted that, “still no copies of a single actual bill or claim or payment were provided. No amounts . . . were identified. No actual dates of claims were alleged. Not a single completed Form 1500 was provided. No policies about billing or even second-hand information about billing practices were described, other than to state [which forms and codes] were used.” *Id.* at 1306. The court went on to note that, “[a]t most, Clausen’s complaints raise questions about LabCorp’s internal testing policies. But nowhere in the blur of facts and documents assembled . . . can one find any allegation, stated with particularity, of a false claim actually being submitted to the Government.” *Clausen*, 290 F.3d at 1312.

Likewise, in *Mitchell*, the plaintiff alleged that the defendant submitted claims to Medicare for services that were not rendered, for reimbursement in excess of what it was entitled, and for services that were not medically necessary. 248 Fed. Appx. at 75. The court found the following allegations lacked the requisite particularity and reliability to meet the standard under Rule 9(b) for complaints under the False Claims Act:

[a]lthough the complaint alleges “Mitchell observed and participated in a billing process,” [he] provided specific facts only about the therapists’ billing logs, not the actual claims presented . . . As an attachment to the complaint, [he] provided a page from one therapist’s billing log for [a patient] . . . [but] failed to assert any specific facts beyond [the patient’s] family’s allegations as to the accuracy of the

billing log, and he failed to assert any specific facts regarding the actual submission of the claim to Medicare. He states “[t]he therapists would complete [billing log] forms, take the forms to the [administrator], and then have that information entered and sent directly to [Medicare] . . . He does not go past pleading “*his belief* that claims requesting illegal payments must have been submitted or should have been submitted to the Government” by alleging specific facts as to who submitted the bills . . . , how they were submitted, or even when they were submitted. *See Clausen*, 290 F.3d at 1311 (emphasis added). “Underlying improper practices alone are insufficient to state a claim under the False Claims Act absent allegations that a specific fraudulent claim was in fact submitted to the government.” *Corsello*, 428 F.3d at 1014.

*Mitchell*, 248 Fed. Appx. at 75.

In the instant case, the plaintiff does not have any insider information about record keeping or about specific claims that may have been made. Instead, his false claims act claim is based entirely on speculation and deduction. The plaintiff first presumes that the subcontractors doing work for Opus South have hired illegal/unauthorized workers because “they were confirmed to be illegal on other job sites that he had experience with.” (Second Amended Complaint at ¶ 26(d)). From that presumption, the plaintiff concludes that Opus South has made false claims because they are required to certify their compliance with the Davis-Bacon Act weekly. The only “facts” that the plaintiff sets out are

that Opus South is the contractor . . . ; that the project is subject to Davis-Bacon Act requirements; that as part of that process, Opus South submits certifications that it and its subcontractors have paid all applicable workers the prevailing wage rate; that Opus South has certified weekly since October of 2005 that all of its employees and subcontractor employees have been paid the prevailing wage rate; that Opus South made those certifications, via the submission of form 348 with the knowledge that its subcontractors, including the masonry subcontractors specifically referenced in this case, hire illegal workers that are not paid the prevailing wage rate.”

(Doc. 26 at pp. 36-37)(citations omitted).

Based upon Eleventh Circuit precedent, the plaintiff’s allegations fall short of the

required specificity. The plaintiff's complaint fails to support the 'who,' 'what,' 'where,' 'when,' and 'how,' of improper practices *as well as* the 'who,' 'what,' 'where,' 'when,' and 'how,' of the actual alleged fraudulent submissions to the government. *See Corsello*, 428 F.3d at 1014. The plaintiff attempts to refute this by asserting: (1) that the "precise false claims have been plead," through the statement that Opus South is to submit a weekly statement of compliance on the form 348 (which was apparently supposed to be attached to the second amended complaint but was not; however its omission has no bearing on the outcome of the case); (2) that he has adequately plead the time ("weekly"), place ("to the GSA contracting officer on site"), and person responsible ("person responsible for filling out the Form 348s); and (3) that the content and manner in which the false statements were made is specifically alleged. (Doc. 26 at pp. 38-41). However, the plaintiff's assertions clearly disregard standing Eleventh Circuit precedent. As stated in detail herein, Rule 9(b) specificity requires actual dates on the submitted forms, along with actual names of the people that submitted them, and actual amounts of the false claims. This, the plaintiff has not done. Application of the cases discussed herein to the plaintiff's amended complaint makes it clear that the facts pled in the second amended complaint are insufficient. As such, the plaintiff's second amended complaint on this claim would be futile.<sup>11</sup>

#### **B. THE PLAINTIFF'S RICO CLAIM IS DUE TO BE DISMISSED**

Pursuant to 18 U.S.C. § 1962(c), it is illegal "for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate commerce, to conduct

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<sup>11</sup>The court also notes that Opus cites additional reasons in this brief as to why the false claims act claims are due to be dismissed against them, *i.e.*, it owns the building in question, rather than the government, and the plaintiff's claims are more properly brought against the subcontractors, if anybody. The court has not examined the merits of these assertions, but instead has considered only those "facts" as asserted by the plaintiff for the purposes of this motion.

or participate, directly or indirectly, in the conduct of such enterprises' affairs through a pattern of racketeering activity . . . ." 18 U.S.C. § 1962(c). "[I]n order to establish a federal civil RICO violation under § 1962(c), the plaintiffs 'must satisfy four elements of proof: (1) conduct (2) of an enterprise (3) through a pattern (4) of racketeering activity.'" *Williams v. Mohawk Industries, Inc.*, 465 F.3d 1277, 1282 (11th Cir. 2006) (quoting *Jones v. Childers*, 18 F.3d 899, 910 (11th Cir. 1994) (quoting *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496, 105 S. Ct. 3275, 3285, 87 L. Ed. 2d 346 (1985))). Additionally, in civil cases RICO plaintiffs must also meet the requirements of 18 U.S.C. § 1964(c), which states that "[a]ny person injured in his business or property by reason of" RICO's substantive provisions has the right to 'recover threefold the damages he sustains[,]' but he must show (1) injury to "business or property," and (2) that such injury was "by reason of" the substantive RICO violation. *Mohawk*, 465 F.3d at 1282. The court will address these requirements as they relate to the plaintiff's proposed second amended complaint.

### **1. Pattern of Racketeering Activity**

To succeed on a civil RICO claim, the plaintiff must prove a pattern of "racketeering activity." *Mohawk*, 465 F.3d at 1283. "A pattern of racketeering activity, for purposes of the RICO Act, requires at least two acts of racketeering activity." *Id.* "An act of racketeering is commonly referred to as a 'predicate act.' A 'pattern' of racketeering activity is shown when a racketeer commits at least two distinct but related predicate acts." *Id.*

The term "racketeering activity" is very specifically defined in 18 U.S.C. § 1961(1) as any one of the enumerated acts listed in subparagraphs (A) through (G). In the instant case, the plaintiff alleges a violation of § 1961(1)(F), which includes as "racketeering activity" "any act

which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens) . . . if the act indictable under such Act was committed for the purpose of financial gain.” 18 U.S.C. § 1961(1)(F).

Specifically, the plaintiff alleges that certain subcontractors, with the defendants’ knowledge, have: (1) transported aliens within the United States for the purpose of illegally working, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii); (2) concealed or harbored or shielded from [detection] such aliens in violation of 8 U.S.C. § 1324(a)(1)(A)(iii); (3) encouraged aliens to come into the United States in violation of 8 U.S.C. § 1324(a)(1)(A)(iv); (4) knowingly hired, during a twelve month period, at least ten individuals that they know are unauthorized aliens, and that they know have been brought into the United States in violation of § 1324(a)(3)(A); and (5) conspired with “coyotes” and others who bring in aliens, transport aliens, and house aliens to work in the United States, as well as aided and abetted the “coyotes” by providing the ultimate workplace for those who have been illegally brought into the United States, illegally transported through the United States, and harbored, through the provision of housing, in Birmingham and around the country, in violation of § 1324(a)(1)(A)(v)(I) and (II). (SAC at ¶ 66(a)-(e)). For the purposes of this motion, the court finds these allegations sufficient to establish a “pattern of racketeering activity.” However, the plaintiff has failed to allege that the defendants committed any of these predicate acts, or are otherwise “racketeers, or engaged in the racketeering activities.” Alleging conspiracy and aiding and abetting theories without more simply is insufficient as a matter of law.

While the plaintiff argues that “[t]here is no requirement that any particular defendant committed the actual predicate acts,” the authority used in support of his contention is easily



distinguishable from the facts alleged in the plaintiff's complaints. Most notably, the portion of the *Carter* court's opinion that the plaintiff relies on concerns whether the enterprise (a dairy farm) and the racketeering activity (drug smuggling and bribery) were sufficiently linked to establish a RICO conspiracy. *United States v. Carter*, 721 F.2d 1514, 1527-1531 (11th Cir. 1984). In finding that a sufficient nexus existed, the court noted that the Government was able to establish that: (1) an airstrip was constructed on a pasture on the dairy farm that was used for bringing in shipments of drugs; (2) the dairy farm office was used for communications between conspirators concerning protection of the drug smuggling activities from law enforcement; (3) dairy farm workers participated in the drug smuggling and protection activities; and (4) drugs were stored in a house on the dairy farm prior to distribution. *Carter*, 721 F.2d at 1526.<sup>12</sup>

The plaintiff attempts to liken the dairy farm defendants' activity with the general contractors in the instant case to establish "proof that the facilities and services of the enterprise' (in this case the combination of the general contractors and subcontractors in the construction projects at issue) 'have been regularly and repeatedly used' to accomplish the racketeering activity, which is the hiring and harboring of illegal workers." (Doc. 30 at p. 10 (quoting *Carter*, 721 F.2d at 1527)). This the plaintiff has failed to do. The most the plaintiff alleges against the defendants, taken in the light most favorable to the plaintiff, is that the defendants were aware of the subcontractors' racketeering activity. The plaintiff has not made a single allegation that the defendants were involved. The plaintiff simply cannot establish a sufficient nexus between the defendant contractors and the alleged predicate acts, even as alleged in the second amended

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<sup>12</sup>Barber classifies the dairy farm involvement as "only operat[ing] the airstrip and dairy farm where the activities took place, for a fee." (Doc. 30 at p. 10). However, that is an understatement of the dairy farm defendants' involvement in the activity, as set out above.

complaint. Therefore, the court declines to allow the second amended complaint as it is futile. Although the court need not address the remainder of the plaintiff's bases for establishing a RICO claim, the court also finds that the second amended complaint falls short of establishing that the defendants were engaged in an enterprise for the reasons set out below.

**2. The Plaintiff Fails to Allege the Defendants' Involvement in a RICO "Enterprise"**

Additionally, the court finds that the plaintiff's RICO "enterprise" allegations also fail as a matter of law. To satisfy the "enterprise" element of a RICO claim, the plaintiff must show that the predicate acts occurred through the "conduct of an enterprise," "that the enterprise had a common goal," and that the defendants "participate[d] in the operation or management of the enterprise itself." *Mohawk*, 465 F.3d at 1283-84. The RICO enterprise must be separate and distinct from the RICO persons that are operating or managing the enterprise. *United States v. Goldin Industries, Inc.*, 219 F.3d 1268, 1269-71 (11th Cir. 2000). The plaintiff's allegations as to several elements of a RICO "enterprise" are inadequate under these well-settled pleading requirements.

At the outset, the plaintiff's complaints fail to identify what entities constitute the alleged RICO "enterprise." In conclusory fashion, the plaintiff alleges "an association between defendants and the subcontractors for each project." (Doc. 26 at p. 16). Presumably, the plaintiff alleges the existence of four distinct enterprises, as nowhere throughout any of the plaintiff's pleadings does he allege any association among the individual general contractors. Additionally, the plaintiff does not specify which subcontractors the defendants have associated with to form these alleged "enterprises." Although notice pleading is the standard, the plaintiff's "conclusory

allegations, unwarranted deductions of facts or legal conclusions masquerading as facts will not prevent dismissal.” *Oxford Asset Mgmt., Ltd. v. Jaharis*, 297 F.3d 1182, 1188 (11th Cir. 2002) (citations omitted); *Jackson v. BellSouth Telecommunications*, 372 F.3d 1250, 1262 (11th Cir. 2004). The plaintiff has not given the defendants enough information to allow them to defend the claims against them.

Even if the plaintiff identified the entities which compromise the alleged “enterprise,” in order to defeat a motion to dismiss, he “must do more than merely state legal conclusions” and must “allege some specific factual basis” to avoid dismissal. *Jackson*, 372 F.3d at 1263. A plaintiff must include sufficient factual allegations to raise a right to relief above mere speculation and to raise a reasonable expectation that discovery will reveal evidence of the plaintiff’s claim. *Twombly*, 127 S. Ct. at 1965; *see also Jordan v. Scott Fetzer Co.*, No. 4:07-CV-80 (CDL), 2007 WL 4287719 (M.D. Ga. Dec. 4, 2007); *Danielson v. DMB, Inc.*, No. 1:05-CV-2091-WSD, 2006 WL 3246581 at \*2 (N.D. Ga. Nov. 8, 2006).

Instead of providing sufficient factual allegations, the plaintiff only alleges that the subcontractors are known to regularly hire illegal aliens and that each of the defendants is “well aware of this conduct, and does absolutely nothing to prevent it” (SAC at ¶ 24) and that defendants are “happy to participate . . . because they are able to bid projects at a lower rate.” (SAC at ¶ 40). The plaintiff goes so far as to say:

There is little question that Defendants and the subcontractors are engaged in the common agreed upon purpose or overall objective of having illegal workers perform tasks at artificially depressed wages in order to make (more) money for both general contractors and subcontractors. Moreover, in this case specific knowledge of the illegal means by which the overall objective was achieved is alleged [sic].

As such, the enterprise element of a RICO claim has been made out. In Mohawk the Court found the enterprise requirement satisfied by the allegations of an agreement between Mohawk and third party labor recruiters that showed the common purpose of obtaining illegal workers for employment by Mohawk. Similarly, the defendant general contractors and the subcontractors share the common purpose of having illegal workers employed by the subcontracts [sic] to keep bids (both sub and general) low, but margins steady. (SAC, ¶ 40).

(Doc. 26 at pp. 21-22). However, the court finds the plaintiff's assertion to be entirely questionable in view of the conclusory nature of the pleadings. Moreover, the plaintiff's attempt to align the defendants with *Mohawk* is misplaced.

Although the plaintiff has fashioned the substance of his RICO claims in his second amended complaint precisely as the *Mohawk* plaintiffs fashioned their claims, the plaintiff continues to overlook the fact that the *Mohawk* plaintiffs' allegations implicated Mohawk, whereas the plaintiff's claims only implicate the subcontractors. Specifically, the Eleventh Circuit found there were specific factual allegations that Mohawk and third-party recruiters conspired to violate federal immigration laws, destroy documentation, and harbor illegal workers sufficient to establish an enterprise where the plaintiffs alleged, in part, that Mohawk paid fees to the recruiters for each worker supplied to Mohawk and that Mohawk employees sometimes assisted the recruiters and carried a supply of social security cards to help prospective employees assume a new identity. *Mohawk*, 465 F.3d at 1284. The plaintiff herein simply does not make any similar factual allegations about the defendants. The Second Amended Complaint is devoid of any factual basis for establishing that the defendants actively participated in an enterprise distinct from their legitimate construction businesses.

## V. CONCLUSION

For the reasons set out herein, the court finds that the plaintiff's motion to amend the complaint is due to be denied as the Second Amended Complaint is futile. Even with the allegations as amended in the proposed Second Amended Complaint, the plaintiff's complaint fails to state a claim. Therefore, the court finds that the plaintiff's amended complaint is due to be dismissed as to each defendant as the allegations contained therein are made with even less specificity than the Second Amended Complaint.<sup>13</sup> An appropriate Order will be entered

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<sup>13</sup>The defendants make an additional argument as to why the plaintiff's RICO claims against them fail - - the plaintiff lacks standing to pursue a RICO claim because he cannot identify a direct injury. Specifically, the defendants argue:

Neither Plaintiff nor any other claimant can establish proximate causation to support a class RICO injury. In a civil RICO claim, a plaintiff "only has standing and can only recover to the extent that, he has been injured in his business or property by the conduct constituting the violation." *Sedima, S.P.R.L. v. Imrex Co.*, 473 U.S. 479, 496 (1985); *see also Mohawk*, 465 F.3d at 1286-87 (11th Cir. 2006) ("[C]ourts should scrutinize proximate causation at the pleading stage and carefully evaluate whether the injury pled was proximately caused by the claimed RICO violations."). One or more of the predicate acts must not only be the "but for" cause of the injury, but the proximate cause as well. *See Danielson v. DMB, Inc.*, No. 1:05-CV-2091-WSD, 2006 WL 3246581 at \*3 (N.D. Ga. Nov. 8, 2006).

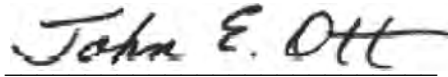
Plaintiff seeks to assert claims on behalf of all U.S. citizens who "applied for work at one of the four construction projects referenced herein, and were not employed, where any position applied for was filled by an illegal alien." (Am. Compl., ¶ 36). Plaintiff seeks to recover "the Davis-Bacon prevailing rate for the duration of the time the job for which the applicant applied was filled by any person." (Am. Compl., ¶ 69). Plaintiff's speculative claim for a lost employment opportunity fails as a matter of law because it is allegedly caused by overall market factors and not the actions of Defendants. *See Holmes v. Sec. Investor Prot. Corp.*, 503 U.S. 258, 268 (1992) (stating that proximate cause is "used to limit a person's responsibility for the consequences of that person's own acts").

In addition to the logical fallacy it would require to assume each applicant for work on these projects would have been hired, Plaintiff's alleged class injury of being "unable to procure employment" is admittedly due to the "flood of illegal workers [in the] labor market." (Am. Compl., ¶ 62). There are countless market factors that would affect any applicant's ability to procure work, including but not limited to hiring practices at hundreds of other construction projects in the Birmingham area and the quality of other competing subcontract bidders on the UAB projects. *See Anza v. Ideal Steel Supply Corp.*, 547 U.S. 451 (2006) (holding that a plaintiff cannot recover for lost business opportunity based on economic competitor's alleged RICO activity).

(Doc. 21 at pp. 29-30; *see also* Doc. 29 at pp. 15-20 for similar arguments made by Opus). While the court declines to address this issue given the current posture of the case, the court does note that it appears that the plaintiff's injuries may be entirely too speculative to establish proximate causation. As the defendants correctly point out, the cases in which plaintiffs in similar fact situations as those alleged in the second amended complaint have established proximate causation are cases where the plaintiffs are employees whose wages were affected by illegal aliens working for lower rates. Because the plaintiff was never employed on any of the projects named in his complaints (with the exception of the UAB projects), it would be more difficult to show that the hiring of illegal workers was the proximate cause for his inability to be employed at any of the project sites.

contemporaneously herewith.

**DONE**, this the 7th day of August, 2008.

A handwritten signature in black ink that reads "John E. Ott". The signature is written in a cursive style with a horizontal line underneath it.

**JOHN E. OTT**  
United States Magistrate Judge

**U.S. District Court  
Northern District of Texas (Dallas)  
CIVIL DOCKET FOR CASE #: 3:07-cv-00145-G**

Bates et al v. Stolarski et al  
Assigned to: Senior Judge A. Joe Fish  
Cause: 31:3729 False Claims Act

Date Filed: 01/23/2007  
Date Terminated: 06/18/2009  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutes: Other  
Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

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**Date Discrepancy Cases 107**

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*TERMINATED: 07/02/2007*

V.

**Defendant**

Alex Stolarski

**Defendant**

Rishon Corporation

**Defendant**

Rishon Holding Company Inc

**Defendant**

Rishon Management Services Inc

**Defendant**

Rishon Real Estate Services Inc

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/23/2007	<a href="#">1</a>	COMPLAINT against Rishon Real Estate Services Inc, Alex Stolarski, Rishon Corporation, Rishon Holding Company Inc, Rishon Management Services Inc filed by April Bates. (Filing fee \$350; Receipt number 8033) (svc) (Entered: 01/24/2007)
01/06/2009	<a href="#">34</a>	NOTICE of Election to Decline Intervention filed by United States of America. (skt) (Entered: 01/06/2009)

**Date Discrepancy Cases 108**



01/08/2009	<a href="#">35</a>	ORDER: The complaint be UNSEALED and served upon defendants by the relator in accordance with FED. R. CIV. P. 4. The SEAL BE LIFTED as to all other matters occurring in this action after the date of this order. (see order) (Ordered by Senior Judge A. Joe Fish on 1/8/09) (klm) (Entered: 01/09/2009)
05/28/2009	<a href="#">36</a>	ORDER TO SHOW CAUSE: Show Cause Response due by 6/11/2009. (Ordered by Senior Judge A. Joe Fish on 5/28/2009) (axm) (Entered: 05/28/2009)
06/11/2009	<a href="#">37</a>	First MOTION to Dismiss filed by April Bates (Nation, John) (Entered: 06/11/2009)
06/18/2009	<a href="#">38</a>	ORDER granting <a href="#">37</a> Motion to Dismiss. See order (Ordered by Senior Judge A. Joe Fish on 6/18/09) (svc) (Entered: 06/18/2009)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 08:37:21			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:07-cv-00145-G
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

**U.S. District Court  
Western District of Missouri (Kansas City)  
CIVIL DOCKET FOR CASE #: 4:07-cv-00489-JTM**

United States of America ex rel v. Alphapointe Association For  
the Blind  
Assigned to: Magistrate Judge John T. Maughmer  
Cause: 31:3729 False Claims Act

Date Filed: 07/09/2007  
Date Terminated: 03/25/2009  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

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V.

**Defendant**

**Alphapointe Association For the Blind**

Date Filed	#	Docket Text
07/10/2007	<u>1</u>	COMPLAINT against Alphapointe Association For the Blind (Filing fee \$350 receipt number 1562222) Service due by 11/13/2007. filed by Charles Jason Brown on behalf of Gary L Hampton.(Brown, Charles) Additional attachment(s) added on 7/11/2007 to include Civil Cover Sheet (McDowell, Shelly). (Entered: 07/10/2007)
07/11/2007		<b>NOTICE OF DOCKET MODIFICATION.</b> A modification has been made to the document filed on 07/10/07 as Document No. 1, COMPLAINT against Alphapointe Association For the Blind filed by Charles Jason Brown on behalf of Gary L Hampton to attach the Civil Cover Sheet that was omitted at the time of filing. (Related Document <u>1</u> ) This is a text entry only – no document is attached. (McDowell, Shelly) (Entered: 07/11/2007)
07/16/2007		NOTICE OF MAGISTRATE ASSIGNMENT mailed to Charles Jason Brown. This is a docket entry only. No document is attached.Magistrate Return due by 8/9/2007 (McDowell, Shelly) (Entered: 07/16/2007)
09/04/2007		SUMMONS ISSUED as to Alphapointe Association For the Blind. (Carr, Lori) (Entered: 09/04/2007)

09/05/2007		<b>SECOND</b> NOTICE OF MAGISTRATE ASSIGNMENT emailed to Charles J. Brown, counsel for Gary Hampton, Relator. This is a docket entry only. No document is attached. Magistrate Return due by 9/28/2007 (Rowland, Bonnie) (Entered: 09/05/2007)
08/11/2008	<u>6</u>	NOTICE of filing by United States of America ( <i>The Government's Notice of Election to Decline Intervention</i> ) (Woolery, Lucinda) (Entered: 08/11/2008)
08/28/2008	<u>7</u>	ORDER that the Complaint shall be unsealed and served upon the defendant by the relator; that all other contents of the Court's file in this action remain under seal and shall not be made public or served upon the defendant, except for this Order and The Government's Notice Of Election To Decline Intervention, which the relator will serve upon the defendant only after service of the Complaint; that the seal shall be lifted as to all other matters occurring in this action after the date of this Order; the parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. Section 3730(c)(30); that the United States ay order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time; that the parties shall serve all notices of appeal upon the United States; that all orders of this Court shall be sent to the United States; and that should the relator or the defendant file a motion with the Court requesting that this aciton be dismissed, settled, or otherwise discontinued, the United States shall be afforded the same period of time to file a response regarding the proposed dismissal, settlement or other discontinuation of this case as if the United States remained as a party to this matter. Signed by Magistrate Judge John T. Maughmer on 8/28/08. (Alexander, Pam) (Entered: 08/28/2008)
02/27/2009	<u>8</u>	ORDER that on or before March 16, 2009, Relator/Plaintiff Gary L. Hampton shall SHOW CAUSE in writing why this matter should not be dismissed. Failure to timely show cause will result in immediate dismissal with prejudice of this matter. Signed by Magistrate Judge John T. Maughmer on 2/27/09. (Alexander, Pam) (Entered: 02/27/2009)
03/25/2009	<u>9</u>	Order of Dismissal. Signed by Magistrate Judge John T. Maughmer on 03/25/09. (Alexander, Pam) (Entered: 03/25/2009)

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)  
CIVIL DOCKET FOR CASE #: 2:07-cv-00322-EHC**

Beken v. Safe Foundations, Inc.  
Assigned to: Judge Earl H Carroll  
Cause: 31:3729 False Claims Act

Date Filed: 02/13/2007  
Date Terminated: 06/26/2008  
Jury Demand: None  
Nature of Suit: 890 Other Statutes: Other  
Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

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V.

**Defendant**

**Safe Foundations Incorporated**

**Defendant**

**Gary L Reinert, Sr.**

**Defendant**

**Gary L Reinert, Jr.**

**Defendant**

**Michael Schuler**

**Defendant**

**David Luidelli**

**Movant**

**United States**

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Date Filed	#	Docket Text
02/13/2007	<u>2</u>	SEALED COMPLAINT, filed by Robert Beken. (Attachments: # <u>1</u> Civil Cover Sheet)(DNO, ) Modified on 2/13/2007 (DNO, TO ENTER SEALED). (Entered: 02/13/2007)
10/15/2007	<u>6</u>	Notice of Election to Decline Intervention by United States (REW, ) (Entered: 10/16/2007)
01/22/2008	<u>7</u>	ORDER that, 1. the complaint <u>2</u> be unsealed and served upon the dfts by the relator Robert Beken; 2. all contents of the Court's file in this action remain under seal and not be made public or served upon dfts, except for this Order and The Government's Notice of Election to Decline Intervention <u>6</u> filed on 10/15/07, which the relator Robert Beken will serve upon dfts only after service of the complaint; 3. after entry of this order, all filed pleadings and future proceedings shall not be sealed; 4. the parties shall serve pleadings and motions filed in this action, including supporting memoranda, upon the US, as provided in 31 USC section 3730(c)(3)....; 5. the parties shall serve all notices of appeal upon the US; 6. all orders of this Court shall be sent to the US; 7. should relator Robert Beken or the dfts propose this action be dismissed, settled or otherwise discontinued, the US will be provided with notice and an opportunity to be heard....; and that 8. the Clerk of the Court shall mail copies of this order to counsel for the US and for relator Robert Beken. Signed by Judge Earl H Carroll on 1/18/2008. (LAD) (Entered: 01/22/2008)
06/12/2008	<u>8</u>	ORDER setting a Show Cause Hearing for 6/30/2008 at 02:30 PM before Judge Earl H. Carroll. Ordered by Judge Earl H. Carroll on 6/12/08. (BAH) (Entered: 06/12/2008)
06/25/2008	<u>9</u>	NOTICE OF VOLUNTARY CASE Dismissal by Robert Beken (Cabou, Jean-Jacques) Modified on 6/26/2008 (TLJ). INCORRECT EVENT SELECTED. THIS ENTRY HAS BEEN MODIFIED FROM OTHER NOTICE TO NOTICE OF VOLUNTARY CASE DISMISSAL. (Entered: 06/25/2008)
06/26/2008	<u>10</u>	ORDER that this case is dismissed without prejudice. ORDER vacating the Show Cause Hearing set for 6/30/08 re <u>9</u> Notice of Voluntary Case Dismissal. Signed by Judge Earl H Carroll on 6/26/08. (TLJ) (Entered: 06/26/2008)

**United States District Court**  
**Northern District of Illinois - CM/ECF LIVE, Ver 6.2.2 (Chicago)**  
**CIVIL DOCKET FOR CASE #: 1:04-cv-03960**

Bednarczyk v. Abbott Labs  
Assigned to: Honorable Harry D. Leinenweber  
Demand: \$0  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 06/10/2004  
Date Terminated: 10/25/2005  
Jury Demand: None  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff****Adam Bednarczyk**

represented by **Adam Bednarczyk**  
13200 W. Heiden Circle #2309  
Lake Bluff, IL 60044  
847-739-2309  
PRO SE

**John Stephen Xydakis**  
Law Office of John S. Xydakis  
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Chicago, IL 60602  
(312)488-3497  
Email: johnxlaw@gmail.com  
TERMINATED: 10/04/2005  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

V.

**Defendant****Abbott Laboratories**

represented by **Hubert O. Thompson**  
Brothers & Thompson, P.C.  
155 N. Michigan Ave.  
#200  
Chicago, IL 60601  
(312) 372-2909  
Email: hthompson@brothersthompson.com  
ATTORNEY TO BE NOTICED

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/10/2004	<a href="#"><u>1</u></a>	COMPLAINT; - Civil cover sheet - Pro se appearance by plaintiff Adam Bednarczyk (Original and one copy summons(es) issued.) (Documents: (1-1 through 1-3)) (ntf) (Entered: 06/14/2004)
06/10/2004		RECEIPT regarding payment of filing fee paid; on 6/10/04 in the amount of \$ 150.00, receipt # 10215451. (ntf) (Entered: 06/14/2004)
		<b>Date Discrepancy Cases 114</b>

07/30/2004	<a href="#">2</a>	AMENDMENTS TO COMPLAINT [1-1] by plaintiff (Attachments). (ntf) (Entered: 08/04/2004)
08/10/2004	<a href="#">3</a>	AMENDEDMENTS TO COMPLAINTS [2-1], [1-1] by plaintiff. (gma) (Entered: 08/13/2004)
08/27/2004	<a href="#">4</a>	RETURN OF SERVICE executed as to defendant Abbott Labs on 08/13/04. (ntf) (Entered: 08/31/2004)
09/02/2004	<a href="#">5</a>	ANSWER by defendant to complaint [1-1]; Notice. (ntf) (Entered: 09/03/2004)
01/03/2005		SCHEDULE set on 1/3/05 by Hon. Harry D. Leinenweber : Status hearing set for January 26, 2005 at 9:00 a.m. Mailed notice (wp) (Entered: 01/03/2005)
01/18/2005	<a href="#">7</a>	LETTER from Adam Bednarczyk dated 01/16/05. (ntf, ) (Entered: 02/02/2005)
01/26/2005	<a href="#">6</a>	MINUTE entry before Judge Harry D. Leinenweber : Status hearing held and continued to March 1, 2005 at 9:00 a.m. Mailed notices (wp, ) (Entered: 01/28/2005)
03/01/2005	<a href="#">8</a>	MINUTE entry before Judge Harry D. Leinenweber : Status hearing held and continued to April 7, 2005 at 9:00 a.m. on 3/1/2005 Status hearing set for 4/7/2005 at 09:00 AM. Mailed notice (wp, ) (Entered: 03/02/2005)
04/07/2005	<a href="#">9</a>	MINUTE entry before Judge Harry D. Leinenweber : Status hearing held and continued to May 10, 2005 at 9:00 a.m. Plaintiff given to May 7, 2005 in which to file amended complaint. If there's a false claim act, the amended complaint can be filed under seal. No notice (wp, ) (Entered: 04/11/2005)
04/08/2005	<a href="#">10</a>	ATTORNEY Appearance for Plaintiff Adam Bednarczyk by John Stephen Xydakis (ntf, ) (Entered: 04/11/2005)
05/09/2005	<a href="#">11</a>	FIRST AMENDED complaint by Adam Bednarczyk against Abbott Laboratories; Notice (ntf, ) Additional attachment(s) added on 8/17/2005 (ntf, ). Modified on 8/17/2005 (ntf, ). (Entered: 05/10/2005)
05/09/2005	<a href="#">12</a>	MOTION by Plaintiff Adam Bednarczyk to withdraw law office of John S. Xydakis (gma, ) (Entered: 05/10/2005)
05/09/2005	<a href="#">13</a>	NOTICE of Motion by Adam Bednarczyk for presentment of MOTION by Plaintiff Adam Bednarczyk to withdraw law office of John S. Xydakis <a href="#">12</a> before Honorable Harry D. Leinenweber on 5/10/2005 at 09:00 AM. (gma, (Entered: 05/10/2005)
05/09/2005	<a href="#">14</a>	NOTICE by Adam Bednarczyk of transmittal and filing of plaintiff's first amended complaint <a href="#">11</a> (ntf, ) (Entered: 05/13/2005)
05/10/2005	<a href="#">15</a>	MINUTE entry before Judge Harry D. Leinenweber : Status hearing held and continued to July 14, 2005 at 9:00 a.m. No notice (wp, ) (Entered: 05/16/2005)
07/14/2005	<a href="#">16</a>	MINUTE entry before Judge Harry D. Leinenweber : Status hearing held and continued to September 14, 2005 at 9:00 a.m. The time to file Amended Complaint under seal is extended to September 14, 2005. No notice (wp, ) (Entered: 07/14/2005)
07/25/2005	<a href="#">17</a>	MINUTE entry before Judge Harry D. Leinenweber dated 07/25/05: (RESTRICTED). No notice (ntf, ) (Entered: 07/27/2005)
08/08/2005	<a href="#">18</a>	MOTION by John Xydakis attorney for plaintiff Adam Bednarczyk to withdraw (las, ) (Entered: 08/09/2005)
08/08/2005	<a href="#">19</a>	NOTICE of Motion by John Stephen Xydakis for presentment of his motion to withdraw as attorney <a href="#">18</a> before Honorable Harry D. Leinenweber on 9/14/2005 at 09:00 AM. (las, ) (Entered: 08/09/2005)

**Date Discrepancy Cases 115**

08/11/2005	<a href="#">20</a>	MINUTE entry before Judge Harry D. Leinenweber : It is hereby ordered that the seal be lifted on the amended complaint and served upon the defendant by the relator. Mailed notice (ntf, ) (Entered: 08/15/2005)
09/14/2005	<a href="#">21</a>	MINUTE entry before Judge Harry D. Leinenweber : John Xydakis Motion to withdraw as attorney <a href="#">18</a> is entered and continued to October 4, 2005 at 9:00 a.m. Status hearing held and continued to October 4, 2005 at 9:00 a.m. Mailed notice (wp, ) (Entered: 09/20/2005)
09/30/2005	<a href="#">27</a>	LETTER from plaintiff dated 09/30/05. (cdy, ) (Entered: 10/31/2005)
10/04/2005	<a href="#">24</a>	MINUTE entry before Judge Harry D. Leinenweber: John Xydakis, of the Law Office of John S. Xydakis, P.C. Motion for leave to withdraw as counsel for plaintiff Relator Adam Bednarczyk is granted <a href="#">12</a> <a href="#">18</a> . The court issues a rule to show cause against plaintiff, to show cause why this case should not be dismissed for want of prosecution for failure to appear for status on October 4, 2005. Rule returnable October 25, 2005 at 9:00 a.m. Mailed notice (jmm, ) (Entered: 10/14/2005)
10/07/2005	<a href="#">22</a>	MOTION by Defendant Abbott Laboratories for rule to show cause Why Case Should Not Be Dismissed (Thompson, Hubert) (Entered: 10/07/2005)
10/07/2005	<a href="#">23</a>	NOTICE of Motion by Hubert O. Thompson for presentment of motion for rule to show cause <a href="#">22</a> before Honorable Harry D. Leinenweber on 10/25/2005 at 09:00 AM. (Thompson, Hubert) (Entered: 10/07/2005)
10/14/2005	<a href="#">25</a>	MOTION by Plaintiff Adam Bednarczyk for extension of time. (jmm, ) Additional attachment(s) added on 10/18/2005 (jmm, ). (Entered: 10/18/2005)
10/25/2005	<a href="#">26</a>	MINUTE entry before Judge Harry D. Leinenweber : Rule ordered discharged. For the reasons stated in open court, this case is dismissed for lack of federal jurisdiction. Civil case terminated. (Attachments: # <a href="#">1</a> ) (wp, ) (Entered: 10/26/2005)
11/23/2005	<a href="#">28</a>	MOTION by Plaintiff Adam Bednarczyk for extension of time to file an appeal. (lcw, ) (Entered: 11/29/2005)
11/30/2005	<a href="#">29</a>	TRANSCRIPT of Proceedings before Judge Harry D. Leinenweber held on 05/10/05 (Volumes 1). (rbf, ) (Entered: 12/01/2005)
06/19/2006	<a href="#">30</a>	TRANSCRIPT of Proceedings before Judge Harry D. Leinenweber held on 10/25/05 (One Volume). (vkd, ) (Entered: 06/20/2006)
09/25/2006	31	MINUTE entry before Judge Harry D. Leinenweber :Plaintiff's Motion for extension of time to file an appeal <a href="#">28</a> is denied as moot. Mailed notice(wp, ) (Entered: 09/25/2006)

<b>PACER Service Center</b>			
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01/28/2019 15:31:55			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:04-cv-03960
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20



**U.S. District Court  
Western District of Kentucky (Owensboro)  
CIVIL DOCKET FOR CASE #: 4:06-cv-00032-JHM-ERG**

USA et al v. D&D Foundation Supply, Inc. et al  
Assigned to: Chief Judge Joseph H. McKinley, Jr  
Referred to: Magistrate Judge E. Robert Goebel  
Cause: 31:3729 False Claims Act

Date Filed: 02/17/2006  
Date Terminated: 03/27/2007  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**USA**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Big Sandy Guardrail, Inc.**  
*Ex rel.*

represented by **Karen Quinn**  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, KY 40222  
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V.

**Defendant**

**D&D Foundation Supply, Inc.**

**Defendant**

**Jim Smith Contracting Company,  
LLC**

Date Filed	#	Docket Text
02/17/2006	<u>1</u>	COMPLAINT against D&D Foundation Supply, Inc., Jim Smith Contracting Company, LLC Filing fee \$ 250, receipt number 6280., filed by Big Sandy Guardrail, Inc..(JBMS) Additional attachment(s) added on 11/2/2006 (JBM). (Entered: 02/21/2006)
10/25/2006	<u>7</u>	NOTICE of election to decline intervention by USA (JBMS) Modified on 11/2/2006(JBMS). Additional attachment(s) added on 11/2/2006 (JBM). (Entered: 10/30/2006)
11/02/2006	<u>8</u>	ORDER by Joseph H. McKinley Jr. on 11/1/06; Complaint is unsealed along with the Notice of Election to Decline Intervention as well as this Order and all matters occurring in this action after the date of this order.cc:Counsel(JBM) (Entered: 11/02/2006)
03/15/2007	<u>9</u>	ORDER by Judge Joseph H. McKinley Jr. (eboc) on 3/14/07; Referring Case to Magistrate Judge E. Robert Goebel pursuant to 28:636(b)(1)(A)cc:Counsel, KL, PH(JBM) (Entered: 03/15/2007)
03/22/2007	<u>10</u>	ORDER by Magistrate Judge E. Robert Goebel (eboc) on 3/22/07; Telephonic Status Conference set for 3/27/2007 at 10:30 AM in Chambers before Magistrate Judge E. Robert Goebel.cc:Counsel, PH(JBM) (Entered: 03/22/2007)
03/23/2007	<u>11</u>	Unopposed MOTION to Dismiss <i>Complaint</i> by Big Sandy Guardrail, Inc.. Responses due by 4/10/2007 (Attachments: # <u>1</u> Proposed Order)(Wicker, Kent) (Entered: 03/23/2007)
03/26/2007	<u>12</u>	RESPONSE to Motion re <u>11</u> Unopposed MOTION to Dismiss <i>Complaint Plaintiff United States of America's Response and Consent to Relator's Motion to Dismiss</i> by USA. Replies due by 4/9/2007. (Schechter, Benjamin) (Entered: 03/26/2007)
03/27/2007	<u>13</u>	ORDER by Judge Joseph H. McKinley Jr. on 3/27/07 Granting motion to dismiss case without prejudice. cc:Counsel, Kent Wicker, B.Schechter(JBM) (Entered: 03/27/2007)

**U.S. District Court  
District of Maryland (Baltimore)  
CIVIL DOCKET FOR CASE #: 1:08-cv-00390-RDB**

Black v. Health & Hospital Corporation of Marion County et al  
Assigned to: Judge Richard D Bennett  
Case in other court: Fourth Circuit Court of Appeals, 11-01726  
Cause: 31:3729 False Claims Act - Liability

Date Filed: 02/12/2008  
Date Terminated: 03/28/2011  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Paul R. Black**

*United States of America, ex rel.*

represented by **J Stephen Simms**

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**Date Discrepancy Cases 119**

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Email: wcbailey@simmsshowers.com  
*TERMINATED: 09/13/2010*  
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V.

**Defendant**

**Health & Hospital Corporation of  
Marion County**

represented by **Joseph Harrison Young**  
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jonathan.diesenhaus@hoganlovells.com  
*PRO HAC VICE*  
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Fax: 12026375910  
Email: twidor@ftc.gov  
*ATTORNEY TO BE NOTICED*

**Defendant****Douglas L. Elwell****Defendant****Matthew R. Gutwein****Defendant****Myers and Stauffer LC**

V.

**Movant****UNITED STATES OF AMERICA**represented by **Thomas F Corcoran**

Office of the United States Attorney

36 S Charles St Fourth Fl

Baltimore, MD 21201

14102094834

Fax: 14109629947

Email: Thomas.Corcoran@usdoj.gov

*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/12/2008	<a href="#">1</a>	COMPLAINT against Health & Hospital Corporation of Marion County, Douglas L. Elwell, Matthew R. Gutwein, Myers and Stauffer LC (Filing fee \$ 350. Receipt 14637023332), filed by Paul R. Black. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Civil Cover Sheet)(ljss, Deputy Clerk) (Entered: 02/13/2008)
04/23/2010	<a href="#">17</a>	NOTICE of Election to Decline Intervention by UNITED STATES OF AMERICA. (hmls, Deputy Clerk) (Additional attachment(s) added on 4/26/2010: # <a href="#">1</a> Text of Proposed Order) (hmls, Deputy Clerk). (Entered: 04/26/2010)
04/27/2010	<a href="#">18</a>	ORDER LIFTING seal as to the Complaint, Government's Notice and this Order. Signed by Judge Richard D Bennett on 4/26/10. (c/m)(hmls, Deputy Clerk) (Entered: 04/27/2010)
08/18/2010	<a href="#">19</a>	NOTICE to Substitute Attorney <i>London, Mark; Robinson, Lance; and</i> (Mead, Christopher) (Entered: 08/18/2010)
08/20/2010	<a href="#">20</a>	(FILED IN ERROR - Counsel will refile) AMENDED COMPLAINT against Paul R. Black, filed by Paul R. Black. (Attachments: # <a href="#">1</a> Supplement Redline Comparison)(Mead, Christopher) Modified on 8/23/2010 (bmh, Deputy Clerk). (Entered: 08/20/2010)
08/23/2010	<a href="#">21</a>	AMENDED COMPLAINT against Health & Hospital Corporation of Marion County, filed by Paul R. Black. (Attachments: # <a href="#">1</a> Supplement Redline Comparison, # <a href="#">2</a> Supplement Summons)(Mead, Christopher) (Entered: 08/23/2010)
08/24/2010	<a href="#">22</a>	Summons Issued 21 days as to Health & Hospital Corporation of Marion County. (jnl, Deputy Clerk) (Entered: 08/24/2010)
08/30/2010	<a href="#">23</a>	SUMMONS Returned Executed by Paul R. Black. Health & Hospital Corporation of Marion County served on 8/24/2010, answer due 9/14/2010. (Mead, Christopher) (Entered: 08/30/2010)
09/14/2010	<a href="#">24</a>	MOTION for Extension of Time <i>Within Which to Answer or Otherwise Respond to</i>

**Date Discrepancy Cases 121**

		<i>Relator's Amended Complaint</i> by Health & Hospital Corporation of Marion County Responses due by 10/1/2010 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Young, Joseph) (Entered: 09/14/2010)
09/15/2010	<a href="#">25</a>	ORDER granting <a href="#">24</a> Unopposed Motion for Extension of Time. Signed by Judge Richard D Bennett on 09/14/2010. (ao, Deputy Clerk) (Entered: 09/15/2010)
11/18/2010	<a href="#">26</a>	MOTION to Appear Pro Hac Vice for Jonathan Diesenhaus on behalf of Health & Hospital Corporation of Marion County (\$50.00 FEE PAID; Receipt # 14637046517) (ao, Deputy Clerk) Modified on 11/18/2010 (ao, Deputy Clerk). (Entered: 11/18/2010)
11/18/2010	<a href="#">27</a>	PAPERLESS ORDER granting <a href="#">26</a> Motion to Appear Pro Hac Vice for attorney Jonathan Diesenhaus on behalf of Health and Hospital Corporation of Marion County. Directing attorney Jonathan Diesenhaus to register on-line for CM/ECF at <a href="http://www.mdd.uscourts.gov/attorney/registration.asp">http://www.mdd.uscourts.gov/attorney/registration.asp</a> .. Signed by Clerk on 11/18/10. (cmns, Deputy Clerk) (Entered: 11/18/2010)
11/19/2010	<a href="#">28</a>	Local Rule 103.3 Disclosure Statement by Health & Hospital Corporation of Marion County. (Young, Joseph) (Entered: 11/19/2010)
11/19/2010	<a href="#">29</a>	MOTION to Dismiss by Health & Hospital Corporation of Marion County Responses due by 12/6/2010 (Young, Joseph) (Entered: 11/19/2010)
11/19/2010	<a href="#">30</a>	Corrected MOTION to Dismiss by Health & Hospital Corporation of Marion County Responses due by 12/6/2010 (Attachments: # <a href="#">1</a> Memorandum, # <a href="#">2</a> Appendix of Exhibits, # <a href="#">3</a> Exhibit 1, # <a href="#">4</a> Exhibit 2, # <a href="#">5</a> Exhibit 3, # <a href="#">6</a> Exhibit 4, # <a href="#">7</a> Exhibit 5, # <a href="#">8</a> Exhibit 6, # <a href="#">9</a> Exhibit 7, # <a href="#">10</a> Exhibit 8, # <a href="#">11</a> Exhibit 9, # <a href="#">12</a> Exhibit 10, # <a href="#">13</a> Exhibit 11, # <a href="#">14</a> Exhibit 12, # <a href="#">15</a> Exhibit 13, # <a href="#">16</a> Exhibit 14, # <a href="#">17</a> Exhibit 15, # <a href="#">18</a> Exhibit 16, # <a href="#">19</a> Exhibit 17, # <a href="#">20</a> Exhibit 18, # <a href="#">21</a> Exhibit 19, # <a href="#">22</a> Exhibit 20, # <a href="#">23</a> Text of Proposed Order)(Young, Joseph) (Entered: 11/19/2010)
11/30/2010	<a href="#">31</a>	Consent MOTION for Extension of Time to File Response/Reply as to <a href="#">30</a> Corrected MOTION to Dismiss by Paul R. Black. Responses due by 12/17/2010 (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Order)(Mead, Christopher) (Entered: 11/30/2010)
12/06/2010	<a href="#">32</a>	ORDER granting <a href="#">31</a> Motion by plaintiff for Extension of Time to file opposition to defendants motion to dismiss. Signed by Judge Richard D Bennett on 12/6/2010. (ao, Deputy Clerk) (Entered: 12/06/2010)
01/03/2011	<a href="#">33</a>	MOTION to Amend/Correct <i>Defer Potential Motion for Leave to Amend</i> by Paul R. Black Responses due by 1/21/2011 (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Text of Proposed Order)(Mead, Christopher) (Entered: 01/03/2011)
01/03/2011	<a href="#">34</a>	RESPONSE in Opposition re <a href="#">30</a> Corrected MOTION to Dismiss filed by Paul R. Black. Replies due by 1/21/2011. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7)(Mead, Christopher) (Entered: 01/03/2011)
01/18/2011	<a href="#">35</a>	MOTION HHC requests that it be permitted to respond to Relator's motion as part of its reply memo in support of its motion to dismiss re <a href="#">33</a> MOTION to Amend/Correct <i>Defer Potential Motion for Leave to Amend</i> by Health & Hospital Corporation of Marion County Responses due by 2/4/2011 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Young, Joseph) (Entered: 01/18/2011)
01/24/2011	<a href="#">36</a>	REPLY to Response to Motion re <a href="#">30</a> Corrected MOTION to Dismiss <i>and Opposition to Relator's Motion to Defer Potential Motion for Leave to Amend</i> filed by Health & Hospital Corporation of Marion County. (Young, Joseph) (Entered: 01/24/2011)
01/31/2011	<a href="#">37</a>	MOTION for Leave to File <i>SUR-REPLY IN OPPOSITION TO MOTION TO DISMISS, OR</i>

**Date Discrepancy Cases 122**

		<i>IN THE ALTERNATIVE, REQUESTING ORAL ARGUMENT</i> by Paul R. Black Responses due by 2/17/2011 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Mead, Christopher) (Entered: 01/31/2011)
02/02/2011	<a href="#">38</a>	NOTICE of Appearance by Thomas J Widor on behalf of Health & Hospital Corporation of Marion County (Widor, Thomas) (Entered: 02/02/2011)
02/03/2011	<a href="#">39</a>	RESPONSE in Opposition re <a href="#">37</a> MOTION for Leave to File <i>SUR-REPLY IN OPPOSITION TO MOTION TO DISMISS, OR IN THE ALTERNATIVE, REQUESTING ORAL ARGUMENT</i> filed by Health & Hospital Corporation of Marion County. Replies due by 2/22/2011. (Widor, Thomas) (Entered: 02/03/2011)
02/18/2011	<a href="#">40</a>	NOTICE by Paul R. Black re <a href="#">30</a> Corrected MOTION to Dismiss of <i>Supplemental Authority</i> (Attachments: # <a href="#">1</a> Exhibit 1)(Mead, Christopher) (Entered: 02/18/2011)
03/11/2011	<a href="#">41</a>	Motion Hearing held on 3/11/2011 before Judge Richard D Bennett re <a href="#">30</a> Corrected MOTION to Dismiss filed by Health & Hospital Corporation of Marion County, <a href="#">33</a> MOTION to Amend/Correct Defer Potential Motion for Leave to Amend filed by Paul R. Black -arguments of counsel- held sub curia (Court Reporter: T. Rolland) (ggpb, Deputy Clerk) (Entered: 03/11/2011)
03/14/2011	<a href="#">42</a>	EXHIBIT LIST by Health & Hospital Corporation of Marion County. (aos, Deputy Clerk) (Entered: 03/14/2011)
03/28/2011	<a href="#">43</a>	MEMORANDUM OPINION Signed by Judge Richard D Bennett on 3/28/2011. (aos, Deputy Clerk) (Entered: 03/28/2011)
03/28/2011	<a href="#">44</a>	ORDER dismissing as moot <a href="#">29</a> Motion to Dismiss by defendant, Health and Hospital Corporation of Marion County; dismissing as moot <a href="#">35</a> Motion by defendant Regarding Defendants Response to Relators Motion to Defer Potential Motion for Leave to Amend; dismissing as moot <a href="#">37</a> Relator's Motion requesting Oral Argument. Signed by Judge Richard D Bennett on 3/28/2011. (aos, Deputy Clerk) (Entered: 03/28/2011)
03/28/2011	<a href="#">45</a>	ORDER granting <a href="#">30</a> Motion by defendant to Dismiss; denying <a href="#">33</a> Motion by Relator to Amend/Correct; Dismissing this case with prejudice. Signed by Judge Richard D Bennett on 3/28/2011. (ao, Deputy Clerk) (Entered: 03/28/2011)
04/11/2011	<a href="#">46</a>	MOTION for Leave to File by Paul R. Black Responses due by 4/28/2011 (Attachments: # <a href="#">1</a> Text of Proposed Order, # <a href="#">2</a> Second Amended Complaint, # <a href="#">3</a> Exhibit Exhibits A-J to Second Amended Complaint, # <a href="#">4</a> Redline Compare of Second Amended Complaint to Amended Complaint)(Mead, Christopher) (Entered: 04/11/2011)
04/11/2011	<a href="#">47</a>	MOTION for Reconsideration by Paul R. Black Responses due by 4/28/2011 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Mead, Christopher) (Entered: 04/11/2011)
04/11/2011	<a href="#">48</a>	Memorandum re <a href="#">46</a> MOTION for Leave to File, <a href="#">47</a> MOTION for Reconsideration filed by Paul R. Black. (Mead, Christopher) (Entered: 04/11/2011)
04/26/2011	<a href="#">49</a>	RESPONSE in Opposition re <a href="#">46</a> MOTION for Leave to File, <a href="#">47</a> MOTION for Reconsideration filed by Health & Hospital Corporation of Marion County. Replies due by 5/13/2011. (Widor, Thomas) (Entered: 04/26/2011)
05/10/2011	<a href="#">50</a>	RESPONSE in Support re <a href="#">46</a> MOTION for Leave to File, <a href="#">47</a> MOTION for Reconsideration filed by Paul R. Black. Replies due by 5/27/2011. (Mead, Christopher) (Entered: 05/10/2011)
06/15/2011	<a href="#">51</a>	MEMORANDUM ORDER denying <a href="#">46</a> Motion for Leave to File Second Amended Complaint; denying <a href="#">47</a> Motion for Reconsideration of the Courts Denial of Relators Motion to Defer Potential Motion for Leave to File Amended Complaint Until

**Date Discrepancy Cases 123**

		Resolution of Motion to Dismiss. Signed by Judge Richard D Bennett on 6/15/11. (cags, Deputy Clerk) (Entered: 06/15/2011)
07/10/2011	<a href="#">52</a>	NOTICE OF APPEAL as to <a href="#">45</a> Order on Motion to Dismiss, Order on Motion to Amend/Correct, <a href="#">51</a> Order on Motion for Leave to File, Order on Motion for Reconsideration,, by Paul R. Black. Filing fee \$ 455, receipt number 0416-3073433. Appeal Record due by 8/12/2011. (Coburn, Barry) (Entered: 07/10/2011)
07/12/2011	<a href="#">53</a>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <a href="#">52</a> Notice of Appeal. IMPORTANT NOTICE: To access forms which you are required to file with the United States Court of Appeals for the Fourth Circuit please go to <a href="http://www.ca4.uscourts.gov">http://www.ca4.uscourts.gov</a> and click on Forms & Notices. (sls, Deputy Clerk) (Entered: 07/12/2011)
07/15/2011	<a href="#">54</a>	USCA Case Number 11-1726 for <a href="#">52</a> Notice of Appeal, filed by Paul R. Black. Case Manager - Michael Radday. (sls, Deputy Clerk) (Entered: 07/18/2011)
08/01/2011	<a href="#">55</a>	TRANSCRIPT ORDER ACKNOWLEDGMENT of USCA as to <a href="#">52</a> Notice of Appeal, filed by Paul R. Black (Court Reporter: Tony Rolland) (bf2, Deputy Clerk) (Entered: 08/01/2011)
08/30/2011	<a href="#">56</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT for dates of 3/11/11, before Judge Richard D. Bennett, re <a href="#">52</a> Notice of Appeal, Court Reporter Tony Rolland, Email: <a href="mailto:focr.mdd@gmail.com">focr.mdd@gmail.com</a> . Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained from the Court Reporter or through PACER. Redaction Request due 9/20/2011. Redacted Transcript Deadline set for 9/30/2011. Release of Transcript Restriction set for 11/28/2011. (tr, Court Reporter) (Entered: 08/30/2011)
08/17/2012	<a href="#">57</a>	JUDGMENT of USCA (certified copy) "AFFIRMING" the judgment of the District Court as to <a href="#">52</a> Notice of Appeal, filed by Paul R. Black. (sls, Deputy Clerk) (Entered: 08/17/2012)
10/09/2012	<a href="#">58</a>	MANDATE of USCA as to <a href="#">52</a> Notice of Appeal, filed by Paul R. Black (ko, Deputy Clerk) (Entered: 10/09/2012)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
02/04/2019 10:21:42			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:08-cv-00390-RDB
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50



**U.S. District Court**  
**District of South Dakota (Southern Division)**  
**CIVIL DOCKET FOR CASE #: 4:09-cv-04039-KES**

United States of America et al v. Compassionate Care Hospice of  
the Midwest, L.L.C. et al  
Assigned to: U.S. District Judge Karen E. Schreier  
Cause: 31:3729 False Claims Act (use sc subtype)

Date Filed: 04/02/2009  
Date Terminated: 07/25/2012  
Jury Demand: Both  
Nature of Suit: 890 Other Statutes: Other  
Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America**  
*ex rel Barbara Kappenman*

represented by **Diana J. Ryan**  
U.S. Attorney's Office (Sioux Falls, SD)  
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Email: diana.ryan@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Barbara Kappenman**  
*individually*

represented by **Anthony M. Hohn**  
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**ATTORNEY TO BE NOTICED**

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*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Compassionate Care Hospice of the  
Midwest, L.L.C.**

represented by **William P. Fuller**  
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7521 S. Louise Ave.  
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Fax: 333-0007  
Email: [bfuller@fullerandwilliamson.com](mailto:bfuller@fullerandwilliamson.com)  
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**Kathleen McDermott**  
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Email: [kmcdermott@morganlewis.com](mailto:kmcdermott@morganlewis.com)  
*TERMINATED: 03/22/2012  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

**Defendant**

**The Compassionate Care Hospice  
Foundation, Inc.**

*collectively*

*TERMINATED: 06/09/2010*

*doing business as*

Compassionate Care Hospice

*TERMINATED: 06/09/2010*

represented by **William P. Fuller**  
(See above for address)  
*TERMINATED: 03/09/2010  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Hilary L. Williamson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jon C. Sogn**  
Lynn, Jackson, Shultz & Lebrun, P.C.  
PO Box 2700  
Sioux Falls, SD 57101-2700  
(605) 332-5999

Fax: (605) 332-4249

Email: jsogn@lynnjackson.com

TERMINATED: 06/09/2010

Date Filed	#	Docket Text
04/02/2009		Case sealed pursuant to statute (JMM) (Entered: 04/03/2009)
04/02/2009	<a href="#">1</a>	COMPLAINT with Jury Demand. Receipt Number SDX400014142 in the amount of \$ 350, filed by Barbara Kappenman.(SLW) (Entered: 04/03/2009)
04/02/2009	<a href="#">2</a>	CIVIL COVER SHEET (SLW) (Entered: 04/03/2009)
04/02/2009	<a href="#">3</a>	RECEIPT for filing fee \$350 #40014142 (SLW) (Entered: 04/03/2009)
04/17/2009	<a href="#">4</a>	ORDER signed by U. S. District Judge Lawrence L. Piersol on 4/17/09; the complaint will not be served on the defendants until the Court so orders; the United States may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence and information.(SKM) (Entered: 04/17/2009)
09/25/2009		***Case Unsealed (SLW) (Entered: 09/28/2009)
09/25/2009	<a href="#">8</a>	Ex Parte NOTICE of Election to Decline Intervention by United States of America (SLW) (Entered: 09/28/2009)
09/25/2009	<a href="#">9</a>	ORDER unsealing case, directing service. Signed by U. S. District Judge Lawrence L. Piersol on 9/25/09. (SLW) (Entered: 09/28/2009)
10/19/2009	<a href="#">10</a>	AFFIDAVIT of Service for Complaint served on Compassionate Care Hospice of the Midwest, L.L.C. on 10/9/2009, filed by Barbara Kappenman. (Peterson, Mitchell) (Entered: 10/19/2009)
11/16/2009	<a href="#">11</a>	ANSWER to <a href="#">1</a> Complaint by Compassionate Care Hospice of the Midwest, L.L.C., The Compassionate Care Hospice Foundation, Inc..(Fuller, William) (Entered: 11/16/2009)
11/25/2009	<a href="#">12</a>	ACKNOWLEDGEMENT OF SERVICE Executed <i>on Behalf of Defendants</i> Acknowledgement filed by Barbara Kappenman. (Peterson, Mitchell) (Entered: 11/25/2009)
01/06/2010	<a href="#">13</a>	ORDER REASSIGNING CASE. Case reassigned to Chief Judge Karen E. Schreier for all further proceedings. U. S. District Judge Lawrence L. Piersol no longer assigned to case. Signed by U. S. District Judge Lawrence L. Piersol on 1/6/10. (SLW) (Entered: 01/06/2010)
01/07/2010	<a href="#">14</a>	ORDER For Form 52 Report and Scheduling Information. Signed by Chief Judge Karen E. Schreier on 1/7/2010. (KC) (Entered: 01/07/2010)
01/29/2010	<a href="#">15</a>	CORPORATE Disclosure Statement by Defendants Compassionate Care Hospice of the Midwest, L.L.C., Compassionate Care Hospice Group, Ltd. identifying Corporate Parent Compassionate Care Hospice Group, Ltd. for Compassionate Care Hospice of the Midwest, L.L.C... (Fuller, William) (Entered: 01/29/2010)
01/29/2010	<a href="#">16</a>	CORPORATE Disclosure Statement by Defendant The Compassionate Care Hospice Foundation, Inc.. (Fuller, William) (Entered: 01/29/2010)
02/26/2010	<a href="#">17</a>	FORM 52 REPORT of Parties Planning Meeting ( <i>Jointly Submitted</i> ). (Peterson, Mitchell) (Entered: 02/26/2010)
02/26/2010	<a href="#">18</a>	SCHEDULING ORDER: Discovery due by 10/15/2010. Motions due by 11/1/2010. Signed by Chief Judge Karen E. Schreier on 2/26/2010. (KC) (Entered: 02/26/2010)

Date Discrepancy Cases 127

03/09/2010	<a href="#">19</a>	Notice of Withdrawal and Substitution of Attorney by Jon C. Sogn on behalf of The Compassionate Care Hospice Foundation, Inc.. Attorney William P. Fuller terminated. (Sogn, Jon) (Entered: 03/09/2010)
03/10/2010	<a href="#">20</a>	NOTICE of Appearance by Kathryn E. Ford on behalf of Barbara Kappenman (Ford, Kathryn) (Entered: 03/10/2010)
06/07/2010	<a href="#">21</a>	MOTION/STIPULATION of Dismissal <i>to Dismiss the Compassionate Care Hospice Foundation, Inc. without Prejudice</i> by The Compassionate Care Hospice Foundation, Inc.. (Sogn, Jon) Modified event type on 6/7/2010 (CMS). (Entered: 06/07/2010)
06/09/2010	<a href="#">22</a>	ORDER granting <a href="#">21</a> Motion to Dismiss The Compassionate Care Hospice Foundation, Inc. Signed by Chief Judge Karen E. Schreier on 6/9/2010. (KC) (Entered: 06/09/2010)
06/21/2010	<a href="#">23</a>	MOTION for Protective Order ( <i>Stipulated by Parties</i> ) by Barbara Kappenman. (Attachments: # <a href="#">1</a> Attached Stipulation)(Peterson, Mitchell) (Entered: 06/21/2010)
06/21/2010	<a href="#">24</a>	PROTECTIVE ORDER Signed by Chief Judge Karen E. Schreier on 6/21/10. (CMS) (Entered: 06/21/2010)
06/23/2010		Remark -termed Jon Sogn and removed from receiving notice pursuant to phone call from his office on this date. (SLW) (Entered: 06/23/2010)
10/13/2010	<a href="#">25</a>	Joint MOTION to Extend Deadlines <i>for Discovery and Dispositive Motions</i> by Compassionate Care Hospice of the Midwest, L.L.C.. (Fuller, William) (Entered: 10/13/2010)
10/13/2010	<a href="#">26</a>	ORDER granting <a href="#">25</a> Motion to Extend Deadlines. Discovery due by 1/31/2011. Motions due by 3/1/2011. Signed by Chief Judge Karen E. Schreier on 10/13/2010. (KC) (Entered: 10/13/2010)
12/03/2010	<a href="#">27</a>	MOTION for attorney Kathleen McDermott to Appear Pro Hac Vice by Compassionate Care Hospice of the Midwest, L.L.C., The Compassionate Care Hospice Foundation, Inc.. (Fuller, William) (Entered: 12/03/2010)
12/06/2010	<a href="#">28</a>	PRO HAC VICE fee paid by Kathleen McDermott (SLW) (Entered: 12/06/2010)
01/18/2011	<a href="#">29</a>	ORDER granting <a href="#">27</a> Motion for Attorney Kathleen McDermott to appear Pro Hac Vice. Signed by Chief Judge Karen E. Schreier on 1/18/2011. (KC) (Entered: 01/18/2011)
02/28/2011	<a href="#">30</a>	Joint MOTION to Extend Deadlines ( <i>Second</i> ) by Compassionate Care Hospice of the Midwest, L.L.C.. (Fuller, William) (Entered: 02/28/2011)
03/01/2011	<a href="#">31</a>	ORDER granting <a href="#">30</a> Motion to Extend Deadlines. Discovery due by 4/1/2011. Motions due by 5/2/2011. Signed by Chief Judge Karen E. Schreier on 3/1/2011. (KC) (Entered: 03/01/2011)
05/06/2011	<a href="#">32</a>	Joint MOTION to Extend Deadlines ( <i>3rd</i> ) by Compassionate Care Hospice of the Midwest, L.L.C.. (Fuller, William) (Entered: 05/06/2011)
05/09/2011	<a href="#">33</a>	ORDER granting <a href="#">32</a> Motion to Extend Deadlines. Discovery due by 6/15/2011. Motions due by 7/15/2011. Signed by Chief Judge Karen E. Schreier on 5/9/2011. (KC) (Entered: 05/09/2011)
07/15/2011	<a href="#">34</a>	NOTICE of Appearance by Hilary L. Williamson on behalf of Compassionate Care Hospice of the Midwest, L.L.C., The Compassionate Care Hospice Foundation, Inc. (Williamson, Hilary) (Entered: 07/15/2011)
07/15/2011	<a href="#">35</a>	Stipulation to Extend Deadlines (see doc <a href="#">36</a> for motion) by Compassionate Care Hospice of the Midwest, L.L.C., The Compassionate Care Hospice Foundation, Inc.. (Williamson,

**Date Discrepancy Cases 128**

		Hilary) Modified on 7/18/2011 to edit text(SLW). (Entered: 07/15/2011)
07/15/2011	<a href="#">36</a>	Joint MOTION to Extend Deadlines <i>of Dispositive motions</i> by Compassionate Care Hospice of the Midwest, L.L.C., The Compassionate Care Hospice Foundation, Inc.. (Williamson, Hilary) (Entered: 07/15/2011)
07/18/2011	<a href="#">37</a>	ORDER granting <a href="#">36</a> Motion to Extend Deadlines. Motions due by 8/5/2011. Signed by Chief Judge Karen E. Schreier on 7/18/2011. (KC) (Entered: 07/18/2011)
08/05/2011	<a href="#">38</a>	STIPULATION re <a href="#">37</a> Order on Motion to Extend Deadlines <i>Second</i> by Compassionate Care Hospice of the Midwest, L.L.C.. (Fuller, William) (Entered: 08/05/2011)
08/08/2011	<a href="#">39</a>	SCHEDULING ORDER: Motions due by 8/10/2011. Signed by Chief Judge Karen E. Schreier on 8/8/2011. (KC) (Entered: 08/08/2011)
08/10/2011	<a href="#">40</a>	MOTION for Summary Judgment by Compassionate Care Hospice of the Midwest, L.L.C.. (Fuller, William) (Entered: 08/10/2011)
08/10/2011	<a href="#">41</a>	MEMORANDUM in Support re <a href="#">40</a> MOTION for Summary Judgment filed by Compassionate Care Hospice of the Midwest, L.L.C.. (Fuller, William) (Entered: 08/10/2011)
08/10/2011	<a href="#">42</a>	STATEMENT OF <i>Undisputed</i> MATERIAL FACTS re <a href="#">40</a> Motion for Summary Judgment, <a href="#">41</a> Memorandum in Support of Motion by Defendant Compassionate Care Hospice of the Midwest, L.L.C.. (Fuller, William) (Entered: 08/10/2011)
08/10/2011	<a href="#">43</a>	AFFIDAVIT of William P. Fuller re <a href="#">40</a> MOTION for Summary Judgment, <a href="#">42</a> Statement of Material Facts, <a href="#">41</a> Memorandum in Support of Motion. (Attachments: # <a href="#">1</a> Exhibit A - pertinent depo pgs - Kappenman, # <a href="#">2</a> Exhibit B - pertinent depo pgs - Phillips, # <a href="#">3</a> Exhibit C - pertinent depo pgs - Grey, # <a href="#">4</a> Exhibit D - pertinent depo pgs - Hardy, # <a href="#">5</a> Exhibit E - 12-20-08 letter from Plaintiff, # <a href="#">6</a> Exhibit F - 3-3-09 letter from CCH to Plaintiff, # <a href="#">7</a> Exhibit G - eligibility review MM, # <a href="#">8</a> Exhibit H - eligibility review WD, # <a href="#">9</a> Exhibit I - 1-9-09 e-mail from Grey to Kappenman, # <a href="#">10</a> Exhibit J - 11-5-10 Peterson letter to Fuller) (Fuller, William) (Entered: 08/10/2011)
08/31/2011	<a href="#">44</a>	RESPONSE to <a href="#">42</a> Statement of Material Facts filed by Barbara Kappenman. (Peterson, Mitchell) (Entered: 08/31/2011)
08/31/2011	<a href="#">45</a>	MEMORANDUM in Opposition re <a href="#">40</a> MOTION for Summary Judgment filed by Barbara Kappenman. (Peterson, Mitchell) (Entered: 08/31/2011)
08/31/2011	<a href="#">46</a>	AFFIDAVIT in Opposition re <a href="#">40</a> MOTION for Summary Judgment filed by Barbara Kappenman. (Attachments: # <a href="#">1</a> Dep. Ex. 1, # <a href="#">2</a> Dep. Ex. 3, # <a href="#">3</a> Dep. Ex. 5, # <a href="#">4</a> Dep. Ex. 11, # <a href="#">5</a> Dep. Ex. 18, # <a href="#">6</a> Dep. Ex. 20, # <a href="#">7</a> Kappenman Dep., # <a href="#">8</a> Grey Dep., # <a href="#">9</a> Hardy Dep., # <a href="#">10</a> Heeney Dep., # <a href="#">11</a> Munk Dep., # <a href="#">12</a> Phillips Dep., # <a href="#">13</a> Rahn Dep., # <a href="#">14</a> Sneller Dep.) (Peterson, Mitchell) (Entered: 08/31/2011)
09/14/2011	<a href="#">47</a>	REPLY to Motion Response re <a href="#">40</a> MOTION for Summary Judgment filed by Compassionate Care Hospice of the Midwest, L.L.C.. (Fuller, William) (Entered: 09/14/2011)
02/23/2012	<a href="#">48</a>	ORDER granting in part and denying in part <a href="#">40</a> Motion for Summary Judgment. Signed by Chief Judge Karen E. Schreier on 2/23/2012. (KC) (Entered: 02/23/2012)
03/12/2012	<a href="#">49</a>	SCHEDULING ORDER: Final Pretrial Conference set for 8/3/2012 at 09:00 AM in Sioux Falls Courtroom 2 before Chief Judge Karen E. Schreier. Jury Trial set for 8/14/2012 at 09:00 AM in Sioux Falls Courtroom 2 before Chief Judge Karen E. Schreier. Signed by Chief Judge Karen E. Schreier on 3/12/12. (KC) (Entered: 03/12/2012)
03/19/2012	<a href="#">50</a>	MOTION to Withdraw as Attorney by Compassionate Care Hospice of the Midwest,

**Date Discrepancy Cases 129**

		L.L.C., The Compassionate Care Hospice Foundation, Inc.. (Fuller, William) (Entered: 03/19/2012)
03/19/2012	<a href="#">51</a>	RESPONSE to Motion re <a href="#">50</a> MOTION to Withdraw as Attorney filed by Barbara Kappenman. (Peterson, Mitchell) (Entered: 03/19/2012)
03/22/2012	52	TEXT ORDER granting <a href="#">50</a> Motion to Withdraw as Attorney. Attorney Kathleen McDermott terminated. Signed by Chief Judge Karen E. Schreier on 3/22/2012. (KC) (Entered: 03/22/2012)
07/19/2012	<a href="#">53</a>	ORDER that plaintiffs and defendants will submit any objections to the court's proposed jury instructionis and additional instructions by July 27, 2012. Signed by Chief Judge Karen E. Schreier on 7/19/2012. (Attachments: # <a href="#">1</a> Proposed Preliminary Instructions, # <a href="#">2</a> Proposed Final Instructions)(KC) (Entered: 07/19/2012)
07/25/2012	<a href="#">54</a>	STIPULATION of Dismissal by Compassionate Care Hospice of the Midwest, L.L.C., The Compassionate Care Hospice Foundation, Inc.. (Fuller, William) (Entered: 07/25/2012)
07/25/2012	<a href="#">55</a>	JUDGMENT. Signed by Chief Judge Karen E. Schreier on 7/25/2012. (KC) (Entered: 07/25/2012)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 10:53:09			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:09-cv-04039-KES
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50

**U.S. District Court  
Northern District of Georgia (Atlanta)  
CIVIL DOCKET FOR CASE #: 1:05-cv-03147-JEC**

Brickman, et al v. Business Loan Express LLC, et al  
Assigned to: Judge Julie E. Carnes  
Case in other court: USCA-11th Circuit, 08-10282  
Cause: 31:3730 Qui Tam False Claims Act

Date Filed: 12/13/2005  
Date Terminated: 12/18/2007  
Jury Demand: Plaintiff  
Nature of Suit: 370 Other Fraud  
Jurisdiction: Federal Question

**Plaintiff**

**James R. Brickman**

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**Date Discrepancy Cases 131**

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**Plaintiff****Greenlight Capital, Inc.**

represented by **Janet Elizabeth Hill**  
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**M. Gino Brogdon , Sr.**  
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**Van A. Anderson**  
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**William Clay Massey**  
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**Plaintiff**

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**Defendant**

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**Defendant**

**Business Loan Center, LLC**  
formerly known as  
Business Loan Center, Inc.

represented by **Anne Harkavy**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Emmet J. Bondurant , II**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Jonathan Paikin**  
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**Katherine Race Brin**  
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TERMINATED: 06/29/2007  
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**Thomas F. Connell**  
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LEAD ATTORNEY  
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**Benjamin E. Fox**  
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ATTORNEY TO BE NOTICED

**John Earl Floyd**  
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ATTORNEY TO BE NOTICED

**Defendant**

**Allied Capital Corp.**  
TERMINATED: 02/08/2007

**Defendant**

**Michael Cohen**  
TERMINATED: 02/08/2007

**Defendant**

**Robert Tannenhauser**

represented by **Anne Harkavy**  
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**Benjamin E. Fox**  
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**Defendant**

**Jennifer Goldstein**  
TERMINATED: 02/08/2007

**Defendant**

**Louis Hafkin**  
TERMINATED: 02/08/2007

**Defendant**

**Matthew McGee**

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**Defendant**

**Joan Sweeney**  
TERMINATED: 02/08/2007

**Defendant**

**George Harrigan**

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**Defendant**

**Does 2-100**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/13/2005	<a href="#">1</a>	COMPLAINT with Jury Demand filed. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. ( Filing fee \$ 250 receipt number 545235.) filed by James R. Brickman, Greenlight Capital, Inc. (FILED UNDER SEAL) (fmm) Please visit our website at <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain Pretrial Instructions. Additional attachment(s) added on 6/18/2007 (ddm). (Entered: 01/03/2006)
12/13/2005	<a href="#">2</a>	ORDER sealing case. Signed by Judge Julie E. Carnes on 12/13/05. (FILED UNDER SEAL) (fmm) Modified on 6/18/2007 (ddm). Additional attachment(s) added on 6/18/2007 (ddm). (Entered: 01/03/2006)
12/13/2005	<a href="#">3</a>	APPLICATION for Admission of John Hatchett Carney Pro Hac Vice by James R. Brickman.Filing Fee received \$150.00, Receipt #545236. (FILED UNDER SEAL) (fmm) Modified on 6/18/2007 (ddm). Additional attachment(s) added on 6/18/2007 (ddm). (Entered: 01/03/2006)
12/13/2005	<a href="#">4</a>	ORDER granting <a href="#">3</a> Application for Admission Pro Hac Vice of John Hatchett Carney . Signed by Judge Julie E. Carnes on 12/13/05. (FILED UNDER SEAL) (fmm) Modified on 6/18/2007 (ddm). Additional attachment(s) added on 6/18/2007 (ddm). (Entered: 01/03/2006)
12/13/2005	<a href="#">5</a>	APPLICATION for Admission of Mark Allen Kleiman Pro Hac Vice by James R. Brickman, Greenlight Capital, Inc. Filing Fee received \$150.00, Receipt #545237. (fmm) Additional attachment(s) added on 1/3/2006 (FILED UNDER SEAL) (fmm). Modified on 6/18/2007 (ddm). Additional attachment(s) added on 6/18/2007 (ddm). (Entered: 01/03/2006)
12/13/2005	<a href="#">6</a>	ORDER granting <a href="#">5</a> Application for Admission Pro Hac Vice of Mark Allen Kleiman. Signed by Judge Julie E. Carnes on 12/13/05. (FILED UNDER SEAL) (fmm) Additional attachment(s) added on 1/3/2006 (fmm). Modified on 6/18/2007 (ddm). Additional attachment(s) added on 6/18/2007 (ddm). (Entered: 01/03/2006)
02/09/2006	<a href="#">7</a>	Ex Parte MOTION for Ninety Day Extension of Time to Consider Election to Intervene with Memorandum in Support and Proposed Order by United States of America Ex Rel. (FILED UNDER SEAL) (ddm) Modified on 6/18/2007 (ddm). Additional attachment(s) added on 6/18/2007 (ddm). (Entered: 02/09/2006)
02/10/2006	<a href="#">8</a>	ORDER granting <a href="#">7</a> Government's Ex Parte Motion for Extension of Time through and including May 15, 2006 in which to determine whether or not to intervene in this action and during this time the complaint and other filings shall remain under seal, unless the United States requests that the seal be lifted prior to that date. Signed by Judge Julie E. Carnes on 2/9/06. (FILED UNDER SEAL) (ddm) Modified on 6/18/2007 (ddm). Additional attachment(s) added on 6/18/2007 (ddm). (Entered: 02/10/2006)
10/12/2006	<a href="#">16</a>	SECOND AMENDED COMPLAINT against all defendants, filed by James R. Brickman, Greenlight Capital, Inc. (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2# <a href="#">3</a> Exhibit 3# <a href="#">4</a> Exhibit 4# <a href="#">5</a> Exhibit 5# <a href="#">6</a> Exhibit 6# <a href="#">7</a> Exhibit 7# <a href="#">8</a> Exhibit 8# <a href="#">9</a> Exhibit 9# <a href="#">10</a> Exhibit 10# <a href="#">11</a> Exhibit 11# <a href="#">12</a> Exhibit 12)(ddm) Please visit our website at <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain Pretrial Instructions. Modified on 11/15/2006 to reflect that document was unsealed per <a href="#">18</a> Order (ddm). (Entered: 10/17/2006)
11/13/2006	<a href="#">17</a>	Notice of Election to Decline Intervention by United States of America Ex Rel. (Attachments: # <a href="#">1</a> Text of Proposed Order)(ddm) Modified on 11/15/2006 to reflect that document was unsealed per <a href="#">18</a> Order (ddm). (Entered: 11/13/2006)
11/15/2006	<a href="#">18</a>	ORDER directing that the <a href="#">16</a> Second Amended Complaint be unsealed in order that it may

**Date Discrepancy Cases 139**

		be served upon Defendant in this action by relators Brickman and Greenlight. All other contents shall remain sealed and not be made public or served upon Defendant, with the exceptions of this Order and the <a href="#">17</a> Notice of Election to Decline Intervention. Henceforth, the parties shall serve all pleadings upon the United States, by mailing them to Assistant U.S. Attorney Amy L. Berne. The United States is entitled to intervene in this action, for good cause, at any time. Should relators Brickman and Greenlight or Defendant propose that this action be dismissed, the Court will solicit the written consent of the United States before ruling or granting its approval regarding any such proposal. Signed by Judge Julie E. Carnes on 11/14/06. (ddm) (Entered: 11/15/2006)
11/15/2006		Case unsealed per <a href="#">18</a> Order. (ddm) (Entered: 11/15/2006)
11/15/2006	<a href="#">19</a>	ORDER directing the Plaintiffs to serve the Defendants, pursuant to Fed.R.Civ.P.4, by Sunday, December 31, 2006. Signed by Judge Julie E. Carnes on 11/15/06. (ddm) (Entered: 11/15/2006)
12/21/2006	<a href="#">20</a>	MOTION for Extension of Time to Serve Second Amended Complaint re: <a href="#">16</a> Amended Complaint, by James R. Brickman, Greenlight Capital, Inc., United States of America Ex Rel. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Brown, Michael) (Entered: 12/21/2006)
12/21/2006	<a href="#">21</a>	ORDER granting <a href="#">20</a> Motion for Extension of Time through JANUARY 16, 2007 to Serve Second Amended Complaint. Signed by Judge Julie E. Carnes on 12/21/06. (ddm) (Entered: 12/22/2006)
01/12/2007	<a href="#">22</a>	MOTION to Amend Second Amended Complaint by James R. Brickman. (Attachments: # <a href="#">1</a> Exhibit 1-Third Amended Complaint# <a href="#">2</a> Exhibit 2-Proposed Order)(Brown, Michael) (Entered: 01/12/2007)
01/12/2007	<a href="#">23</a>	Summons Issued as to Robert Tannenhauser, Matthew McGee, George Harrigan, Business Loan Express LLC, Business Loan Center, LLC. (ddm) (Entered: 01/16/2007)
02/01/2007	<a href="#">24</a>	NOTICE of Appearance by Emmet J. Bondurant, II on behalf of Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC (Bondurant, Emmet) (Entered: 02/01/2007)
02/01/2007	<a href="#">25</a>	PROPOSED CONSENT ORDER to Amend Second Amended Complaint; Waive Service of Third Amended Complaint; Each defendant shall have 60 days of entry within which to move, answer or otherwise respond to allegations of Third Amended Complaint and is relieved of any obligation to respond to allegations of the original complaint, the First Amended Complaint, or the Second Amended Complaint re: <a href="#">22</a> MOTION to Amend Second Amended Complaint. (Bondurant, Emmet) (Entered: 02/01/2007)
02/02/2007	<a href="#">26</a>	NOTICE of Appearance by Benjamin E. Fox on behalf of Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC (Fox, Benjamin) (Entered: 02/02/2007)
02/02/2007		Submission of <a href="#">22</a> MOTION to Amend Second Amended Complaint, submitted to District Judge Julie E. Carnes. (ddm) (Entered: 02/02/2007)
02/05/2007	<a href="#">30</a>	APPLICATION for Admission of Katherine Race Brin Pro Hac Vice filed by Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC. Filing Fee received \$150.00, Receipt #5611445. (ddm) (Entered: 02/13/2007)
02/05/2007	<a href="#">31</a>	APPLICATION for Admission of Anne Harkavy Pro Hac Vice filed by Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC. Filing Fee received \$150.00, Receipt #561143. (ddm) (Entered: 02/13/2007)
02/05/2007	<a href="#">35</a>	APPLICATION for Admission of Jonathan Paikin Pro Hac Vice filed by Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC.

**Date Discrepancy Cases 140**



		Filing Fee received \$150.00, Receipt #561142. (ddm) (Entered: 02/13/2007)
02/05/2007	<a href="#">36</a>	APPLICATION for Admission of Thomas F. Connell Pro Hac Vice filed by Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC. Filing Fee received \$150.00, Receipt #561144. (ddm) (Entered: 02/13/2007)
02/06/2007	<a href="#">27</a>	NOTICE of Appearance by John Earl Floyd on behalf of Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC (Floyd, John) (Entered: 02/06/2007)
02/06/2007	<a href="#">32</a>	APPLICATION for Admission of Habib Ilahi Pro Hac Vice filed by George Harrigan. Filing Fee received \$150.00, Receipt #561157. (ddm) (Entered: 02/13/2007)
02/06/2007	<a href="#">33</a>	APPLICATION for Admission of Robert J. Spagnoletti Pro Hac Vice filed by George Harrigan. Filing Fee received \$150.00, Receipt #561159. (ddm) (Entered: 02/13/2007)
02/06/2007	<a href="#">34</a>	APPLICATION for Admission of Vincent H. Cohen, Jr. Pro Hac Vice filed by George Harrigan. Filing Fee received \$150.00, Receipt #561158. (ddm) (Entered: 02/13/2007)
02/08/2007	<a href="#">28</a>	ORDER granting <a href="#">22</a> Plaintiffs' Motion to Amend its Second Complaint. Each Defendant, through its Counsel, waives service of the Third Amended Complaint, as of the date of entry of this Order. Each Defendant shall have 60 days from the date of entry of this Order within which to move, answer or otherwise respond to the Third Amended Complaint, and is hereby relieved of any obligation to respond to the allegations of any previously filed complaint. Signed by Judge Julie E. Carnes on 2/8/07. (ddm) (Entered: 02/09/2007)
02/08/2007	<a href="#">29</a>	THIRD AMENDED COMPLAINT against Business Loan Express LLC, Business Loan Center, LLC, Robert Tannenhauser, Matthew McGee, George Harrigan, Does 1-100, filed by James R. Brickman, Greenlight Capital, Inc. (ddm) Please visit our website at <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain Pretrial Instructions. (Entered: 02/09/2007)
02/28/2007	<a href="#">37</a>	ORDER granting <a href="#">30</a> Application for Admission Pro Hac Vice of Katherine Race Brin. Signed by Judge Julie E. Carnes on 02/27/07. (kb) (Entered: 02/28/2007)
02/28/2007	<a href="#">38</a>	ORDER granting <a href="#">31</a> Application for Admission Pro Hac Vice of Anne Harkavy. Signed by Judge Julie E. Carnes on 02/27/07. (kb) (Entered: 02/28/2007)
02/28/2007	<a href="#">39</a>	ORDER granting <a href="#">32</a> Application for Admission Pro Hac Vice of Habib F. Ilahi. Signed by Judge Julie E. Carnes on 02/27/07. (kb) (Entered: 02/28/2007)
02/28/2007	<a href="#">40</a>	ORDER granting <a href="#">33</a> Application for Admission Pro Hac Vice of Robert J. Spagnoletti. Signed by Judge Julie E. Carnes on 2/27/07. (kb) (Entered: 02/28/2007)
02/28/2007	<a href="#">41</a>	ORDER granting <a href="#">34</a> Application for Admission Pro Hac Vice Vincent H. Cohen, Jr. Signed by Judge Julie E. Carnes on 02/27/07. (kb) (Entered: 02/28/2007)
02/28/2007	<a href="#">42</a>	ORDER granting <a href="#">35</a> Application for Admission Pro Hac Vice of Jonathan Paikin. Signed by Judge Julie E. Carnes on 02/27/07. (kb) (Entered: 02/28/2007)
02/28/2007	<a href="#">43</a>	ORDER granting <a href="#">36</a> Application for Admission Pro Hac Vice of Thomas F. Connell. Signed by Judge Julie E. Carnes on 02/27/07. (kb) (Entered: 02/28/2007)
03/05/2007	<a href="#">44</a>	Corporate Disclosures pursuant to Rule 7.1 by Business Loan Express LLC, Business Loan Center, LLC.(Fox, Benjamin) (Entered: 03/05/2007)
03/20/2007	<a href="#">45</a>	MOTION for Leave to File Excess Pages by Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Fox, Benjamin) (Entered: 03/20/2007)
03/21/2007	<a href="#">46</a>	ORDER granting <a href="#">45</a> Defendants' Motion for Leave to File Excess Pages. It is ordered that

**Date Discrepancy Cases 141**

		BLX Defendants are permitted to file a Memorandum of Law in Support of BLX Defendants' Motion to Dismiss of no more than fifty (50) pages in length. Signed by Judge Julie E. Carnes on 3/21/07. (ddm) (Entered: 03/21/2007)
03/30/2007	<a href="#">47</a>	NOTICE of Appearance by Jonathan Paikin on behalf of Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC (Paikin, Jonathan) (Entered: 03/30/2007)
03/30/2007	<a href="#">48</a>	NOTICE of Appearance by Thomas F. Connell on behalf of Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC (Connell, Thomas) (Entered: 03/30/2007)
03/30/2007	<a href="#">49</a>	NOTICE of Appearance by Anne Harkavy on behalf of Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC (Harkavy, Anne) (Entered: 03/30/2007)
03/30/2007	<a href="#">50</a>	NOTICE of Appearance by Katherine Race Brin on behalf of Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC (Brin, Katherine) (Entered: 03/30/2007)
04/09/2007	<a href="#">51</a>	NOTICE Of Filing Manually by Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC (Fox, Benjamin) (Entered: 04/09/2007)
04/09/2007	<a href="#">52</a>	NOTICE Of Filing Electronic Media by Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC (Fox, Benjamin) (Entered: 04/09/2007)
04/09/2007	<a href="#">53</a>	MOTION to Dismiss Third Amended Complaint by George Harrigan. (Leach, Arthur) (Entered: 04/09/2007)
04/09/2007	<a href="#">54</a>	MOTION to Dismiss with Brief In Support by Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC. (Attachments: # <a href="#">1</a> Brief Memo in Support of Motion to Dismiss# <a href="#">2</a> Text of Proposed Order # <a href="#">3</a> Affidavit Declaration of Leah A. Epstein# <a href="#">4</a> Exhibit 1 to Epstein Declaration# <a href="#">5</a> Exhibit 2 to Epstein Declaration# <a href="#">6</a> Exhibit 3 to Epstein Declaration# <a href="#">7</a> Exhibit 4 to Epstein Declaration# <a href="#">8</a> Exhibit 5 to Epstein Declaration# <a href="#">9</a> Exhibit 6 to Epstein Declaration# <a href="#">10</a> Exhibit 7 to Epstein Declaration# <a href="#">11</a> Exhibit 8 to Epstein Declaration# <a href="#">12</a> Exhibit 9 to Epstein Declaration# <a href="#">13</a> Exhibit 10 to Epstein Declaration# <a href="#">14</a> Exhibit 11 to Epstein Declaration# <a href="#">15</a> Exhibit 12 to Epstein Declaration# <a href="#">16</a> Exhibit 13 to Epstein Declaration# <a href="#">17</a> Exhibit 14 to Epstein Declaration# <a href="#">18</a> Exhibit 15 to Epstein Declaration# <a href="#">19</a> Exhibit 16 to Epstein Declaration# <a href="#">20</a> Exhibit 17 to Epstein Declaration# <a href="#">21</a> Exhibit 18 to Epstein Declaration# <a href="#">22</a> Exhibit 19 to Epstein Declaration# <a href="#">23</a> Exhibit 20 to Epstein Declaration# <a href="#">24</a> Exhibit 21 to Epstein Declaration# <a href="#">25</a> Exhibit 22 to Epstein Declaration# <a href="#">26</a> Exhibit 23 to Epstein Declaration# <a href="#">27</a> Exhibit 24 to Epstein Declaration# <a href="#">28</a> Exhibit 25 to Epstein Declaration# <a href="#">29</a> Exhibit 26 to Epstein Declaration# <a href="#">30</a> Exhibit 27 to Epstein Declaration# <a href="#">31</a> Exhibit 28 to Epstein Declaration# <a href="#">32</a> Exhibit 29 to Epstein Declaration# <a href="#">33</a> Exhibit 30 to Epstein Declaration# <a href="#">34</a> Exhibit 31 to Epstein Declaration# <a href="#">35</a> Exhibit 32 to Epstein Declaration# <a href="#">36</a> Exhibit 33 to Epstein Declaration# <a href="#">37</a> Exhibit 34 to Epstein Declaration# <a href="#">38</a> Exhibit 35 to Epstein Declaration)(Fox, Benjamin) (Entered: 04/09/2007)
04/09/2007	<a href="#">55</a>	One CD/DVD received from Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC in regards to <a href="#">52</a> Notice of Filing Electronic Media. (ddm) (Entered: 04/10/2007)
04/10/2007	<a href="#">56</a>	APPLICATION for Admission of Rebecca G. Deutsch Pro Hac Vice filed by Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC. Filing Fee received \$150.00, Receipt #563662. (ddm) (Entered: 04/13/2007)
04/16/2007	<a href="#">57</a>	First MOTION for Leave to File Excess Pages by James R. Brickman, Greenlight Capital,

**Date Discrepancy Cases 142**

		Inc.. (Massey, William) (Entered: 04/16/2007)
04/24/2007	<a href="#">58</a>	Letter dated 4/11/07, from attorney Benjamin E. Fox regarding re <a href="#">54</a> MOTION to Dismiss. (kb) (Entered: 04/24/2007)
04/25/2007	<a href="#">59</a>	ORDER granting <a href="#">57</a> Unopposed Motion for Leave to File Excess Pages for Relators' Memorandum of Law in Opposition to Defendant's <a href="#">54</a> Motion to Dismiss. It is ordered that Relators are permitted to file a Memorandum no more than thirty-five (35) pages in length. Signed by Judge Julie E. Carnes on 4/25/07. (ddm) (Entered: 04/26/2007)
04/26/2007	<a href="#">60</a>	RESPONSE in Opposition re <a href="#">54</a> MOTION to Dismiss of Defendants Business Loan Express, LLC, Business Loan Center, LLC, Robert Tannenhauser, and Matthew McGee filed by James R. Brickman, Greenlight Capital, Inc.. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1# <a href="#">2</a> Exhibit Exhibit Two# <a href="#">3</a> Exhibit Exhibit 3# <a href="#">4</a> Exhibit Exhibit 4# <a href="#">5</a> Exhibit Exhibit 5# <a href="#">6</a> Exhibit Exhibit 6# <a href="#">7</a> Exhibit Exhibit 7# <a href="#">8</a> Exhibit Exhibit 8# <a href="#">9</a> Exhibit Exhibit 9# <a href="#">10</a> Exhibit Exhibit 10# <a href="#">11</a> Exhibit Exhibit 11)(Kenny, Michael) (Entered: 04/26/2007)
04/26/2007	<a href="#">61</a>	RESPONSE in Opposition re <a href="#">53</a> MOTION to Dismiss Third Amended Complaint of Defendant George Harrigan filed by James R. Brickman, Greenlight Capital, Inc.. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1# <a href="#">2</a> Exhibit Exhibit 2# <a href="#">3</a> Exhibit Exhibit 3)(Kenny, Michael) (Entered: 04/26/2007)
04/30/2007	<a href="#">62</a>	ORDER granting <a href="#">56</a> Application for Admission Pro Hac Vice of Rebecca G. Deutsch. Signed by Judge Julie E. Carnes on 04/27/07. (kb) (Entered: 04/30/2007)
05/02/2007	<a href="#">63</a>	NOTICE of Appearance by Leigh R. Rhoads on behalf of James R. Brickman, Greenlight Capital, Inc. (Rhoads, Leigh) (Entered: 05/02/2007)
05/02/2007	<a href="#">64</a>	NOTICE of Appearance by Van A. Anderson on behalf of James R. Brickman, Greenlight Capital, Inc. (Anderson, Van) (Entered: 05/02/2007)
05/02/2007	<a href="#">65</a>	Corporate Disclosures pursuant to Rule 7.1 by Greenlight Capital, Inc..(Anderson, Van) (Entered: 05/02/2007)
05/09/2007	<a href="#">66</a>	PROPOSED CONSENT ORDER Staying the Early Planning Conference, Joint Preliminary Report and Discovery Plan, Initial Disclosures and Certificate of Interested Persons. (Fox, Benjamin) (Entered: 05/09/2007)
05/14/2007	<a href="#">67</a>	REPLY to Response to Motion re <a href="#">53</a> MOTION to Dismiss Third Amended Complaint filed by George Harrigan. (Ilahi, Habib) (Entered: 05/14/2007)
05/14/2007	<a href="#">68</a>	REPLY BRIEF re <a href="#">54</a> MOTION to Dismiss filed by Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC. (Fox, Benjamin) (Entered: 05/14/2007)
05/18/2007	<a href="#">69</a>	First Certificate of Interested Persons by Robert Tannenhauser, Matthew McGee, George Harrigan, James R. Brickman, Greenlight Capital, Inc., Business Loan Express LLC, Business Loan Center, LLC. (Massey, William) (Entered: 05/18/2007)
05/22/2007	<a href="#">70</a>	CONSENT ORDER staying the Early Planning Conference, Joint Preliminary Report and Discovery Plan, Initial Disclosures and Certificate of Interested Persons. Signed by Judge Julie E. Carnes on 5/22/07. (ddm) (Entered: 05/24/2007)
05/24/2007		NOTICE of Undeliverable Electronic Mail re: <a href="#">70</a> Order. Mail returned for M. Gino Brogdon, Sr due to no longer being employed with firm. (aar) (Entered: 05/24/2007)
05/28/2007	<a href="#">71</a>	NOTICE by James R. Brickman, Greenlight Capital, Inc. of Withdrawal of M. Gino Brogdon, Sr. as Counsel (Anderson, Van) (Entered: 05/28/2007)
06/05/2007		Submission of <a href="#">53</a> MOTION to Dismiss Third Amended Complaint, <a href="#">54</a> MOTION to

**Date Discrepancy Cases 143**

		Dismiss,submitted to District Judge Julie E. Carnes. (ddm) (Entered: 06/05/2007)
06/27/2007	<a href="#">72</a>	NOTICE by Robert Tannenhauser, Matthew McGee, Business Loan Express LLC, Business Loan Center, LLC of Withdrawal of Katherine Race Brin as Counsel (Paikin, Jonathan) (Entered: 06/27/2007)
08/16/2007	<a href="#">73</a>	NOTICE directing the parties to comply by, FRIDAY, 8/24/07, with LR. 26.1 and LR 16.2. (kb) (Entered: 08/16/2007)
08/16/2007	<a href="#">74</a>	NOTICE directing the parties to disregard the <a href="#">73</a> Notice (Other) requiring compliance with particular local rules. (kb) (Entered: 08/16/2007)
10/05/2007	<a href="#">75</a>	NOTICE by Robert Tannenhauser, Matthew McGee, George Harrigan, Does 1-100, Business Loan Express LLC, Business Loan Center, LLC re <a href="#">54</a> MOTION to Dismiss [Notice of Supplemental Authority] (Attachments: # <a href="#">1</a> Exhibit A)(Fox, Benjamin) (Entered: 10/05/2007)
10/10/2007	<a href="#">76</a>	RESPONSE re <a href="#">75</a> Notice (Other) Relators' Response to Defendants' Notice of Supplemental Authority filed by James R. Brickman, Greenlight Capital, Inc.. (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2)(Anderson, Van) (Entered: 10/10/2007)
12/18/2007	<a href="#">77</a>	ORDER and Opinion granting <a href="#">53</a> Motion to Dismiss Third Amended Complaint; granting <a href="#">54</a> Motion to Dismiss. The Court has determined that it lacks subject matter jurisdiction over this case. Accordingly, it is not necessary to consider defendants' motion to dismiss for failure to comply with Rule 9(b). For the foregoing reasons, the Court finds that defendants' Rule 12(b)(1) Motions to Dismiss should be granted. Signed by Judge Julie E. Carnes on 12/18/07. (fap) Modified on 12/20/2007 to correct docket text (fap). (Entered: 12/19/2007)
12/18/2007	<a href="#">78</a>	CLERK'S JUDGMENT entered dismissing action (fap)--Please refer to <a href="http://www.ca11.uscourts.gov">http://www.ca11.uscourts.gov</a> to obtain an appeals jurisdiction checklist-- (Entered: 12/20/2007)
12/18/2007		Civil Case Terminated. (fap) (Entered: 12/20/2007)
01/14/2008	<a href="#">79</a>	NOTICE OF APPEAL as to <a href="#">77</a> Order on Motion to Dismiss,,,,, <a href="#">78</a> Clerk's Judgment by James R. Brickman, Greenlight Capital, Inc.. Filing fee \$ 455, receipt number 113E000000001485613. Transcript Order Form due on 1/29/2008 (Anderson, Van) (Entered: 01/14/2008)
01/15/2008	<a href="#">80</a>	Transmission of Certified Copy of Notice of Appeal, Judgment, Order and Docket Sheet to US Court of Appeals re: <a href="#">79</a> Notice of Appeal. (pjm) (Entered: 01/15/2008)
01/25/2008	<a href="#">81</a>	USCA Acknowledgment of <a href="#">79</a> Notice of Appeal filed by Greenlight Capital, Inc. and James R. Brickman. Case Appealed to USCA-11th Circuit. Case Number 08-10282-BB. (pjm) (Entered: 01/29/2008)
02/11/2008	<a href="#">82</a>	TRANSCRIPT ORDER FORM (No Hrgs) re: <a href="#">79</a> Notice of Appeal. USCA Appeal Number 08-10282-BB. Certificate of Readiness due on 2/26/2008. (pjm) (Entered: 02/11/2008)
02/19/2008		CERTIFICATE OF READINESS of Appeal Record re: <a href="#">79</a> Notice of Appeal filed by Greenlight Capital, Inc. and James R. Brickman. USCA Case Number 08-10282-BB. (4 Vols pf Pldgs w/1 filed under SEAL) (pjm) (Entered: 02/19/2008)
02/19/2008	<a href="#">83</a>	Certified copy of CERTIFICATE OF READINESS transmitted to USCA re: <a href="#">79</a> Notice of Appeal. Case Appealed to USCA-11th Circuit. Case Number 08-10282-BB. (pjm) (Entered: 02/19/2008)
02/25/2008	<a href="#">84</a>	USCA Acknowledgment of Certificate of Readiness re: <a href="#">79</a> Notice of Appeal filed by

**Date Discrepancy Cases 144**

		Greenlight Capital, Inc. and James R. Brickman. Case Appealed to USCA-11th Circuit. Case Number 08-10282-BB. (pjm) (Entered: 02/26/2008)
04/09/2008	<a href="#">85</a>	FORTHWITH LETTER from USCA re: <a href="#">79</a> Notice of Appeal filed by Greenlight Capital, Inc. and James R. Brickman. Case Appealed to USCA-11th Circuit. Case Number 08-10282-BB. Appeal Record due by 4/18/2008. (pjm) (Entered: 04/09/2008)
04/09/2008	<a href="#">86</a>	Certified and Transmitted Record on Appeal to US Court of Appeals re: <a href="#">79</a> Notice of Appeal. Case Appealed to USCA-11th Circuit. Case Number 08-10282-BB. (4 Vols pf Pldgs w/1 filed under SEAL) (pjm) (Entered: 04/09/2008)
04/16/2008	<a href="#">87</a>	NOTICE of Docketing Record on Appeal from USCA re: <a href="#">79</a> Notice of Appeal filed by Greenlight Capital, Inc. and James R. Brickman. Case Appealed to USCA-11th Circuit. Case Number 08-10282-BB. (pjm) (Entered: 04/21/2008)
04/15/2009	<a href="#">88</a>	Certified copy of JUDGMENT of USCA AFFIRMING the decision of the District Court re: <a href="#">79</a> Notice of Appeal filed by Greenlight Capital, Inc. and James R. Brickman. Case Appealed to USCA-11th Circuit. Case Number 08-10282. (pjm) (Entered: 04/17/2009)
04/15/2009		Appeal Record Returned re: <a href="#">79</a> Notice of Appeal. Case Appealed to USCA-11th Circuit. Case Number 08-10282. (4 Vols pf Pldgs w/1 filed under SEAL) (pjm) (Entered: 04/17/2009)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 10:47:00			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:05-cv-03147-JEC
<b>Billable Pages:</b>	13	<b>Cost:</b>	1.30

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 08-10282  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEBRUARY 5, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 05-03147-CV-JEC-1

JAMES R. BRICKMAN,

GREENLIGHT CAPITAL, INC.,

Plaintiffs-Appellants,

UNITED STATES OF AMERICA EX REL,

Plaintiff,

versus

BUSINESS LOAN EXPRESS LLC,  
f.k.a. Business Loan Express, Inc.,  
BUSINESS LOAN CENTER, LLC,  
f.k.a. Business Loan Center, Inc.,  
ROBERT TANNENHAUSER,  
MATTHEW MCGEE,  
GEORGE HARRIGAN,  
DOES 1-100,

Defendants-Appellees,

ALLIED CAPITAL CORP.,  
et al.,

Defendants.

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Appeal from the United States District Court  
for the Northern District of Georgia

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(February 5, 2009)

Before BARKETT, PRYOR and FARRIS,\* Circuit Judges.

PER CURIAM:

James R. Brickman and Greenlight Capital, Inc. (collectively, “Relators”) appeal from the dismissal of their complaint against Business Loan Express, LLC, f/k/a Business Loan Express, Inc.; Business Loan Center, LLC, f/k/a Business Loan Center, Inc.; Robert Tannenhauser; Matthew McGee; and George Harrigan (collectively, “BLX”). The complaint, filed under the False Claims Act (“FCA”), 31 U.S.C. § 3729 et seq., alleged that BLX had participated in a secret scheme to defraud the United States Small Business Administration out of tens of millions of dollars.

The district court ruled that the Relators’ claims of fraud were based upon information that had been publicly disclosed or was otherwise publicly available

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\* Honorable Jerome Farris, United States Circuit Judge for the Ninth Circuit, sitting by designation.

prior to the filing of the action, and thus, the public disclosure bar of the FCA, 31 U.S.C. § 3730(e)(4)(A), deprived it of subject matter jurisdiction to resolve the fraud claims.

We find no reversible error. The uncontested factual record demonstrates that the complaint in this case was derived entirely from information available to any member of the public and that the Relators had no direct, personal knowledge of any of the parties or transactions at issue here.

AFFIRMED.



**U.S. District Court  
Northern District of Alabama (Southern)  
CIVIL DOCKET FOR CASE #: 2:06-cv-01148-WMA**

Brunson et al v. Narrows Health & Wellness LLC  
Assigned to: Judge William M Acker, Jr  
Cause: 31:3729 False Claims Act

Date Filed: 06/12/2006  
Date Terminated: 03/31/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Denise Brunson**

represented by **John D Saxon**  
JOHN D SAXON PC  
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205-324-0223  
Fax: 205-323-1583  
Email: jsaxon@saxonattorneys.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Redding Pitt**

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LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Stephen Jared Austin**

STEPHEN J. AUSTIN LLC  
433 Metairie Road Suite 401  
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504-377-5200  
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TERMINATED: 10/05/2006  
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ATTORNEY TO BE NOTICED

**Carolyn Ngoc Lam**

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Fax: 205-244-5901

Email: cnlam@fordharrison.com  
ATTORNEY TO BE NOTICED

**Lisa Davis Young**  
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256-533-0202  
Fax: 256-533-0302  
Email: ldavis@wilmerlee.com  
TERMINATED: 02/15/2007  
ATTORNEY TO BE NOTICED

**Russell P Parker**  
Equal Employment Opportunity  
Commission  
1130 22nd Street South  
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Birmingham, AL 35205  
205-212-2133  
Email: russ.parker@eoc.gov  
ATTORNEY TO BE NOTICED

**Plaintiff**

**Michelle Ronk**

represented by **John D Saxon**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Redding Pitt**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Stephen Jared Austin**  
(See above for address)  
TERMINATED: 10/05/2006  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Carolyn Ngoc Lam**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Lisa Davis Young**  
(See above for address)

**Russell P Parker**  
(See above for address)  
ATTORNEY TO BE NOTICED

V.

**Defendant**

**Date Discrepancy Cases 150**

**Narrows Health & Wellness LLC**  
an Alabama corporation

represented by **Daniel J Burnick**  
LAW OFFICE OF DANIEL J BURNICK  
3179 Green Valley Road, #205  
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ATTORNEY TO BE NOTICED

**Kyle T Smith**  
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205-930-5190  
Fax: 205-930-5101  
Email: ksmith@sirote.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/12/2006	<a href="#">1</a>	COMPLAINT against Narrows Health & Wellness LLC (Filing fee \$350 receipt #200 226876) filed by Denise Brunson, Michelle Ronk (FILED UNDER SEAL)(KGE, ) (Entered: 06/19/2006)
06/19/2006	<a href="#">2</a>	NOTICE AND ORDER regarding proof of compliance by 4:30 pm June 26, 2006 or show cause why this action should not be dismissed for want of prosecution (KGE, ) (Entered: 06/19/2006)
06/20/2006	<a href="#">3</a>	NOTICE of Compliance of service by Denise Brunson, Michelle Ronk (KGE, ) (Entered: 06/20/2006)
08/03/2006	<a href="#">4</a>	NOTICE of election to decline to intervene by United States of America (KGE, ) (Entered: 08/03/2006)
08/04/2006	<a href="#">5</a>	ORDER the court respectfully declines to enter the order as proposed by United States of America in its notice of election not to intervene; it is ORDERED (1) the file is UNSEALED (2) the relators shall forthwith serve a summons and the complaint upon dft; Case unsealed.. Signed by Judge William M Acker Jr on 8/4/06. (KGE, ) (Entered: 08/04/2006)
08/17/2006	<a href="#">6</a>	ORDER TO SHOW CAUSE relators shall by 4:30 pm 8/22/06 obtain service of process on dft and prove it as set out in this order; Show Cause Response due by 8/22/2006.. Signed by Judge William M Acker Jr on 8/17/06. (KGE, ) (Entered: 08/17/2006)
08/22/2006	<a href="#">7</a>	AMENDED COMPLAINT against Narrows Health & Wellness LLC, filed by Denise Brunson, Michelle Ronk.(KGE, ) (Entered: 08/22/2006)
08/22/2006	<a href="#">8</a>	Summons Issued as to Narrows Health & Wellness LLC., returned to pla for service (KGE, ) (Entered: 08/22/2006)
08/22/2006	<a href="#">9</a>	SUMMONS Returned Executed by Denise Brunson, Michelle Ronk. Narrows Health & Wellness LLC served on 8/22/2006, answer due 9/11/2006. (Saxon, John) (Entered: 08/22/2006)

**Date Discrepancy Cases 151**

09/11/2006	<a href="#">10</a>	MOTION to Dismiss First Amended Qui Tam Complaint by Narrows Health & Wellness LLC. (Smith, Kyle) (Entered: 09/11/2006)
09/12/2006	<a href="#">11</a>	NOTICE of Hearing on Motion <a href="#">10</a> MOTION to Dismiss First Amended Qui Tam Complaint: Motion Hearing set for 10/5/2006 09:00 AM before Judge William M Acker Jr. (KWC) (Entered: 09/12/2006)
10/04/2006	<a href="#">12</a>	RESPONSE in Opposition re <a href="#">10</a> MOTION to Dismiss First Amended Qui Tam Complaint filed by Denise Brunson, Michelle Ronk. (Saxon, John) (Entered: 10/04/2006)
10/05/2006	<a href="#">13</a>	MOTION to Withdraw as Attorney by Denise Brunson, Michelle Ronk. (Austin, Stephen) (Entered: 10/05/2006)
10/05/2006		Minute Entry for proceedings held before Judge William M Acker Jr: Motion Hearing held on 10/5/2006 re <a href="#">10</a> MOTION to Dismiss. (Court Reporter Virginia Flowers) (KWC) (Entered: 10/05/2006)
10/05/2006		ORDER granting <a href="#">13</a> Motion to Withdraw as Attorney. Attorney Stephen Jared Austin terminated . Signed by Judge William M Acker Jr on 10/05/06. (BSA, 10/05/06) (Entered: 10/05/2006)
10/05/2006	<a href="#">14</a>	ORDER granting <a href="#">10</a> Motion to Dismiss first amended qui tam complaint; the first amended qui tam complaint is DISMISSED W/O PREJ, with leave granted to plas to file an amended pleading which meets the minimum requirements for specificity w/i 14 days of this order. Signed by Judge William M Acker Jr on 10/5/06. (KGE, ) (Entered: 10/05/2006)
10/12/2006	<a href="#">15</a>	NOTICE of Appearance by Lisa D Davis on behalf of Denise Brunson, Michelle Ronk (Davis, Lisa) (Entered: 10/12/2006)
10/19/2006	<a href="#">16</a>	AMENDED COMPLAINT against Narrows Health & Wellness LLC, filed by Denise Brunson, Michelle Ronk.(Davis, Lisa) (Entered: 10/19/2006)
11/02/2006	<a href="#">17</a>	MOTION to Dismiss Second Amended Qui Tam Complaint by Narrows Health & Wellness LLC. (Smith, Kyle) (Entered: 11/02/2006)
11/03/2006	<a href="#">18</a>	NOTICE of Hearing on Motion <a href="#">17</a> MOTION to Dismiss Second Amended Qui Tam Complaint: Motion Hearing set for 11/17/2006 09:00 AM before Judge William M Acker Jr. (KWC) (Entered: 11/03/2006)
11/16/2006	<a href="#">19</a>	RESPONSE in Opposition re <a href="#">17</a> MOTION to Dismiss Second Amended Qui Tam Complaint filed by Denise Brunson, Michelle Ronk. (Davis, Lisa) (Entered: 11/16/2006)
11/17/2006		Minute Entry for proceedings held before Judge William M Acker Jr: Motion Hearing held on 11/17/2006 re <a href="#">17</a> MOTION to Dismiss Second Amended Qui Tam Complaint; written order to be entered. (Court Reporter Virginia Flowers) (KWC) (Entered: 11/17/2006)
12/01/2006	<a href="#">20</a>	Brief re <a href="#">17</a> MOTION to Dismiss Second Amended Qui Tam Complaint. (Smith, Kyle) (Entered: 12/01/2006)
12/01/2006	<a href="#">21</a>	Brief re <a href="#">19</a> Response in Opposition to Motion. (Davis, Lisa) (Entered: 12/01/2006)
12/05/2006	<a href="#">22</a>	ORDER United States of America ex rel. Patrick Bruce Atkins, MD v. Charles McInteer, MD, et al. having been decided by the Eleventh Circuit of 12/1/06, the parties to the above entitled case are invited to express their opinions on the significance, if any, of that decision to the present case; they shall both do so by 4:30 pm 12/11/06. Signed by Judge William M Acker Jr on 12/5/06. (KGE, ) (Entered: 12/05/2006)
12/11/2006	<a href="#">23</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">22</a> Order, by Denise Brunson, Michelle Ronk. (Davis, Lisa) (Entered: 12/11/2006)
12/11/2006		ORDER granting <a href="#">23</a> Motion for extension of time within which to submit statement to

Date Discrepancy Cases 152

		court . Signed by Judge William M Acker Jr on 12/11/06. (SKB, ) (Entered: 12/11/2006)
12/11/2006	<a href="#">24</a>	REPLY to Court Order of December 5, 2006 filed by Narrows Health & Wellness LLC. (Smith, Kyle) (Entered: 12/11/2006)
12/13/2006	<a href="#">25</a>	REPLY to re <a href="#">22</a> Court's Order of December 5, 2006 filed by Denise Brunson, Michelle Ronk. (Saxon, John) (Entered: 12/13/2006)
12/18/2006	<a href="#">26</a>	MEMORANDUM OPINION. Signed by Judge William M Acker Jr on 12/18/2006. (KSS, ) (Entered: 12/18/2006)
12/18/2006	<a href="#">27</a>	ORDER in accordance with the memorandum opinion, the <a href="#">17</a> Motion to Dismiss is DENIED in part and GRANTED in part, and this action is dismissed without prejudice, with the right to file an amended complaint by 4:30 PM on 12/29/2006 . Signed by Judge William M Acker Jr on 12/18/2006. (KSS, ) (Entered: 12/18/2006)
12/21/2006		Set Deadlines: Amended complaint due by 12/29/2006. (KWC) (Entered: 12/21/2006)
12/29/2006	<a href="#">28</a>	MOTION for Extension of Time to Amend Set/Reset Deadlines, <a href="#">27</a> Order on Motion to Dismiss, by Denise Brunson, Michelle Ronk. (Davis, Lisa) (Entered: 12/29/2006)
01/03/2007	<a href="#">29</a>	UNIFORM INITIAL ORDER - with appendices attached. Signed by Judge William M Acker Jr on 1/3/07. (KGE, ) (Entered: 01/03/2007)
01/04/2007	<a href="#">30</a>	MEMORANDUM OPINION plas motion for an extension and for discovery is DENIED Signed by Judge William M Acker Jr on 1/4/07. (KGE, ) Modified on 1/4/2007 (KGE, ). (Entered: 01/04/2007)
01/04/2007	<a href="#">31</a>	FINAL PARTIAL JUDGMENT dfts motion to dismiss insofar as set forth in Count One is GRANTED, and the action, insofar as set forth in Count One, is DISMISSED W/PREJ; the court finds that there is no just reason for delay in the entry of judgment against plas and in favor of dft with respect to the dismissal of Count One, and the entry of such judgment is ORDERED; dfts motion to dismiss, insofar as it may have been addressed to Counts Two and Three, is DENIED; the case shall proceed as to said counts; dft shall answer Counts Two and Three w/i 14 days (Case reopened). Signed by Judge William M Acker Jr on 1/4/07. (KGE, ) (Entered: 01/04/2007)
01/04/2007		Reset Deadlines: Narrows Health & Wellness LLC answer due 1/18/2007. (KWC) (Entered: 01/04/2007)
01/18/2007	<a href="#">32</a>	Defendant's ANSWER to Amended Complaint (Second Amended Qui Tam Complaint) by Narrows Health & Wellness LLC.(Smith, Kyle) (Entered: 01/18/2007)
01/19/2007		Set Deadlines: Rule 26 Meeting Report due by 3/20/2007. (KWC) (Entered: 01/19/2007)
02/14/2007	<a href="#">33</a>	MOTION to Withdraw as Attorney by Denise Brunson, Michelle Ronk. (Davis, Lisa) (Entered: 02/14/2007)
02/15/2007		ORDER granting and ordering accordingly <a href="#">33</a> Motion to Withdraw as Attorney. Attorney Lisa D Davis terminated . Signed by Judge William M Acker Jr on 02/15/07. (SKB, ) (Entered: 02/15/2007)
02/19/2007	<a href="#">34</a>	NOTICE of Appearance by Carolyn Ngoc Lam on behalf of Denise Brunson, Michelle Ronk (Lam, Carolyn) (Entered: 02/19/2007)
03/16/2007	<a href="#">35</a>	NOTICE of Appearance by Russell Paul Parker on behalf of Denise Brunson, Michelle Ronk (Parker, Russell) (Entered: 03/16/2007)
03/20/2007	<a href="#">36</a>	REPORT of Rule 26(f) Planning Meeting. (Smith, Kyle) (Entered: 03/20/2007)
03/21/2007	<a href="#">37</a>	SCHEDULING ORDER that certain time limits apply as set out; Discovery due by

**Date Discrepancy Cases 153**

		10/31/2007; dispositive Motions due by 11/30/2007.. Signed by Judge William M Acker Jr on 3/21/07. (KGE, ) (Entered: 03/21/2007)
07/30/2007	<a href="#">38</a>	STIPULATION for Entry of Protective Order by Narrows Health & Wellness LLC. (Attachments: # <a href="#">1</a> Exhibit Exhibit "1")(Smith, Kyle) (Entered: 07/30/2007)
07/30/2007	<a href="#">39</a>	PROTECTIVE ORDER (HIPPA) authorizing any third party who is provided with a subpoena to disclose information as set out in this order. Signed by Judge William M Acker Jr on 7/30/07. (KGE, ) (Entered: 07/30/2007)
11/30/2007	<a href="#">40</a>	MOTION for Summary Judgment by Narrows Health & Wellness LLC. (Smith, Kyle) (Entered: 11/30/2007)
11/30/2007	<a href="#">41</a>	Brief re <a href="#">40</a> MOTION for Summary Judgment. (Smith, Kyle) (Entered: 11/30/2007)
11/30/2007	<a href="#">42</a>	Evidentiary Material re: <a href="#">40</a> MOTION for Summary Judgment, <a href="#">41</a> Brief. (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2# <a href="#">3</a> Exhibit 3# <a href="#">4</a> Exhibit 4# <a href="#">5</a> Exhibit 5)(Smith, Kyle) (Entered: 11/30/2007)
11/30/2007	<a href="#">43</a>	SUBMISSION ORDER that the motion for summary judgment is submitted to the court; responsive briefs due by 4:30 pm on 12/14/07; reply briefs due by 4:30 pm on 12/21/07. Signed by Judge William M Acker Jr on 11/30/07. (KGE) (Entered: 11/30/2007)
12/12/2007	<a href="#">44</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">40</a> MOTION for Summary Judgment (UNOPPOSED) by Denise Brunson, Michelle Ronk. (Lam, Carolyn) (Entered: 12/12/2007)
12/13/2007		ORDER granting <a href="#">44</a> Motion for Extension of Time to File Response/Reply re <a href="#">40</a> MOTION for Summary Judgment Responses due by 12/19/2007 Replies due by 12/28/2007.. Signed by Judge William M Acker Jr on 12/13/07. (SKB, ) (Entered: 12/13/2007)
12/19/2007	<a href="#">45</a>	MOTION for Leave to File Excess Pages by Denise Brunson, Michelle Ronk. (Lam, Carolyn) (Entered: 12/19/2007)
12/19/2007	<a href="#">46</a>	RESPONSE in Opposition re <a href="#">40</a> MOTION for Summary Judgment filed by Denise Brunson, Michelle Ronk. (Lam, Carolyn) (Entered: 12/19/2007)
12/19/2007	<a href="#">47</a>	Evidentiary Material re: <a href="#">46</a> Response in Opposition to Motion. (Attachments: # <a href="#">1</a> Exhibit Qui Tam Statement, Part 1# <a href="#">2</a> Exhibit Qui Tam Statement, Part 2# <a href="#">3</a> Exhibit Qui Tam Part 3# <a href="#">4</a> Exhibit Qui Tam Part 4# <a href="#">5</a> Exhibit Qui Tam, Part 5 of 5# <a href="#">6</a> Affidavit Pl's Evid Subm 2-5)(Lam, Carolyn) (Entered: 12/19/2007)
12/19/2007	<a href="#">48</a>	Evidentiary Material re: <a href="#">46</a> Response in Opposition to Motion. (Attachments: # <a href="#">1</a> Exhibit Qui Tam Statement, Part 1# <a href="#">2</a> Exhibit Qui Tam Statement, Part 2# <a href="#">3</a> Exhibit Qui Tam Part 3# <a href="#">4</a> Exhibit Qui Tam Part 4# <a href="#">5</a> Exhibit Qui Tam, Part 5 of 5# <a href="#">6</a> Affidavit Pl's Evid Subm 2-5)(Lam, Carolyn) DUPLICATE OF DOCUMENT #47 Modified on 12/20/2007 (KGE). (Entered: 12/19/2007)
12/20/2007		ORDER granting and ordering accordingly <a href="#">45</a> Motion for Leave to File Excess Pages. Signed by Judge William M Acker Jr on 12/20/07. (SKB, ) (Entered: 12/20/2007)
12/28/2007	<a href="#">49</a>	MOTION to Strike by Narrows Health & Wellness LLC. (Smith, Kyle) (Entered: 12/28/2007)
12/28/2007	<a href="#">50</a>	REPLY Brief filed by Defendant Narrows Health & Wellness LLC re: <a href="#">46</a> Response in Opposition to Motion for Summary Judgment filed by Narrows Health & Wellness LLC. (Smith, Kyle) (Entered: 12/28/2007)
03/31/2008	<a href="#">51</a>	MEMORANDUM OPINION. Signed by Judge William M Acker Jr on 3/31/08. (KGE) (Entered: 03/31/2008)

**Date Discrepancy Cases 154**

03/31/2008	<a href="#">52</a>	ORDER in accordance with the memorandum opinion, dfts motion to strike portions of plas evidentiary submission is MOOT; dfts motion for summary judgment is GRANTED and this action is DISMISSED W/PREJ; costs are taxed against plas. Signed by Judge William M Acker Jr on 3/31/08. (KGE) (Entered: 03/31/2008)
04/07/2008	<a href="#">53</a>	BILL OF COSTS by Narrows Health & Wellness LLC. (Attachments: # <a href="#">1</a> Exhibit Exhibit "A")(Smith, Kyle) (Entered: 04/07/2008)
06/06/2008	<a href="#">54</a>	BILL OF COSTS Supplement by Narrows Health & Wellness LLC. (Attachments: # <a href="#">1</a> Supplement Invoices)(Smith, Kyle) (Entered: 06/06/2008)
06/09/2008	<a href="#">55</a>	Costs Taxed in amount of \$ 1,821.80. against plaintiffs, Denise S. Brunson and Michelle P.Ronk. (ECS, ) (Entered: 06/09/2008)
06/18/2008		CERTIFICATE of Judgment issued by clerk re item #55 re taxed costs in the amount of \$1,821.80 against plaintiffs. (SWB, ) (Entered: 06/18/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 12:56:37			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:06-cv-01148-WMA
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60

CLOSED

**U.S. District Court  
Eastern District of Louisiana (New Orleans)  
CIVIL DOCKET FOR CASE #: 2:03-cv-02645-HGB-DEK**

Brown, et al v. Ondeo Nalco Company  
Assigned to: Judge Helen G. Berrigan  
Referred to: Magistrate Judge Daniel E. Knowles, III  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 09/22/2003  
Date Terminated: 08/18/2006  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Corwin Brown**

*United States of America Ex Rel.*

represented by **Normand Francis Pizza**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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**Plaintiff**

**Christopher Stewart**

*United States of America Ex Rel.*

represented by **Normand Francis Pizza**  
(See above for address)



*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Juan Joseph Lizarraga**  
(See above for address)

**Kenneth H. Hooks , III**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kerry D. Brown**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sheila L. Moragas**  
(See above for address)

V.

**Defendant**

**Ondeo Nalco Company**

**Movant**

**USA**

represented by **Sharon Denise Smith**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/22/2003	<u>1</u>	COMPLAINT against Ondeo Nalco Company (Filing fee \$ 150.) filed by Corwin Brown, Christopher Stewart. (Attachments: # <u>1</u> Civil Cover Sheet)(plh, ) (Entered: 08/25/2006)
09/22/2003	<u>2</u>	EXPARTE/CONSENT MOTION to File Complaint in Camera by Corwin Brown, Christopher Stewart. (plh, ) (Entered: 08/25/2006)
09/22/2003	<u>3</u>	ORDER granting <u>2</u> Motion to File Complaint in Camera . Signed by Judge Helen G. Berrigan on 9/22/03. (plh, ) (Entered: 08/25/2006)
11/20/2003	<u>4</u>	EXPARTE/CONSENT MOTION for Extension of Time to Notify this Court of its decision whether to intervene by USA. (Attachments: # <u>1</u> Memorandum in Support)(plh, ) (Entered: 08/25/2006)
11/20/2003	<u>5</u>	ORDER granting <u>4</u> Motion for Extension of Time until 5/26/04 to Notify the Court of its decision to intervene in this action. FURTHER ORDERED that this case shall remain under seal until he USA notices its election or until further ntc of this Court. FURTHER ORDERED that the US Atty's Office be provided a copy of this & all order in this matter. Signed by Judge Helen G. Berrigan on 11/20/03. (plh, ) (Entered: 08/25/2006)
05/24/2004	<u>6</u>	EXPARTE/CONSENT MOTION for Extension of Time to Notify this Court of its decision whether to intervene by USA. (Attachments: # <u>1</u> Memorandum in Support)(plh, ) (Entered: 08/25/2006)
05/24/2004	<u>7</u>	ORDER granting <u>6</u> Motion for Extension of Time until 11/22/04 to Notify the Court of its decision to intervene in this action. FURTHER ORDERED that this case shall remain under seal until the USA notices its election or until further ntc of this Court. FURTHER ORDERED that the US Atty's Office be provided a copy of this & all

		orders in this matter. Signed by Judge Helen G. Berrigan on 5/24/04. (plh, ) (Entered: 08/25/2006)
11/17/2004	<u>8</u>	EXPARTE/CONSENT MOTION for Extension of Time to Notify this Court of its decision whether to intervene by USA. (Attachments: # <u>1</u> Memorandum in Support)(plh, ) (Entered: 08/25/2006)
11/17/2004	<u>9</u>	ORDER granting <u>8</u> Motion for Extension of Time until 5/21/05 to Notify the Court of its decision to intervene in this action. FURTHER ORDERED that this case shall remain under seal until the USA notices its election or until further ntc of this Court. FURTHER ORDERED that the US Atty's Office be provided a copy of this & all orders in this matter. Signed by Judge Helen G. Berrigan on 11/18/04. (plh, ) (Entered: 08/25/2006)
05/19/2005	<u>10</u>	EXPARTE/CONSENT MOTION for Extension of Time to Notify this Court of its decision whether to intervene by USA. (Attachments: # <u>1</u> Memorandum in Support)(plh, ) (Entered: 08/25/2006)
05/24/2005	<u>11</u>	ORDER granting <u>10</u> Motion for Extension of Time until 6/20/05 to Notify the Court of its decision to intervene in this action. FURTHER ORDERED that this case shall remain under seal until the USA notices its election or until further ntc of this Court. FURTHER ORDERED that the US Atty's Office be provided a copy of this & all orders in this matter. Signed by Judge Helen G. Berrigan on 5/20/05. (plh, ) (Entered: 08/25/2006)
06/17/2005	<u>12</u>	EXPARTE/CONSENT MOTION for Extension of Time to Notify this Court of its decision whether to intervene by USA. (Attachments: # <u>1</u> Memorandum in Support)(plh, ) (Entered: 08/25/2006)
06/22/2005	<u>13</u>	ORDER granting <u>12</u> Motion for Extension of Time until 8/4/05 to Notify the Court of its decision to intervene in this action. FURTHER ORDERED that this case shall remain under seal until the USA notices its election or until further ntc of this Court. FURTHER ORDERED that the US Atty's Office be provided a copy of this & all orders in this matter. Signed by Judge Helen G. Berrigan on 6/20/05. (plh, ) (Entered: 08/25/2006)
07/13/2005	<u>14</u>	NOTICE by USA of election to decline intervention. (plh, ) (Entered: 08/25/2006)
07/14/2005	<u>15</u>	ORDER unsealing the complaint and all other matters occuring after the date of this order as set forth in document. Signed by Judge Helen G. Berrigan on 7/13/05.(plh, ) (Entered: 08/25/2006)
07/14/2005	<u>16</u>	Summons Issued as to Ondeo Nalco Company. per Order (plh, ) (Entered: 08/25/2006)
07/19/2005	<u>17</u>	MOTION for Leave to File Motion for Voluntary Dismissal with Prejudice Under Seal in Camera by Corwin Brown, Christopher Stewart. (Attachments: # <u>1</u> Memorandum in Support)(plh, ) (Entered: 08/25/2006)
07/19/2005	<u>18</u>	ORDER granting <u>17</u> Motion for Leave to File Motion for Voluntary Dismissal with Prejudice under Seal and that the complaint in this matter remain under seal. Signed by Judge Helen G. Berrigan on 7/19/05. (plh, ) (Entered: 08/25/2006)
07/19/2005	<u>19</u>	EXPARTE/CONSENT MOTION for Voluntary Dismissal with Prejudice by Corwin Brown, Christopher Stewart. (Attachments: # <u>1</u> Memorandum in Support)(plh, ) (Entered: 08/25/2006)
07/19/2005	<u>20</u>	ORDER granting <u>19</u> MOTION for Voluntary Dismissal with prejudice as to plas Corwin Brown and Christopher Stewart and without prejudice as to USA. Signed by Judge Helen G. Berrigan on 7/19/05. (VACATED by doc #21)(plh, ) (Entered: 08/25/2006)
08/04/2005	<u>21</u>	ORDER that the Order granting the Motion for Vonutary Dismissal is VACATED so that the USA may file its response. FURTHER ORDERED that the USA file its response by 8/15/05. Signed by Judge Helen G. Berrigan on 8/3/05.(plh, ) (Entered: 08/25/2006)
08/15/2005	<u>22</u>	Memo in Opposition by USA to relators' Motion to Permanently seal court file & Unsigned Order. (Attachments: # <u>1</u> Proposed Order)(plh, ) (Entered: 08/25/2006)

08/23/2005	<u>23</u>	ORDER that relator's Motion to Permanently Seal Court File is set for hearing on 9/28/05 at 9:30 am before Judge Berrigan. Signed by Judge Helen G. Berrigan on 8/19/05.(plh, ) (Entered: 08/25/2006)
08/18/2006	<u>24</u>	ORDER Case unsealed, ORDER DISMISSING CASE. Signed by Judge Helen G. Berrigan on 8/18/06.(plh, ) (Entered: 08/28/2006)

CASREF,CLOSED,JURY,PROSE-NP,STAYED,TYPE-E

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-00364-DAR**

BURKE v. RECORD PRESS, INC.  
Assigned to: Magistrate Judge Deborah A. Robinson  
Case in other court: 14-07077  
USCA, 14-07078  
Cause: 31:3729 False Claims Act

Date Filed: 02/29/2008  
Date Terminated: 06/21/2013  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**BRIAN BURKE**  
*Relator - ex rel. UNITED STATES OF AMERICA*

represented by **BRIAN BURKE**  
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*TERMINATED: 10/14/2009*

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*TERMINATED: 10/14/2009*

V.

**Defendant****RECORD PRESS, INC.**

represented by **John William Lomas , Jr.**  
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V.

**Interested Party****UNITED STATES OF AMERICA**

represented by **Darrell C. Valdez**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant****RECORD PRESS, INC.**

represented by **John William Lomas , Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William T. O'Brien**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant****BRIAN BURKE**

*Relator - ex rel. UNITED STATES OF  
AMERICA*

represented by **BRIAN BURKE**  
(See above for address)  
PRO SE

**Date Discrepancy Cases 161**

**Tyler Jay King**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Keira M. McNett**  
 (See above for address)  
*TERMINATED: 10/14/2009*

**Mark Hanna**  
 (See above for address)  
*TERMINATED: 10/14/2009*

Date Filed	#	Docket Text
02/29/2008	<a href="#">1</a>	COMPLAINT against RECORD PRESS, INC. ( Filing fee \$ 350, receipt number 4616010608) filed by BRIAN BURKE. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(zjf, ) Modified on 3/11/2008 (zclv, ). LEAVE TO FILE IS GRANTED SIGNED BY JUDGE EMMET G. SULLIVAN 3/8/08 (Entered: 03/05/2008)
06/09/2008	<a href="#">5</a>	NOTICE of Election to Decline Intervention by UNITED STATES. (zjf, ) (Entered: 06/10/2008)
06/13/2008	<a href="#">6</a>	ORDER that the complaint, this Order, and the Notice of Election to Decline Intervention be unsealed and served upon the defendant by the relator; all other contents of the Court's file shall remain under seal. Setting forth further instruction to counsel. Signed by Judge Emmet G. Sullivan on 6/12/08. (zclv, ) (Entered: 06/13/2008)
06/16/2008		***Case Unsealed pursuant to order of Judge Emmet G. Sullivan filed on 06/13/08. (jeb, ) (Entered: 06/16/2008)
06/18/2008		Summons (1) Issued as to RECORD PRESS, INC.. (jf, ) (Entered: 06/18/2008)
06/27/2008	<a href="#">7</a>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. RECORD PRESS, INC. served on 6/23/2008, answer due 7/14/2008 (Attachments: # <a href="#">1</a> Affidavit of Service)(McNett, Keira) (Entered: 06/27/2008)
06/27/2008	<a href="#">8</a>	AFFIDAVIT of Service of Court's Order and US Notice of Election to Decline Intervention by BRIAN BURKE. (McNett, Keira) (Entered: 06/27/2008)
07/17/2008	<a href="#">9</a>	Consent MOTION for Extension of Time to <i>Answer or Otherwise Respond to the Complaint</i> by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Text of Proposed Order) (O'Brien, William) (Entered: 07/17/2008)
07/17/2008		MINUTE ORDER granting <a href="#">9</a> Motion for Extension of Time to Answer. Defendant shall respond to the Complaint by no later than July 28, 2008. Signed by Judge Emmet G. Sullivan on July 17, 2008. (lcegs2) (Entered: 07/17/2008)
07/17/2008		Set/Reset Deadlines: Answer due by 7/28/2008, (clv, ) (Entered: 07/17/2008)
07/28/2008	<a href="#">10</a>	ANSWER to <a href="#">1</a> Complaint, by RECORD PRESS, INC.. Related document: <a href="#">1</a> Complaint, filed by BRIAN BURKE.(O'Brien, William) (Entered: 07/28/2008)
07/28/2008		COUNTERCLAIM against BRIAN BURKE filed by RECORD PRESS, INC. (SEE Image in Document <a href="#">10</a> .(jeb, ) (Entered: 09/05/2008)
08/05/2008	<a href="#">11</a>	ORDER: Attorney Meet and Confer Conference due by 9/9/2008., Meet & Confer

**Date Discrepancy Cases 162**

		Statement due by 9/16/2008. Setting forth further instruction to counsel. Signed by Judge Emmet G. Sullivan on 8/5/08. (clv, ) (Entered: 08/05/2008)
08/11/2008	<a href="#">12</a>	Consent MOTION for Extension of Time to File Answer re <a href="#">10</a> Answer to Complaint by BRIAN BURKE (Attachments: # <a href="#">1</a> Text of Proposed Order)(McNett, Keira) (Entered: 08/11/2008)
08/11/2008		MINUTE ORDER granting <a href="#">12</a> Motion for Extension of Time to Answer. Relator's answer to Defendant's counterclaim shall be filed by no later than September 5, 2008. Signed by Judge Emmet G. Sullivan on August 11, 2008. (lcegs2) (Entered: 08/11/2008)
08/13/2008		Set/Reset Deadlines: Answer due by 9/5/2008, (clv, ) (Entered: 08/13/2008)
09/05/2008	<a href="#">13</a>	ANSWER to Counterclaim by BRIAN BURKE. Related document: Counterclaim filed by RECORD PRESS, INC..(Hanna, Mark) (Entered: 09/05/2008)
09/05/2008	<a href="#">14</a>	NOTICE of Change of Address by Mark Hanna (Hanna, Mark) (Entered: 09/05/2008)
09/16/2008	<a href="#">15</a>	Joint MOTION for Extension of Time to File <i>Joint Report Pursuant to Rule 16.3(d)</i> by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Order) (O'Brien, William) (Entered: 09/16/2008)
09/17/2008		MINUTE ORDER granting <a href="#">15</a> Joint Motion for Extension of Time to File Meet and Confer Statement. The parties' joint Rule 16.3 Report shall be filed no later than September 23, 2008. Signed by Judge Emmet G. Sullivan on September 17, 2008. (lcegs2) (Entered: 09/17/2008)
09/17/2008		Set/Reset Deadlines: Meet & Confer Statement due by 9/23/2008. (clv, ) (Entered: 09/17/2008)
09/23/2008	<a href="#">16</a>	MEET AND CONFER STATEMENT. (O'Brien, William) (Entered: 09/23/2008)
10/01/2008	<a href="#">17</a>	MOTION for Summary Judgment by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Statement of Facts Statement of Undisputed Material Facts, # <a href="#">3</a> Declaration Declaration of Hugh Wilmot, # <a href="#">4</a> Exhibit Exhibits to Declaration of Hugh Wilmot, # <a href="#">5</a> Text of Proposed Order, # <a href="#">6</a> Certificate of Service)(O'Brien, William) (Entered: 10/01/2008)
10/01/2008	<a href="#">18</a>	ENTERED IN ERROR.....MOTION for Disclosure <i>Certificate Required by LCvR 7.1 of the Local Rules of the US District Court for the District of Columbia</i> by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Certificate of Service)(O'Brien, William) Modified on 10/2/2008 (jf, ). (Entered: 10/01/2008)
10/02/2008		NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <a href="#">18</a> MOTION for Disclosure <i>Certificate Required by LCvR 7.1 of the Local Rules of the US District Court for the District of Columbia</i> was entered in error and counsel was instructed to refile said pleading. Counsel was directed not to use the motion(s) category to file non-motion pleading(s) (jf, ) (Entered: 10/02/2008)
10/02/2008	<a href="#">19</a>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Certificate of Service)(O'Brien, William) (Entered: 10/02/2008)
10/14/2008	<a href="#">20</a>	Memorandum in opposition to re <a href="#">17</a> MOTION for Summary Judgment filed by BRIAN BURKE. (Attachments: # <a href="#">1</a> Declaration Brian Burke, # <a href="#">2</a> Declaration Mark Hanna, # <a href="#">3</a> Text of Proposed Order, # <a href="#">4</a> Supplement Objection to and Request to Strike Defendant's Evidence)(McNett, Keira) (Entered: 10/14/2008)
10/24/2008	<a href="#">21</a>	REPLY to opposition to motion re <a href="#">17</a> MOTION for Summary Judgment <i>to Dismiss Complaint</i> filed by RECORD PRESS, INC.. (Attachments: # <a href="#">1</a> Declaration Reply

**Date Discrepancy Cases 163**

		Declaration of Hugh Wilmot, # <a href="#">2</a> Certificate of Service)(O'Brien, William) (Entered: 10/24/2008)
10/27/2008	<a href="#">22</a>	REPLY to opposition to motion re <a href="#">17</a> MOTION for Summary Judgment filed by RECORD PRESS, INC.. (Attachments: # <a href="#">1</a> Errata Corrected Reply Memorandum to Relator's Opposition to Motion for Summary Judgment, # <a href="#">2</a> Certificate of Service for Corrected Reply Memorandum)(O'Brien, William) (Entered: 10/27/2008)
10/29/2008	<a href="#">23</a>	Consent MOTION for Extension of Time to <i>for Defendant to Oppose Relator's Objections and for Relator to File Surreply</i> by BRIAN BURKE (Hanna, Mark) (Entered: 10/29/2008)
10/31/2008		MINUTE ORDER granting <a href="#">23</a> Motion for Extension of Time for Defendant to Oppose Relator's Objections and for Relator to File Surreply. Relator shall file surreply by no later than November 7, 2008; Defendant shall file opposition to Relator's objections by no later than November 14, 2008; and Relator shall file reply, if any, by no later than November 21, 2008. Signed by Judge Emmet G. Sullivan on October 31, 2008. (lcegs4) (Entered: 10/31/2008)
11/04/2008		Set/Reset Deadlines: Sur-Replies due by 11/7/2008; opposition to objections due by 11/14/08; reply due by 11/21/08. (clv, ) (Entered: 11/04/2008)
11/07/2008	<a href="#">24</a>	SURREPLY to re <a href="#">17</a> MOTION for Summary Judgment filed by BRIAN BURKE. (Attachments: # <a href="#">1</a> Exhibit Relator's Objection to and Request to Strike Defendant's Reply Declaration in Support of Motion For Summary Judgment)(Hanna, Mark) (Entered: 11/07/2008)
11/14/2008	<a href="#">25</a>	OPPOSITION to Plaintiff's <a href="#">24</a> SURREPLY to re <a href="#">17</a> MOTION for Summary Judgment [17-1] Motions to Strike Portions of the Declaration of Hugh Wilmot Submitted in Support of Defendant's Motion for Summary Judgment and Portions of the Reply Declarations of Hugh Wilmot filed by RECORD PRESS, INC.. (Attachments: # <a href="#">1</a> Certificate of Service Certificate of Service)(O'Brien, William) Modified on 11/17/2008 (jf, ). (Entered: 11/14/2008)
11/21/2008	<a href="#">26</a>	REPLY to opposition to motion re <a href="#">17</a> MOTION for Summary Judgment filed by BRIAN BURKE. (Hanna, Mark) (Entered: 11/21/2008)
12/04/2008	<a href="#">27</a>	MOTION for Sanctions <i>Pursant to Rule 11 of the Federal Rules of Civil Procedure</i> by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Memorandum in Support Memo in Support of Motion for Sanctions Pursuant to Rule 11, # <a href="#">2</a> Certificate of Service Cert of Svc for Motion for Sanctions Pursuant to Rule 11, # <a href="#">3</a> Text of Proposed Order Proposed Order for Motion for Sanctions Pursant to Rule 11, # <a href="#">4</a> Declaration Declaration on behalf of Defendant in Support of its Motion for Rule 11 Sanctions, # <a href="#">5</a> Exhibit Exhibits to Declaration on behalf of Defendant in Support of its Motion for Rule 11 Sanctions) (O'Brien, William) (Entered: 12/04/2008)
12/18/2008	<a href="#">28</a>	Memorandum in opposition to re <a href="#">27</a> MOTION for Sanctions <i>Pursant to Rule 11 of the Federal Rules of Civil Procedure</i> filed by BRIAN BURKE. (Attachments: # <a href="#">1</a> Declaration of Mark Hanna, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Certificate of Service)(Hanna, Mark) (Entered: 12/18/2008)
12/24/2008	<a href="#">29</a>	REPLY to opposition to motion re <a href="#">27</a> MOTION for Sanctions <i>Pursant to Rule 11 of the Federal Rules of Civil Procedure</i> filed by RECORD PRESS, INC.. (O'Brien, William) (Entered: 12/24/2008)
05/20/2009		MINUTE ORDER referring <a href="#">17</a> defendant's motion for summary judgment and <a href="#">27</a> defendant's motion for sanctions to Magistrate Judge Deborah A. Robinson for a report

**Date Discrepancy Cases 164**



		and recommendation. Signed by Judge Emmet G. Sullivan on May 20, 2009. (lcegs4) (Entered: 05/20/2009)
05/20/2009	<a href="#">30</a>	CASE REFERRED to Magistrate Judge Deborah A. Robinson for Report and Recommendation. (kb) (Entered: 05/22/2009)
05/27/2009	<a href="#">31</a>	ORDER by Magistrate Judge Deborah A. Robinson on 5/27/09: ORDERED that by no later than June 2, 2009, Plaintiff/Relator shall file, if at all, a motion for discovery pursuant to Federal Rule of Civil Procedure Rule 56(f) in an effort to demonstrate that for specified reasons, [he] cannot present facts essential to justify [his] opposition[.] Fed.R.Civ.P. 56(f); see also Walls v. Peters, 255 F.R.D. 54, 56 (D.D.C. 2009); and it is FURTHER ORDERED that Defendant shall file its opposition or other response, to any timely filed motion for discovery pursuant to Rule 56(f) by no later than June 9, 2009; and it is FURTHER ORDERED that Plaintiff/Relator shall file his reply to such opposition by no later than June 12, 2009; and it is FURTHER ORDERED that by no later than June 2, 2009, Plaintiff/Relator shall amend his Statement of Genuine Issues in Dispute to include references to the parts of the record relied on to support [each] statement. LCvR 7(h). (lcdar1) (Entered: 05/27/2009)
06/02/2009	<a href="#">32</a>	MOTION for Discovery <i>Pursuant to Rule 56(f)</i> by BRIAN BURKE (Attachments: # <a href="#">1</a> Declaration Mark Hanna, # <a href="#">2</a> Declaration Keira M. McNett, # <a href="#">3</a> Text of Proposed Order, # <a href="#">4</a> Amended Statement of Genuine Issues in Dispute)(Hanna, Mark) (Entered: 06/02/2009)
06/09/2009	<a href="#">33</a>	Memorandum in opposition to re <a href="#">32</a> MOTION for Discovery <i>Pursuant to Rule 56(f)</i> filed by RECORD PRESS, INC.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(O'Brien, William) (Entered: 06/09/2009)
06/12/2009	<a href="#">34</a>	REPLY to opposition to motion re <a href="#">32</a> MOTION for Discovery <i>Pursuant to Rule 56(f)</i> filed by BRIAN BURKE. (Hanna, Mark) (Entered: 06/12/2009)
06/22/2009		Set Hearings: Hearing with respect to Relator's Motion for Leave to Take Discovery Pursuant to Rule 56(f) (Document No. 32) is scheduled for June 24, 2009 at 10:00 AM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. (lcdar1) (Entered: 06/22/2009)
06/22/2009		Set Hearing: Status Conference with respect to Record Press, Inc.'s Motion for Sanctions Pursuant to Rule 11 of the Federal Rules of Civil Procedure (Document No. 27) is scheduled for June 24, 2009 at 10:30 AM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. (lcdar1) (Entered: 06/22/2009)
06/24/2009		Minute Order. Proceedings held before Magistrate Judge Deborah A. Robinson: Status conference held on 6/24/09: with the consent of the parties, Defendants Motion for Summary Judgment (Document No. <a href="#">17</a> ), Defendants Motion for Sanctions Pursuant to Rule 11 of the Federal Rules of Civil Procedure (Document No. <a href="#">27</a> ), and Plaintiffs Motion for Leave to Take Discovery Pursuant to Rule 56(f) (Document No. <a href="#">32</a> ) are DENIED WITHOUT PREJUDICE. Further, with the consent of the parties, a scheduling conference is scheduled for September 24, 2009 at 10:00 a.m. in Courtroom 4 before Magistrate Judge Deborah A. Robinson. (Court Reporter Bowles Reporting, Inc.) (lcdar1) (Entered: 06/24/2009)
09/22/2009	<a href="#">35</a>	MOTION to Continue <i>Status Conference</i> by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Text of Proposed Order)(O'Brien, William) (Entered: 09/22/2009)
09/22/2009		MINUTE ORDER by Magistrate Judge Deborah A. Robinson on 9/22/09 granting <a href="#">35</a> Consent Motion to Continue Status Conference; Set/Reset Hearings:Status Conferene set for 10/15/2009 09:30 AM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. (EW) (Entered: 09/22/2009)

**Date Discrepancy Cases 165**

10/07/2009	<a href="#">36</a>	MOTION to Withdraw as Attorney by BRIAN BURKE (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Text of Proposed Order)(Hanna, Mark) (Entered: 10/07/2009)
10/07/2009	<a href="#">37</a>	MOTION to Stay re <a href="#">36</a> MOTION to Withdraw as Attorney by BRIAN BURKE (Attachments: # <a href="#">1</a> Text of Proposed Order)(Hanna, Mark) (Entered: 10/07/2009)
10/09/2009	<a href="#">38</a>	Memorandum in opposition to re <a href="#">37</a> MOTION to Stay re <a href="#">36</a> MOTION to Withdraw as Attorney filed by RECORD PRESS, INC.. (Attachments: # <a href="#">1</a> Text of Proposed Order) (O'Brien, William) (Entered: 10/09/2009)
10/14/2009		MINUTE ORDER by Mag. Judge Deborah A. Robinson on 10/14/2009 granting <a href="#">36</a> Motion to Withdraw as Attorney. Attorney Mark Hanna and Keira M. McNett terminated. (EW) (Entered: 10/14/2009)
10/15/2009		Minute Entry for proceedings held before Magistrate Judge Deborah A. Robinson: Case called for Status/Scheduling Conference on 10/15/2009, Relater not present. Relater shall appear unless Counsel has entered an appearance. Status/Scheduling Conference set for 10/29/2009 at 03:30 PM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. (Court Reporter Bowles Reporting.) (lm) (Entered: 10/15/2009)
10/29/2009		Minute Entry for proceedings held before Magistrate Judge Deborah A. Robinson: Status Conference held on 10/29/2009. (Court Reporter Bowles.) (lcdar3) (Entered: 10/30/2009)
10/29/2009		Status Conference set for 1/14/2010 03:30 PM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. (lcdar3) (Entered: 10/30/2009)
10/30/2009		MINUTE ORDER by Magistrate Judge Deborah A. Robinson on 10/29/09 granting <a href="#">37</a> Motion to Stay. (lcdar3) (Entered: 10/30/2009)
01/14/2010		Minute Entry for proceedings held before Magistrate Judge Deborah A. Robinson: Status Conference held on 1/14/2010. Status Conference set for 1/25/2010 at 03:00 PM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. (Court Reporter Bowles Reporting.) (lm, ) (Entered: 01/14/2010)
01/20/2010	<a href="#">39</a>	NOTICE of Appearance by Tyler J. King on behalf of BRIAN BURKE (King, Tyler) (Entered: 01/20/2010)
01/25/2010		Minute Entry: Status Hearing and Scheduling Conference conducted on 1/25/2010. (Court Reporter Bowles Reporting.) (lm, ) (Entered: 01/26/2010)
01/25/2010		MINUTE ORDER: by Magistrate Judge Deborah A. Robinson on 1/25/10. Pursuant to Rule 16(b) of the Federal Rules of the Civil Procedure and LCvR 14.4, it is ORDERED that (1) initial disclosures shall be served by no later than February 25, 2010; (2) each side is limited to no more than five depositions and 25 interrogatories; (3) Plaintiff shall designate his expert witnesses by no later than April 1, 2010, and Defendant shall designate its expert witnesses by no later than April 15, 2010; (4) all discovery, both fact and expert, shall be completed by no later than May 25, 2010; (5) all dispositive motions shall be file by no later than June 25, 2010;(6) the final pretrial conference is scheduled for 2:00 p.m. on Wednesday, November 3, 2010, and the parties shall file their pretrial statements in accordance with LCvR 16.5, and (7) trial is scheduled to commence at 9:30 a.m. on Monday December 6, 2010. (lm) (Entered: 01/26/2010)
04/15/2010	<a href="#">40</a>	NOTICE of Appearance by John William Lomas on behalf of RECORD PRESS, INC. (Lomas, John) (Entered: 04/15/2010)
04/15/2010	<a href="#">41</a>	Joint MOTION to Continue <i>Expert Discovery</i> by BRIAN BURKE, RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lomas, John) (Entered: 04/15/2010)
04/23/2010		MINUTE ORDER by Magistrate Judge Deborah A. Robinson on 4/23/10: Granting Joint

**Date Discrepancy Cases 166**

		Motion to Continue Expert Discovery (Document No. 41). It is ORDERED that Plaintiff shall serve the Rule 26(a)(2) report of his expert by September 21, 2010; Defendant shall designate its expert witnesses 21 days after Plaintiff serves the Rule 26(a)(2) report of his expert; expert discovery shall close on October 29, 2010. (lcdar3) (Entered: 04/23/2010)
06/11/2010	<a href="#">42</a>	Joint MOTION for Protective Order by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Exhibit 1 - Proposed Protective Order)(Lomas, John) (Entered: 06/11/2010)
06/21/2010		MINUTE ORDER by Magistrate Judge Deborah A. Robinson on 6/21/10 granting <a href="#">42</a> Joint Motion for Protective Order. (EW) (Entered: 06/21/2010)
06/21/2010	<a href="#">43</a>	PROTECTIVE ORDER: (Attachments: # <a href="#">1</a> Exhibit) Signed by Magistrate Judge Deborah A. Robinson on 6/21/10. (lm) (Entered: 06/21/2010)
06/24/2010	<a href="#">44</a>	MOTION for Summary Judgment by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Statement of Facts, # <a href="#">3</a> Declaration of Raymond Thomas Sullivan, # <a href="#">4</a> Declaration of John W. Lomas, Jr., # <a href="#">5</a> Exhibits 1-6 to Lomas Declaration, # <a href="#">6</a> Exhibits 7-11 to Lomas Declaration, # <a href="#">7</a> Text of Proposed Order)(Lomas, John) (Entered: 06/24/2010)
07/15/2010	<a href="#">45</a>	Memorandum in opposition to re <a href="#">44</a> MOTION for Summary Judgment filed by BRIAN BURKE. (Attachments: # <a href="#">1</a> Affidavit, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Text of Proposed Order)(King, Tyler) (Entered: 07/15/2010)
07/26/2010	<a href="#">46</a>	REPLY to opposition to motion re <a href="#">44</a> MOTION for Summary Judgment filed by RECORD PRESS, INC.. (Attachments: # <a href="#">1</a> Declaration of Calvin Adgeron, # <a href="#">2</a> Certificate of Service)(Lomas, John) (Entered: 07/26/2010)
10/20/2010	<a href="#">47</a>	PRETRIAL STATEMENT by RECORD PRESS, INC.. (Lomas, John) (Entered: 10/20/2010)
10/21/2010		MINUTE ORDER. It appears to the Court that the parties have consented to the referral of this case to Magistrate Judge Robinson for all purposes, including trial. If the parties have consented, the parties shall file with the Court their Consent to Proceed before Magistrate Judge Robinson for all purposes by no later than October 28, 2010. Signed by Judge Emmet G. Sullivan on October 21, 2010. (lcegs2 ) (Entered: 10/21/2010)
10/27/2010	<a href="#">48</a>	NOTICE of Consent to Proceed Before Magistrate by RECORD PRESS, INC. (Lomas, John) (Entered: 10/27/2010)
10/27/2010	<a href="#">49</a>	NOTICE Consent to Proceed Before a U.S. Magistrate Judge for All Purposes by UNITED STATES (Valdez, Darrell) (Entered: 10/27/2010)
11/01/2010		MINUTE ORDER. In light of the parties' consent to referral of this case to a Magistrate Judge for all purposes, the Court hereby ORDERS that the case be referred for all purposes, including trial, to the Honorable Judge Deborah A. Robinson, to whom the motion for summary judgment and the motion for sanctions were previously referred. Signed by Judge Emmet G. Sullivan on November 1, 2010. (lcegs2) (Entered: 11/01/2010)
11/01/2010	<a href="#">50</a>	Case Directly Reassigned to Magistrate Judge Deborah A. Robinson for all purposes including Trial. Judge Emmet G. Sullivan no longer assigned to the case. (ls, ) (Entered: 11/02/2010)
11/02/2010	<a href="#">51</a>	PRETRIAL STATEMENT by BRIAN BURKE. (King, Tyler) (Entered: 11/02/2010)
11/03/2010		Minute Entry for proceedings held before Magistrate Judge Deborah A. Robinson: Interim Pretrial Conference held on 11/3/2010. (EW) (Entered: 11/04/2010)
11/04/2010	<a href="#">52</a>	INTERIM PRETRIAL ORDER by Magistrate Judge Deborah A. Robinson on 11/4/10: In

**Date Discrepancy Cases 167**

		accordance with Rule 16(d) of the Federal Rules of Civil Procedure, it is ORDERED that: (1) Plaintiff shall file any motion to bifurcate liability and damages by no later than November 8, 2010;(2) no later than November 15, 2010, Plaintiff shall supplement his pretrial statement to fully comply with Local Civil Rule 16.5(1)(iv), (v) and (vii), and(3) the deadline for the filing of objections to the opposing partys pretrial statement is extended to November 22, 2010; Bench Trial set for Monday, 12/20/2010 @ 09:30 AM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. (EW) (Entered: 11/04/2010)
11/05/2010		Set/Reset Hearing: Bench Trial reset for Tuesday, 12/21/2010 @ 09:30 AM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. (EW) (Entered: 11/05/2010)
11/15/2010	<a href="#">53</a>	PRETRIAL STATEMENT by BRIAN BURKE. (King, Tyler) (Entered: 11/15/2010)
11/22/2010	<a href="#">54</a>	NOTICE of Defendant Record Press Inc.'s Rule 26(a)(3) Objections by RECORD PRESS, INC. (Lomas, John) (Entered: 11/22/2010)
12/14/2010	<a href="#">55</a>	PRETRIAL STATEMENT by BRIAN BURKE. (Attachments: # <a href="#">1</a> Exhibit A)(King, Tyler) (Entered: 12/14/2010)
12/15/2010	<a href="#">56</a>	Emergency MOTION to Expedite to Admit Expert and Continue Trial Date by BRIAN BURKE (Attachments: # <a href="#">1</a> Exhibit A - Letter from Mr. Gocial)(King, Tyler) Modified event title on 12/17/2010 (znmw, ). Added MOTION to Continue on 12/17/2010 (znmw, ). (Entered: 12/15/2010)
12/16/2010	<a href="#">57</a>	Memorandum in opposition to re <a href="#">56</a> Emergency MOTION for Order to Admit Expert and Continue Trial Date filed by RECORD PRESS, INC.. (Lomas, John) (Entered: 12/16/2010)
12/16/2010	<a href="#">58</a>	MOTION to Strike <a href="#">55</a> Plaintiff's Second Supplemental Pre-Trial Statement and to Exclude Damages Evidence by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Text of Proposed Order)(Lomas, John) Modified to add link on 12/17/2010 (znmw, ). (Entered: 12/16/2010)
12/16/2010	<a href="#">59</a>	MOTION in Limine To Exclude Testimony From Brian Burke Regarding Any Record Press Contracts With The United States Government Printing Office by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Text of Proposed Order) (Lomas, John) (Entered: 12/16/2010)
12/16/2010		MINUTE ORDER by Magistrate Judge Deborah A. Robinson on 12/16/10: It is HEREBY ORDERED that Plaintiff shall file a reply, if at all, to Memorandum in Opposition to Plaintiff's Emergency Motion for Order to Admit Expert and Continue Trial Date (Document No. 57), no later than 12/17/10 at 2:00 p.m. It is FURTHER ORDERED that Plaintiff shall file an opposition to Motion to Strike Plaintiff's Second Supplemental Pre-Trial Statement and to Exclude Damages Evidence (Document No. 58) and Motion in Limine to Exclude Testimony from Brian Burke Regarding Any Record Press Contracts with the United States Government Printing Office (Document No. 59) no later than 12/20/10 at 9:00 a.m. (lcdar3) (Entered: 12/16/2010)
12/17/2010	<a href="#">60</a>	REPLY to opposition to motion re <a href="#">56</a> Emergency MOTION for Order to Admit Expert and Continue Trial Date filed by BRIAN BURKE. (King, Tyler) (Entered: 12/17/2010)
12/17/2010		MINUTE ORDER by Magistrate Judge Deborah A. Robinson on 12/17/10: It is hereby ORDERED that The Emergency MOTION to Expedite to Admit Expert and Continue Trial Date by BRIAN BURKE (Document No. 56) is GRANTED. While the undersigned finds, for the reasons offered by Defendant in its opposition, that the denial of the motion would be well within the bounds of the courts discretion, the undersigned further finds that a brief continuance would not unduly prejudice Defendant. In so ruling, the undersigned makes no finding with respect to whether or not the testimony of the

**Date Discrepancy Cases 168**

		proposed expert witness is admissible; indeed, such a finding would be premature, since the proposed expert has not yet prepared a report in accordance with Rule 26(a)(2)(B). Thus, it is FURTHER ORDERED that Plaintiff shall serve the 26(a)(2)(B) report of his expert by no later than January 5, 2011. Finally, it is FURTHER ORDERED that a status hearing is scheduled for 4:00 p.m. on January 6, 2011 and the trial is continued to February 14, 2011.(EW) (Entered: 12/17/2010)
12/17/2010		Set/Reset Hearings: Status Conference set for 1/6/2011 @ 04:00 PM in Courtroom 4 before Magistrate Judge Deborah A. Robinson; Bench Trial set for 2/14/2011 @ 09:30 AM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. (EW) (Entered: 12/17/2010)
12/20/2010	<a href="#">61</a>	Memorandum in opposition to re <a href="#">58</a> MOTION to Strike <i>Plaintiff's Second Supplemental Pre-Trial Statement and to Exclude Damages Evidence</i> filed by BRIAN BURKE. (King, Tyler) (Entered: 12/20/2010)
12/20/2010	<a href="#">62</a>	Memorandum in opposition to re <a href="#">59</a> MOTION in Limine <i>To Exclude Testimony From Brian Burke Regarding Any Record Press Contracts With The United States Government Printing Office</i> filed by BRIAN BURKE. (King, Tyler) (Entered: 12/20/2010)
12/29/2010	<a href="#">63</a>	REPLY to opposition to motion re <a href="#">58</a> MOTION to Strike <i>Plaintiff's Second Supplemental Pre-Trial Statement and to Exclude Damages Evidence</i> filed by RECORD PRESS, INC.. (Lomas, John) (Entered: 12/29/2010)
12/29/2010	<a href="#">64</a>	REPLY to opposition to motion re <a href="#">59</a> MOTION in Limine <i>To Exclude Testimony From Brian Burke Regarding Any Record Press Contracts With The United States Government Printing Office</i> filed by RECORD PRESS, INC.. (Lomas, John) (Entered: 12/29/2010)
01/04/2011	<a href="#">65</a>	MOTION to Continue <i>Status Hearing</i> by BRIAN BURKE (King, Tyler) (Entered: 01/04/2011)
01/04/2011	<a href="#">66</a>	Memorandum in opposition to re <a href="#">65</a> MOTION to Continue <i>Status Hearing</i> filed by RECORD PRESS, INC.. (Lomas, John) (Entered: 01/04/2011)
01/04/2011	<a href="#">67</a>	ENTERED IN ERROR.....RULE 26b4 STATEMENT. (King, Tyler) Modified on 1/5/2011 (td, ). (Entered: 01/04/2011)
01/05/2011		NOTICE OF ERROR re <a href="#">67</a> Rule 26b4 Statement; emailed to tylerjayking@gmail.com, cc'd 4 associated attorneys -- The PDF file you docketed contained errors: 1. Please refile document, 2. Document has been entered in error and document is not in proper format see Local Rule 5.1(f) (td, ) (Entered: 01/05/2011)
01/05/2011		MINUTE ORDER. Plaintiff's Motion to Continue (Document No. 65) is hereby GRANTED. Status Hearing and Hearing on Defendant's Motion to Strike Plaintiff's Second Supplemental Pre-Trial Statement and to Exclude Damages Evidence (Document No. 58) and Defendant's Motion in Limine to Exclude Testimony from Brian Burke Regarding Any Record Press Contracts With the United States Government Printing Office (Document No. 59) is continued to January 31, 2011 at 3:00 p.m. Signed by Magistrate Judge Deborah A. Robinson on 1/5/2011. (lcdar3) (Entered: 01/05/2011)
01/05/2011		Set/Reset Hearings: Status Conference set for 1/31/2011 03:00 PM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. (lcdar3) (Entered: 01/05/2011)
01/31/2011		Minute Entry for proceedings held before Magistrate Judge Deborah A. Robinson: Status Conference and Hearing Motion re <a href="#">58</a> Motion to Strike and re <a href="#">59</a> Motion in Limine conducted on 1/31/2011. (Court Reporter Bowles Reporting.) (lm ) (Entered: 01/31/2011)
02/03/2011		MINUTE ORDER by Magistrate Judge Deborah A. Robinson on 1/31/11: For the reasons set forth on the record at the January 31, 2011 status hearing and hearing on Defendant's

**Date Discrepancy Cases 169**

		Motion to Strike (Document No. 58) and Motion in Limine (Document No. 59), it is ORDERED, for the reasons set forth on the record, and in accordance with the undersigned's rulings from the bench, that: (1) Defendant's Motion to Strike is GRANTED IN PART; with respect to the invoices which are the subject of the motion, Plaintiff, without objection, may offer the two which relate to the photocopying pursuant to his request; the remaining invoices may be offered only after Plaintiff proves his claim regarding Defendant's allegedly improper billing practice; (2) Defendant's Motion in Limine is DENIED AS MOOT; and (3) the report of Plaintiff's expert will not be stricken on the ground that it is untimely; in so ruling, the court makes no finding with respect to any objections which Defendant may interpose during the direct examination of the expert. (EW) (Entered: 02/03/2011)
02/11/2011		MINUTE ORDER denying Motion for Summary Judgment (Document No. 44); bench trial is set to commence on Monday, February 14, 2011 at 9:30 a.m. Signed by Magistrate Judge Deborah A. Robinson on 02/11/2011. (lcdar3) (Entered: 02/11/2011)
02/14/2011		Minute Entry for proceedings held before Magistrate Judge Deborah A. Robinson: Bench Trial held and Concluded on 2/14/2011; Court ruling taken under advisement. (Court Reporter Bowles Reporting.) (lm) (Entered: 02/15/2011)
02/14/2011	<a href="#">68</a>	Exhibit List by BRIAN BURKE. (lm ) (Entered: 02/16/2011)
02/14/2011	<a href="#">69</a>	Exhibit List by RECORD PRESS, INC.. (lm ) (Entered: 02/16/2011)
02/22/2011	<a href="#">70</a>	Omnibus MOTION for Joinder, MOTION for CM/ECF Password, for the court to construe pleadings liberally, in limine I thru III, to add affirmative defense, MOTION for Jury Trial, MOTION to Dismiss counterclaim by BRIAN BURKE (td, ) (Entered: 02/25/2011)
03/01/2011	<a href="#">71</a>	TRANSCRIPT OF PROCEEDINGS before Magistrate Judge Deborah A. Robinson held on February 14, 2011 (a.m. session); Page Numbers: 1 - 92. Date of Issuance: March 1, 2011. Court Reporter/Transcriber Rebecca Stonestreet, Telephone number 202-354-3249, Court Reporter Email Address : kingreporter2@verizon.net.<P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.<P> <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at ww.dcd.uscourts.gov.<P></P>Redaction Request due 3/22/2011. Redacted Transcript Deadline set for 4/1/2011. Release of Transcript Restriction set for 5/30/2011.(Stonestreet, Rebecca) (Entered: 03/01/2011)
03/02/2011	<a href="#">72</a>	MOTION to Dismiss <i>Its Counterclaim Voluntarily</i> by RECORD PRESS, INC. (Lomas, John) (Entered: 03/02/2011)
03/02/2011	<a href="#">73</a>	Memorandum in opposition to re <a href="#">70</a> MOTION for Joinder MOTION for CM/ECF Password, for the court to construe pleadings liberally, in limine I thru III, to add affirmative defense, MOTION for Trial MOTION to Dismiss filed by RECORD PRESS, INC.. (Lomas, John) (Entered: 03/02/2011)
03/10/2011	<a href="#">74</a>	REPLY to opposition to motion re <a href="#">72</a> MOTION to Dismiss <i>Its Counterclaim Voluntarily</i> filed by BRIAN BURKE. (znmw, ) (Entered: 03/10/2011)
03/11/2011	<a href="#">75</a>	REPLY to opposition to motion re <a href="#">70</a> MOTION for Joinder MOTION for CM/ECF Password, for the court to construe pleadings liberally, in limine I thru III, to add

**Date Discrepancy Cases 170**

		affirmative defense, MOTION for Trial MOTION to Dismiss filed by BRIAN BURKE. (td, ) (Entered: 03/14/2011)
03/18/2011	<a href="#">76</a>	MOTION in Limine by BRIAN BURKE (Attachments: # <a href="#">1</a> Text of Proposed Order)(rdj) (Entered: 03/21/2011)
03/18/2011	<a href="#">77</a>	Memorandum in opposition to re <a href="#">72</a> MOTION to Dismiss <i>Its Counterclaim Voluntarily</i> filed by BRIAN BURKE. (rdj) (Entered: 03/21/2011)
03/21/2011	<a href="#">81</a>	NOTICE of Certificate of Service by BRIAN BURKE re <a href="#">77</a> Memorandum in Opposition (Attachments: # <a href="#">1</a> Text of Proposed Order)(rdj) (Entered: 03/23/2011)
03/22/2011	<a href="#">78</a>	REPLY to opposition to motion re <a href="#">72</a> MOTION to Dismiss <i>Its Counterclaim Voluntarily</i> filed by RECORD PRESS, INC.. (Attachments: # <a href="#">1</a> Exhibit 1)(Lomas, John) (Entered: 03/22/2011)
03/22/2011	<a href="#">79</a>	ENTERED IN ERROR.....Memorandum in opposition to re <a href="#">76</a> MOTION in Limine filed by RECORD PRESS, INC.. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Text of Proposed Order)(Lomas, John) Modified on 3/23/2011 (rdj). (Entered: 03/22/2011)
03/23/2011		NOTICE OF CORRECTED DOCKET ENTRY: re <a href="#">79</a> Memorandum in Opposition was entered in error at the request of counsel and counsel will refile said pleading. (rdj) (Entered: 03/23/2011)
03/23/2011	<a href="#">80</a>	Memorandum in opposition to re <a href="#">76</a> MOTION in Limine filed by RECORD PRESS, INC.. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Text of Proposed Order)(Lomas, John) (Entered: 03/23/2011)
04/05/2011	<a href="#">82</a>	MOTION in Limine/Stirke re <a href="#">78</a> REPLY to opposition to motion re <a href="#">72</a> MOTION to Dismiss <i>Its Counterclaim Voluntarily</i> , MOTION to Stipulate to Request Consolidate, MOTION for Discovery, MOTION for Oral Hearing, Motion In Limine <a href="#">72</a> MOTION to Dismiss <i>Its Counterclaim Voluntarily</i> by BRIAN BURKE (Attachments: # <a href="#">1</a> Text of Proposed Order)(jf, ) (Entered: 04/06/2011)
04/06/2011	<a href="#">83</a>	Memorandum in opposition to re <a href="#">82</a> MOTION in Limine MOTION to Consolidate Cases MOTION for Discovery MOTION for Hearing re <a href="#">78</a> Reply to opposition to Motion, <a href="#">72</a> MOTION to Dismiss <i>Its Counterclaim Voluntarily</i> MOTION for Hearing re <a href="#">78</a> Reply to opposition to Motion, <a href="#">72</a> MOTION to Dismiss <i>Its Counterclaim Voluntarily</i> filed by RECORD PRESS, INC.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lomas, John) (Entered: 04/06/2011)
04/11/2011	<a href="#">84</a>	Civil Statement from plaintiff. (td, ) (Entered: 04/12/2011)
04/20/2011		NOTICE: On this date The Consent to Proceed before Magistrate form was mailed to the plaintiff for signature. Once plaintiff signs the form please forward it on to defense counsel. After all parties have signed the form please file it with the Court. Forward by: Carol Votteler, Courtroom Deputy to Judge Emmet G. Sullivan. (clv, ) (Entered: 04/20/2011)
04/21/2011	<a href="#">85</a>	REPLY to opposition re <a href="#">70</a> Omnibus MOTION for Joinder MOTION for CM/ECF Password, for the court to construe pleadings liberally, in limine I thru III, to add affirmative defense, MOTION for Trial MOTION to Dismiss filed by BRIAN BURKE. (jf, ) (Entered: 04/21/2011)
04/26/2011	<a href="#">86</a>	ERRATA by BRIAN BURKE <a href="#">84</a> Civil Statement. (jf, ) (Entered: 04/27/2011)
04/29/2011	<a href="#">87</a>	NOTICE of <i>Consent to Proceed Before Magistrate</i> by RECORD PRESS, INC. re Notice (Other), Notice (Other) (Lomas, John) (Entered: 04/29/2011)
05/03/2011	<a href="#">88</a>	ORDER REFERRING CASE to a U.S. Magistrate Judge to conduct all proceedings..

**Date Discrepancy Cases 171**

		Signed by Judge Emmet G. Sullivan on 5/2/11. (clv, ) (Entered: 05/03/2011)
05/03/2011		Consent to Proceed before US Magistrate Judge for All Purposes Signed by Judge Emmet G. Sullivan on 5/3/11. (jeb, ) (Entered: 05/03/2011)
06/29/2011	<a href="#">89</a>	TRANSCRIPT OF PROCEEDINGS before Magistrate Judge Deborah A. Robinson held on February 14, 2011, a.m. session; Page Numbers: 1 - 80. Date of Issuance: June 29, 2011. Court Reporter/Transcriber Rebecca Stonestreet, Telephone number 202-354-3249, Court Reporter Email Address : kingreporter2@verizon.net.<P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.<P> <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at ww.dcd.uscourts.gov.<P></P>Redaction Request due 7/20/2011. Redacted Transcript Deadline set for 7/30/2011. Release of Transcript Restriction set for 9/27/2011.(Stonestreet, Rebecca) (Entered: 06/29/2011)
07/19/2011	<a href="#">90</a>	TRANSCRIPT OF PROCEEDINGS before Magistrate Judge Deborah A. Robinson held on February 14, 2011(PM); Page Numbers: 1-110. Court Reporter/Transcriber Wendy Ricard, Telephone number 202-354-3111, Court Reporter Email Address : Wacricard@aol.com.<P></P>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.<P> <b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at ww.dcd.uscourts.gov.<P></P>Redaction Request due 8/9/2011. Redacted Transcript Deadline set for 8/19/2011. Release of Transcript Restriction set for 10/17/2011.(Ricard, Wendy) (Entered: 07/19/2011)
05/21/2013		MINUTE ORDER by Magistrate Judge Deborah A. Robinson on 05/21/2013: Upon consideration of the "Omnibus Motion to Dismiss Counterclaim" (Document No. 70) filed by Plaintiff/Counterclaim Defendant; Defendant/Counterclaim Plaintiff Record Press, Inc.'s Motion to Voluntarily Dismiss its Counterclaim (Document No. 72); the memoranda in support thereof and in opposition thereto (Document Nos. 73, 74, 75, 77 and 78), and the entire record herein, it is <b>ORDERED</b> , for the reasons offered by Defendant/Counterclaim Plaintiff, that its Motion to Voluntarily Dismiss its Counterclaim <a href="#">72</a> is hereby <b>GRANTED</b> . For the same reasons, it is <b>FURTHER ORDERED</b> that Plaintiff/Counterclaim Defendant's "Omnibus Motion to Dismiss Counterclaim" <a href="#">70</a> is <b>DENIED AS MOOT</b> . (lcdar1) (Entered: 05/21/2013)
05/21/2013		MINUTE ORDER by Magistrate Judge Deborah A. Robinson on 05/21/2013: Upon consideration of Plaintiff/Counterclaim Defendant's Motion in Limine <a href="#">76</a> and "Omnibus Motion II" <a href="#">82</a> ; the memoranda in opposition thereto (Document Nos. 80, 83), and the entire record herein, it is <b>ORDERED</b> that both motions are <b>DENIED AS MOOT</b> . (lcdar1) (Entered: 05/21/2013)
06/12/2013	<a href="#">91</a>	MEMORANDUM OPINION regarding Defendant's motion for judgment on partial findings pursuant to Rule 52(c). Signed by Magistrate Judge Deborah A. Robinson on

**Date Discrepancy Cases 172**



		6/12/2013. (lcdar1) (Entered: 06/12/2013)
06/12/2013	<a href="#">92</a>	ORDER granting Defendant's motion for judgment on partial findings pursuant to Rule 52(c). Signed by Magistrate Judge Deborah A. Robinson on 6/12/2013. (lcdar1) (Entered: 06/12/2013)
06/13/2013	<a href="#">93</a>	CLERK'S JUDGMENT: The Plaintiff recover nothing and the action is Dismissed on the merits. Signed by Magistrate Judge Deborah A. Robinson on 6/12/13. (lm ) (Entered: 06/13/2013)
06/27/2013	<a href="#">94</a>	MOTION for Attorney Fees <i>and Expenses</i> by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Declaration of William T. O'Brien, Esq., # <a href="#">2</a> Text of Proposed Order)(Lomas, John) (Entered: 06/27/2013)
07/03/2013	<a href="#">95</a>	BILL OF COSTS by RECORD PRESS, INC.. (Attachments: # <a href="#">1</a> Itemized Transcript Costs, # <a href="#">2</a> Witness Subpoena, # <a href="#">3</a> Itemized Docket Fees, # <a href="#">4</a> Certificate of Service) (Lomas, John) (Main Document 95 replaced on 7/5/2013) (td, ). (Entered: 07/03/2013)
07/11/2013	<a href="#">96</a>	MOTION to Alter Judgment by BRIAN BURKE (Attachments: # <a href="#">1</a> Memorandum in Support and Affidavit of Brian Burke, # <a href="#">2</a> Affidavit, # <a href="#">3</a> Text of Proposed Order)(King, Tyler) (Entered: 07/11/2013)
07/11/2013	<a href="#">97</a>	RESPONSE re <a href="#">94</a> MOTION for Attorney Fees <i>and Expenses</i> filed by BRIAN BURKE. (Attachments: # <a href="#">1</a> Memorandum in Support and Affidavit of Brian Burke, # <a href="#">2</a> Affidavit) (King, Tyler) (Entered: 07/11/2013)
07/22/2013	<a href="#">98</a>	Memorandum in opposition to re <a href="#">96</a> MOTION to Alter Judgment filed by RECORD PRESS, INC.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lomas, John) (Entered: 07/22/2013)
07/22/2013	<a href="#">99</a>	REPLY to opposition to motion re <a href="#">94</a> MOTION for Attorney Fees <i>and Expenses</i> filed by RECORD PRESS, INC.. (Lomas, John) (Entered: 07/22/2013)
08/06/2013	<a href="#">100</a>	REPLY to opposition to motion re <a href="#">96</a> MOTION to Alter Judgment filed by BRIAN BURKE. (Attachments: # <a href="#">1</a> Certificate of Service)(King, Tyler) (Entered: 08/06/2013)
03/31/2014	<a href="#">101</a>	ORDER denying <a href="#">94</a> Defendant Record Press, Inc.'s Motion for Attorney Fees and Expenses and denying <a href="#">96</a> Plaintiff's Motion to Alter or Amend Judgment. Signed by Magistrate Judge Deborah A. Robinson on 3/31/2014. (lcdar1) (Entered: 03/31/2014)
04/30/2014	<a href="#">102</a>	ENTERED IN ERROR. . . . NOTICE OF APPEAL TO THE FEDERAL CIRCUIT by BRIAN BURKE. Filing fee \$ 505, receipt number 0090-3701557. Fee Status: Fee Paid. Parties have been notified. (King, Tyler) Modified on 5/2/2014 (td, ). (Entered: 04/30/2014)
04/30/2014	<a href="#">103</a>	Amended NOTICE OF APPEAL re appeal <a href="#">102</a> by BRIAN BURKE. (King, Tyler) (Entered: 04/30/2014)
05/01/2014	<a href="#">104</a>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date4/30/14 re <a href="#">102</a> Notice of Appeal to the Federal Circuit, <a href="#">103</a> Amended Notice of Appeal. (td, ) (Entered: 05/01/2014)
05/02/2014		NOTICE OF CORRECTED DOCKET ENTRY: re <a href="#">102</a> Notice of Appeal to the Federal Circuit was entered in error and counsel refiled said pleading as docket entry no. <a href="#">103</a> . (td, ) (Entered: 05/02/2014)
05/14/2014	<a href="#">105</a>	NOTICE OF CROSS APPEAL as to <a href="#">101</a> Order on Motion for Attorney Fees, Order on Motion to Alter Judgment by RECORD PRESS, INC.. Filing fee \$ 505, receipt number 0090-3715554. Fee Status: Fee Paid. Parties have been notified. (Lomas, John) (Entered: 05/14/2014)

**Date Discrepancy Cases 173**

05/14/2014	<a href="#">106</a>	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date 5/14/14 re <a href="#">105</a> Notice of Cross Appeal. (td, ) (Entered: 05/14/2014)
07/14/2014		USCA Case Number 14-7077 for <a href="#">103</a> Amended Notice of Appeal filed by BRIAN BURKE. (erd) (Entered: 07/14/2014)
04/26/2016	<a href="#">107</a>	MANDATE of USCA (certified copy) ORDERED and ADJUDGED that the judgment of the District Court appealed from in these causes is hereby affirmed and the case is remanded for further proceedings on Record Press' s motion for attorneys' fees, in accordance with the opinion of the court filed herein this date as to <a href="#">103</a> Amended Notice of Appeal filed by BRIAN BURKE. USCA Case Number 14-7077, Consolidated with 14-7078. (zrdj) (Entered: 04/28/2016)
04/28/2016		USCA Case Number 14-7078 for <a href="#">105</a> Notice of Cross Appeal filed by RECORD PRESS, INC. (zrdj) (Entered: 04/28/2016)
05/05/2016		Set/Reset Hearings: Status Conference set for 5/25/2016 at 10:00 AM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. (lcdar2) (Entered: 05/05/2016)
05/25/2016		Minute Entry for proceedings held before Magistrate Judge Deborah A. Robinson: Status Hearing conducted on 5/25/2016. The matter will not be referred for Mediation as both parties do not consent. Motion Hearing set for 6/8/2016 at 10:00 AM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. Court Reporter FTR Gold - Ctrm. 4. (FTR Time Frame: 10:31:20-10:54:18). Plaintiff's Attorney: Tyler King; Defendant's Attorney: William O'Brien. (mr) (Entered: 05/26/2016)
06/08/2016		Minute Entry for proceedings held before Magistrate Judge Deborah A. Robinson: Status Hearing conducted on 6/8/2016. Case called for a Motion Hearing but not held. The Court will require that the Defendant offer evidence to supplement the Motion for Attorney's Fees and Expenses (Dkt. No. <a href="#">94</a> ) that provides detailed information as to each invoice by 6/15/2016. Plaintiff is to provide a statement of intent to rely only on the attachments provided in the Response to the Motion (Dkt. No. <a href="#">97</a> ), or file further evidence to support the attachments by 6/15/2016. Evidentiary Hearing and Oral Argument set for 6/23/2016 at 1:30 PM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. Plaintiff's Attorney: Tyler King; Defendant's Attorneys: John Lomas and William O'Brien. Court Reporter Elizabeth Saint-Loth and FTR Gold - Ctrm. 4 (FTR Time Frame: 10:05:47-11:01:35). (mr) (Entered: 06/08/2016)
06/15/2016	<a href="#">108</a>	NOTICE of Material on which Record Press Will Rely at June 23rd Hearing by RECORD PRESS, INC. (Attachments: # <a href="#">1</a> Invoices with Time Entries, # <a href="#">2</a> D.C. Circuit Argument Transcript, # <a href="#">3</a> D.C. Circuit Feb. 25, 2015 Order, # <a href="#">4</a> Summary Demonstrative Timeline Exhibit)(Lomas, John) (Entered: 06/15/2016)
06/15/2016	<a href="#">109</a>	NOTICE by BRIAN BURKE (King, Tyler) (Entered: 06/15/2016)
06/17/2016	<a href="#">110</a>	RESPONSE re <a href="#">109</a> Notice (Other) filed by RECORD PRESS, INC.. (Lomas, John) (Entered: 06/17/2016)
06/23/2016		Minute Entry for proceedings held before Magistrate Judge Deborah A. Robinson: Evidentiary Hearing conducted on 6/23/2016. Continued Evidentiary Hearing set for 6/28/2016 at 1:30 PM in Courtroom 4 before Magistrate Judge Deborah A. Robinson. Court Reporter: Jeff Hook and FTR Gold - Ctrm. 4. (FTR Time Frame: 1:33:51-2:30:57, 2:45:50-3:55:21). Plaintiff's Attorney: Tyler King; Defendant's Attorneys: John Lomas and William O'Brien; Witnesses: Brian Burke and Tyler King. (mr) (Entered: 06/23/2016)
06/27/2016	<a href="#">111</a>	TRANSCRIPT OF EVIDENTIARY HEARING - DAY 1 before Magistrate Judge Deborah A. Robinson held on June 23, 2016; Page Numbers: 1 - 79; Date of Issuance:

**Date Discrepancy Cases 174**

		<p>June 27, 2016; Court Reporter: Jeff Hook; Telephone number: 202-354-3373. Transcripts may be ordered by submitting the <a href="#">Transcript Order Form</a></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p><b>NOTICE RE REDACTION OF TRANSCRIPTS:</b> The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at <a href="http://www.dcd.uscourts.gov">www.dcd.uscourts.gov</a>.</p> <p>Redaction Request due 7/18/2016. Redacted Transcript Deadline set for 7/28/2016. Release of Transcript Restriction set for 9/25/2016.(Hook, Jeff) (Entered: 06/27/2016)</p>
06/28/2016		<p>Minute Entry for proceedings held before Magistrate Judge Deborah A. Robinson: Continued Evidentiary Hearing conducted on 6/28/2016. The Court will take the matter under advisement. Court Reporter: Jeff Hook and FTR Gold - Ctrm. 4.(FTR Time Frame: 1:30:58-2:07:12, 2:30:12-4:00:12, 4:12:37-4:53:47). Plaintiff's Attorney: Tyler King; Defendant's Attorneys: John Lomas and William O'Brien; Plaintiff's Witness: Brian Burke; Defendant's Witness: William O'Brien. (mr) Modified to correct file date on 6/29/2016 (mr). (Entered: 06/29/2016)</p>
06/28/2016	<a href="#">112</a>	<p>Exhibit List by Plaintiff BRIAN BURKE. (mr) (Entered: 06/29/2016)</p>

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/29/2019 11:32:20			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:08-cv-00364-DAR
<b>Billable Pages:</b>	14	<b>Cost:</b>	1.40

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:07-cv-01625-DDP-VBK**

United States of America ex rel. Kee Corp., Inc vs Native  
American Bank  
Assigned to: Judge Dean D. Pregerson  
Referred to: Magistrate Judge Victor B. Kenton  
Cause: 31:3729 False Claims Act

Date Filed: 03/12/2007  
Date Terminated: 12/26/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**

*ex rel.*

*also known as*

Seal 1

represented by **J Gary Plessman**  
AUSA - Office of US Attorney  
Civil Division  
300 North Los Angeles Street Suite 7516  
Los Angeles, CA 90012  
213-894-2474  
Fax: 213-894-2380  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Kee Corp., Inc.**

*a Nevada corporation*

*doing business as*

Utah Shuttle Services, Inc.

*also known as*

Seal 2

represented by **Eliot F Krieger**  
Schuchert, Krieger, Truong, Spagnola &  
Klausner LLP  
444 West Ocean Boulevard Suite 1700  
Long Beach, CA 90802  
562-597-7070  
Fax: 562-597-7772  
Email: ekrieger@sktlawyers.com  
*TERMINATED: 09/19/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leejanice Toback**

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Palos Verdes Estates, CA 90274

310-465-0202

Fax: 310-697-3504

Email: kidslaw@msn.com

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jeremy Kee**

*also known as*

Seal 3

represented by **Eliot F Krieger**  
(See above for address)  
*TERMINATED: 09/19/2008*  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED***Leejanice Toback**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

V.

**Defendant****Native American Bank****Defendant****National Association***also known as*

Seal B

*also known as*

Seal A

**Defendant****Native American Bancorporation***also known as*

Seal C

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/12/2007	<a href="#">1</a>	COMPLAINT against defendants Seal B, Seal C, Seal A. (Filing fee \$ 350 PAID.) Jury Demanded. , filed by plaintiffs Seal 1, Seal 2, Seal 3. Modified on 3/20/2007 (et). (eb). (Additional attachment(s) added on 9/30/2015: # <a href="#">1</a> civil cover sheet) (eb). (Entered: 03/20/2007)
03/12/2007	<a href="#">21</a>	20 DAY Summons Issued re Complaint - (Discovery) <a href="#">1</a> as to Seal B, Seal C, Seal A. (et) (eb). (Entered: 03/20/2007)
03/12/2007		FAX number for Attorney Eliot F Krieger, Leejanice Toback is 562-597-7772. (et) (Entered: 03/20/2007)
08/30/2007		FAX number for Attorney Gary Plessman is 213-894-2380. (lc) (Entered: 08/31/2007)
06/26/2008	<a href="#">15</a>	NOTICE OF ELECTION BY THE UNITED STATES OF AMERICA TO DECLINE INTERVENTION filed (lra) Modified on 7/17/2008 (lc). (Additional attachment(s) added on 7/17/2008: # <a href="#">1</a> Notice of Election) (lra). (Entered: 06/27/2008)
07/16/2008	<a href="#">16</a>	ORDER RE UNITED STATES ELECTION TO DECLINE INTERVENTION AND UNSEALING OF COMPLAINT; Seal lifted from complaint, notice of election by the USA to decline intervention and this order. Relator shall serve the complaint, notice of election and this order upon the defendants; all pleadings and papers filed or lodged with the Court as of the date of this order shall remain under seal and not be served on defendants or otherwise made public. All pleadings and papers filed or lodged after the date of this order shall not be sealed unless otherwise ordered by the Court; parties shall serve all pleadings, motions, orders and other papers hereafter filed or lodged on the Government. Government may intervene at a later time upon a showing of good cause by Judge Dean D. Pregerson. (lc) Modified on 11/26/2008 (lc). (Entered: 07/17/2008)
08/25/2008	<a href="#">17</a>	NOTICE OF DISCREPANCY AND ORDER: by Judge Dean D. Pregerson, ORDERING

**Date Discrepancy Cases 177**

		Ex Parte Application to be Relieved as Counsel. Submitted by Plaintiff Kee Corp., Inc. received on 8/20/08 is not to be filed but instead rejected. Denial based on: Notice of Manuel Filing, Application and Proposed Order to file Under Seal, Proposed Order Application- all documents are missing. (sce) (Entered: 08/27/2008)
09/05/2008	<a href="#">18</a>	SEALED DOCUMENT - EX PARTE MOTION TO BE RELIEVED AS COUNSEL, filed(lra) (Entered: 09/10/2008)
09/19/2008	<a href="#">19</a>	ORDER re EX PARTE APPLICATION for Relief from MOTION TO BE RELIEVED AS COUNSEL <a href="#">18</a> : Eliot F Krieger, attorney fo Jeremy Kee and Kee Corp, Inc. dba Utah Shuttle services is granted and Mr Krieger and Firm of Jarvis & Krieger are relieved of their responsibilities in this matter. Jeremey Kee is ordered to be solely responsible for the case until or when he finds new counsel and is to keep this Court informed of his current address Plaintiff Kee Corp Inc dba Utah Shuttle Services, Inc is ordered to find new counsel with 20 days of this order. Failure to respond to the court's order may result in dismissal of the action by Judge Dean D. Pregerson (lc) (Entered: 09/19/2008)
12/26/2008	<a href="#">20</a>	ORDERS that this action be, and hereby is, dismissed without prejudice for lack of prosecution and for failure to comply with the orders of the Court, pursuant to Federal Rule of Civil Procedure 41(b) by Judge Dean D. Pregerson, (Made JS-6. Case Terminated.) (lc) (Entered: 12/29/2008)

<b>PACER Service Center</b>			
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01/28/2019 13:14:36			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:07-cv-01625-DDP-VBK End date: 1/28/2019
<b>Billable Pages:</b>	3	<b>Cost:</b>	0.30

**U.S. District Court  
District of Rhode Island (Providence)  
CIVIL DOCKET FOR CASE #: 1:03-cv-00156-T**

United State ex rel., et al v. KVH Industries, Inc., et al  
Assigned to: Judge Ernest C. Torres  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 04/25/2003  
Date Terminated: 09/29/2004  
Jury Demand: Plaintiff  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff****Sealed Plaintiff**

*TERMINATED: 05/11/2004*

**Plaintiff****United States of America**

*United State of America ex rel. Christopher  
T. Burnett*

represented by **Lisa Dinerman**

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Providence, RI 02903  
(401) 421-7740 x484  
Fax: (401) 351-7596  
Email: ldinerman@providenceri.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Plaintiff****Christopher T. Burnett**

represented by **Patricia K. Rocha**

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274-7200  
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Email: procha@apslaw.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Robert M. Thomas , Jr.**

Thomas & Associates  
600 Atlantic Avenue  
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617-371-1072  
Fax: 371-1037  
*LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED*

V.

**Defendant****Sealed Defendant***TERMINATED: 05/11/2004***Defendant****KVH Industries, Inc****Defendant****The Titan Corporation****Defendant****Titan Systems Corp.***Titan Systems Corporation*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/25/2003	1	COMPLAINT filed; FILING FEE \$ 150.00 RECEIPT # 54026 (Jackson, R) (Entered: 05/13/2003)
05/13/2003	2	SEALED DOCUMENT placed in vault (Jackson, R) (Entered: 05/13/2003)
05/13/2003	3	SEALED DOCUMENT placed in vault (Jackson, R) (Entered: 05/13/2003)
05/14/2003	4	SEALED DOCUMENT placed in vault (Jackson, R) (Entered: 05/14/2003)
05/21/2003	5	SEALED DOCUMENT placed in vault (Jackson, R) (Entered: 05/21/2003)
07/14/2003	6	SEALED DOCUMENT placed in vault (Saucier, M) (Entered: 07/21/2003)
07/15/2003	7	SEALED DOCUMENT placed in vault (Saucier, M) (Entered: 07/21/2003)
10/29/2003	8	SEALED DOCUMENT placed in vault (Jackson, R) (Entered: 05/11/2004)
11/03/2003	9	SEALED DOCUMENT placed in vault (Jackson, R) (Entered: 05/11/2004)
01/30/2004	10	SEALED DOCUMENT placed in vault (Jackson, R) (Entered: 05/11/2004)
02/05/2004	11	SEALED DOCUMENT placed in vault (Jackson, R) (Entered: 05/11/2004)
03/11/2004	12	SEALED DOCUMENT placed in vault (Jackson, R) (Entered: 05/11/2004)
03/15/2004	13	SEALED DOCUMENT placed in vault (Jackson, R) (Entered: 05/11/2004)
04/30/2004	14	MOTION by United States of to Seal (Jackson, R) (Entered: 05/11/2004)
04/30/2004	15	NOTICE THAT IT IS NOT INTERVENING AT THIS TIME by United States of America (Jackson, R) (Entered: 05/11/2004)
05/10/2004	16	ORDER passing [14-1] motion to Seal as MOOT (mailed to all counsel of record) (Jackson, R) (Entered: 05/11/2004)
05/10/2004	17	ORDER: It is hereby ordered that the Complaint [1-1] be unsealed and served upon the defendant by the relator; all other contents of the file in this action as of the date hereof shall remain under seal and not be made public or served upon the defendant, except this Order and the Government's Notice of Election to Decline Intervention, which the relator will serve upon the defendant only after service of the complaint; the seal be lifted as to all other matters occurring in this action after the date of this Order; the parties shall serve all pleadings and motions filed in this action, including memos, upon the US; the US may file a motion for leave to intervene in this action for good cause at any time; all orders of this

**Date Discrepancy Cases 180**



		Court will be sent to the US; and, should the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before granting its approval (signed by Judge Ernest C. Torres) [mailed to all counsel of record] (Jackson, R) (Entered: 05/11/2004)
09/03/2004		2 SUMMONS(ES) issued (McCabe, F) (Entered: 09/03/2004)
09/13/2004	18	RETURN OF SERVICE executed as to KVH Industries, Inc. 9/7/04 Answer due on 9/27/04 for KVH Industries, Inc. (Fernandes, D) (Entered: 09/14/2004)
09/13/2004	19	RETURN OF SERVICE executed as to The Titan Corporation, Titan Systems Corp. 9/7/04 Answer due on 9/27/04 for The Titan Corporation, for Titan Systems Corp. (Fernandes, D) (Entered: 09/14/2004)
09/29/2004	20	NOTICE of VOLUNTARY DISMISSAL by Christopher T. Burnett with the consent of the United States (signed by Judge Ernest C. Torres) [faxed to all counsel of record] (Jackson, R) (Entered: 09/29/2004)
09/29/2004		Case closed (Jackson, R) (Entered: 09/29/2004)

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01/22/2019 16:49:33			
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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:03-cv-00156-T
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

**U.S. District Court  
Southern District of Indiana (Indianapolis)  
CIVIL DOCKET FOR CASE #: 1:05-cv-01504-DFH-TAB**

Ex. Rel. John W. Carter, MD v. Board of Trustees of Tipton Co.  
Memorial Hospital, et al.  
Assigned to: Judge David Frank Hamilton  
Referred to: Magistrate Judge Tim A. Baker  
Cause: 31:3729 False Claims Act

Date Filed: 10/11/2005  
Date Terminated: 10/23/2006  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**UNITED STATES EX REL. JOHN W.  
CARTER, M.D.**

represented by **Erin Reilly Lewis**  
BAKER DONELSON BEARMAN  
CALDWELL & BERKOWITZ  
265 Brookview Centre Way  
Suite 600  
Knoxville, TN 37919  
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Fax: (317) 226-5027  
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*ATTORNEY TO BE NOTICED*

**Paul Richard Black**  
109 Glasgow  
Noblesville, IN 46060  
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Fax: (317) 636-7505  
Email: paulblacklaw@gmail.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**BOARD OF TRUSTEES OF TIPTON  
COUNTY MEMORIAL HOSPITAL**

**Defendant**

**AL GATMAITAN**

**Defendant**

**MICHAEL HARLOWE**

**Defendant**

**BEN B. HOBBS**

**Defendant**

**LINDA G. JOINES**

**Defendant**

**Date Discrepancy Cases 182**

**DAVID L. VORIS****Defendant****STEVEN A. WERTZ****Defendant****M.D. DESTRY W. LAMBERT**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
10/11/2005	<a href="#">1</a>	COMPLAINT, filed by UNITED STATES EX REL. JOHN W. CARTER, M.D. (LSC, ) Seal lifted on Complaint per <a href="#">14</a> Order to Unseal Case. Modified on 9/26/2006 (Carpentier, Wendy). (Entered: 10/12/2005)
10/11/2005	<a href="#">2</a>	DOCUMENT - CIVIL COVER SHEET, filed by UNITED STATES EX REL. JOHN W. CARTER, M.D. (LSC, ) (Entered: 10/12/2005)
10/11/2005	<a href="#">3</a>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction. (LSC, ) (Entered: 10/12/2005)
10/11/2005	<a href="#">4</a>	RECEIPT #108-2012 in the amount of \$ 250.00 for civil filing fee. (LSC, ) (Entered: 10/12/2005)
12/12/2005	<a href="#">5</a>	NOTICE of Appearance by atty Erin Reilly Lewis on behalf of UNITED STATES EX REL. JOHN W. CARTER, M.D. (LSC, ) (Entered: 12/13/2005)
12/12/2005	<a href="#">6</a>	MOTION for Extension of Time to 8/9/2006 to intervene and to maintain the complaint and other filings under seal, filed by UNITED STATES EX REL. JOHN W. CARTER, M.D. (Attachments: # <a href="#">1</a> Text of Proposed Order)(LSC, ) (Entered: 12/13/2005)
12/12/2005	<a href="#">7</a>	BRIEF/MEMORANDUM in Support re <a href="#">6</a> MOTION for Extension of Time to 8/9/2006 filed by UNITED STATES EX REL. JOHN W. CARTER, M.D. (LSC, ) (Entered: 12/13/2005)
12/14/2005	<a href="#">8</a>	ORDER granting USA's <a href="#">6</a> Motion for Extension of Time to 8/9/2006 . Signed by Judge David Frank Hamilton on 12/14/2005. (LSC, ) (Entered: 12/14/2005)
08/04/2006	<a href="#">9</a>	NOTICE of Appearance by Erin Reilly Lewis on behalf of UNITED STATES EX REL. JOHN W. CARTER, M.D. (LSC, ) (Entered: 08/04/2006)
08/07/2006	<a href="#">10</a>	MOTION for Extension of Time to <i>United States' Motion, Under Seal, For An Extension Of Time In Which To Intervene And To Maintain The Complaint And Other Filings Under Seal</i> by UNITED STATES EX REL. JOHN W. CARTER, M.D.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Lewis, Erin) (Entered: 08/07/2006)
08/07/2006	<a href="#">11</a>	BRIEF/MEMORANDUM in Support re <a href="#">10</a> MOTION for Extension of Time to <i>United States' Motion, Under Seal, For An Extension Of Time In Which To Intervene And To Maintain The Complaint And Other Filings Under Seal</i> filed by UNITED STATES EX REL. JOHN W. CARTER, M.D.. (Lewis, Erin) (Entered: 08/07/2006)
08/08/2006	<a href="#">12</a>	ORDER granting USA's <a href="#">10</a> Motion for Extension of Time to determine whether or not to intervene to 12/7/2006 . Signed by Judge David Frank Hamilton on 8/8/2006. c/m (LSC, ) (Entered: 08/08/2006)
09/25/2006	<a href="#">13</a>	NOTICE, filed by Plaintiff UNITED STATES EX REL. JOHN W. CARTER, M.D. <i>United States' Notice of Election To Decline Intervention</i> . (Attachments: # <a href="#">1</a> Text of Proposed Order) (Lewis, Erin) (Entered: 09/25/2006)

**Date Discrepancy Cases 183**

09/26/2006	<a href="#">14</a>	Order Unsealing Case. The seal shall be lifted on the Complaint. All other contents of the Courts file in this action shall remain under seal, except for this Order and the United States Notice of Election to Decline Intervention. The seal shall be lifted as to all matters occurring in this action after the date of this Order. Signed by Judge David Frank Hamilton on 9/26/06. (WJC) (Entered: 09/26/2006)
10/04/2006	<a href="#">15</a>	MOTION to Dismiss <i>Complaint Without Prejudice</i> , filed by Plaintiff UNITED STATES EX REL. JOHN W. CARTER, M.D., (Attachments: # <a href="#">1</a> Proposed Order) (Black, Paul) Modified on 10/5/2006 (LSC). (Entered: 10/04/2006)
10/23/2006	<a href="#">16</a>	CLOSED - DISMISSED without prejudice, pursuant to Rules 41(a) and 31 USC 3730(b). Signed by Judge David Frank Hamilton on 10/23/2006. (LSC) (Entered: 10/23/2006)

**Case #: 1:05-cv-01504-DFH-TAB**

<b>PACER Service Center</b>			
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01/28/2019 16:48:46			
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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:05-cv-01504-DFH-TAB
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

**U.S. District Court  
Northern District of Georgia (Atlanta)  
CIVIL DOCKET FOR CASE #: 1:96-cv-02884-RWS**

In Re: SmithKline Beecham, et al v. SmithKline Beecham, et al Date Filed: 10/31/1996  
Assigned to: Judge Richard W. Story Date Terminated: 01/23/2007  
Demand: \$0 Jury Demand: Plaintiff  
Cause: 31:3730 Qui Tam False Claims Act Nature of Suit: 370 Other Fraud  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**USA**  
*ex. rel.*

represented by **Amy L. Berne**  
Office of United States Attorney  
Northern District of Georgia  
75 Spring Street, S.W.  
600 United States Courthouse  
Atlanta, GA 30303  
404-581-6261  
Email: [Amy.Berne@usdoj.gov](mailto:Amy.Berne@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Jeffrey Scott Clausen**

represented by **Carol S. Dew**  
Dew & Smith  
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100 Court Street  
Monroe, GA 30655  
770-267-9700  
**TERMINATED: 05/30/2000**  
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*ATTORNEY TO BE NOTICED*

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**SmithKline Beecham Clinical  
Laboratories**

represented by **Michael Wayne Johnston**  
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38th Floor  
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404-572-4600  
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*ATTORNEY TO BE NOTICED*

**Thomas H. Lee , II**  
Dechert LLP-PA

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 215-994-4000  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Cancer Immuno-Biology Laboratory,  
 Inc.**

*TERMINATED: 08/30/2006*

**Defendant**

**M.D., Ph.D Rajko D. Mendenica**

Date Filed	#	Docket Text
10/31/1996	<u>1</u>	COMPLAINT filed, summons issued. Consent form to proceed before U.S. magistrate and pretrial instructions given to attorney.; jury demand. FILING FEE \$ 120.00 – RECEIPT # 400284. FILED IN CAMERA – CASE UNDER SEAL (pa) Modified on 11/01/1996 Additional attachment(s) added on 6/23/2006 (sjk). (Entered: 11/01/1996)
10/31/1996	<u>2</u>	ANSWERS TO MANDATORY DISCLOSURES by plaintiff (fmm) Modified on 6/23/2006 (sjk). Additional attachment(s) added on 6/23/2006 (sjk). Modified on 8/25/2006 (sjk). <b>FILED UNDER SEAL</b> (Entered: 05/23/2000)
02/07/1997	<u>3</u>	MOTION by plaintiff to transfer case to USDC EDPA with brief in support. (this motion forwarded to USDC EDPA) (pa) <b>DOCUMENT UNDER SEAL</b> Modified on 02/18/1997 Modified on 6/23/2006 (sjk). Additional attachment(s) added on 6/23/2006 (sjk). Modified on 8/25/2006 (sjk). (Entered: 02/18/1997)
02/12/1997		Add attorney for plaintiff USA , Amy Berne Kaminshine as counsel. (pa) (Entered: 02/13/1997)
02/12/1997	<u>4</u>	ORDER by Judge Frank M. Hull GRANTING [3-1] motion to transfer case to the USDC ED PA (cc) (originally entered on docket 2/13/97) (fmm) Modified on 6/23/2006 (sjk). Additional attachment(s) added on 6/23/2006 (sjk). Modified on 8/25/2006 (sjk). <b>FILED UNDER SEAL</b> (Entered: 05/23/2000)
05/11/2000		Case reassigned to Judge Richard W. Story. Calendar sheets forwarded and notice mailed to counsel. (fmm) (Entered: 05/23/2000)
05/11/2000	<u>5</u>	ORDER by Judge Varnartsdalen partially unsealing the complaint and amended complaint for the limited purpose of providing copies of each said complaint to counsel representing dft. (Filed 2/19/97, USDC ED PA) (fmm) Modified on 05/23/2000 Modified on 6/23/2006 (sjk). Additional attachment(s) added on 6/23/2006 (sjk). Modified on 8/25/2006 (sjk). <b>FILED UNDER SEAL</b> (Entered: 05/23/2000)
05/11/2000	<u>6</u>	MOTION by plaintiff Jeffrey Scott Clausen to withdraw by Carol S. Dew as attorney for Jeffrey Scott Clausen (Filed 10/19/99 in USDC ED PA) (fmm) Modified on 05/23/2000 Modified on 6/23/2006 (sjk). Additional attachment(s) added on 6/23/2006 (sjk). Additional attachment(s) added on 6/23/2006 (sjk). Modified on 8/25/2006 (sjk). <b>FILED UNDER SEAL</b> (Entered: 05/23/2000)
05/11/2000	<u>7</u>	MOTION by plaintiff to move civil action to USDC ND GA (Filed 10/19/99 in USDC ED PA) (fmm) Modified on 05/23/2000 Modified on 6/23/2006 (sjk). Additional attachment(s) added on 6/23/2006 (sjk). Modified on 8/25/2006 (sjk). <b>FILED UNDER SEAL</b> (Entered: 05/23/2000)
05/11/2000	<u>8</u>	ORDER by Judge VanArtsdalen GRANTING [7-1] motion to move civil action to USDC ND GA and case to remain UNDER SEAL until further notice of the court (Filed 5/8/00 in USDC ED PA) (fmm) Modified on 6/23/2006 (sjk). Additional attachment(s) added on 6/23/2006 (sjk). Modified on 8/25/2006 (sjk). <b>FILED UNDER SEAL</b> (Entered: 05/23/2000)

05/11/2000		Original file, certified copy of transfer order and docket sheet received from USDC ED PA. (fmm) (Entered: 05/23/2000)
05/12/2000		Case reopened. (fmm) (Entered: 05/23/2000)
05/23/2000		SUBMITTED to Judge Richard W. Story on [6-1] motion to withdraw by Carol S. Dew as attorney for Jeffrey Scott Clausen (fmm) (Entered: 05/23/2000)
05/30/2000	<u>9</u>	ORDER by Judge Richard W. Story GRANTING [6-1] motion to withdraw by Carol S. Dew as attorney for Jeffrey Scott Clausen. Jeffrey Clausen Pro Se will be the atty of record and the complaint and all other filings shall remain under seal until further notice of this court. (cc) (fmm) Modified on 6/23/2006 (sjk). Additional attachment(s) added on 6/23/2006 (sjk). Modified on 8/25/2006 (sjk). <b>FILED UNDER SEAL</b> Modified on 12/7/2006 (sjk). Additional attachment(s) added on 12/7/2006 (sjk). Modified on 12/7/2006 (sjk). (Entered: 05/31/2000)
05/31/2000		Terminated submissions. (fmm) (Entered: 05/31/2000)
09/18/2000	<u>10</u>	Attorney appearance for Jeffrey Scott Clausen by Mike Bothwell (ck) Modified on 6/23/2006 (sjk). Additional attachment(s) added on 6/23/2006 (sjk). Modified on 8/25/2006 (sjk). <b>FILED UNDER SEAL</b> (Entered: 09/27/2000)
10/09/2003	<u>11</u>	MOTION by plaintiff Jeffrey Scott Clausen to consolidate actions with brief in support and proposed amended and consolidated complaint. <b>FILED UNDER SEAL</b> (lme) Modified on 12/7/2006 (sjk). Additional attachment(s) added on 12/7/2006 (sjk). Modified on 12/7/2006 (sjk). Modified on 12/7/2006 (sjk). Additional attachment(s) added on 12/7/2006 (sjk). Modified on 12/7/2006 (sjk). Additional attachment(s) added on 10/9/2007 (sjk). (Entered: 10/09/2003)
11/10/2003		SUBMITTED to Judge Richard W. Story on [11-1] motion to consolidate actions. (lme) (Entered: 11/10/2003)
02/17/2004	<u>12</u>	MOTION by plaintiffs to request status conference with brief in support. <b>FILED UNDER SEAL</b> (dfb) Modified on 02/17/2004 Modified on 10/9/2007 (sjk). Additional attachment(s) added on 10/9/2007 (sjk). (Entered: 02/17/2004)
04/21/2004		SUBMITTED to Judge Richard W. Story on [12-1] motion to request status conference (jdb) (Entered: 04/21/2004)
06/01/2004	<u>13</u>	Motion HEARING HELD on [12-1] motion to request status conference, [11-1] motion to consolidate actions before Judge Richard W. Story; GRANTING [12-1] motion to request status conference, GRANTING [11-1] motion to consolidate actions. Cases 1:98-cv-0712-MHS; 1:97-cv-881-CAM; 1:97-cv-0140-JOF are reassigned to Judge Richard W. Story and shall establish a Master Docket and Master File under the caption "In re Smithkline Beecham Litigation." Master File No. 1:96-cv-2884-RWS. Court adjourned at 11:20am. <b>FILED UNDER SEAL</b> (jdb) Modified on 10/9/2007 (sjk). Additional attachment(s) added on 10/9/2007 (sjk). (Entered: 06/03/2004)
06/02/2004		Steno notes of proceedings held 6/1/04 before Judge Richard W. Story, by Court Reporter Sharon D. Upchurch. ( <b>FILED UNDER SEAL</b> ) (epm) (Entered: 06/02/2004)
06/03/2004	<u>14</u>	ORDER by Judge Richard W. Story, consolidating cases 1:96-cv-2884-RWS, 1:98-cv-712-MHS, 1:97-cv-881-CAM and 1:97-cv-140-JOF. Clerk is DIRECTED to establish a Master Docket and Master File for this proceeding under the caption In re SmithKline Beecham Litigation, Master File No. 1:96-cv-2884-RWS. All orders, pleadings, motions and other documents should, when filed and docketed in the Master File, be deemed filed and docketed in each individual case. <b>FILED UNDER SEAL</b> (fmm) Modified on 10/9/2007 (sjk). Additional attachment(s) added on 10/9/2007 (sjk). (Entered: 06/04/2004)
06/03/2004		Added attorney for plaintiff: James B. Helmer Jr., Frederick M. Morgan Jr., Scott A. Powell, Donald P. McKenna Jr., Gregory Mark Simpson, William T. Prescott. (fmm) (Entered: 06/04/2004)
06/08/2004		Terminated submissions. (fmm) (Entered: 06/08/2004)
12/08/2005	<u>15</u>	CERTIFICATE of Consent for Withdrawal of Counsel by Jeffrey Scott Clausen. <b>DOCUMENT FILED UNDER SEAL</b> (sjk) Modified on 12/16/2005 (sjk). Modified on



		12/7/2006 (sjk). Additional attachment(s) added on 12/7/2006 (sjk). Modified on 12/7/2006 (sjk). (Entered: 12/16/2005)
06/08/2006	<u>16</u>	ORDER <b>DOCUMENT FILED UNDER SEAL</b> Signed by Judge Richard W. Story on 6/5/2006. (sjk) Additional attachment(s) added on 6/8/2006 (sjk). Modified on 6/8/2006 (sjk). (Entered: 06/08/2006)
06/14/2006	<u>17</u>	NOTICE by USA of Election to Decline Intervention. (sjk) Modified on 6/22/2006 to unseal document(mmc). (Entered: 06/15/2006)
06/19/2006	<u>19</u>	STATUS REPORT by USA and Jeffrey Scott Clausen. <b>FILED UNDER SEAL</b> (sjk) Modified on 6/23/2006 (sjk). Additional attachment(s) added on 6/23/2006 (sjk). Modified on 8/25/2006 (sjk). (Entered: 06/23/2006)
06/21/2006	<u>18</u>	ORDER UNSEALING the <u>1</u> Complaint in this action. All other contents of the Court's file shall remain under seal, with the exceptions of this Order and the Notice of Election to Decline Intervention. The seal is lifted as to all other matters occurring in this action after the date of this Order. Signed by Judge Richard W. Story on 6/16/2006. (sjk) Modified on 6/22/2006 to unseal case and document (mmc). (Entered: 06/22/2006)
08/24/2006	<u>20</u>	WAIVER OF SERVICE Returned Executed by Jeffrey Scott Clausen. SmithKline Beecham Clinical Laboratories waiver mailed on 8/3/2006; answer due 10/2/2006. (sjk) (Entered: 08/25/2006)
08/24/2006	<u>21</u>	NOTICE Of Filing by Jeffrey Scott Clausen re <u>20</u> Waiver of Service Executed. (sjk) (Entered: 08/25/2006)
08/25/2006	<u>22</u>	NOTICE OF REQUIREMENT TO FILE ELECTRONICALLY pursuant to Standing Order 04-01 as to Donald P. McKenna, Jr. and Scott A. Powell re <u>21</u> Notice of Filing, <u>20</u> Waiver of Service Executed. (sjk) (Entered: 08/25/2006)
08/28/2006	<u>23</u>	MOTION to Dismiss <i>Voluntarily Defendant Cancer Immuno Biology Laboratories</i> by Jeffrey Scott Clausen. (McKenna, Donald) (Entered: 08/28/2006)
08/29/2006	<u>24</u>	NOTICE of Appearance by Michael Wayne Johnston on behalf of SmithKline Beecham Clinical Laboratories (Johnston, Michael) (Entered: 08/29/2006)
08/30/2006	<u>25</u>	MOTION to Unseal Document <u>18</u> Order, <i>All Complaints</i> with Brief In Support by SmithKline Beecham Clinical Laboratories. (Attachments: # <u>1</u> Brief # <u>2</u> Text of Proposed Order # <u>3</u> Exhibit A - Foster v. Savannah Communication# <u>4</u> Exhibit B - 08/14/06 Letter)(Johnston, Michael) (Entered: 08/30/2006)
08/30/2006	<u>26</u>	ORDER GRANTING <u>23</u> Motion to Dismiss, terminating Cancer Immuno-Biology Laboratory, Inc. Signed by Judge Richard W. Story on 8/29/2006. (sjk) (Entered: 08/31/2006)
08/30/2006	<u>29</u>	APPLICATION for Admission of Sharon Kathleen Gagliardi Pro Hac Vice by SmithKline Beecham Clinical Laboratories.Fee received: \$150.00, Receipt #555190. (Attachments: # <u>1</u> Text of Proposed Order)(sjk) (Entered: 09/06/2006)
08/30/2006	<u>30</u>	APPLICATION for Admission of Thomas H. Lee, II Pro Hac Vice by SmithKline Beecham Clinical Laboratories.Fee received: \$150.00, Receipt #555191. (Attachments: # <u>1</u> Text of Proposed Order)(sjk) (Entered: 09/06/2006)
08/31/2006	<u>27</u>	RESPONSE re <u>25</u> MOTION to Unseal Document <u>18</u> Order, <i>All Complaints Relator Jeffrey Clausen's Response to Defendant SmithKline Beecham Clinical Laboratories, Inc.'s Motion to Unseal All Complaints</i> filed by Jeffrey Scott Clausen. (McKenna, Donald) (Entered: 08/31/2006)
09/01/2006	<u>28</u>	ORDER GRANTING <u>25</u> Motion to Unseal all complaints and responses thereto in 1:96-cv-2884, 1:97-cv-0140, 1:97-cv-0881, and 1:98-cv-0712. Signed by Judge Richard W. Story on 9/1/2006. (sjk) (Entered: 09/01/2006)
09/07/2006	<u>31</u>	ORDER GRANTING <u>30</u> Application for Admission Pro Hac Vice of Thomas H. Lee, II. Signed by Judge Richard W. Story on 9/7/2006. (sjk) (Entered: 09/07/2006)
09/07/2006	<u>32</u>	ORDER GRANTING <u>29</u> Application for Admission Pro Hac Vice of Sharon Kathleen Gagliardi. Signed by Judge Richard W. Story on 9/7/2006. (sjk) (Entered: 09/07/2006)

09/28/2006	<u>33</u>	Consent MOTION for Extension of Time to File Answer , <i>Move or Otherwise Respond to Plaintiff/Relator's Amended and Consolidated Complaint</i> by Jeffrey Scott Clausen, SmithKline Beecham Clinical Laboratories. (Attachments: # <u>1</u> Text of Proposed Order)(Johnston, Michael) Modified on 9/29/2006 to name attachment (sjk). (Entered: 09/28/2006)
10/03/2006	<u>34</u>	ORDER GRANTING <u>33</u> Motion for Extension of Time to Answer. SmithKline Beecham Clinical Laboratories Answer due 10/10/2006 (the Court is closed on 10/9/2006). Signed by Judge Richard W. Story on 10/2/2006. (sjk) (Entered: 10/03/2006)
10/10/2006	<u>35</u>	MOTION to Dismiss <i>The Amended and Consolidated Complaint</i> with Brief In Support by SmithKline Beecham Clinical Laboratories. (Attachments: # <u>1</u> Brief # <u>2</u> Exhibit A – Foster v. Savannah (Lexis Case)# <u>3</u> Exhibit B – Memo from McKenna# <u>4</u> Exhibit C – Lab Report# <u>5</u> Exhibit D – Lab Test Request# <u>6</u> Exhibit E – Health Ins. Claim Form# <u>7</u> Text of Proposed Order – Proposed Order)(Johnston, Michael) (Entered: 10/10/2006)
10/18/2006	<u>36</u>	Consent MOTION for Extension of Time re: <u>35</u> MOTION to Dismiss <i>The Amended and Consolidated Complaint</i> by Jeffrey Scott Clausen. (McKenna, Donald) (Entered: 10/18/2006)
10/23/2006	<u>37</u>	ORDER GRANTING <u>36</u> Motion for Extension of Time. Plaintiff's response is due on or before 11/3/2006. Signed by Judge Richard W. Story on 10/19/2006. (sjk) (Entered: 10/23/2006)
11/03/2006	<u>38</u>	MOTION for Leave to File Excess Pages by Jeffrey Scott Clausen. (Bothwell, Mike) (Entered: 11/03/2006)
11/03/2006	<u>39</u>	RESPONSE in Opposition re <u>35</u> MOTION to Dismiss <i>The Amended and Consolidated Complaint</i> filed by Jeffrey Scott Clausen. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Errata 4# <u>5</u> Exhibit 5# <u>6</u> Errata 6# <u>7</u> Exhibit 7# <u>8</u> Exhibit 8# <u>9</u> Exhibit 9# <u>10</u> Exhibit 10# <u>11</u> Exhibit 11# <u>12</u> Exhibit 12# <u>13</u> Exhibit 13)(McKenna, Donald) (Entered: 11/03/2006)
11/07/2006	<u>40</u>	ORDER GRANTING <u>38</u> Motion for Leave to File Excess Pages. Signed by Judge Richard W. Story on 11/6/2006. (sjk) (Entered: 11/07/2006)
11/09/2006	<u>41</u>	Certificate of Interested Persons by Jeffrey Scott Clausen, SmithKline Beecham Clinical Laboratories. (Johnston, Michael) (Entered: 11/09/2006)
11/09/2006	<u>42</u>	Joint PRELIMINARY REPORT AND DISCOVERY SCHEDULE filed by Jeffrey Scott Clausen, SmithKline Beecham Clinical Laboratories. (Attachments: # <u>1</u> Text of Proposed Order)(Johnston, Michael) (Entered: 11/09/2006)
11/09/2006	<u>43</u>	STIPULATION , <i>joint regarding exchange of initial disclosures</i> by Jeffrey Scott Clausen. (McKenna, Donald) (Entered: 11/09/2006)
11/13/2006	<u>44</u>	ORDER APPROVING <u>42</u> Joint Preliminary Report and Discovery Schedule. Signed by Judge Richard W. Story on 11/13/2006. (sjk) (Entered: 11/14/2006)
11/14/2006	<u>45</u>	Consent MOTION for Extension of Time to Reply to Plaintiff/Relator's Response to Defendant's Motion to Dismiss re: <u>39</u> Response in Opposition to Motion, by Jeffrey Scott Clausen and SmithKline Beecham Clinical Laboratories. (Attachments: # <u>1</u> Text of Proposed Order)(Johnston, Michael) Modified on 11/15/2006 to add filer (sjk). (Entered: 11/14/2006)
11/15/2006	<u>46</u>	ORDER GRANTING <u>45</u> Motion for Extension of Time. Defendant SmithKline Beecham's reply is due on or before 12/8/2006. Signed by Judge Richard W. Story on 11/15/2006. (sjk) (Entered: 11/16/2006)
11/16/2006		Submission of <u>45</u> Consent MOTION for Extension of Time to Reply to Plaintiff/Relator's Response to Defendant's Motion to Dismiss re: <u>39</u> Response in Opposition to Motion to District Judge Richard W. Story. (sjk) (Entered: 11/16/2006)
12/01/2006	<u>47</u>	Consent MOTION for Extension of Time to Reply to Plaintiff's Response to Defendant's Motion to Dismiss by Jeffrey Scott Clausen, SmithKline Beecham Clinical Laboratories. (Attachments: # <u>1</u> Text of Proposed Order)(Johnston, Michael) (Entered: 12/01/2006)

12/01/2006	<u>48</u>	STIPULATION <i>Regarding Deadline for Exchange of Initial Disclosures</i> by Jeffrey Scott Clausen, SmithKline Beecham Clinical Laboratories. (Johnston, Michael) (Entered: 12/01/2006)
12/07/2006	<u>49</u>	ORDER GRANTING <u>47</u> Motion for Extension of Time. Signed by Judge Richard W. Story on 12/7/2006. (sjk) (Entered: 12/07/2006)
01/04/2007	<u>50</u>	Consent MOTION for Extension of Time to Reply to Plaintiff/Relator's Response to Defendant's Motion to Dismiss by Jeffrey Scott Clausen, SmithKline Beecham Clinical Laboratories. (Attachments: # <u>1</u> Text of Proposed Order)(Johnston, Michael) (Entered: 01/04/2007)
01/05/2007	<u>51</u>	ORDER GRANTING <u>50</u> Motion for Extension of Time. Defendant SmithKline Beecham Clinical Laboratories, Inc.'s reply is due on or before 1/19/2007. Signed by Judge Richard W. Story on 1/5/2007. (sjk) (Entered: 01/05/2007)
01/19/2007	<u>52</u>	STIPULATION of Dismissal by USA, Jeffrey Scott Clausen, SmithKline Beecham Clinical Laboratories, Rajko D. Mendenica. (Attachments: # <u>1</u> Text of Proposed Order)(Johnston, Michael) (Entered: 01/19/2007)
01/22/2007		Submission of <u>52</u> Stipulation of Dismissal to District Judge Richard W. Story. (sjk) (Entered: 01/22/2007)
01/22/2007	<u>53</u>	ORDER APPROVING <u>52</u> Stipulation of Dismissal. Signed by Judge Richard W. Story on 1/22/2007. (sjk) (Entered: 01/23/2007)
01/23/2007		Civil Case Terminated. (sjk) (Entered: 01/23/2007)
03/16/2009	<u>54</u>	LETTER to Plaintiff's Counsel re: Disposition of Sealed Documents. (dfb) (Entered: 03/16/2009)
03/16/2009		Clerk's Certificate of Mailing as to James B. Helmer, Jr. re: <u>54</u> Letter. (dfb) (Entered: 03/16/2009)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

<hr/>		:
UNITED STATES OF AMERICA :		CIVIL ACTION NO.
<i>EX REL.</i> JEFF CLAUSEN, :		1:96-CV-02884-RWS
Plaintiff and Relator, :		MASTER FILE
v. :		
SMITHKLINE BEECHAM :		
CLINICAL LABORATORIES, :		
INC. and CANCER IMMUNO :		
BIOLOGY LABORATORY, :		
Defendants. :		
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**STIPULATION OF DISMISSAL**

**WHEREAS**, Plaintiff and Relator Jeff Clausen (“Clausen”) has brought four cases in this District against Defendant SmithKline Beecham Clinical Laboratories, Inc., now known as Quest Diagnostics Clinical Laboratories, Inc. (“SBCL”), on behalf of himself and the United States under the False Claims Act, 31 U.S.C. §§ 3729-3733, as follows: Case Nos. 1:96-cv-2884, 1:98-cv-0712, 1:97-cv-0881 and 1:97-cv-0140 (“the Civil Actions”);

**WHEREAS**, upon motion of the Plaintiff, the Civil Actions were consolidated under Master File 1:96-cv-02884;

**WHEREAS**, Clausen and SBCL have entered into a Settlement Agreement and Mutual Release which fully settles all contested issues between them in the Civil Actions;

**IT IS HEREBY STIPULATED AND AGREED**, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, by the attorneys for the respective parties, that the Civil Actions be and are **DISMISSED WITH PREJUDICE** as to Clausen and **WITHOUT PREJUDICE** as to the United States, and further, that all parties in the Civil Actions shall bear their own costs and attorneys' fees.


Stipulated to this 19<sup>th</sup> day of January, 2007, by:

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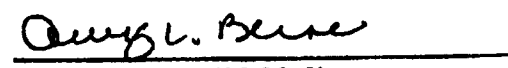
Mike Bothwell (069920)  
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Attorney for United States

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

---

UNITED STATES OF AMERICA :  
*EX REL.* JEFF CLAUSEN, :  
Plaintiff and Relator, :

v. :

SMITHKLINE BEECHAM :  
CLINICAL LABORATORIES, :  
INC. and CANCER IMMUNO :  
BIOLOGY LABORATORY, :  
Defendants. :

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CIVIL ACTION NO.  
1:96-CV-02884-RWS

**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2007, I electronically filed a copy of this STIPULATION OF DISMISSAL with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Amy L. Berne  
Gregory Mark Simpson  
Scott A. Powell

Donald P. McKenna, Jr.  
Mike Bothwell  
William T. Prescott

I also certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Frederick M. Morgan, Jr.  
Jennifer M. Verkamp  
Volkema, Thomas, Miller, Burkett, Scott & Merry  
700 Walnut Street Suite 400  
Cincinnati, OH 45202-2015

/s/ Michael W. Johnston  
Michael W. Johnston  
Georgia Bar No. 369720



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

_____	:	
UNITED STATES OF AMERICA :		CIVIL ACTION NO.
<i>EX REL.</i> JEFF CLAUSEN,	:	1:96-CV-02884-RWS
Plaintiff and Relator,	:	MASTER FILE
v.	:	
SMITHKLINE BEECHAM	:	
CLINICAL LABORATORIES,	:	
INC. and CANCER IMMUNO	:	
BIOLOGY LABORATORY,	:	
Defendants.	:	
_____		

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2007,

upon consideration of the Stipulation of Dismissal filed by the parties, IT IS  
HEREBY ORDERED that the following civil actions consolidated under the  
above-captioned Master File, Case Nos. 1:96-cv-2884, 1:98-cv-0712, 1:97-cv-0881  
and 1:97-cv-0140, are hereby DISMISSED WITH PREJUDICE as to  
Plaintiff/Relator Clausen and DISMISSED WITHOUT PREJUDICE as to the  
United States, and it is further ORDERED that all parties shall bear their own costs  
and attorneys' fees.

**SO ORDERED:**

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**Honorable Richard W. Story  
UNITED STATES DISTRICT JUDGE**

**United States District Court**  
**Northern District of Illinois - CM/ECF LIVE, Ver 6.2.2 (Chicago)**  
**CIVIL DOCKET FOR CASE #: 1:03-cv-04799**

Cole, et al v. Univ of IL, et al  
Assigned to: Hon. Ronald A. Guzman  
Demand: \$0  
Case in other court: 06-02161  
Cause: 31:3729 False Claims Act

Date Filed: 07/11/2003  
Date Terminated: 03/28/2006  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Gayle D Cole**

*Individually, and the United States of  
America ex rel., the State of Illinois ex rel.,*

represented by **Michael Charles Rosenblat**  
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V.

**Defendant**

**University of Illinois**

represented by **Patrick Sean Coffey**  
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**LEAD ATTORNEY**

**Date Discrepancy Cases 199**

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*ATTORNEY TO BE NOTICED*

**Service List**

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*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/11/2003	<a href="#">1</a>	COMPLAINT (Attachment); jury demand - Civil cover sheet - Appearance(s) of Michael Charles Rosenblat as attorney(s) for plaintiff Gayle D Cole ( No summons(es) issued.) ( Documents: 1-1 through 1-3) (ar) (Entered: 10/20/2004)
07/11/2003		RECEIPT regarding payment of filing fee paid; on 07/11/03 in the amount of \$150.00, receipt #10213139. (ar) (Entered: 10/20/2004)
09/11/2003	2	Document Sealed (pursuant to Court Order) (ar) (Entered: 10/21/2004)
09/11/2003	3	Document Sealed (pursuant to Court Order) (ar) (Entered: 10/21/2004)
09/22/2003	4	Document Sealed (pursuant to Court Order) (ar) (Entered: 10/21/2004)
09/22/2003	5	Document Sealed (pursuant to Court Order) (ar) (Entered: 10/21/2004)

**Date Discrepancy Cases 200**

09/14/2004	6	Document Sealed (pursuant to Court Order) (ar) (Entered: 10/21/2004)
09/14/2004	7	Document Sealed (pursuant to Court Order) (ar) (Entered: 10/21/2004)
10/15/2004	<a href="#">9</a>	NOTICE of election to decline intervention by USA (ar) Modified on 10/21/2004 (Entered: 10/20/2004)
10/15/2004	<a href="#">10</a>	MINUTE ORDER of 10/15/04 by Hon. Charles P. Kocoras : The United States of America has elected to decline intervention. Enter order that the seal be lifted on the complaint, this order, and the government's notice of election to decline intervention [2-1] which the relator will serve upon the defendants. All other contents of the court filed in this action shall remain under seal and not be made public or served upon the defendant. The seal is lifted as to all other matters occurring in this action after the date of this order. The Clerk of Court is directed to include the U.S. Attorney's Office on all mailing in this case. The parties shall serve all pleadings and motions filed in this action, including supporting memorandanda, upon the United States. The United States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time. Should the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval. (Entered Order). Mailed notice (ar) Modified on 10/21/2004 (Entered: 10/20/2004)
10/15/2004	8	Document Sealed (pursuant to Court Order) (ar) (Entered: 10/21/2004)
10/22/2004		SCHEDULE set on 10/22/04 by Hon. Ronald A. Guzman : Status hearing set to 9:30 11/5/04. Mailed notice (cjpg) (Entered: 10/22/2004)
11/04/2004	75	ATTORNEY APPEARANCE for defendant Univ of IL by Patrick Sean Coffey, Peter J. Meyer, Jared D. Solovay (ar) (Entered: 11/05/2004)
11/05/2004		SCHEDULE set on 11/5/04 by Hon. Ronald A. Guzman : Status hearing held and continued to 9:30 11/19/04 . Mailed notice (cjpg) (Entered: 11/05/2004)
11/18/2004		SCHEDULE set on 11/18/04 by Hon. Ronald A. Guzman : Status hearing reset to 9:30 12/3/04 on parties request . Mailed notice (cjpg) (Entered: 11/18/2004)
12/03/2004	<a href="#">76</a>	MINUTE ORDER of 12/3/04 by Hon. Ronald A. Guzman : Status hearing held. Defendant's motion to dismiss to be filed on or before 12/17/04. Response to be filed on or before 01/03/05. Reply to be filed on or before 01/18/05. Ruling to be by mail. Mailed notice (ar) (Entered: 12/07/2004)
12/13/2004	<a href="#">11</a>	MINUTE ORDER of 12/13/04 by Hon. Ronald A. Guzman : Minute order dated 12/3/04 [10-1] is corrected as follows: Defendant's motion to reassign case to be filed on or before 12/17/04. Response to be filed on or before 01/03/05. Reply to be filed on or before 01/18/05. Ruling to be by mail. Mailed notice (ar) (Entered: 12/14/2004)
12/16/2004	<a href="#">12</a>	MOTION by defendant Board of Trustees of the Univ of IL for reassignment (Attachments) (ar) (Entered: 12/20/2004)
01/03/2005	<a href="#">13</a>	RESPONSE by plaintiff to defendant's motion for reassignment (Attachment); Notice [12-1] (ar) (Entered: 01/04/2005)
02/09/2005	<a href="#">14</a>	MINUTE entry before Judge Ronald A. Guzman : The Court denies Defendant's motion for reassignment <a href="#">12</a> . Status hearing is set for 02/23/2005 at 09:30 AM. (For further detail see order). Mailed notice. (ar, ) Modified on 2/9/2005 (ar, ). (Entered: 02/09/2005)
02/23/2005	<a href="#">15</a>	MINUTE entry before Judge Ronald A. Guzman : Status hearing held on 2/23/2005. Discovery ordered closed by 6/23/2005. Plaintiffs' expert reports due 7/22/05. Defendants' expert reports due 8/22/05. Defendants' motion to dismiss to be filed on or before 3/9/05.

### Date Discrepancy Cases 201

		Response is due 3/23/05. Reply is due 4/6/05. Ruling to be by mail. Status hearing set for 8/24/2005 at 09:30 AM. In court notice (cjb, ) (Entered: 03/01/2005)
03/09/2005	<a href="#">16</a>	MOTION by Defendant University of Illinois to dismiss action. (ar, ) (Entered: 03/11/2005)
03/09/2005	<a href="#">17</a>	MEMORANDUM by Defendant University of Illinois in Support of its motion to dismiss action <a href="#">16</a> . (ar, ) (Entered: 03/11/2005)
03/23/2005	<a href="#">44</a>	RESPONSE by Plaintiff to defendant's motion to dismiss; Notice (Exhibits). (gcy, ) (Entered: 10/25/2005)
04/07/2005	<a href="#">18</a>	REPLY by Defendant University of Illinois in support of its motion to dismiss <a href="#">16</a> (las, ) (Entered: 04/11/2005)
05/16/2005	<a href="#">19</a>	MOTION by Plaintiff Gayle D Cole for extension of discovery deadlines (las, ) (Entered: 05/17/2005)
05/16/2005	<a href="#">79</a>	NOTICE of Motion by Michael Charles Rosenblat for presentment of plaintiff's motion for extension of discovery deadlines <a href="#">19</a> before Honorable Ronald A. Guzman on 5/20/2005 at 09:30 AM. (las, ) Modified on 1/9/2007 (emd, ). (Entered: 05/17/2005)
05/20/2005	<a href="#">20</a>	MINUTE entry before Judge Ronald A. Guzman : Plaintiff's motion for extension of time <a href="#">19</a> hearing held on 5/20/2005 and continued to 6/3/2005 at 09:30 AM. In court notice (cjb, ) (Entered: 05/20/2005)
06/03/2005	<a href="#">21</a>	MINUTE entry before Judge Ronald A. Guzman : Motion hearing held on plaintiff's motion for extension of discovery deadlines and motion is granted <a href="#">19</a> . Fact discovery closes 10/6/05. Status hearing reset to 10/12/05 at 9:30 a.m. Mailed notice (las, ) (Entered: 06/06/2005)
06/03/2005	<a href="#">22</a>	DISCOVERY OUTLINE by Gayle D Cole. (cdy, ) (Entered: 06/08/2005)
06/13/2005	<a href="#">23</a>	MOTION by Plaintiff Gayle D Cole for entry of order governing the protection and exchange of confidential materials (gma, ) (Entered: 06/13/2005)
06/13/2005	<a href="#">24</a>	NOTICE of Motion by Michael Charles Rosenblat for presentment of MOTION by Plaintiff Gayle D Cole for entry of order governing the protection and exchange of confidential materials <a href="#">23</a> before Honorable Ronald A. Guzman on 6/16/2005 at 09:30 AM. (gma, ) (Entered: 06/13/2005)
06/16/2005	<a href="#">25</a>	MINUTE entry before Judge Ronald A. Guzman : Plaintiff's motion for entry of order governing the protection and exchange of confidential materials <a href="#">23</a> is granted as stated in open court. Status hearing reset to 6/27/05 at 09:30 a.m. "Note Date Different Than Stated In Court." Mailed notice (lcw, ) (Entered: 06/22/2005)
06/16/2005	<a href="#">26</a>	ORDER Governing the Protection and Exchange of Confidential Materials Signed by Judge Ronald A. Guzman on 6/16/2005.(lcw, ) (Entered: 06/22/2005)
06/24/2005	<a href="#">27</a>	MINUTE entry before Judge Ronald A. Guzman : Status hearing is reset for 7/15/2005 at 09:30 AM. No notice, advised in open court (jms, ) (Entered: 06/24/2005)
07/15/2005	<a href="#">28</a>	MINUTE entry before Judge Ronald A. Guzman : Status hearing held on 7/15/2005. Status hearing set for 10/7/2005 at 09:30 AM. In court notice (cjb, ) (Entered: 07/15/2005)
08/05/2005	<a href="#">29</a>	MOTION by Plaintiff Gayle D Cole to compel discovery from defendant (RESTRICTED) (gma, ) (Entered: 08/05/2005)
08/05/2005	<a href="#">30</a>	NOTICE of Motion by Michael Charles Rosenblat for presentment of MOTION by Plaintiff Gayle D Cole to compel discovery from defendant <a href="#">29</a> before Honorable Ronald A. Guzman on 8/11/2005 at 09:30 AM. (gma, ) (Entered: 08/09/2005)

Date Discrepancy Cases 202

08/11/2005	<a href="#">31</a>	MINUTE entry before Judge Ronald A. Guzman : Plaintiff's motion to compel discovery [doc. no. 29] is referred to Magistrate Judge Levin. Referral includes all discovery matters and motions. Discovery cutoff will not be extended. Mailed notice (jmm, ) (Entered: 08/12/2005)
08/11/2005	<a href="#">33</a>	EXECUTIVE COMMITTEE ORDER:Case referred to Magistrate Judge Ian H. Levin pursuant to Local Rule 72.1 to conduct hearings and enter appropriate order on Discovery motion: all discovery motion, discovery supervision and plaintiff's motion to compel discovery [doc. no. 29] is referred to Magistrate Judge Levin. Referral includes all discovery matters and motions. Discovery cutoff will not be extended. Signed by Judge Charles P. Kocoras, Executive Committee on 8/11/05. (eav, ) (Entered: 08/17/2005)
08/15/2005	<a href="#">32</a>	MINUTE entry before Judge Ian H. Levin : Status hearing set for 9/7/2005 at 10:15 AM. in courtroom 1342. Enclosed is the court's procedure for filing a joint mandatory status report. Mailed notice (smm, ) (Entered: 08/15/2005)
08/18/2005	<a href="#">34</a>	AMENDED NOTICE of Motion by Michael Charles Rosenblat for presentment of MOTION by Plaintiff Gayle D Cole to compel discovery from defendant <a href="#">29</a> before Honorable Ian H. Levin on 8/23/2005 at 09:30 AM. (gma, ) (Entered: 08/18/2005)
08/25/2005	<a href="#">35</a>	AMENDED NOTICE of Motion by Michael Charles Rosenblat for presentment of MOTION by Plaintiff Gayle D Cole to compel discovery from defendant <a href="#">29</a> before Honorable Ian H. Levin on 8/30/2005 at 09:30 AM. (gma, ) (Entered: 08/25/2005)
08/30/2005	<a href="#">36</a>	MINUTE entry before Judge Ian H. Levin : Motion to compel discovery from defendant <a href="#">29</a> is granted in part and denied in part for the reasons stated of record. Status hearing of 9/7/05 is vacated. Status hearing set for 10/28/2005 at 9:30 AM. Mailed notice (smm, ) (Entered: 08/30/2005)
09/08/2005	<a href="#">37</a>	MOTION by Plaintiff Gayle D Cole for clarification of June 3, 2005 order (Exhibits). (td, ) Modified on 6/23/2008 (gmr, ). (Entered: 09/09/2005)
09/08/2005	<a href="#">38</a>	NOTICE of Motion by Gayle D Cole for presentment of motion by plaintiff for clarification of June 3, 2005 order <a href="#">37</a> before Honorable Ronald A. Guzman on 9/13/2005 at 09:30 AM. (td, ) (Entered: 09/09/2005)
09/15/2005	<a href="#">39</a>	MINUTE entry before Judge Ronald A. Guzman : Motion hearing held on 9/12/2005 regarding motion by plaintiff to clarify <a href="#">37</a> and motion is granted. Document discovery closes 10/6/05. Fact discovery closes 3/6/06. Expert disclosures by 4/6/06. Rebuttal experts by 5/6/06. In court notice (cjk, ) (Entered: 09/15/2005)
09/22/2005	<a href="#">40</a>	MOTION by Plaintiff Gayle D. Cole to compel discovery from defendant. ( Exhibits) (vcf, ) (Entered: 09/23/2005)
09/22/2005	<a href="#">41</a>	NOTICE of Motion by Gayle D. Cole for presentment of motion to compel discovery from defendant <a href="#">40</a> before Honorable Ian H. Levin on 9/27/2005 at 09:30 AM. (vcf, ) (Entered: 09/23/2005)
09/27/2005	<a href="#">42</a>	MINUTE entry before Judge Ian H. Levin : Plaintiff's motion to compel discovery from defendant <a href="#">40</a> is granted. Motion hearing held on 9/27/2005 regarding motion to compel <a href="#">40</a> . Defendant is given until 10/4/05 to produce documents. Mailed notice (smm, ) (Entered: 09/27/2005)
10/07/2005	<a href="#">43</a>	MINUTE entry before Judge Ronald A. Guzman : Status hearing held on 10/7/2005. Status hearing continued to 3/10/2006 at 09:30 AM. No notice, advised in open court. (tlp, ) (Entered: 10/07/2005)
10/24/2005	<a href="#">45</a>	STATUS Report by University of Illinois. (gcy, ) (Entered: 10/26/2005)

**Date Discrepancy Cases 203**

10/24/2005	<a href="#">46</a>	STATUS Report by Gayle D Cole. (gcy, ) (Entered: 10/27/2005)
10/28/2005	<a href="#">47</a>	MINUTE entry before Judge Ian H. Levin : Status hearing reset to 12/1/2005 at 10:15 AM. Mailed notice (smm, ) (Entered: 10/28/2005)
12/02/2005	<a href="#">49</a>	EXECUTIVE COMMITTEE ORDER: It appearing that it is necessary for cases and referrals previously pending before Magistrate Judge Ian H. Levin to be reassigned to other magistrate judges of this Court; It is hereby ordered that the Clerk is to reassign these cases and referrals as indicated on the attached list. Case referred to Magistrate Judge Morton Denlow. Signed by Executive Committee on 12/2/05. (cem) (Entered: 12/13/2005)
12/07/2005	<a href="#">48</a>	MINUTE entry before Judge Morton Denlow : Status hearing set for 1/17/2006 at 10:00 AM. in courtroom 1350. Mailed notice (dmk, ) (Entered: 12/07/2005)
01/17/2006	<a href="#">50</a>	MINUTE entry before Judge Morton Denlow : Magistrate Judge Status hearing held on 1/17/2006. Status hearing set for 4/11/2006 at 10:00 AM. Mailed notice (dmk, ) (Entered: 01/17/2006)
01/24/2006	<a href="#">51</a>	ATTORNEY Appearance for Plaintiff Gayle D Cole by Kenneth Todd Goldstein (Goldstein, Kenneth) (Entered: 01/24/2006)
01/24/2006	<a href="#">52</a>	ATTORNEY Appearance for Plaintiff Gayle D Cole by Clinton A. Krislov (Krislov, Clinton) (Entered: 01/24/2006)
01/30/2006	<a href="#">53</a>	ATTORNEY Appearance for Defendant University of Illinois by Travis Brett Wolfinger (Wolfinger, Travis) (Entered: 01/30/2006)
01/30/2006	<a href="#">54</a>	MOTION by Defendant University of Illinois to stay <i>Discovery Pending Ruling on Dispositive Motion</i> (Wolfinger, Travis) (Entered: 01/30/2006)
01/30/2006	<a href="#">55</a>	<i>Defendant</i> NOTICE of Motion by Travis Brett Wolfinger for presentment of motion to stay <a href="#">54</a> before Honorable Ronald A. Guzman on 2/3/2006 at 09:30 AM. (Wolfinger, Travis) (Entered: 01/30/2006)
01/31/2006	<a href="#">56</a>	NOTICE by Gayle D Cole <i>Motion for Extension of Discovery</i> (Rosenblat, Michael) (Entered: 01/31/2006)
02/01/2006	<a href="#">57</a>	MINUTE entry before Judge Ronald A. Guzman : Defendant's motion to stay discovery pending ruling on dispositive motion <a href="#">54</a> is granted. Status hearing set for 4/3/2006 at 09:30 AM. Mailed notice (cjk, ) (Entered: 02/01/2006)
02/03/2006	<a href="#">58</a>	TRANSCRIPT of Proceedings before Judge Ian H. Levin held on 8/30/05 (Volumes I). (gcy, ) (Entered: 02/07/2006)
02/10/2006	<a href="#">59</a>	MOTION by Plaintiff Gayle D Cole for reconsideration <i>Discovery Stay</i> (Attachments: # <a href="#">1</a> Exhibit)(Rosenblat, Michael) (Entered: 02/10/2006)
02/10/2006	<a href="#">60</a>	NOTICE of Motion by Michael Charles Rosenblat for presentment of motion for reconsideration <a href="#">59</a> before Honorable Ronald A. Guzman on 2/16/2006 at 09:30 AM. (Rosenblat, Michael) (Entered: 02/10/2006)
02/13/2006	<a href="#">61</a>	RESPONSE by University of Illinois in Opposition to MOTION by Plaintiff Gayle D Cole for reconsideration <i>Discovery Stay</i> <a href="#">59</a> (Wolfinger, Travis) (Entered: 02/13/2006)
02/15/2006	<a href="#">62</a>	MINUTE entry before Judge Ronald A. Guzman : Plaintiff's motion for extension of fact discovery deadline [doc. no. 56] is granted to and including 5/8/06. Mailed notice (cjk, ) (Entered: 02/15/2006)
02/15/2006	<a href="#">63</a>	MINUTE entry before Judge Ronald A. Guzman : Motion for reconsideration <a href="#">59</a> is denied. Motions terminated: MOTION by Plaintiff Gayle D Cole for reconsideration <i>Discovery Stay</i> <a href="#">59</a> Mailed notice (cjk, ) (Entered: 02/15/2006)

Date Discrepancy Cases 204



03/28/2006	<a href="#">64</a>	MINUTE entry before Judge Ronald A. Guzman : Pursuant to Memorandum Opinion and Order entered this day, defendant's motion to dismiss [#16] is granted. This action is dismissed in its entirety. Civil case terminated. Notices mailed by Judicial staff (gcy, ) (Entered: 03/30/2006)
03/28/2006	<a href="#">65</a>	MEMORANDUM Opinion and Order Signed by Judge Ronald A. Guzman on 3/28/2006: (gcy, ) (Entered: 03/30/2006)
03/28/2006	<a href="#">66</a>	ENTERED JUDGMENT (gcy, ) (Entered: 03/30/2006)
04/04/2006	<a href="#">67</a>	MINUTE entry before Judge Morton Denlow : All matters relating to the referral of this action having been resolved, the case is returned to the assigned judge. Judge Morton Denlow no longer referred to the case. Status hearing set for 4/11/06 is stricken. Mailed notice (dmk, ) (Entered: 04/04/2006)
04/05/2006	<a href="#">68</a>	MOTION by Service List to amend/correct <i>JUDGMENT TO REFLECT DISMISSAL WITHOUT PREJUDICE TO THE UNITED STATES</i> (Fox, Michele) (Entered: 04/05/2006)
04/05/2006	<a href="#">69</a>	NOTICE of Motion by Michele Marion Fox for presentment of motion to amend/correct <a href="#">68</a> before Honorable Ronald A. Guzman on 4/11/2006 at 09:30 AM. (Fox, Michele) (Entered: 04/05/2006)
04/11/2006	<a href="#">70</a>	MINUTE entry before Judge Ronald A. Guzman : United States motion for leave to amend judgment to reflect dismissal with prejudice with respect to the realtor and without prejudice to the United States is granted. Mailed notice (gcy, ) (Entered: 04/12/2006)
04/24/2006	<a href="#">71</a>	NOTICE of appeal by Gayle D Cole, for herself the United States of America and the State of Illinois regarding orders <a href="#">64</a> , <a href="#">65</a> , <a href="#">66</a> ; Filing fee \$ 455 paid; Receipt number 10640962; Notice of filing; (vkd). (Entered: 04/25/2006)
04/24/2006	<a href="#">72</a>	DOCKETING/JURISDICTIONAL Statement by Plaintiff regarding notice of appeal <a href="#">71</a> (vkd, ) (Entered: 04/25/2006)
04/24/2006	<a href="#">73</a>	TRANSMITTED to the 7th Circuit the short record on appeal <a href="#">71</a> . Notified counsel (vkd) Modified on 8/10/2006 (td, ). (Entered: 04/25/2006)
04/28/2006	<a href="#">74</a>	ACKNOWLEDGEMENT of receipt of short record on appeal regarding notice of appeal <a href="#">71</a> ; USCA Case No. 06-2161 (las, ) (Entered: 05/02/2006)
05/23/2006	<a href="#">77</a>	TRANSMITTED to the USCA for the 7th Circuit the long record on appeal <a href="#">71</a> (USCA no. 06-2161) consisting of one volume of pleadings, one volume of transcript and eight vault items contained in 5 envelopes. (vkd, ) (Entered: 05/23/2006)
05/23/2006	<a href="#">78</a>	USCA RECEIVED on 5/23/06 the long record on appeal.(dj, ) (Entered: 05/24/2006)
09/07/2007	<a href="#">80</a>	LETTER from the Seventh Circuit returning the record on appeal in USCA no. 06-2161 consisting of one volume of pleadings, one volume of transcripts and five in Camera material. (vcf, ) (Entered: 09/11/2007)
09/07/2007	<a href="#">81</a>	OPINION from the USCA for the 7th Circuit; Argued 1/10/07; Decided 8/16/07 in USCA case no. 06-2161. (vcf, ) (Entered: 09/11/2007)
09/07/2007	<a href="#">82</a>	MANDATE of USCA dated 8/16/07 regarding notice of appeal <a href="#">71</a> ; USCA No. 06-2161. The judgment of the District Court is Affirmed, with costs, in accordance with the decision of this court entered on this date. (vcf, ) (Entered: 09/11/2007)

### Transaction Receipt

02/04/2019 09:20:01

<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:03-cv-04799
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60

**U.S. District Court**  
**Western District of Oklahoma[LIVE] (Oklahoma City)**  
**CIVIL DOCKET FOR CASE #: 5:07-cv-00137-HE**

Lacy v. New Horizons Inc et al  
Assigned to: Honorable Joe Heaton  
Referred to: Mediator (Settlement)  
Case in other court: 08-06248  
Cause: 31:3729 False Claims Act

Date Filed: 02/05/2007  
Date Terminated: 10/15/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Sara Lacy**  
*sued as United States Of America ex rel*

represented by **Gaylon C Hayes**  
Hayes & Hollingsworth PC  
6805 S Western Ave  
Suite 500  
Oklahoma City, OK 73139  
405-616-5045  
Fax: 405-616-5062  
Email: [gaylon@hhhlawfirm.com](mailto:gaylon@hhhlawfirm.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**New Horizons Inc**  
*doing business as*  
ASL Housing  
**TERMINATED: 08/02/2007**  
*doing business as*  
New Frontier ICF/MR  
*doing business as*  
New Horizons Texarkana TX  
*doing business as*  
New Frontiers  
*doing business as*  
Holly House  
*doing business as*  
Horizons General Partnership

represented by **Amanda Leigh Maxfield Green**  
US Attorney's Office-OKC  
210 W Park Ave  
Suite 400  
Oklahoma City, OK 73102  
405-553-8770  
Fax: 405-553-8888  
Email: [amanda.green@usdoj.gov](mailto:amanda.green@usdoj.gov)  
**ATTORNEY TO BE NOTICED**

**Floyd K Propps**  
P O Box 259  
Edmond, OK 73083-0259  
405-942-8222  
Fax: 405-213-0044  
Email: [floydpropps@yahoo.com](mailto:floydpropps@yahoo.com)  
**TERMINATED: 11/13/2007**

**Jimmy K Goodman**  
Crowe & Dunlevy-OKC  
Braniff Building  
324 N Robinson Ave  
Suite 100  
Oklahoma City, OK 73102  
405-235-7717

**Date Discrepancy Cases 207**

Fax: 405-272-5272  
Email: goodmanj@crowedunlevy.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**New Frontiers Community Services Inc**

represented by **Amanda Leigh Maxfield Green**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Floyd K Propps**  
(See above for address)  
*TERMINATED: 11/13/2007*

**Jimmy K Goodman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Donald Moore**

represented by **Amanda Leigh Maxfield Green**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jimmy K Goodman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Cathy Moore**

represented by **Amanda Leigh Maxfield Green**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Jimmy K Goodman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Mark Moore**

represented by **Amanda Leigh Maxfield Green**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Floyd K Propps**  
(See above for address)  
*TERMINATED: 11/13/2007*

**Jimmy K Goodman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Chisolm Community Services of Oklahoma Inc**

represented by **Amanda Leigh Maxfield Green**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Floyd K Propps**  
 (See above for address)  
*TERMINATED: 11/13/2007*

**Jimmy K Goodman**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Cindy Lasyone**

represented by **Amanda Leigh Maxfield Green**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Floyd K Propps**  
 (See above for address)  
*TERMINATED: 11/13/2007*

**Jimmy K Goodman**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Interested Party**

**United States of America**

represented by **Robert Don Evans , Jr**  
 US Attorney's Office-OKC  
 210 W Park Ave  
 Suite 400  
 Oklahoma City, OK 73102  
 405-553-8831  
 Fax: 405-553-8885  
 Email: Don.Evans@usdoj.gov  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/05/2007	<a href="#"><u>1</u></a>	COMPLAINT against Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Donald Moore, Cathy Moore, filed by Sara Lacy. Civil Cover sheet attached(seal5, ) Additional attachment(s) added on 11/7/2007 (seal5, ). (Entered: 02/06/2007)
02/05/2007	<a href="#"><u>2</u></a>	Receipt for Money Received from Sara Lacy in the amount of \$350.00, receipt number 120438 regarding <a href="#"><u>1</u></a> Complaint (pw ) Modified on 11/7/2007 (pw ). Additional attachment(s) added on 11/7/2007 (pw, ). (Entered: 02/06/2007)
04/24/2007	<a href="#"><u>3</u></a>	MOTION for Order for intervention and to unseal case by Sara Lacy. (seal5, ) Additional attachment(s) added on 11/7/2007 (seal5, ). (Entered: 04/24/2007)
04/25/2007	<a href="#"><u>4</u></a>	ORDER granting <a href="#"><u>3</u></a> Motion for Order to decline intervention. Signed by Judge Ralph G. Thompson on 4/25/07. (seal5, ) (Entered: 04/25/2007)
05/03/2007	<a href="#"><u>5</u></a>	MOTION for Order to keep the Seal in place for an additional 60 days by Sara Lacy. (pw ) Modified on 11/7/2007 (pw ). Additional attachment(s) added on 11/7/2007 (pw ). (Entered: 05/03/2007)

**Date Discrepancy Cases 209**

05/07/2007	<a href="#">6</a>	ENTER ORDER striking <a href="#">5</a> Motion for Order. Signed by MBailey at the direction of Judge Ralph G. Thompson on 5/7/2007. (mb, ) (Entered: 05/07/2007)
07/23/2007	<a href="#">7</a>	ENTRY of Appearance by Gaylon C Hayes on behalf of Sara Lacy (Hayes, Gaylon) (Entered: 07/23/2007)
08/02/2007	<a href="#">8</a>	AMENDED COMPLAINT against all defendants, filed by Sara Lacy.(Hayes, Gaylon) (Entered: 08/02/2007)
08/09/2007	<a href="#">9</a>	ORDER REASSIGNING CASE. Case reassigned to Judge Timothy D. DeGiusti for all further proceedings. Judge Ralph G. Thompson no longer assigned to case. Signed by Judge Robin J. Cauthron on 8/9/07. (cjs, ) (Entered: 08/10/2007)
08/24/2007	<a href="#">10</a>	ENTRY of Appearance by Floyd K Propps on behalf of New Horizons Inc, New Frontiers Community Services Inc (Propps, Floyd) (Entered: 08/24/2007)
08/24/2007	<a href="#">11</a>	ENTRY of Appearance by Floyd K Propps on behalf of Mark Moore (Propps, Floyd) (Entered: 08/24/2007)
08/24/2007	<a href="#">12</a>	MOTION for Extension of Time by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc. (Propps, Floyd) (Entered: 08/24/2007)
08/28/2007	<a href="#">13</a>	ORDER granting <a href="#">12</a> Motion for Extension of Time to Respond to the Amended Complaint. Defendants shall file their responses on or before 9/16/2007. Signed by Judge Timothy D. DeGiusti on 8/28/2007. (mb, ) (Entered: 08/28/2007)
09/14/2007	<a href="#">14</a>	ANSWER to Amended Complaint by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc.(Propps, Floyd) (Entered: 09/14/2007)
11/01/2007	<a href="#">15</a>	ENTRY of Appearance by Amanda Leigh Maxfield on behalf of Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Donald Moore, Cathy Moore (Maxfield, Amanda) (Entered: 11/01/2007)
11/01/2007	<a href="#">16</a>	UNOPPOSED MOTION for Extension of Time <i>to Respond to Amended Complaint</i> by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Donald Moore, Cathy Moore. (Maxfield, Amanda) (Entered: 11/01/2007)
11/01/2007	<a href="#">17</a>	ENTRY of Appearance by Jimmy K Goodman on behalf of Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Donald Moore, Cathy Moore (Goodman, Jimmy) (Entered: 11/01/2007)
11/02/2007	<a href="#">18</a>	ACKNOWLEDGEMENT OF SERVICE Executed of <i>Defendant Cathy Moore</i> Acknowledgement filed by Plaintiff Sara Lacy. (Hayes, Gaylon) (Entered: 11/02/2007)
11/02/2007	<a href="#">19</a>	ACKNOWLEDGEMENT OF SERVICE Executed of <i>Donald Moore</i> Acknowledgement filed by Plaintiff Sara Lacy. (Hayes, Gaylon) (Entered: 11/02/2007)
11/02/2007	<a href="#">20</a>	ACKNOWLEDGEMENT OF SERVICE Executed of <i>Defendant Chisolm</i> Acknowledgement filed by Plaintiff Sara Lacy. (Hayes, Gaylon) (Entered: 11/02/2007)
11/02/2007	<a href="#">21</a>	ACKNOWLEDGEMENT OF SERVICE Executed of <i>Defendant Lasyone</i> Acknowledgement filed by Plaintiff Sara Lacy. (Hayes, Gaylon) (Entered: 11/02/2007)
11/02/2007	<a href="#">22</a>	ACKNOWLEDGEMENT OF SERVICE Executed of <i>Defendant Mark Moore</i> Acknowledgement filed by Plaintiff Sara Lacy. (Hayes, Gaylon) (Entered: 11/02/2007)
11/02/2007	<a href="#">23</a>	ACKNOWLEDGEMENT OF SERVICE Executed of <i>Defendant New Horizons</i> Acknowledgement filed by Plaintiff Sara Lacy. (Hayes, Gaylon) (Entered: 11/02/2007)
11/02/2007	<a href="#">24</a>	ACKNOWLEDGEMENT OF SERVICE Executed of <i>Defendant New Frontiers</i> Acknowledgement filed by Plaintiff Sara Lacy. (Hayes, Gaylon) (Entered: 11/02/2007)

**Date Discrepancy Cases 210**

11/06/2007	<a href="#">25</a>	ORDER of RECUSAL. Signed by Judge Timothy D. DeGiusti on 11/6/2007. (mb, ) (Entered: 11/06/2007)
11/06/2007	<a href="#">26</a>	ORDER REASSIGNING CASE. Case reassigned to Judge Joe Heaton for all further proceedings. Judge Timothy D. DeGiusti no longer assigned to case. Signed by Judge Timothy D. DeGiusti on 11/6/2007. (mb, ) (Entered: 11/06/2007)
11/07/2007	<a href="#">27</a>	ORDER granting <a href="#">16</a> Motion for Extension of Time to Respond, response due 12/3/07. Signed by Judge Joe Heaton on 11/7/07. (jw, ) (Entered: 11/07/2007)
11/09/2007	<a href="#">28</a>	MOTION to Withdraw as Attorney by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone. (Propps, Floyd) (Entered: 11/09/2007)
11/13/2007	<a href="#">29</a>	ORDER granting <a href="#">28</a> Motion to Withdraw as Attorney. Attorney Floyd K Propps terminated. Signed by Judge Joe Heaton on 11/13/07. (jw, ) (Entered: 11/13/2007)
12/03/2007	<a href="#">30</a>	ANSWER to Amended Complaint <i>and Affirmative Defenses</i> by Donald Moore.(Maxfield, Amanda) (Entered: 12/03/2007)
12/03/2007	<a href="#">31</a>	ANSWER to Amended Complaint <i>and Affirmative Defenses</i> by Cathy Moore.(Maxfield, Amanda) (Entered: 12/03/2007)
12/07/2007	<a href="#">32</a>	DOCKET: Scheduling Conference set for 2/5/2008 09:30 AM in Chambers before Honorable Joe Heaton., Status Report due by 1/28/2008. (jw, ) (Entered: 12/07/2007)
01/28/2008	<a href="#">33</a>	JOINT STATUS REPORT AND DISCOVERY PLAN by Plaintiff Sara Lacy. (Hayes, Gaylon) (Entered: 01/28/2008)
01/31/2008	<a href="#">34</a>	ENTRY of Appearance by Robert Don Evans, Jr on behalf of United States of America (Evans, Robert) (Entered: 01/31/2008)
01/31/2008	<a href="#">35</a>	DISCLOSURE STATEMENT - CORPORATE by Chisolm Community Services of Oklahoma Inc. (Maxfield, Amanda) (Entered: 01/31/2008)
01/31/2008	<a href="#">36</a>	DISCLOSURE STATEMENT - CORPORATE by New Horizons Inc. (Maxfield, Amanda) (Entered: 01/31/2008)
01/31/2008	<a href="#">37</a>	DISCLOSURE STATEMENT - CORPORATE by New Frontiers Community Services Inc. (Maxfield, Amanda) (Entered: 01/31/2008)
02/05/2008	<a href="#">38</a>	SCHEDULING ORDER: Motions to join due 5/1/08; Motions to amend due 5/1/08; Pla expert witness list and expert reports due 11/15/08; Dft expert witness list and expert reports due 12/1/08; Pla witness list due 12/1/08, dft 10 days thereafter; Pla exhibit list due 12/1/08, dft 10 days thereafter; Motions in limine due 4/15/09; Jury instructions due 4/15/09; Voir dire requests due 4/15/09; Case Referred to Mediator Motions due by 2/15/2009. Pretrial Report due by 4/15/2009. ADR Completion Date due by 12/1/2008. Discovery due by 2/1/2009. Jury Trial set on the Court's May, 2009, docket.. Signed by Honorable Joe Heaton on 2/5/08. (jw, ) (Entered: 02/05/2008)
02/14/2008	<a href="#">39</a>	MOTION to Dismiss <i>Amended Complaint and Brief in Support</i> by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Attachments: # <a href="#">1</a> Exhibit A-Chart of Allegations)(Maxfield, Amanda) (Entered: 02/14/2008)
02/29/2008	<a href="#">40</a>	MOTION to Dismiss <i>Without Prejudice of Certain Counts</i> by Sara Lacy. (Hayes, Gaylon) (Entered: 02/29/2008)
03/03/2008	<a href="#">41</a>	RESPONSE in Opposition re <a href="#">39</a> MOTION to Dismiss <i>Amended Complaint and Brief in Support</i> filed by Sara Lacy. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit, <b>Date Discrepancy Cases 211</b> ) (Entered: 03/03/2008)

**Date Discrepancy Cases 211**

		# <a href="#">5</a> Exhibit)(Hayes, Gaylon) (Entered: 03/03/2008)
03/07/2008	<a href="#">42</a>	RESPONSE in Opposition re <a href="#">40</a> MOTION to Dismiss <i>Without Prejudice of Certain Counts and Brief in Support</i> filed by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Goodman, Jimmy) (Entered: 03/07/2008)
03/13/2008	<a href="#">43</a>	MOTION for Extension of Time to <i>File Reply Brief in Support of Defendants' Motion to Dismiss</i> by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Maxfield, Amanda) (Entered: 03/13/2008)
03/14/2008	<a href="#">44</a>	ORDER granting <a href="#">43</a> Motion for Extension of Time to File reply. Reply due on or before March 21, 2008. Signed by Honorable Joe Heaton on 3/14/08. (jw, ) (Entered: 03/14/2008)
03/14/2008	<a href="#">45</a>	SUPPLEMENT re <a href="#">41</a> Response in Opposition to Motion <i>Notice of Supplement Public Domain Documents</i> by Sara Lacy. (Attachments: # <a href="#">1</a> Exhibit Exhibit 6 Petition filed in District Court)(Hayes, Gaylon) (Entered: 03/14/2008)
03/14/2008	<a href="#">46</a>	REPLY to Response to Motion re <a href="#">40</a> MOTION to Dismiss <i>Without Prejudice of Certain Counts</i> filed by Sara Lacy. (Hayes, Gaylon) (Entered: 03/14/2008)
03/21/2008	<a href="#">47</a>	REPLY by Defendants Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore <i>in Support of Motion to Dismiss Amended Complaint</i> filed by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Attachments: # <a href="#">1</a> Exhibit 1- Relators Rule 26 Disclosures, # <a href="#">2</a> Exhibit 2 - Letter to Gaylon C. Hayes dated March 18, 2008)(Maxfield, Amanda) (Entered: 03/21/2008)
03/26/2008	<a href="#">48</a>	MOTION for Leave to <i>File Supplemental Brief</i> by Sara Lacy. (Hayes, Gaylon) (Entered: 03/26/2008)
03/26/2008	<a href="#">49</a>	MOTION for Protective Order to <i>Hold Discovery in Abeyance Pending Court's Ruling on Defendants' Motion to Dismiss</i> by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Maxfield, Amanda) (Entered: 03/26/2008)
03/26/2008		Docket Annotation: Document <a href="#">49</a> Motion for Protective Order to Hold Discovery in Abeyance Pending Court's Ruling on Defendant's Motion to Dismiss should have been filed as a MOTION FOR ORDER. (pw, ) (Entered: 03/27/2008)
03/31/2008	<a href="#">50</a>	ORDER granting <a href="#">48</a> Motion for Leave to File a Supplemental Brief not exceeding five (5) pages.. Signed by Honorable Joe Heaton on 3/31/08. (jw, ) (Entered: 03/31/2008)
03/31/2008	<a href="#">51</a>	ORDER for Response on or before April 7, 2008. re <a href="#">49</a> MOTION for Protective Order to <i>Hold Discovery in Abeyance Pending Court's Ruling on Defendants' Motion to Dismiss</i> filed by Chisolm Community Services of Oklahoma Inc, New Horizons Inc, Donald Moore, Cathy Moore, Cindy Lasyone, Mark Moore, New Frontiers Community Services Inc. Signed by Honorable Joe Heaton on 3/31/08. (jw, ) (Entered: 03/31/2008)
04/07/2008	<a href="#">52</a>	RESPONSE to Motion re <a href="#">49</a> MOTION for Protective Order to <i>Hold Discovery in Abeyance Pending Court's Ruling on Defendants' Motion to Dismiss</i> filed by Sara Lacy. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1 Plaintiff's First Request for Production to New Horizons, # <a href="#">2</a> Exhibit Exhibit 2 Plaintiff's First Set of Request for Admissions to New Horizons, # <a href="#">3</a> Exhibit Exhibit 3 Letter to New Horizons Aug 3, 2007, # <a href="#">4</a> Exhibit Exhibit 4 Letter from Goodman March 17, 2008)(Hayes, Gaylon) (Entered: 04/07/2008)
04/11/2008	<a href="#">53</a>	AMENDED DOCUMENT by Sara Lacy. Amendment to <a href="#">8</a> Amended Complaint <i>With</i>

**Date Discrepancy Cases 212**



		<i>Exhibits</i> . (Attachments: # <a href="#">1</a> Exhibit IMLS-2005 Museum for American Grants Application by Elk City, # <a href="#">2</a> Exhibit Application by Elk City for a mini grant from the Oklahoma Arts Council)(Hayes, Gaylon) (Entered: 04/11/2008)
04/11/2008		Docket Annotation: Disregard Document <a href="#">53</a> Amended Document. Filed in error in the wrong case. (pw, ) (Entered: 04/11/2008)
04/11/2008	<a href="#">54</a>	SUPPLEMENT re <a href="#">41</a> Response in Opposition to Motion to Dismiss by Defendant by Sara Lacy. (Hayes, Gaylon) (Entered: 04/11/2008)
04/11/2008		Docket Annotation: Disregard Docket Annotation regarding Document <a href="#">53</a> . For future filings all documents should have the initials HE for Judge Joe Heaton.(pw, ) (Entered: 04/16/2008)
04/15/2008		Docket Annotation: Courtesy copy received. PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO HOLD DISCOVERY IN ABEYANCE AND PROTECTIVE ORDER (cjs, ) (Entered: 04/16/2008)
04/18/2008	<a href="#">55</a>	REPLY by Defendants Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Cindy Lasyone, Donald Moore, Cathy Moore re <a href="#">49</a> MOTION for Protective Order to Hold Discovery in Abeyance Pending Court's Ruling on Defendants' Motion to Dismiss, <a href="#">52</a> Response to Motion,, In Support of Motion to Hold Discovery in Abeyance Pending Court's Ruling on Defendants' Motion to Dismiss filed by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Maxfield, Amanda) (Entered: 04/18/2008)
05/07/2008	<a href="#">56</a>	ORDER granting <a href="#">39</a> Defendants' Motion to Dismiss; denying <a href="#">40</a> Plaintiff's Motion to Dismiss; granting <a href="#">49</a> Motion to Hold Discovery in Abeyance, discovery is STAYED until further order of the court, as more fully set out. Signed by Honorable Joe Heaton on 5/7/08. (jw, ) (Entered: 05/07/2008)
05/27/2008	<a href="#">57</a>	AMENDED COMPLAINT <i>Second</i> against all defendants, filed by Sara Lacy. (Attachments: # <a href="#">1</a> Exhibit Part 1 Provider Billing and Procedure Manual, # <a href="#">2</a> Exhibit Part 2- Provider Billing and Procedure Manual, # <a href="#">3</a> Exhibit Part 3- Provider Billing and Procedure Manual, # <a href="#">4</a> Exhibit Part 4- Provider Billing and Procedure Manual, # <a href="#">5</a> Exhibit Part 1 - State Operating Manual: Appendix J, # <a href="#">6</a> Exhibit Part 2- State Operations Manual: Appendix J, # <a href="#">7</a> Exhibit OSDH Nursing Home Regulatoins, # <a href="#">8</a> Exhibit OHCA Statutes for ICF/MR Procedures, # <a href="#">9</a> Exhibit Oklahoma Nursing Home Cost Report Instructions, # <a href="#">10</a> Exhibit UB92 OHCA Claim Form, # <a href="#">11</a> Exhibit LTC-300 OHCA Claim Form)(Hayes, Gaylon) (Entered: 05/27/2008)
06/09/2008	<a href="#">58</a>	UNOPPOSED MOTION for Extension of Time to Respond to <i>Second Amended Complaint</i> by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Maxfield Green, Amanda) (Entered: 06/09/2008)
06/10/2008	<a href="#">59</a>	ORDER granting defendants' <a href="#">58</a> Unopposed Motion for Extension of Time to Respond to the Second Amended Complaint. See order for deadline. Signed by Honorable Joe Heaton on 06/10/2008. (lam) (Entered: 06/10/2008)
06/23/2008	<a href="#">60</a>	UNOPPOSED MOTION for Leave to File Excess Pages by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Maxfield Green, Amanda) (Entered: 06/23/2008)
06/23/2008	<a href="#">61</a>	ORDER granting <a href="#">60</a> Motion for Leave to File Excess Pages not to exceed 40 pages. Signed by Honorable Joe Heaton on 6/23/08. (jw, ) (Entered: 06/23/2008)
06/24/2008	<a href="#">62</a>	MOTION to Dismiss <i>Second Amended Complaint</i> by Mark Moore, New Horizons Inc,

Date Discrepancy Cases 213

		New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Attachments: # <a href="#">1</a> Exhibit 1- Petition, # <a href="#">2</a> Exhibit 2- Chart of Allegations with Surveys, # <a href="#">3</a> Exhibit 3-Various Letters)(Maxfield Green, Amanda) (Entered: 06/24/2008)
07/14/2008	<a href="#">63</a>	UNOPPOSED MOTION for Leave to File Excess Pages by Sara Lacy. (Hayes, Gaylon) (Entered: 07/14/2008)
07/14/2008	<a href="#">64</a>	ORDER granting <a href="#">63</a> Motion for Leave to File Brief in Excess of not more than 30 Pages. Signed by Honorable Joe Heaton on 07/14/2008. (lam) (Entered: 07/14/2008)
07/14/2008	<a href="#">65</a>	RESPONSE in Opposition re <a href="#">62</a> MOTION to Dismiss <i>Second Amended Complaint</i> filed by Sara Lacy. (Attachments: # <a href="#">1</a> Attachment Murry v. Oklahoma-Western District 2008 Case, # <a href="#">2</a> Attachment U.S. ex rel. Boothe v. Sun Healthcare Group- D.N.M. 2008 Case)(Hayes, Gaylon) (Entered: 07/14/2008)
07/25/2008	<a href="#">66</a>	REPLY by Defendants Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore <i>In Support of Motion to Dismiss Second Amended Complaint</i> filed by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Attachments: # <a href="#">1</a> Exhibit 1 - Oklahoma Health Care Authority SFY 2008 Rates, # <a href="#">2</a> Exhibit 2 - Oklahoma Nursing Home Cost Report Instructions)(Maxfield Green, Amanda) (Entered: 07/25/2008)
09/25/2008	<a href="#">67</a>	ORDER granting <a href="#">62</a> Motion to Dismiss, as more fully set out. Signed by Honorable Joe Heaton on 9/25/08. (jw, ) (Entered: 09/25/2008)
10/14/2008	<a href="#">68</a>	RESPONSE <i>To Judge's Order and Declination to Amend and Request for a Final Order</i> filed by Sara Lacy. (Hayes, Gaylon) (Entered: 10/14/2008)
10/15/2008	<a href="#">69</a>	JUDGMENT. Signed by Honorable Joe Heaton on 10/15/08. (jw, ) (Entered: 10/15/2008)
10/29/2008	<a href="#">70</a>	MOTION for Attorney Fees <i>and Brief in Support</i> by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Attachments: # <a href="#">1</a> Exhibit 1- Affidavit of Jimmy K. Goodman)(Maxfield Green, Amanda) (Entered: 10/29/2008)
10/29/2008	<a href="#">71</a>	BILL OF COSTS by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Attachments: # <a href="#">1</a> Exhibit 1- Affidavit of Amanda L. Maxfield Green) (Maxfield Green, Amanda) (Entered: 10/29/2008)
10/30/2008	<a href="#">72</a>	NOTICE OF BILL OF COSTS HEARING, Bill of Costs Hearing set for 12/16/2008 09:00 AM in Court Clerk's Office (jw, ) (Entered: 10/30/2008)
11/13/2008	<a href="#">73</a>	NOTICE OF APPEAL as to <a href="#">69</a> Judgment by Sara Lacy. (Hayes, Gaylon) (Entered: 11/13/2008)
11/13/2008	<a href="#">74</a>	Transmission of Notice of Appeal to US Court of Appeals re <a href="#">73</a> Notice of Appeal (pw, ) (Entered: 11/13/2008)
11/13/2008	<a href="#">75</a>	USCA Appeal Fee received in the amount of \$ 455, receipt number 130788, re <a href="#">73</a> Notice of Appeal filed by Sara Lacy (pw, ) (Entered: 11/13/2008)
11/13/2008	<a href="#">76</a>	RESPONSE to Motion re <a href="#">70</a> MOTION for Attorney Fees <i>and Brief in Support</i> filed by Sara Lacy. (Hayes, Gaylon) (Entered: 11/13/2008)
11/13/2008	<a href="#">77</a>	OBJECTIONS <i>to Defendant's Bill of Cost</i> filed by Sara Lacy. (Hayes, Gaylon) (Entered: 11/13/2008)

**Date Discrepancy Cases 214**

11/20/2008	<a href="#">78</a>	DESIGNATION of Record on Appeal by Sara Lacy re <a href="#">73</a> Notice of Appeal (Attachments: # <a href="#">1</a> Attachment Docket Sheet)(Hayes, Gaylon) (Entered: 11/20/2008)
11/20/2008	<a href="#">79</a>	TRANSCRIPT Order Form by Sara Lacy that transcripts are not necessary. See order form for dates and proceedings. (Hayes, Gaylon) (Entered: 11/20/2008)
11/20/2008	<a href="#">80</a>	REPLY by Defendants Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore re <a href="#">77</a> Objections <i>in Support of Bill of Costs</i> filed by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Attachments: # <a href="#">1</a> Exhibit 1- Amended Affidavit of Amanda L. Maxfield Green)(Maxfield Green, Amanda) (Entered: 11/20/2008)
11/20/2008	<a href="#">81</a>	USCA Case Number 08-6248 for <a href="#">73</a> Notice of Appeal filed by Sara Lacy. (pw, ) (Entered: 11/24/2008)
11/24/2008	<a href="#">82</a>	TRANSCRIPT LETTER advising no transcripts are necessary re <a href="#">73</a> Notice of Appeal filed by Sara Lacy. The record is ready for appeal purposes. (pw, ) (Entered: 11/24/2008)
11/24/2008	<a href="#">83</a>	REPLY by Defendants Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore re <a href="#">76</a> Response to Motion <i>in Support of Defendant's Motion for Attorneys Fees</i> filed by Mark Moore, New Horizons Inc, New Frontiers Community Services Inc, Chisolm Community Services of Oklahoma Inc, Cindy Lasyone, Donald Moore, Cathy Moore. (Maxfield Green, Amanda) (Entered: 11/24/2008)
12/16/2008	<a href="#">84</a>	Costs Taxed in amount of \$ 736.78 against plaintiff (kw, ) (Entered: 12/16/2008)
01/20/2009	<a href="#">85</a>	ORDER denying <a href="#">70</a> Motion for Attorney Fees. Signed by Honorable Joe Heaton on 1/20/09. (jw, ) (Entered: 01/20/2009)
10/09/2009	<a href="#">86</a>	ORDER AND JUDGMENT of USCA Affirmed the District Court's Order of Dismissal as to <a href="#">73</a> Notice of Appeal filed by Sara Lacy (Attachments: # <a href="#">1</a> Attachment Letter from Tenth Circuit Court of Appeals)(pw, ) (Entered: 10/13/2009)
12/01/2009	<a href="#">87</a>	MANDATE ISSUED From USCA <a href="#">73</a> Notice of Appeal filed by Sara Lacy (pw, ) (Entered: 12/16/2009)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 09:26:55			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	5:07-cv-00137-HE Start date: 1/1/1970 End date: 1/28/2019
<b>Billable Pages:</b>	9	<b>Cost:</b>	0.90

**U.S. District Court  
California Northern District (San Jose)  
CIVIL DOCKET FOR CASE #: 5:05-cv-04211-RS**

Glenn J. Collyer v. Weiss, Peck, & Greer, LLC et al  
Assigned to: Hon. Richard Seeborg  
Cause: 31:3729 False Claims Act

Date Filed: 10/18/2005  
Date Terminated: 07/07/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Glenn J Collyer**

*United States of America. ex rel*

represented by **Sara Winslow**  
United States Attorney's Office  
Northern District of California  
450 Golden Gate Avenue  
9th Floor, Box 36055  
San Francisco, CA 94102  
415/436-6925  
Fax: 415/436-6748  
Email: [sara.winslow@usdoj.gov](mailto:sara.winslow@usdoj.gov)  
*TERMINATED: 03/10/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Steven J. Saltiel**  
U.S. Attorney – Civil Division  
450 Golden Gate Avenue, 10th Fl.  
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415-436-6996  
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Email: [Steven.Saltiel@usdoj.gov](mailto:Steven.Saltiel@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Weiss, Peck, & Greer, LLC**

**Defendant**

**The Venture Banking Group**

**Amicus**

**United States**

represented by **Sara Winslow**  
United States Attorney's Office  
450 Golden Gate Avenue  
9th Floor, Box 36055  
San Francisco, CA 94102  
415/436-6925  
Fax: 415/436-6748  
Email: [sara.winslow@usdoj.gov](mailto:sara.winslow@usdoj.gov)  
*TERMINATED: 03/10/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Steven J. Saltiel**  
(See above for address)  
*LEAD ATTORNEY*

## ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/18/2005		Received Document Complaint (NO PROCESS); jury demand; (DOCUMENT UNDER SEAL) by Glenn J Collyer. (bwS, COURT STAFF) (Filed on 10/18/2005) (Entered: 10/19/2005)
10/19/2005	2	COMPLAINT (NO PROCESS);jury demand; against Weiss, Peck, & Greer, LLC, The Venture Banking Group ( Filing fee \$ 250, receipt number 55213282.)(DOCUMENT FILED UNDER SEAL) Filed by Glenn J Collyer. (bwS, COURT STAFF) (Filed on 10/19/2005) (Entered: 10/20/2005)
10/24/2005	<u>14</u>	CONSENT to Proceed Before a US Magistrate Judge by Glenn J Collyer. (rssec, COURT STAFF) (Filed on 10/24/2005) (Entered: 01/08/2008)
12/09/2005		Received Document Disclosure Statement by Glenn J Collyer. (bwS, COURT STAFF) (Filed on 12/9/2005) (Entered: 12/09/2005)
02/06/2006		Received Document: Stipulation and (Proposed) Order (DOCUMENT UNDER SEAL) by Glenn J Collyer. (bwS, COURT STAFF) (Filed on 2/6/2006) (Entered: 02/06/2006)
05/03/2006		Received Document Stipulation and Proposed Order (DOCUMENT UNDER SEAL) filed by United States of America. (bwS, COURT STAFF) (Filed on 5/3/2006) (Entered: 05/03/2006)
06/15/2006		Received Document. United States' Notice of Election to Decline Intervention; (Proposed) Order (DOCUMENT UNDER SEAL). (bwS, COURT STAFF) (Filed on 6/15/2006) (Entered: 06/15/2006)
06/19/2006	6	ORDER (1) All sealed contents of the Court's file in this action shall remain UNDER SEAL and not be made public or served upon the defendants, except for the Complaint, this Order, and the accompanying United States' Notice of Election to Decline Intervention, which are hereby unsealed. (3) The seal is lifted as to all matters occurring in this action after the date of this Order. (5) All orders of this Court shall be sent to the United States. Signed by Magistrate Judge Richard Seeborg on June 15, 2006. (bwS, COURT STAFF) (Filed on 6/19/2006) (Entered: 06/21/2006)
06/20/2006	7	ADR SCHEDULING ORDER: Case Management Statement due by 10/11/2006. Case Management Conference set for 10/18/2006 02:30 PM. (bw, COURT STAFF) (Filed on 6/20/2006) (Entered: 06/21/2006)
06/23/2006		Receipt acknowledgement from USPS regarding delivery of Order (Document #6) being delivered to and signed for by Glenn Collyer on June 22, 2006. (bw, COURT STAFF) (Filed on 6/23/2006) (Entered: 06/26/2006)
10/12/2006		Received Document: Motion to File Under Seal (DOCUMENT UNDER SEAL) Filed by Glenn J Collyer. (bw, COURT STAFF) (Filed on 10/12/2006) (Entered: 10/12/2006)
10/12/2006		Received Document: First Amended Complaint (DOCUMENT UNDER SEAL) by Glenn J Collyer. (bw, COURT STAFF) (Filed on 10/12/2006) (Entered: 10/12/2006)
10/12/2006		Letter from Glenn J. Collyer re received documents and process for handling of documents. (bw, COURT STAFF) (Filed on 10/12/2006) (Entered: 10/12/2006)
10/12/2006	8	Motion to File Under Seal and Order Thereon. Signed by Judge Richard Seeborg on October 23, 2006. (bw, COURT STAFF) (Filed on 10/12/2006) (Entered: 10/24/2006)
10/12/2006	9	FIRST AMENDED COMPLAINT against Weiss, Peck, & Greer, LLC, The Venture Banking Group (DOCUMENT FILED UNDER SEAL.) Filed by Glenn J Collyer. (bw, COURT STAFF) (Filed on 10/12/2006) (Entered: 10/24/2006)
05/11/2007	<u>10</u>	ORDER RE ELECTRONIC FILING IN CASES WITH UNREPRESENTED PARTIES: Case designated for electronic filing. Effective immediately all represented parties will e-file their submissions to the court. Represented parties will be required to serve paper copies by mail on unrepresented parties. Unrepresented litigants will

		continue to file and serve all submissions to the court in paper form unless prior leave is obtained from the assigned judge. Signed by Chief Judge Vaughn Walker dated 5/11/07. Copy mailed to counsel of record. (bw, COURT STAFF) (Filed on 5/11/2007) (Entered: 05/17/2007)
12/12/2007	<u>11</u>	ORDER TO SHOW CAUSE. Order to Show Cause Hearing set for 1/9/2008 09:30 AM. Signed by Judge Richard Seeborg on 12/12/07. (rssec, COURT STAFF) (Filed on 12/12/2007) (Entered: 12/12/2007)
12/27/2007	<u>12</u>	NOTICE of Substitution of Counsel by Sara Winslow (Winslow, Sara) (Filed on 12/27/2007) (Entered: 12/27/2007)
12/27/2007	<u>13</u>	United States' Position Regarding Dismissal by Sara Winslow on behalf of United States. (Winslow, Sara) (Filed on 12/27/2007) Modified text to match document on 12/28/2007 (srm, COURT STAFF). (Entered: 12/27/2007)
01/09/2008	<u>15</u>	Minute Entry: Show Cause Hearing. Order to Show Cause is vacated. (Date Filed: 1/9/2008), ***Motions terminated:. Case Management Conference set for 4/9/2007 02:30 PM. (Tape #FTR.) (Attachments: # <u>1</u> certificate of mailing) (mpb, COURT STAFF) (Date Filed: 1/9/2008) (Entered: 01/10/2008)
03/07/2008	<u>16</u>	NOTICE of Substitution of Counsel by Steven J. Saltiel (Saltiel, Steven) (Filed on 3/7/2008) (Entered: 03/07/2008)
03/07/2008	<u>17</u>	United States' NOTICE of Election to Decline Intervention in First Amended Complaint ( 9 ) (Saltiel, Steven) (Filed on 3/7/2008) Modified on 3/10/2008 (bw, COURT STAFF). (Entered: 03/07/2008)
03/28/2008	<u>18</u>	ORDER. Signed by Judge Richard Seeborg on 3/28/08. (rssec, COURT STAFF) (Filed on 3/28/2008) (Entered: 03/28/2008)
07/07/2008	<u>19</u>	ORDER DISMISSING CASE. Signed by Judge Richard Seeborg on 7/7/08. (rssec, COURT STAFF) (Filed on 7/7/2008) (Entered: 07/07/2008)
11/16/2009		FILE located at Federal Records Center (FRC), San Bruno, CA: Accession No: 021-2009-5152, Box No: 84. (mpb, COURT STAFF) (Filed on 11/16/2009) (Entered: 11/16/2009)

**U.S. District Court**  
**Middle District of Florida (Orlando)**  
**CIVIL DOCKET FOR CASE #: 6:07-cv-00750-JA-KRS**

United States of America et al v. Northrop Grumman, Inc.  
Assigned to: Judge John Antoon II  
Referred to: Magistrate Judge Karla R. Spaulding  
Cause: 31:3729 False Claims Act

Date Filed: 05/02/2007  
Date Terminated: 06/12/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**USA**

represented by **Cynthia A. Hawkins**  
Cynthia Hawkins, PA  
4767 New Broad St  
Orlando, FL 32814  
407/514-2707  
Fax: 407/514-2604  
Email: cynthiahawkinspa@aol.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Beverly Coss**  
*Qui Tam relator*

represented by **Beverly Coss**  
PRO SE

**Alan M. Grayson**  
Law Offices of Alan M. Grayson  
1568 Spring Hill Rd.  
Suite 300  
McLean, VA 22102  
703/442-0327  
*TERMINATED: 06/12/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John Andres Thornton**  
do Campo & Thornton, PA  
100 SE 2nd St Ste 2700  
Miami, FL 33131  
305/358-6600  
Fax: 305/358-6601  
Email: jt@dandtlaw.com  
*TERMINATED: 06/12/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Date Discrepancy Cases 219**

**Northrop Grumman, Inc.**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/02/2007	<a href="#">1</a>	COMPLAINT against Northrop Grumman, Inc. ; jury demand (Filing fee \$ 350 receipt number 24447) filed by Beverly Coss. (Originally filed under seal as a Qui Tam; unsealed by Order <a href="#">3</a> on 2/28/08.)(CBH) (Entered: 02/29/2008)
02/20/2008	<a href="#">2</a>	NOTICE Of Election To Decline Intervention by United States of America. (Originally filed under seal; unsealed by Order). (CBH) (Entered: 02/29/2008)
02/28/2008	<a href="#">3</a>	ORDER to unseal the Complaint, the Notice to decline intervention, and this Order. The case shall be opened in public docket with these documents; the other documents filed shall remain under seal. Signed by Judge John Antoon II on 2/28/2008. (CBH) (Entered: 02/29/2008)
04/25/2008	<a href="#">4</a>	MOTION for John Andres Thornton and Alan Grayson to withdraw as attorney by Beverly Coss. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Thornton, John) Motions referred to Magistrate Judge Karla R. Spaulding. (Entered: 04/25/2008)
04/25/2008	<a href="#">5</a>	ORDER and NOTICE of Hearing on <a href="#">4</a> MOTION for Leave to Withdraw as Counsel. Motion Hearing set for 5/15/2008 at 09:30 AM in Courtroom 5D before Magistrate Judge Karla R. Spaulding. (JL) (Entered: 04/25/2008)
05/15/2008	<a href="#">6</a>	Minute Entry. Proceedings held before Magistrate Judge Karla R. Spaulding. Motion Hearing held on 5/15/2008 re <a href="#">4</a> MOTION for John Andres Thornton and Alan Grayson to withdraw as attorney filed by Beverly Coss. (DIGITAL) (ECJ) (Entered: 05/15/2008)
05/16/2008	7	In accordance with the Order dated April 25, 2008 <a href="#">5</a> , counsel for Plaintiff must file proof of service of that order on Plaintiff. Such proof of service shall be filed on or before May 20, 2008. The Court will hold the ruling on the motion to withdraw in abeyance pending receipt of the proof that Plaintiff was served with the Order before the date of the hearing on the motion. Signed by Magistrate Judge Karla R. Spaulding on 5/16/2008. (Spaulding, Karla) (Entered: 05/16/2008)
05/20/2008	<a href="#">8</a>	NOTICE by Beverly Coss re <a href="#">5</a> Notice of Hearing on Motion, 7 Order (Attachments: # <a href="#">1</a> Affidavit of Proof of Service, # <a href="#">2</a> Exhibit to Affidavit of Proof of Service)(Thornton, John) (Entered: 05/20/2008)
05/21/2008	<a href="#">9</a>	REPORT AND RECOMMENDATION re <a href="#">4</a> MOTION for leave to withdraw as counsel. Signed by Magistrate Judge Karla R. Spaulding on 5/21/2008. (JL) (Entered: 05/21/2008)
06/11/2008	<a href="#">10</a>	ORDER adopting <a href="#">9</a> REPORT AND RECOMMENDATION re <a href="#">4</a> MOTION for John Andres Thornton and Alan Grayson to withdraw as attorneys filed by Beverly Coss; granting <a href="#">4</a> Motion for John Andres Thornton and Alan Grayson to withdraw as counsel; dismissing the case without prejudice; directing the Clerk to close this file. Signed by Judge John Antoon II on 6/11/2008. (BRS) (Entered: 06/11/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 09:48:08			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search</b>	6:07-cv-00750-JA-
<b>Date Discrepancy Cases 220</b>			



		<b>Criteria:</b>	KRS
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

**U.S. District Court  
California Northern District (Oakland)  
CIVIL DOCKET FOR CASE #: 4:07-cv-01255-PJH**

D'Onofrio v. Marriott Foundation for People With Disabilities  
Assigned to: Hon. Phyllis J. Hamilton  
Cause: 31:3729 False Claims Act

Date Filed: 03/02/2007  
Date Terminated: 05/02/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Dean D'Onofrio**

represented by **Gail Killefer**  
Attorney at Law  
417 Montgomery Street  
Suite 300  
San Francisco, CA 94104  
415-383-8494  
Fax: 415-383-8545  
Email: gkillefer@aol.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Carolyn Alais Salmon**  
McGuinn Hillsman & Palefsky  
535 Pacific Avenue  
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415-421-9292  
Fax: 415-403-0202  
Email: cleary@mhpsf.com  
*ATTORNEY TO BE NOTICED*

**Cliff Michael Palefsky**  
McGuinn Hillsman & Palefsky  
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San Francisco, CA 94133  
415-421-9292  
Fax: 415-403-0202  
Email: cp@mhpsf.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Marriott Foundation for People With Disabilities**

**Miscellaneous**

**United States of America**

represented by **Edward A. Olsen**  
United States Attorney's Office

**Date Discrepancy Cases 222**

Northern District of California  
 450 Golden Gate Avenue  
 Box 36055  
 San Francisco, CA 94102  
 415-436-6915  
 Fax: 415-436-6927  
 Email: edward.olsen@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/02/2007	<a href="#">1</a>	COMPLAINT against Marriott Foundation for People With Disabilities ( Filing fee \$ 350, receipt number 34611003583; No Process Issued). Filed by Dean D'Onofrio. (rcsS, COURT STAFF) (Filed on 3/2/2007) (farS, COURT STAFF). (Entered: 03/08/2007)
04/21/2008	<a href="#">5</a>	UNITED STATES' NOTICE OF ELECTION to Decline Intervention and ORDER. Signed by Judge Hamilton on 4/21/08. (farS, COURT STAFF) (Filed on 4/21/2008) (farS, COURT STAFF). <b>DOCUMENT NOS. 2, 3 and 4 FILED UNDER SEAL</b> Modified on 4/22/2008 (far, COURT STAFF). (Entered: 04/21/2008)
04/21/2008	<a href="#">6</a>	CLERK'S NOTICE re Inclusion of Case Into E-Filing Program (far, COURT STAFF) (Filed on 4/21/2008) (Entered: 04/22/2008)
05/01/2008	<a href="#">7</a>	STIPULATION to Dismiss and Proposed Order by United States of America. (Olsen, Edward) (Filed on 5/1/2008) (Entered: 05/01/2008)
05/02/2008	<a href="#">8</a>	STIPULATION AND ORDER DISMISSING CASE, ***Civil Case Terminated. Signed by Judge Phyllis J. Hamilton on 5/2/08. (nah, COURT STAFF) (Filed on 5/2/2008) (Entered: 05/02/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 06:35:29			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:07-cv-01255-PJH
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Houston)  
CIVIL DOCKET FOR CASE #: 4:07-cv-01530**

USA, ex rel. Davidson, MD v. Davita Inc., et al  
Assigned to: Judge Sim Lake  
Related Case: [4:07-cv-00471](#)  
Cause: 31:3729 False Claims Act

Date Filed: 05/04/2007  
Date Terminated: 02/20/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America**

represented by **Kevin C Aiman**  
The Aiman Law Firm  
5007 Braesvalley  
Houston, TX 77096  
713-806-2971  
Email: [aimanlawfirm@att.net](mailto:aimanlawfirm@att.net)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**M.D. Robert M Davidson**

represented by **Robert M Davidson**  
PO Box 2687  
Longview, TX 75606  
903-235-0731  
PRO SE

V.

**Defendant**

**Davita Inc.**

**Defendant**

**Gambro Healthcare Inc.**

**Defendant**

**DVA Renal Healthcare, Inc**

**Defendant**

**DVA Healthcare Renal Care Inc**

**Defendant**

**Vivra Holdings Inc**

**Defendant**

**Sepracor Inc**

*And Others (Presently unnamed)*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/04/2007	<a href="#">1</a>	COMPLAINT against all defendants filed by Robert M Davidson.(mewilliams, ) Additional attachment(s) added on 5/8/2007 (mewilliams, ). (Entered: 05/08/2007)
05/15/2007		Filing fee re: <a href="#">1</a> Complaint: \$350, receipt number 4-581603, filed. (mewilliams, ) (Entered: 05/17/2007)
07/09/2007	<a href="#">2</a>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 9/21/2007 at 02:00 PM in Courtroom 9B before Judge Sim Lake.( Signed by Judge Sim Lake ) Parties notified.(hcarr, ) (Entered: 07/09/2007)
07/18/2007	<a href="#">3</a>	INITIAL CERTIFICATE OF INTERESTED PARTIES by Robert M. Davidson, MD, filed. (mewilliams, ) (Entered: 07/20/2007)
07/18/2007	<a href="#">4</a>	Summons filed, not issued at this time. Party notified (mewilliams, ) (Entered: 07/23/2007)
08/29/2007	<a href="#">5</a>	MOTION for Extension of Time Limit for Service by Robert M Davidson, filed. Motion Docket Date 9/18/2007. (Attachments: # <a href="#">1</a> Proposed Order)(mewilliams, ) (Entered: 08/29/2007)
09/07/2007	<a href="#">6</a>	UNOPPOSED EX PARTE APPLICATION for Extension of Time to Consider Election to Intervene by United States of America, filed. Motion Docket Date 9/27/2007. (Attachments: # <a href="#">1</a> Proposed Order)(mewilliams, ) (Entered: 09/10/2007)
09/07/2007	<a href="#">7</a>	MEMORANDUM in Support re: <a href="#">6</a> Unopposed Ex Parte Application for Extension of Time To Consider Election To Intervene by United States of America, filed.(mewilliams, ) (Entered: 09/10/2007)
09/11/2007	<a href="#">8</a>	ORDER granting <a href="#">6</a> Motion for Extension of Time.( Signed by Judge Sim Lake ) Parties notified.(hcarr, ) (Entered: 09/11/2007)
09/11/2007	<a href="#">9</a>	AMENDED ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 2/15/2008 at 02:00 PM in Courtroom 9B before Judge Sim Lake.( Signed by Judge Sim Lake ) Parties notified.(hcarr, ) (Entered: 09/11/2007)
01/04/2008	<a href="#">10</a>	EX PARTE APPLICATION To Extend The Intervention Notification Date Until February 1, 2008 by United States of America, filed. Motion Docket Date 1/24/2008. (Attachments: # <a href="#">1</a> Proposed Order) (mewilliams, ) (Entered: 01/07/2008)
01/08/2008	<a href="#">11</a>	ORDER granting <a href="#">10</a> Motion for Extension of Time.( Signed by Judge Sim Lake ) Parties notified.(hcarr, ) (Entered: 01/08/2008)
02/01/2008	<a href="#">12</a>	MOTION/EX PARTE NOTICE of Election to Decline Intervention at this Time by United States of America, filed. Motion Docket Date 2/21/2008. (Attachments: # <a href="#">1</a> Proposed Order) (mewilliams, ) Additional attachment(s) added on 2/5/2008 (mewilliams, ). (Entered: 02/05/2008)
02/06/2008	<a href="#">13</a>	ORDER granting <a href="#">12</a> Motion/Ex Parte Notice. The Complaint be unsealed, the seal be LIFTED as to all other matters occurring in this action. ( Signed by Judge Sim Lake ) Parties notified. (mewilliams, ) (Entered: 02/11/2008)
02/11/2008	<a href="#">14</a>	AMENDED ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons.Initial Conference set for 5/16/2008 at 02:00 PM in Courtroom 9B before Judge Sim Lake.( Signed by Judge Sim Lake ) Parties notified.(hcarr, ) (Entered: 02/11/2008)
02/12/2008	<a href="#">15</a>	Sealed Event, filed. (Entered: 02/13/2008)

**Date Discrepancy Cases 225**

02/20/2008

[16](#)ORDER OF DISMISSAL granting [15](#) Sealed Event. Case terminated on 2/20/2008.( Signed by Judge Sim Lake ) Parties notified.(hcarr, ) (Entered: 02/21/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/23/2019 15:23:53			
<b>PACER Login:</b>	KK0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:07-cv-01530
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

UNITED STATES of AMERICA, <i>ex rel.</i>	)	
MARY L. MASTERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CAUSE NO. 3:09-cv-013 RLY-WGH
	)	
E.ON U.S. LLC,	)	
d/b/a Western Kentucky Energy Corp., and	)	
Anthem Insurance Companies, Inc.,	)	
d/b/a Anthem Blue Cross and Blue Shield,	)	
	)	
Defendants.	)	

**STIPULATION OF DISMISSAL**

Plaintiffs', United States of America, *ex rel.* and Mary L. Masters, and Defendants, E.ON U.S. LLC d/b/a Western Kentucky Energy Corp. ("E.ON") and Anthem Insurance Companies, Inc., d/b/a Anthem Blue Cross Blue Shield ("Anthem"), all by their respective counsel, stipulate as follows:

Plaintiff Mary L. Masters and Defendants, E.ON and Anthem, stipulate and agree that this action should be dismissed with prejudice; and

Plaintiff United States of America, *ex rel.* and Defendants stipulate and agree that this action should be dismissed without prejudice, as to the United States of America only.

Respectfully submitted,

/s/ Kandi Kilkelly Hidde

Kandi Kilkelly Hidde  
Sonia S. Chen  
Briana L. Kovac  
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[schen@binghammchale.com](mailto:schen@binghammchale.com)  
[bkovac@binghammchale.com](mailto:bkovac@binghammchale.com)

*Attorneys for Defendants Anthem Insurance  
Companies, Inc. d/b/a Anthem Blue Cross  
Blue Shield and E.ON U.S. LLC*

/s/ Roy W. Harris, Jr.

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Telephone: (812) 424-1000  
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[rharris@bdlegal.com](mailto:rharris@bdlegal.com)

*Attorney for Mary L. Masters*

/s/ Shelese M. Woods

Shelese M. Woods  
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[Shelese.woods@usdoj.gov](mailto:Shelese.woods@usdoj.gov)

*Attorney for United States of America*



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25<sup>th</sup> day of January, 2011, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

**Attorney(s):**

Andrew Dutkanych III  
Roy W. Harris, Jr.  
BIESECKER & DUTKANYCH, LLC  
[ad@bdlegal.com](mailto:ad@bdlegal.com)  
[rharris@bdlegal.com](mailto:rharris@bdlegal.com)

**Represents:**

Mary L. Masters

Shelese M. Woods  
UNITED STATES ATTORNEY'S OFFICE  
[Shelese.woods@usdoj.gov](mailto:Shelese.woods@usdoj.gov)

United States of America

/s/ Kandi Kilkelly Hidde

13249.91211 / 1543578

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

UNITED STATES of AMERICA, <i>ex rel.</i>	)	
MARY L. MASTERS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CAUSE NO. 3:09-cv-013 RLY-WGH
	)	
E.ON U.S. LLC,	)	
d/b/a Western Kentucky Energy Corp., and	)	
Anthem Insurance Companies, Inc.,	)	
d/b/a Anthem Blue Cross and Blue Shield,	)	
	)	
Defendants.	)	

**ORDER GRANTING STIPULATION OF DISMISSAL**

This Court, having considered the Stipulation of Dismissal filed by Plaintiffs, United States of America, *ex rel.* and Mary L. Masters, and Defendants, E.ON U.S. LLC d/b/a Western Kentucky Energy Corp. (“E.ON”) and Anthem Insurance Companies, Inc., d/b/a Anthem Blue Cross Blue Shield (“Anthem”), hereby approves the dismissal of this action as follows:

This action by Plaintiff Mary L. Masters against Defendants, E.ON and Anthem, shall be dismissed with prejudice; and

This action by Plaintiff United States of America, *ex rel.* against Defendants, E.ON and Anthem, shall be dismissed without prejudice.

IT IS, THEREFORE, ORDERED that this action is hereby DISMISSED WITH PREJUDICE as to Plaintiff Mary L. Masters’ claims against Defendants, E.ON and Anthem, and DISMISSED WITHOUT PREJUDICE as to the claims of Plaintiff United States of America, *ex rel.* against Defendants, E.ON and Anthem. Each party shall bear his/its own costs and attorneys’ fees.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge, U.S. District Court  
Southern District of Indiana

Distribution:

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Briana L. Kovac  
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1551611

**U.S. District Court**  
**Southern District of Indiana (Evansville)**  
**CIVIL DOCKET FOR CASE #: 3:09-cv-00013-RLY-WGH**

UNITED STATES OF AMERICA et al v. E.ON U.S. LLC et al  
Assigned to: Judge Richard L. Young  
Referred to: Magistrate Judge William G. Hussmann, Jr  
Cause: 31:3729 False Claims Act

Date Filed: 02/04/2009  
Date Terminated: 01/28/2011  
Jury Demand: Both  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**UNITED STATES OF AMERICA**  
*ex rel*

represented by **Shelese M. Woods**  
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**Plaintiff**

**MARY L. MASTERS**

represented by **Andrew Dutkanych , III**  
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V.

**Defendant**

**E.ON U.S. LLC**  
*d/b/a Western Kentucky Energy Corp.*

represented by **Briana Lynn Clark**  
BINGHAM GREENEBAUM DOLL LLP  
(Indianapolis)

**Date Discrepancy Cases 232**

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### **Defendant**

**ANTHEM INSURANCE COMPANIES,  
 INC.**

*d/b/a Anthem Blue Cross and Blue Shield*

represented by **Briana Lynn Clark**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Kandi Kilkelly Hidde**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Sonia S. Chen**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/04/2009	<a href="#"><u>1</u></a>	COMPLAINT against E.ON U.S. LLC and ANTHEM INSURANCE COMPANIES, INC. with Jury Demand, filed by MARY L. MASTERS.(SMD) (Entered: 02/04/2009)
09/15/2009	<a href="#"><u>18</u></a>	NOTICE of Declination, filed by Plaintiff UNITED STATES OF AMERICA (Attachments: # <a href="#"><u>1</u></a> Text of Proposed Order) (Woods, Shelese) Modified on 9/30/2009 (TMD). Modified on 9/30/2009 (TMD). (Entered: 09/15/2009)
11/12/2009	<a href="#"><u>20</u></a>	Minute Entry for proceedings held before Magistrate Judge William G. Hussmann, Jr: Status Conference held on 11/10/2009. Status Conference set for 2/24/2010 01:30 PM

### **Date Discrepancy Cases 233**

		Telephonic before Magistrate Judge William G. Hussmann, Jr. (NRN) (Entered: 11/12/2009)
11/23/2009	<a href="#">21</a>	RETURN of Service by CMRRR, filed by MARY L. MASTERS. E.ON U.S. LLC served on 11/16/2009. (Harris, Roy) (Entered: 11/23/2009)
11/23/2009	<a href="#">22</a>	RETURN of Service by CMRRR, filed by MARY L. MASTERS. ANTHEM INSURANCE COMPANIES, INC. served on 11/16/2009. (Harris, Roy) (Entered: 11/23/2009)
12/02/2009	<a href="#">23</a>	NOTICE of Appearance by Kandi Kilkelly Hidde on behalf of Defendant ANTHEM INSURANCE COMPANIES, INC.. (Hidde, Kandi) (Entered: 12/02/2009)
12/02/2009	<a href="#">24</a>	NOTICE of Appearance by Sonia S. Chen on behalf of Defendant ANTHEM INSURANCE COMPANIES, INC.. (Chen, Sonia) (Entered: 12/02/2009)
12/02/2009	<a href="#">25</a>	NOTICE of Appearance by Briana Lynn Kovac on behalf of Defendant ANTHEM INSURANCE COMPANIES, INC.. (Kovac, Briana) (Entered: 12/02/2009)
12/02/2009	<a href="#">26</a>	NOTICE of Parties First Extension of Time, filed by Defendant ANTHEM INSURANCE COMPANIES, INC. (Hidde, Kandi) Modified on 12/3/2009 (NRN). (Entered: 12/02/2009)
12/03/2009	<a href="#">27</a>	Corporate Disclosure Statement by ANTHEM INSURANCE COMPANIES, INC.. (Hidde, Kandi) (Entered: 12/03/2009)
12/04/2009	<a href="#">28</a>	NOTICE of Appearance by Kandi Kilkelly Hidde on behalf of Defendant E.ON U.S. LLC. (Hidde, Kandi) (Entered: 12/04/2009)
12/04/2009	<a href="#">29</a>	NOTICE of First Extension of Time, filed by Defendant E.ON U.S. LLC (Hidde, Kandi) (Entered: 12/04/2009)
12/04/2009	<a href="#">30</a>	NOTICE of Appearance by Briana Lynn Kovac on behalf of Defendant E.ON U.S. LLC. (Kovac, Briana) (Entered: 12/04/2009)
12/04/2009	<a href="#">31</a>	NOTICE of Appearance by Sonia S. Chen on behalf of Defendant E.ON U.S. LLC. (Chen, Sonia) (Entered: 12/04/2009)
12/08/2009	<a href="#">32</a>	Corporate Disclosure Statement by E.ON U.S. LLC. (Hidde, Kandi) (Entered: 12/08/2009)
01/04/2010	<a href="#">33</a>	Defendants' ANSWER to <a href="#">1</a> Complaint and Affirmative Defenses and Jury Demand, filed by ANTHEM INSURANCE COMPANIES, INC., E.ON U.S. LLC.(Hidde, Kandi) (Entered: 01/04/2010)
02/03/2010	<a href="#">34</a>	CASE MANAGEMENT PLAN TENDERED, filed by Defendants ANTHEM INSURANCE COMPANIES, INC., E.ON U.S. LLC, Plaintiff MARY L. MASTERS. (Attachments: # <a href="#">1</a> Appendix CMP Summary)(Harris, Roy) (Entered: 02/03/2010)
03/04/2010	<a href="#">35</a>	Minute Entry for proceedings held before Magistrate Judge William G. Hussmann, Jr.: Status Conference held on 2/24/2010. The parties' Case Management Plan is NOT APPROVED at this time. The parties may, however, commence discovery. Status Conference set for 5/17/2010 10:30 AM Telephonic before Magistrate Judge William G. Hussmann, Jr. (NRN) (Entered: 03/04/2010)
04/07/2010	<a href="#">36</a>	MOTION to Dismiss, filed by Defendants ANTHEM INSURANCE COMPANIES, INC., E.ON U.S. LLC. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Hidde, Kandi) (Entered: 04/07/2010)
04/07/2010	<a href="#">37</a>	BRIEF/MEMORANDUM in Support re <a href="#">36</a> MOTION to Dismiss, filed by Defendants ANTHEM INSURANCE COMPANIES, INC., E.ON U.S. LLC. (Hidde, Kandi) (Entered: 04/07/2010)

**Date Discrepancy Cases 234**

04/26/2010	<a href="#">38</a>	Unopposed MOTION for Extension of Time to 05/26/2010 to file response to <a href="#">36</a> MOTION to Dismiss, filed by Plaintiff MARY L. MASTERS. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Harris, Roy) (Entered: 04/26/2010)
04/27/2010	<a href="#">39</a>	ORDER granting <a href="#">38</a> Motion for Extension of Time to File Response to 5/26/2010 re <a href="#">36</a> MOTION to Dismiss. Signed by Magistrate Judge William G. Hussmann, Jr., on 4/27/2010. (NRN) (Entered: 04/27/2010)
05/21/2010	<a href="#">40</a>	Minute Entry for proceedings held before Magistrate Judge William G. Hussmann, Jr: Status Conference held on 5/17/2010. This conference is CONTINUED to 8/17/2010 09:00 AM Telephonic before Magistrate Judge William G. Hussmann, Jr. (NRN) (Entered: 05/21/2010)
05/26/2010	<a href="#">41</a>	MOTION for Extension of Time to 07/12/2010 to file response to <a href="#">36</a> MOTION to Dismiss, filed by Plaintiff MARY L. MASTERS. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Harris, Roy) (Entered: 05/26/2010)
05/27/2010	<a href="#">42</a>	<b>***PLEASE NOTE CHANGES TO PROPOSED ORDER***</b> ORDER granting IN PART <a href="#">41</a> Motion for Extension of Time to File Response to 6/18/2010 re <a href="#">36</a> MOTION to Dismiss. Signed by Magistrate Judge William G. Hussmann, Jr., on 5/27/2010. (NRN) (Entered: 05/27/2010)
06/14/2010	<a href="#">43</a>	MOTION to Stay <i>Discovery</i> , filed by Defendants ANTHEM INSURANCE COMPANIES, INC., E.ON U.S. LLC. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Hidde, Kandi) (Entered: 06/14/2010)
06/18/2010	<a href="#">44</a>	RESPONSE in Opposition re <a href="#">36</a> MOTION to Dismiss, filed by Plaintiff MARY L. MASTERS. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Harris, Roy) (Entered: 06/18/2010)
06/23/2010	<a href="#">45</a>	Unopposed MOTION for Extension of Time to July 7, 2010 to file reply to <a href="#">36</a> MOTION to Dismiss, filed by Defendants ANTHEM INSURANCE COMPANIES, INC., E.ON U.S. LLC. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Hidde, Kandi) (Entered: 06/23/2010)
06/25/2010	<a href="#">46</a>	ORDER granting <a href="#">45</a> Motion for Extension of Time to File Reply to 7/7/2010 re <a href="#">36</a> MOTION to Dismiss. Signed by Magistrate Judge William G. Hussmann, Jr on 6/25/2010. (SMD) (Entered: 06/25/2010)
06/28/2010	<a href="#">47</a>	RESPONSE in Opposition re <a href="#">43</a> MOTION to Stay <i>Discovery</i> , filed by Plaintiff MARY L. MASTERS. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Harris, Roy) (Entered: 06/28/2010)
07/07/2010	<a href="#">48</a>	REPLY in Support of Motion re <a href="#">43</a> MOTION to Stay <i>Discovery</i> , filed by Defendants ANTHEM INSURANCE COMPANIES, INC., E.ON U.S. LLC. (Hidde, Kandi) (Entered: 07/07/2010)
07/07/2010	<a href="#">49</a>	REPLY in Support of Motion re <a href="#">36</a> MOTION to Dismiss, filed by Defendants ANTHEM INSURANCE COMPANIES, INC., E.ON U.S. LLC. (Hidde, Kandi) (Entered: 07/07/2010)
07/19/2010	<a href="#">50</a>	MARGINAL ENTRY granting in part <a href="#">43</a> Motion to Stay. See entry for specifics. Signed by Magistrate Judge William G. Hussmann, Jr., on 7/19/2010. (NRN) (Entered: 07/19/2010)
08/20/2010	<a href="#">51</a>	Minute Entry for proceedings held before Magistrate Judge William G. Hussmann, Jr: Status Conference held on 8/17/2010. Status Conference set for 9/15/2010 08:30 AM Telephonic before Magistrate Judge William G. Hussmann, Jr. (NRN) (Entered: 08/20/2010)

**Date Discrepancy Cases 235**

09/17/2010	<a href="#">52</a>	Minute Entry for proceedings held before Magistrate Judge William G. Hussmann, Jr: Status Conference held on 9/15/2010. Status Conference set for 4/13/2011 08:45 AM Telephonic before Magistrate Judge William G. Hussmann, Jr. See entry for other orders entered. (NRN) (Entered: 09/17/2010)
11/23/2010	<a href="#">53</a>	ENTRY for NOVEMBER 23, 2010 - Due to notification of case resolution, all pending motions are DENIED AS MOOT and all previously ordered dates re:discovery, filings, schedules, conferences and trial, if any, are VACATED(NRN) (Entered: 11/24/2010)
11/24/2010		ORDER denying as moot <a href="#">36</a> Motion to Dismiss. Signed by Magistrate Judge William G. Hussmann, Jr on 11/23/2010.(NRN) (Entered: 11/24/2010)
01/06/2011	<a href="#">54</a>	Joint MOTION for Extension of Time to February 6, 2011 in which to <a href="#">53</a> Entry <i>file for dismissal</i> , filed by Defendants ANTHEM INSURANCE COMPANIES, INC., E.ON U.S. LLC. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Hidde, Kandi) (Entered: 01/06/2011)
01/07/2011	<a href="#">55</a>	ORDER granting <a href="#">54</a> Motion for Extension of Time to File Dismissal to 2/6/2011. Signed by Magistrate Judge William G. Hussmann, Jr., on 1/7/2011. (NRN) (Entered: 01/07/2011)
01/25/2011	<a href="#">56</a>	STIPULATION of Dismissal, filed by Defendants ANTHEM INSURANCE COMPANIES, INC., E.ON U.S. LLC. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Hidde, Kandi) (Entered: 01/25/2011)
01/28/2011	<a href="#">57</a>	CLOSED DISMISSED WITH prejudice as to Mary Masters' claims and WITHOUT prejudice as to USA's claims. Signed by Judge Richard L. Young on 1/28/2011.(TMD) (Entered: 01/28/2011)

Case #: 3:09-cv-00013-RLY-WGH

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/23/2019 12:15:07			
<b>PACER Login:</b>	KK0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:09-cv-00013-RLY-WGH
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.40



**U.S. District Court  
Middle District of Florida (Tampa)  
CIVIL DOCKET FOR CASE #: 8:02-cv-01737-RAL-TGW**

Dixon v. Lincare Corp. et al  
Assigned to: Judge Richard A. Lazzara  
Referred to: Magistrate Judge Thomas G. Wilson  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 09/25/2002  
Date Terminated: 09/20/2006  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Terry Dixon**  
*ex rel*

represented by **Alexander Osondu Akpodiete**  
Alexander Akpodiete, Attorney at Law  
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**TERMINATED: 01/23/2006**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Lincare Corp.**

**Defendant**

**Med4Home, Inc.**

represented by **Lawrence Phillip Ingram**  
Freeborn & Peters LLP  
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813/472-7550  
Fax: 813/472-7570  
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**Defendant**

**Lincare Holdings Inc**

represented by **Lawrence Phillip Ingram**  
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**Defendant**

**Home Medical Specialty Equipment,  
Inc.**

**Defendant**

**Lincare Inc.**

represented by

**Date Discrepancy Cases 237**

**Lawrence Phillip Ingram**  
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**Movant****USA***TERMINATED: 01/23/2006*

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*TERMINATED: 01/24/2006*  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/25/2002	<u>1</u>	COMPLAINT for Confidential Qui Tam filed. Filing fee \$150.00 Receipt #T018078 (snp) Additional attachment(s) added on 1/24/2006 (jlh, ). (Entered: 09/26/2002)
10/21/2002	<u>2</u>	AMENDED COMPLAINT by Terry Dixon amending [1-1] complaint (Answer due 10/31/02 for Med4Home, Inc., for Lincare Corp. ) (jlh) Additional attachment(s) added on 1/24/2006 (jlh, ). (Entered: 10/21/2002)
11/18/2004	<u>20</u>	SECOND AMENDED COMPLAINT against Lincare Corp., Med4Home, Inc., filed by Terry Dixon. Related document: <u>2</u> Amended complaint filed by Terry Dixon,.(jlh, ) Modified on 1/24/2006 (jlh, ). (Entered: 01/24/2006)
01/23/2006		Sealed document 3-19 AND 21-33 (jlh, ) (Entered: 01/24/2006)
01/24/2006	<u>21</u>	Notice of substitution of AUSA. Whitney L. Schmidt substituting for Latour Lafferty. (jlh, ) (Entered: 01/24/2006)
01/26/2006	<u>22</u>	Correspondence, dated 1/20/06, from Plaintiff Terry Dixon. (kle) (Entered: 01/26/2006)
03/07/2006	<u>23</u>	Construed MOTION for Clarification – Correspondence from Terry Dixon. (Attachments: # <u>1</u> correspondence)(kle) (Entered: 03/07/2006)
03/07/2006	<u>24</u>	ORDER denying <u>23</u> Motion for Clarification. Signed by Judge James D. Whittemore on 3/7/2006. (kle) (Entered: 03/07/2006)
03/13/2006	<u>25</u>	CONSTRUED MOTION to Extend Time to Effect Service Upon Defendants filed by Terry Dixon. (correspondence from Plaintiff/Relator). (kle) (Entered: 03/13/2006)
03/13/2006	<u>26</u>	ORDER granting <u>25</u> Construed Motion for Extension of Time to Effect Service Upon Defendants. Plaintiff shall have through and including June 13, 2006 in which to serve Defendants. Signed by Judge James D. Whittemore on 3/13/2006. (kle) (Entered: 03/13/2006)
03/24/2006	<u>27</u>	NOTICE of Appearance by Alexander O. Akpodiete on behalf of Terry Dixon (Akpodiete, Alexander) (Entered: 03/24/2006)

05/09/2006	<u>28</u>	Summons issued as to Lincare Corp., Med4Home, Inc., Lincare Holdings Inc, Home Medical Specialty Equipment, Inc. (ag) (Entered: 05/10/2006)
05/30/2006	<u>29</u>	MOTION to dismiss Plaintiff's Second Amended Complaint <i>and Incorporated Memorandum of Law</i> by Lincare Inc., Med4Home, Inc., Lincare Holdings Inc. (Ingram, Lawrence) (Entered: 05/30/2006)
06/01/2006	<u>30</u>	DISCLOSURE AND REMITTAL OF DISQUALIFICATION. Signed by Judge James D. Whittemore on 5/31/2006. (kle) (Entered: 06/01/2006)
06/13/2006	<u>31</u>	RESPONSE re <u>30</u> Order filed by Lincare Corp.. (Ingram, Lawrence) (Entered: 06/13/2006)
06/15/2006	<u>32</u>	MOTION for Extension of Time to File Response/Reply as to <u>29</u> MOTION to dismiss Plaintiff's Second Amended Complaint <i>and Incorporated Memorandum of Law</i> by Terry Dixon. (Attachments: # <u>1</u> Text of Proposed Order Orde Enlarging Time)(Akpodiete, Alexander) (Entered: 06/15/2006)
06/22/2006	<u>33</u>	NOTICE of Voluntary Dismissal by Terry Dixon (Akpodiete, Alexander) (Entered: 06/22/2006)
06/22/2006	<u>34</u>	DEMAND for trial by Jury by Terry Dixon. (Akpodiete, Alexander) (Entered: 06/22/2006)
06/28/2006	<u>35</u>	ORDER granting <u>32</u> Plaintiff's Unopposed Motion for Extension of Time to File Response. Response due by 7/3/2006. Signed by Judge James D. Whittemore on 6/27/2006. (kle) (Entered: 06/28/2006)
06/30/2006	<u>36</u>	RESPONSE in opposition re <u>29</u> MOTION to dismiss Plaintiff's Second Amended Complaint <i>and Incorporated Memorandum of Law</i> filed by Terry Dixon. (Akpodiete, Alexander) ( <b>Error: scanned document configurations; counsel's office has been notified and instructed to re-file the document to comply with scanned document configurations</b> ) Modified on 7/3/2006 (ag). (Entered: 06/30/2006)
08/24/2006	<u>37</u>	RESPONSE in opposition re <u>29</u> MOTION to dismiss Plaintiff's Second Amended Complaint <i>and Incorporated Memorandum of Law</i> <i>REFILED PER CLERK'S REQUEST</i> filed by Terry Dixon. (Akpodiete, Alexander) (Entered: 08/24/2006)
09/12/2006	<u>38</u>	NOTICE of unavailability of counsel byTerry Dixon from 09/08/2006 to 09/22/2006. (Akpodiete, Alexander) (Entered: 09/12/2006)
09/15/2006	<u>39</u>	ORDER OF RECUSAL. Judge James D. Whittemore recused. Case reassigned to Judge Richard A. Lazzara for all further proceedings. Signed by Judge James D. Whittemore on 9/15/2006. (RFM) (Entered: 09/15/2006)
09/15/2006		Case Reassigned to Judge Richard A. Lazzara. New case number: <b>8:02-cv-1737-T-26TGW</b> . (RFM) (Entered: 09/15/2006)
09/19/2006	40	ENDORSED ORDER granting <u>29</u> Notice of Voluntary Dismissal without Prejudice of Defendant Home Medical Specialty Equipment, Inc. Signed by Judge Richard A. Lazzara on 9/19/2006. (Hartman, S) (Entered: 09/19/2006)
09/19/2006	<u>41</u>	ORDER ATTACHED granting Defendants' Motion to Dismiss Second Amended Complaint (29) as to counts one and two. The clerk is directed to enter judgment for Defendants as to these counts. The Court dismisses count three of Plaintiff's Second Amended Complaint without prejudice to being refiled in state court. The clerk is directed to close this case. Signed by Judge Richard A. Lazzara on 9/19/2006. (Hartman, S) (Entered: 09/19/2006)
09/20/2006	<u>42</u>	JUDGMENT in favor of Defendants against Plaintiff. Signed by Judge Deputy Clerk on 9/20/2006. (jlh, ) (Entered: 09/20/2006)

**U.S. District Court**  
**Northern District of Texas (Dallas)**  
**CIVIL DOCKET FOR CASE #: 3:06-cv-01986-F**

Doe et al v. Sanders et al  
Assigned to: Judge Royal Furgeson  
Cause: 31:3729 False Claims Act

Date Filed: 10/27/2006  
Date Terminated: 10/26/2009  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutes: Other  
Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Jane Doe**

*Individually and on Behalf of the United  
States of America*

represented by **Raul H Loya**

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John Bruster Loyd**

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**Marc John Walker**

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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**United States of America**

*ex rel Jane Doe*

represented by **Michelle Zingaro**

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**Date Discrepancy Cases 240**

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Plaintiff**

**John Doe**

*Individually and on Behalf of the United  
States of America*

represented by **Raul H Loya**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Marc John Walker**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Kim Sanders**

represented by **J G Schuette**  
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**Defendant**

**Kenneth Lecesne**

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**Date Discrepancy Cases 241**

**Defendant****Barry Ragsdale**

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**Defendant****Victor Routh***TERMINATED: 10/26/2009*

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**Defendant****City of Dallas Texas**

represented by **J G Schuette**  
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**Defendant****Unknown Law Enforcement Agents**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/16/2007	<a href="#">6</a>	FIRST AMENDED COMPLAINT against Unknown Law Enforcement Agents, Kim Sanders, Kenneth Lecesne, Barry Ragsdale, Victor Routh, City of Dallas Texas filed by John Doe, Jane Doe. (svc) Modified on 6/29/2007 (Gardner, Jo). (Entered: 03/19/2007)
05/23/2007	<a href="#">10</a>	NOTICE of Election to Decline Intervention by United States of America (svc) (Entered: 05/23/2007)
05/24/2007	<a href="#">11</a>	ORDER: It is ordered that the First Amended Complaint be unsealed and served upon the <b>Date Discrepancy Cases 242</b>

		defendant, by the relator; all other contents of the Court's file in this action remain under seal and not be made public or served upon the defendants, except for this Order and The Government's Notice of Election to Decline Intervention, which the relator will serve upon the defendants only after service of the First Amended Complaint; The seal be lifted as to all other matters occurring in this action after the date of this order; see order for details. (Signed by Judge Barbara M. G. Lynn on May 24, 2007) (jyg) Modified on 6/27/2007 (svc). Modified on 6/29/2007 (Gardner, Jo). (Entered: 05/25/2007)
05/29/2007	<a href="#">12</a>	Order Designating Case for ECF - see order for specifics. (svc) (Entered: 05/29/2007)
08/24/2007	<a href="#">13</a>	Summons Issued as to City of Dallas Texas. (skt) (Entered: 08/27/2007)
08/31/2007	<a href="#">14</a>	Summons Reissued as to City of Dallas Texas. (jyg) (Entered: 09/04/2007)
09/04/2007	<a href="#">15</a>	SUMMONS Returned Executed as to Kim Sanders; served personally on 8/29/2007. (jyg) (Entered: 09/04/2007)
09/11/2007	<a href="#">16</a>	SUMMONS Returned Executed as to City of Dallas, Texas by serving Deborah Watkins; served on 9/7/2007. (tln) (Entered: 09/11/2007)
09/18/2007	<a href="#">17</a>	Motion for Extension of Time to File Answer <i>or Motion to Dismiss</i> by Kim Sanders with Brief/Memorandum in Support. (Schuette, J) (Entered: 09/18/2007)
09/21/2007	<a href="#">18</a>	ORDER granting <a href="#">17</a> Motion for Extension of Time to File Responsive Pleading or Motion to Dismiss re <a href="#">6</a> Amended Complaint. Kim Sanders answer due 9/28/2007. (Signed by Judge Barbara M. G. Lynn on 09/21/2007) (axm) (Entered: 09/21/2007)
09/24/2007	<a href="#">19</a>	Summons Reissued as to Barry Ragsdale, Victor Routh. (tln) (Entered: 09/25/2007)
09/27/2007	<a href="#">20</a>	MOTION to Dismiss <i>Under Rule 12(b)(6) and Rule 9(b)</i> by Kim Sanders with Brief/Memorandum in Support. (Schuette, J) (Entered: 09/27/2007)
09/27/2007	<a href="#">21</a>	MOTION to Dismiss <i>Under Rule 12(b)(6) and Rule 9(b)</i> by City of Dallas Texas with Brief/Memorandum in Support. (Schuette, J) (Entered: 09/27/2007)
09/28/2007	<a href="#">22</a>	CERTIFICATE OF INTERESTED PERSONS by Kim Sanders, City of Dallas Texas. (Schuette, J) Modified on 10/2/2007 (skt). (Entered: 09/28/2007)
10/02/2007	<a href="#">23</a>	SUMMONS Returned Executed as to Victor Routh ; served on 9/28/2007. (Imp) (Entered: 10/03/2007)
10/22/2007	<a href="#">24</a>	RESPONSE in Opposition filed by John Doe, Jane Doe re <a href="#">20</a> MOTION to Dismiss <i>Under Rule 12(b)(6) and Rule 9(b)</i> , <a href="#">21</a> MOTION to Dismiss <i>Under Rule 12(b)(6) and Rule 9(b) and Motion for Leave to File Amended Complaint</i> (Attachments: # <a href="#">1</a> Exhibit Second Amended Complaint) (Loya, Raul) Modified on 10/23/2007 (Imp). (Entered: 10/22/2007)
12/17/2007	<a href="#">25</a>	SPECIAL ORDER NO. 3-270. Case reassigned to Judge Reed C O'Connor for all further proceedings. Judge Barbara M. G. Lynn no longer assigned to case. (Signed by Judge Sidney A Fitzwater on 12/17/2007) (axm) (Entered: 12/20/2007)
12/21/2007	<a href="#">26</a>	NOTICE of Attorney Appearance by John Bruster Loyd on behalf of Jane Doe. (Loyd, John) (Entered: 12/21/2007)
01/04/2008	<a href="#">27</a>	MOTION to Extend Time to file responsive pleading or motion to dismiss by Barry Ragsdale with Brief/Memorandum in Support. (Butt, James) (Entered: 01/04/2008)
02/22/2008	<a href="#">28</a>	Correspondence to the Court by United States of America extending appointment as to Michelle Zingaro. (klm) (Entered: 02/25/2008)
03/31/2008	<a href="#">29</a>	ORDER granting <a href="#">27</a> Motion to Extend Time to file responsive pleading or motion to dismiss. Accordingly, Defendant Barry Ragsdale is ORDERED to file his responsive

**Date Discrepancy Cases 243**

		pleading or motion to dismiss within 5 business days of the date of this order. (Signed by Judge Reed C O'Connor on 03/31/08) (Imp) (Entered: 03/31/2008)
04/02/2008	<a href="#">30</a>	MOTION to Dismiss by Barry Ragsdale with Brief/Memorandum in Support. (Butt, James) (Entered: 04/02/2008)
04/02/2008	<a href="#">31</a>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Barry Ragsdale. (Butt, James) (Entered: 04/02/2008)
04/22/2008	<a href="#">32</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">30</a> MOTION to Dismiss by John Doe, Jane Doe (Attachments: # <a href="#">1</a> Text of Proposed Order) (Loya, Raul) (Entered: 04/22/2008)
04/23/2008	<a href="#">33</a>	RESPONSE filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas re <a href="#">32</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">30</a> MOTION to Dismiss (Schuette, J) (Entered: 04/23/2008)
04/24/2008	<a href="#">34</a>	ORDER granting <a href="#">32</a> Plaintiffs' Motion for Leave to Enlarge Time to Respond To Barry Ragsdale's Motion to Dismiss Pursuant to Rule 12(b)(6) and 9(b). The deadline for Plaintiffs' to file their Response and Brief in Opposition to Barry Ragsdale's Motion to Dismiss is May 2, 2008. (Signed by Judge Reed C O'Connor on 4/24/08) (tln) (Entered: 04/24/2008)
05/02/2008	<a href="#">35</a>	***UNFILED PER #36***RESPONSE in Opposition filed by John Doe, Jane Doe re <a href="#">30</a> MOTION to Dismiss <i>filed by Barry Ragsdale</i> (Loya, Raul) Modified on 5/13/2008 (jrb). (Entered: 05/02/2008)
05/02/2008		MOTION for Leave to File Plaintiffs' Second Amended Verified Complaint filed by John Doe, Jane Doe. (see doc. 35 for image) (tln) (Entered: 05/05/2008)
05/12/2008	<a href="#">36</a>	Order Unfiling <a href="#">35</a> RESPONSE in Opposition filed by John Doe, Jane Doe re <a href="#">30</a> MOTION to Dismiss due to the following deficiency: No Certificate of Conference. (Signed by Judge Reed C O'Connor on 5/12/08) (svc) (Entered: 05/13/2008)
06/04/2008	<a href="#">37</a>	Motion for Extension of Time to File Answer <i>or Motion to Dismiss</i> filed by Victor Routh. (Tittle, Don) Modified on 6/5/2008 (axm). (Entered: 06/04/2008)
06/09/2008	<a href="#">38</a>	RESPONSE in Opposition filed by John Doe, Jane Doe re <a href="#">30</a> MOTION to Dismiss, and Motion for Leave to File Amended Complaint.(Attachments: # <a href="#">1</a> Appendix Second Amended Complaint, # <a href="#">2</a> Text of Proposed Order Proposed Order) (Loya, Raul) Modified on 6/10/2008 (Imp). (Entered: 06/09/2008)
08/08/2008	<a href="#">39</a>	ORDER REQUIRING SCHEDULING CONFERENCE AND REPORT FOR CONTENTS SCHEDULING ORDER: Joint Report due by 9/2/2008. (see order) (Signed by Judge Reed C O'Connor on 08/08/08) (Imp) (Entered: 08/08/2008)
08/08/2008	<a href="#">40</a>	ORDER granting Plaintiffs' Motion for Leave to File Second Amended Complaint, granting Victor Routh's <a href="#">37</a> Motion for Extension of Time to File Answer re <a href="#">6</a> Amended Complaint; denying as moot Kim Sanders' <a href="#">20</a> Motion to Dismiss; denying as moot City of Dallas Texas' <a href="#">21</a> Motion to Dismiss; granting Plaintiffs' <a href="#">24</a> Motion to Amend/Correct; denying as moot Barry Ragsdale <a href="#">30</a> Motion to Dismiss. [Counsel granted leave to file an amended pleading under LR 15.1 is reminded to electronically file the amended pleading within 3 days. See ECF Standing Designation Order.] (see order) (Signed by Judge Reed C O'Connor on 08/08/08) (Imp) (Entered: 08/08/2008)
08/13/2008	<a href="#">41</a>	Second AMENDED COMPLAINT WITH JURY DEMAND against all defendants filed by John Doe, Jane Doe. (Loya, Raul) Modified on 8/28/2008 (axm). (Entered: 08/13/2008)

**Date Discrepancy Cases 244**



08/20/2008	<a href="#">42</a>	MOTION to Extend Time to file answer or responsive motion to verified second amended complaint filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas (Butt, James) Modified on 8/27/2008 (axm). (Entered: 08/20/2008)
08/22/2008	<a href="#">43</a>	MOTION to Dismiss filed by Victor Routh with Brief/Memorandum in Support. (Attachments: # <a href="#">1</a> Exhibit 1 - Burns v. Potter, # <a href="#">2</a> Exhibit 2 - Bey v. USPS, # <a href="#">3</a> Exhibit 3 - Hawkins v. Potter, # <a href="#">4</a> Exhibit 4 - USA v. Johnson) (Tittle, Don) (Entered: 08/22/2008)
08/22/2008	<a href="#">44</a>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Victor Routh. (Tittle, Don) (Entered: 08/22/2008)
08/27/2008	<a href="#">45</a>	ORDER granting <a href="#">42</a> Motion for Extension of Time to File Answer re <a href="#">41</a> Second Amended Complaint. Kim Sanders answer due 8/25/2008; Barry Ragsdale answer due 8/25/2008; City of Dallas Texas answer due 8/25/2008. (Signed by Judge Reed C O'Connor on 8/27/2008) (axm) (Entered: 08/27/2008)
08/27/2008	<a href="#">46</a>	Unopposed Motion for Extension of Time to File Answer <i>or Motion to Dismiss</i> filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas with Brief/Memorandum in Support. (Schuette, J) (Entered: 08/27/2008)
08/27/2008	<a href="#">47</a>	ORDER granting <a href="#">46</a> Motion for Extension of Time to File Answer re <a href="#">41</a> Second Amended Complaint. Kim Sanders answer due 9/8/2008; Barry Ragsdale answer due 9/8/2008; City of Dallas Texas answer due 9/8/2008. (Signed by Judge Reed C O'Connor on 8/27/2008) (axm) (Entered: 08/28/2008)
09/03/2008	<a href="#">48</a>	Unopposed MOTION for Extension of Time to File Joint Scheduling Report filed by Kim Sanders, Barry Ragsdale, Victor Routh, City of Dallas Texas (Schuette, J) Modified on 9/4/2008 (axm). (Entered: 09/03/2008)
09/05/2008	<a href="#">49</a>	ORDER Setting Deadline as to <a href="#">48</a> Defendants' Unopposed Motion for Extension of Time to File Joint Scheduling Report. Motion Hearing set for 9/11/2008 10:30 AM before Judge Reed C O'Connor. (Signed by Judge Reed C O'Connor on 9/5/2008) (axm) (Entered: 09/05/2008)
09/05/2008	<a href="#">50</a>	Proposal for contents of scheduling and discovery order by John Doe, Jane Doe, Kim Sanders, Barry Ragsdale, Victor Routh, City of Dallas Texas. (Loya, Raul) Modified on 9/8/2008 (klm). (Entered: 09/05/2008)
09/08/2008	<a href="#">51</a>	MOTION to Dismiss <i>Under Rule 12(b)(6) and 9(b)</i> filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas with Brief/Memorandum in Support. (Schuette, J) (Entered: 09/08/2008)
09/11/2008	<a href="#">52</a>	Minute Entry for proceedings held before Judge Reed C O'Connor. Motion Hearing held on 9/11/08 re <a href="#">48</a> Unopposed MOTION for Extension of Time to File Joint Scheduling Report filed by Victor Routh, Barry Ragsdale, Kim Sanders, City of Dallas Texas. Oral Order granting <a href="#">48</a> Unopposed MOTION for Extension of Time to File Joint Scheduling Report. Attorney Appearances: Plaintiff - Raul H Loya; Defense - J G Schuette, Debbie Branscum, Don A Tittle. (Court Reporter Debbie Saenz.) Time in Court: 20 mins. (svc) (Entered: 09/11/2008)
09/19/2008	<a href="#">53</a>	***VACATED PER DOC #89***SCHEDULING ORDER: Joinder of Parties due by 10/15/2008. Amended Pleadings due by 10/15/2008. Motions due by 3/16/2009. Discovery due by 3/9/2009. Pretrial Materials due by 5/6/2009. Jury Trial set for Court's four-week docket beginning 6/22/2009 before Judge Reed C O'Connor. Pretrial Order due by 5/6/2009. (Signed by Judge Reed C O'Connor on 9/19/08) (svc) Modified on 6/19/2009 (jyg). (Entered: 09/22/2008)
10/16/2008	<a href="#">54</a>	MOTION Modify Scheduling Order filed by Kim Sanders, Barry Ragsdale, Victor Routh with Brief/Memorandum in Support. (Attachments: # <a href="#">1</a> Exhibit Exhibit "A") (Schuette, J)

**Date Discrepancy Cases 245**

		(Entered: 10/16/2008)
10/20/2008	<a href="#">55</a>	MOTION for Summary Judgment <i>on Qualified/Official Immunity</i> filed by Victor Routh with Brief/Memorandum in Support. (Attachments: # <a href="#">1</a> Brief in Support of Motion for Summary Judgment on Qualified Immunity, # <a href="#">2</a> Appendix to Motion for Summary Judgment on Qualified Immunity) (Tittle, Don) (Entered: 10/20/2008)
11/05/2008	<a href="#">56</a>	<i>Plaintiffs'</i> MOTION for Extension of Time to File Response/Reply <i>to Defendants' Motions</i> re: <a href="#">54</a> MOTION Modify Scheduling Order, <a href="#">55</a> MOTION for Summary Judgment <i>on Qualified/Official Immunity</i> filed by Jane Doe (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Order on Motion to Enlarge Time) (Loya, Raul) (Entered: 11/05/2008)
11/07/2008	<a href="#">57</a>	RESPONSE in Opposition filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas re <a href="#">56</a> MOTION for Extension of Time to File Response/Reply re: <a href="#">54</a> MOTION Modify Scheduling Order <i>and Brief</i> . (Schuette, J) Modified on 11/10/2008 (klm). (Entered: 11/07/2008)
11/24/2008	<a href="#">58</a>	RESPONSE filed by Victor Routh re <a href="#">56</a> <i>Plaintiffs'</i> MOTION for Extension of Time to File Response/Reply <i>to Defendants' Motions</i> re: <a href="#">54</a> MOTION Modify Scheduling Order, <a href="#">55</a> MOTION for Summary Judgment <i>on Qualified/Official Immunity</i> <i>Plaintiffs'</i> MOTION for Extension of Time to File Response/Reply <i>to Defendants' Motions</i> re: <a href="#">54</a> MOTION Modify Scheduling Order, <a href="#">55</a> MOTION for Summary Judgment <i>on Qualified/Official Immunity</i> (Tittle, Don) (Entered: 11/24/2008)
11/25/2008	<a href="#">59</a>	ORDER: On 10/16/2008, Defendants filed their Motion to Modify Schedule (Doc. # 54). In this motion, Defendants allege that Plaintiffs have not provided Defendants with the identities of Plaintiffs. The Court finds it necessary for Plaintiffs to report to the Court whether Plaintiffs have provided Defendants with their identities. Plaintiffs are ORDERED to file this statement by 5:00 p.m. on 12/01/2008. (see order) (Ordered by Judge Reed C O'Connor on 11/25/08) (tln) (Entered: 11/25/2008)
12/01/2008	<a href="#">61</a>	RESPONSE filed by John Doe, Jane Doe re <a href="#">58</a> Response to Motion, <a href="#">51</a> MOTION to Dismiss <i>Under Rule 12(b)(6) and 9(b)</i> , <a href="#">54</a> MOTION Modify Scheduling Order, <a href="#">57</a> Response in Opposition, <a href="#">59</a> Order, <i>and Brief in Support</i> (Loya, Raul) (Entered: 12/01/2008)
12/16/2008	<a href="#">62</a>	REPLY <i>to Plaintiffs' Response</i> <a href="#">61</a> re: <a href="#">43</a> MOTION to Dismiss filed by Victor Routh (Tittle, Don) (Entered: 12/16/2008)
12/16/2008	<a href="#">63</a>	REPLY <i>to Plaintiffs' Response in Opposition</i> re: <a href="#">51</a> MOTION to Dismiss <i>Under Rule 12(b)(6) and 9(b)</i> , <a href="#">54</a> MOTION Modify Scheduling Order filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas (Schuette, J) (Entered: 12/16/2008)
12/17/2008	<a href="#">64</a>	MOTION to Compel <i>Plaintiffs to Make Rule 26(a)(1) Disclosures</i> , MOTION for Sanctions filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas with Brief/Memorandum in Support. (Schuette, J) (Entered: 12/17/2008)
12/17/2008	<a href="#">65</a>	Appendix in Support filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas re <a href="#">64</a> MOTION to Compel <i>Plaintiffs to Make Rule 26(a)(1) Disclosures</i> , MOTION for Sanctions (Attachments: # <a href="#">1</a> Affidavit Appx pages 1-2) (Schuette, J) (Entered: 12/17/2008)
12/22/2008	<a href="#">66</a>	SPECIAL ORDER NO. 3-273 Case reassigned to Judge Royal Furgeson for all further proceedings. Judge Reed C O'Connor no longer assigned to case. (Ordered by Chief Judge Sidney A Fitzwater on 12/22/08) (svc) (Entered: 12/23/2008)
01/08/2009	<a href="#">67</a>	Amended MOTION to Compel <i>Plaintiffs to Make Rule 26(a)(1) Disclosures</i> , Amended MOTION for Sanctions filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas with Brief/Memorandum in Support. (Schuette, J) (Entered: 01/08/2009)

Date Discrepancy Cases 246

01/08/2009	<a href="#">68</a>	Supplemental Appendix in Support filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas re <a href="#">67</a> Amended MOTION to Compel <i>Plaintiffs to Make Rule 26(a)(1) Disclosures</i> , Amended MOTION for Sanctions (Attachments: # <a href="#">1</a> Appendix Part 1 of 1; Pages 1-8) (Schuette, J) (Entered: 01/08/2009)
02/25/2009	<a href="#">70</a>	Summons Issued as to Kenneth Lecesne. (Imp) (Entered: 02/26/2009)
02/26/2009	<a href="#">71</a>	SUMMONS Returned Executed as to Kenneth Lecesne ; served on 2/26/2009. (Imp) (Entered: 02/27/2009)
03/02/2009	<a href="#">72</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing/Proceedings held on 9/11/08 before Judge Reed O'Connor. Court Reporter/Transcriber Debbie Saenz, Telephone number (214) 753-2298 or debbie.saenz@yahoo.com. Parties are notified of their <a href="#">duty to review</a> the transcript. A copy may be purchased from the court reporter or viewed at the clerk's office public terminal. If redaction is necessary, a <a href="#">Redaction Request - Transcript</a> must be filed within 21 days. If no such Request is filed, the transcript will be made available via PACER without redaction after 90 calendar days. The clerk will mail a copy of this notice to parties not electronically noticed. Redaction Request due 3/23/2009. Redacted Transcript Deadline set for 4/2/2009. Release of Transcript Restriction set for 6/1/2009. (dgs) Modified on 3/3/2009 (jyg). (Entered: 03/02/2009)
03/09/2009	<a href="#">73</a>	REPLY re: <a href="#">67</a> Amended MOTION to Compel <i>Plaintiffs to Make Rule 26(a)(1) Disclosures</i> and for Sanctions filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas. (Schuette, J) Modified on 3/10/2009 (klm). (Entered: 03/09/2009)
03/09/2009	<a href="#">74</a>	Appendix in Support filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas re <a href="#">73</a> Reply to Response to Motion <i>to Compel and for Sanctions</i> (Attachments: # <a href="#">1</a> Supplement Part 1 of 2 appendix pages 1-19, # <a href="#">2</a> Supplement Part 2 of 2 appendix pages 20-51) (Schuette, J) (Entered: 03/09/2009)
03/13/2009	<a href="#">75</a>	First MOTION to Dismiss <i>for Insufficient Service of Process</i> filed by Kenneth Lecesne with Brief/Memorandum in Support. (Cureton, Jeffrey) (Entered: 03/13/2009)
03/16/2009	<a href="#">76</a>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Kenneth Lecesne. (Cureton, Jeffrey) (Entered: 03/16/2009)
03/19/2009	<a href="#">77</a>	First MOTION to Compel <i>and for Sanctions</i> filed by John Doe, Jane Doe with Brief/Memorandum in Support. (Attachments: # <a href="#">1</a> Appendix Conference Letters) (Loya, Raul) (Entered: 03/19/2009)
03/19/2009		MOTION for Sanctions filed by John Doe, Jane Doe. (see doc 77 for image) (axm) (Entered: 03/20/2009)
04/06/2009	<a href="#">78</a>	RESPONSE filed by City of Dallas Texas re <a href="#">77</a> First MOTION to Compel <i>and for Sanctions</i> , MOTION for Sanctions <i>City's Motion for Protective Order</i> , <i>City's Second Motion for Sanctions</i> , and Brief (Schuette, J) (Entered: 04/06/2009)
04/06/2009	<a href="#">79</a>	Appendix in Support filed by City of Dallas Texas re <a href="#">78</a> Response to Motion <i>to Compel and for Sanctions</i> ; <i>City's Motion for Protective Order and Second Motion for Sanctions</i> (Attachments: # <a href="#">1</a> Appendix Part 1 of 4: pages 1-13, # <a href="#">2</a> Appendix Part 2 of 4: pages 13-47, # <a href="#">3</a> Appendix Part 3 of 4: pages 48-68, # <a href="#">4</a> Appendix Part 4 of 4: pages 69-105) (Schuette, J) (Entered: 04/06/2009)
04/06/2009		MOTION for Protective Order and Second MOTION for Sanctions filed by City of Dallas Texas. (See #78) (jrb) (Entered: 04/07/2009)
04/22/2009	<a href="#">80</a>	***DOCKETED USING WRONG EVENT CODE - SEE DOC. 83*** <i>Defendant's Objections to Pretrial Disclosures and Materials Requirement</i> filed by Victor Routh. (Tittle, Don) Modified on 4/23/2009 (klm). (Entered: 04/22/2009)

Date Discrepancy Cases 247

04/22/2009	<a href="#">81</a>	***DOCKETED USING WRONG EVENT CODE - SEE DOC. 84*** <i>Objections to Pretrial Disclosures and Pretrial Disclosures</i> filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas. (Schuette, J) Modified on 4/23/2009 (klm). (Entered: 04/22/2009)
04/22/2009	<a href="#">82</a>	<i>Plaintiff's Pretrial Disclosures</i> filed by John Doe, Jane Doe. (Loya, Raul) (Entered: 04/22/2009)
04/22/2009	<a href="#">83</a>	OBJECTION to Pretrial Disclosures and Materials Requirement filed by Victor Routh. (klm) (Entered: 04/23/2009)
04/22/2009	<a href="#">84</a>	OBJECTIONS to Rule 26(a)(3) Disclosure and Pretrial Materials Requirements filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas. (klm) (Entered: 04/23/2009)
04/23/2009	<a href="#">85</a>	MOTION to Extend Time to File Pretrial Disclosures filed by Kenneth Lecesne with Brief/Memorandum in Support. (Cureton, Jeffrey) (Entered: 04/23/2009)
04/29/2009	<a href="#">86</a>	ORDER: Status Conference set for 6/9/2009 01:30 PM before Judge Royal Furgeson. (Ordered by Judge Royal Furgeson on 4/29/09) (klm) (Entered: 04/30/2009)
05/28/2009	<a href="#">87</a>	ORDER: IT IS HEREBY ORDERED that the above entitled and numbered cause is re-set for STATUS CONFERENCE in Courtroom 1546, United States Courthouse, 1100 Commerce Street, Dallas, Texas on Thursday, June 11, 2009 at 1:30 p.m. (Ordered by Judge Royal Furgeson on 5/28/09) (tln) (Entered: 05/28/2009)
06/08/2009	88	electronic ORDER granting <a href="#">85</a> Motion to Extend Time to File Pretrial Disclosures. (Ordered by Judge Royal Furgeson on 06/08/2009) (kkf) (Entered: 06/08/2009)
06/11/2009		Minute Entry for proceedings held before Judge Royal Furgeson: Status Conference held on 06/11/2009. (Court Reporter Pam Wilson.) Time in Court: 30 minutes. NO PDF ATTACHED - THIS IS A VIRTUAL MINUTE ENTRY. (kkf) (Entered: 06/11/2009)
06/18/2009	<a href="#">89</a>	ORDER granting <a href="#">54</a> Motion to Modify Scheduling Order and the current Scheduling Order, doc 53, is VACATED until further order of the Court. (Ordered by Judge Royal Furgeson on 6/18/09) (jyg) (Entered: 06/19/2009)
06/30/2009	<a href="#">90</a>	RESPONSE in Opposition filed by John Doe, Jane Doe re <a href="#">75</a> First MOTION to Dismiss <i>for Insufficient Service of Process</i> (Loya, Raul) (Entered: 06/30/2009)
07/07/2009	<a href="#">91</a>	RESPONSE in Opposition filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas re <a href="#">90</a> Response in Opposition to <i>Defendant LeCesne's Motion to Dismiss</i> (Schuette, J) (Entered: 07/07/2009)
07/09/2009	<a href="#">92</a>	REPLY to Plas' Response to Dft LeCesne re: <a href="#">75</a> First MOTION to Dismiss <i>for Insufficient Service of Process</i> filed by Kenneth Lecesne (Cureton, Jeffrey) Modified on 7/10/2009 (jyg). (Entered: 07/09/2009)
08/05/2009	<a href="#">93</a>	ORDER denying <a href="#">75</a> First MOTION to Dismiss for Insufficient Service of Process. (see order) (Ordered by Judge Royal Furgeson on 08/05/09) (lmp) (Entered: 08/05/2009)
08/05/2009	<a href="#">94</a>	ORDER TO SHOW CAUSE: Routh shall file his response to this Order to Show Cause on or before 8/24/2009. Plaintiffs may respond, if at all, on or before 8/24/2009. Other defendants may file a response to this Order on or before 8/24/2009. (See Order.) (Ordered by Judge Royal Furgeson on 8/5/2009) (twd) (Entered: 08/05/2009)
08/17/2009	<a href="#">95</a>	MOTION to Dismiss <i>Under Rule 12(b)(6) and 9(b)</i> filed by Kenneth Lecesne with Brief/Memorandum in Support. (Cureton, Jeffrey) (Entered: 08/17/2009)
08/24/2009	<a href="#">96</a>	RESPONSE filed by Victor Routh re <a href="#">94</a> Order to Show Cause. (Tittle, Don) (Entered: 08/24/2009)

**Date Discrepancy Cases 248**

08/25/2009	97	ELECTRONIC ORDER denying as moot <a href="#">56</a> Motion to Extend Time to File Response/Reply, in light of withdrawal of Motion for Summary Judgment On Qualified/Official Immunity. (Ordered by Judge Royal Furgeson on 08/25/2009) (Judge Royal Furgeson) (Entered: 08/25/2009)
08/27/2009	<a href="#">98</a>	ORDER denying <a href="#">43</a> Routh's Motion to Dismiss. (see order) (Ordered by Judge Royal Furgeson on 8/27/2009) (axm) (Entered: 08/28/2009)
09/03/2009	<a href="#">99</a>	Summons Issued as to Victor Routh. (axm) (Entered: 09/04/2009)
09/08/2009	<a href="#">100</a>	AMENDED COMPLAINT WITH JURY DEMAND against all defendants filed by John Doe, Jane Doe. (Loya, Raul) (Entered: 09/08/2009)
09/10/2009	<a href="#">101</a>	ORDER denying <a href="#">51</a> ; <a href="#">95</a> Motions to Dismiss without prejudice to refile. (see order) (Ordered by Judge Royal Furgeson on 9/10/2009) (mfw) (Entered: 09/11/2009)
09/11/2009	<a href="#">102</a>	SUMMONS Returned Executed as to Victor Routh; served Marry Rodriguez with the U.S. Attorney's Office on 9/10/2009. (klm) (Entered: 09/15/2009)
09/14/2009	<a href="#">103</a>	ORDER: The Court DENIES AS MOOT the Motions to Compel (Docket Nos. 64, 67) and DENIES the associated requests for sanctions. Furthermore, on or before September 18, 2009, the parties who moved for (1) Plaintiffs' Motion to Compel and for Sanctions (Docket No. 77) and (2) Motion for Protective Order and for Sanctions (Docket No. 78, 79) are ORDERED to show cause, in no more than three pages, why the motions should not be dismissed as moot based upon the parties' joint resolution of the issues there presented without the intervention of the Court. (Ordered by Judge Royal Furgeson on 9/14/09) (jrb) (Entered: 09/16/2009)
09/17/2009	<a href="#">104</a>	MOTION to Dismiss <i>Plaintiffs' Verified Third Amended Complaint</i> filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas with Brief/Memorandum in Support. (Schuette, J) (Entered: 09/17/2009)
09/18/2009	<a href="#">105</a>	MOTION to Dismiss <i>Plaintiffs' Verified Third Amended Complaint Under Rule 12(b)(6) and 9(b)</i> filed by Kenneth Lecesne with Brief/Memorandum in Support. (Cureton, Jeffrey) (Entered: 09/18/2009)
09/18/2009	<a href="#">106</a>	RESPONSE filed by John Doe, Jane Doe, City of Dallas Texas re <a href="#">103</a> Order to Show Cause, Terminate Motions. (Attachments: # <a href="#">1</a> Supplement e-mail exchange) (Schuette, J) . (Entered: 09/18/2009)
09/21/2009	107	ELECTRONIC ORDER denying as moot <a href="#">77</a> Motion to Compel, based upon the parties' withdrawal of the motion. See Docket no. 106. (Ordered by Judge Royal Furgeson on 09/21/2009) (Judge Royal Furgeson) (Entered: 09/21/2009)
09/21/2009	108	ELECTRONIC ORDER denying as moot [] Motion for Sanctions, based upon the parties' withdrawal of the motion. See Docket no. 106. (Ordered by Judge Royal Furgeson on 09/21/2009) (Judge Royal Furgeson) (Entered: 09/21/2009)
09/21/2009	109	ELECTRONIC ORDER denying as moot[] Motion for Protective Order; denying as moot [] Motion for Sanctions, based upon the parties' withdrawal of the motion. See Docket no. 106. (Ordered by Judge Royal Furgeson on 09/21/2009) (Judge Royal Furgeson) (Entered: 09/21/2009)
09/22/2009	<a href="#">110</a>	MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> filed by Victor Routh with Brief/Memorandum in Support. (Tittle, Don) (Entered: 09/22/2009)
10/02/2009	<a href="#">111</a>	SUMMONS Returned Executed as to U.S. Attorney General on 9/16/2009. (Attachments: # <a href="#">1</a> 1 page of summons) (klm) (Entered: 10/06/2009)
10/13/2009	<a href="#">112</a>	RESPONSE in Opposition filed by John Doe, Jane Doe re <a href="#">104</a> MOTION to Dismiss

**Date Discrepancy Cases 249**

		<i>Plaintiffs' Verified Third Amended Complaint</i> , <a href="#">105</a> MOTION to Dismiss <i>Plaintiffs' Verified Third Amended Complaint Under Rule 12(b)(6) and 9(b)</i> , <a href="#">110</a> MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint and Brief in Support</i> (Loya, Raul) (Entered: 10/13/2009)
10/19/2009	<a href="#">113</a>	REPLY re: <a href="#">104</a> MOTION to Dismiss <i>Plaintiffs' Verified Third Amended Complaint</i> filed by Kim Sanders, Barry Ragsdale, City of Dallas Texas (Schuette, J) (Entered: 10/19/2009)
10/23/2009	<a href="#">114</a>	<i>Defendant Victor Routh's</i> REPLY to <i>Plaintiffs' Response (112)</i> re: <a href="#">110</a> MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> filed by Victor Routh (Branscum, Debbie) (Entered: 10/23/2009)
10/23/2009	<a href="#">115</a>	<i>Defendant Kenneth LeCesne's</i> REPLY to <i>Plaintiffs' Response</i> to re: <a href="#">105</a> MOTION to Dismiss <i>Plaintiffs' Verified Third Amended Complaint Under Rule 12(b)(6) and 9(b)</i> filed by Kenneth Lecesne (Cureton, Jeffrey) (Entered: 10/23/2009)
10/26/2009	<a href="#">116</a>	ORDER granting <a href="#">104</a> , <a href="#">105</a> , <a href="#">110</a> Motions to Dismiss without prejudice and REMANDS those causes of action to the courts of the State of Texas. This is a final Order of dismissal. (see order) (Ordered by Judge Royal Furgeson on 10/26/2009) (klm) (Entered: 10/27/2009)
10/26/2009	<a href="#">117</a>	FINAL JUDGMENT: Defendants' Motions to Dismiss are GRANTED and Plaintiffs' complaint be DISMISSED WITH PREJUDICE. (Ordered by Judge Royal Furgeson on 10/26/2009) (klm) (Entered: 10/27/2009)
11/02/2009	<a href="#">118</a>	AMENDED FINAL JUDGMENT: Defendants' Motions to Dismiss are GRANTED and Plaintiffs' complaint be DISMISSED WITHOUT PREJUDICE. It is further ordered that each party bear its own costs. (Ordered by Judge Royal Furgeson on 11/2/2009) (rrr) (Entered: 11/02/2009)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
02/04/2019 09:16:09			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:06-cv-01986-F
<b>Billable Pages:</b>	9	<b>Cost:</b>	0.90

**U.S. District Court  
Eastern District of Virginia - (Alexandria)  
CIVIL DOCKET FOR CASE #: 1:05-cv-00350-LO-TCB**

Doyen v. Tryco International, et al  
Assigned to: District Judge Liam O'Grady  
Referred to: Magistrate Judge Theresa Carroll Buchanan  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 03/30/2005  
Date Terminated: 09/04/2007  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Russell Doyen**  
*United States of America, ex. rel.*

represented by **Jerome Howard Gress**  
Barton Baker McMahon Hildebrant & Tolle  
LLP  
1320 Old Chain Bridge Rd  
Suite 440  
McLean, VA 22101  
(703) 448-1810  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Tryco International, Inc.**

**Defendant**

**Tryco Incorporated**

**Defendant**

**Franz Zenz**

**Interested Party**

**UNITED STATES OF AMERICA**

represented by **Richard W. Sponseller**  
United States Attorney's Office  
2100 Jamieson Ave  
Alexandria, VA 22314  
(703)299-3700  
Email: Richard.Sponseller@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
03/30/2005	1	COMPLAINT Filing Fee \$ 250.00 Receipt # 100 179403 (ctat) (Entered: 03/30/2005)
03/30/2005		CASE REFERRED to Mag Judge Theresa C. Buchanan (ctat) (Entered: 03/31/2005)
05/26/2005	3	UNDE SEAL Memorandum in Support re 2 MOTION for Extension of Time filed by UNITED STATES OF AMERICA. (pmet, ) (Entered: 05/26/2005)
05/27/2005	4	UNDER SEAL ORDER that the US shall have until and including 11/18/05, to intervene

**Date Discrepancy Cases 251**

		in the above-captioned action or to notify the Court that it declines to do so; and FURTHER ORDERED that the complaint and all other filings shall remain under seal until and including 11/18/05, upon order of this Court. Signed by Judge James C. Cacheris on 5/27/05 (kjon ) (Entered: 05/27/2005)
10/28/2005	5	UNDER SEAL EX PARTE MOTION for Extension of time for intervention decision, during which time the complaint and other filings shall remain under seal by Russell Doyen. (kbar, ) (Entered: 10/28/2005)
10/28/2005	6	UNDE SEAL Memorandum in Support by US re 5 EX PARTE MOTION for Extension of time for intervention decision, during which time the complaint and other filings shall remain under seal by Russell Doyen. (kbar) (Entered: 10/28/2005)
11/02/2005	7	UNDER SEAL ORDEREd that the U.S. shall have until and including May 19, 2006, to intervene in the above-captioned action or to notify the Court that it declines to do so; and Further Ordered that the complaint and all other filings shall remain under seal until and including May 19, 2006, upon order of this court. Signed by Judge James C. Cacheris on 11/02/05. Copies mailed.(kbar ) (Entered: 11/02/2005)
05/17/2006	8	UNDER SEAL and EX PARTE MOTION for Extension of time for intervention decision by UNITED STATES OF AMERICA. (kbar) (Entered: 05/17/2006)
05/17/2006	9	UNDER SEAL and EX PARTE Memorandum in Support re 8 UNDER SEAL and EX PARTE MOTION for Extension of time for intervention decision by UNITED STATES OF AMERICA filed by UNITED STATES OF AMERICA. (Entered: 05/17/2006)
05/31/2006	10	UNDER SEAL ORDER granting 8 UNDER SEAL and EX PARTE MOTION for Extension of time for intervention decision by UNITED STATES OF AMERICA. Ordered that the U.S. shall have until and including July 21, 2006, to intervene or to notify the Court that it declines to do so; and Further Ordered that the complaint and all other filings shall remain under seal until and including July 21, 2006. Signed by Judge James C. Cacheris on 05/31/06. Copy sent to U.S. (kbar) (Entered: 05/31/2006)
07/20/2006	11	NOTICE that the UNITED STATES OF AMERICA declines to intervene and proceed with the conduct of this civil action and suggestion that the complaint be unsealed (kbar) (Entered: 07/20/2006)
07/21/2006	12	ORDER that the clerk shall unseal the complaint, the declination notice filed by the U.S, this Order, and all others papers filed after the date of this Order: All other papers which were previously filed under seal in this action prior to the date of this Order shall remain sealed; and Further Ordered that the relator may now serve the complaint on the defendant; and further Ordered that pursuant to 31 USC 3730(c)(3), the parties shall serve the attorneys of the U.S. with a copy of all pleadings filed in this civil action, including this Order (See Order for details). Signed by Judge James C. Cacheris on 07/21/06. Copies mailed.(kbar) (Entered: 07/21/2006)
12/14/2006	13	NOTICE that the U.S. consents to dismissal of thei Qui Tam Civil Action by Russell Doyen (kbar ) (Entered: 12/14/2006)
07/26/2007		Case reassigned to Judge Liam O'Grady. Judge James C. Cacheris no longer assigned to the case. (ltun) (Entered: 07/26/2007)
07/30/2007	14	ORDERED that all outstanding hearings and filing deadlines will remain the same. Signed by Judge Liam O'Grady on 07/30/07. Copies mailed.(krob) (Entered: 07/31/2007)
07/30/2007	15	ORDERED that plaintiff within 20 days show cause, if any, why the action should not be dismissed pursuant to FRCV 4(m). Signed by Judge Liam O'Grady on 07/30/07. Copies mailed.(krob) (Entered: 08/02/2007)

**Date Discrepancy Cases 252**



09/04/2007

16

ORDERED that this civil action is dismissed w/o prejudice. Signed by Judge Liam O'Grady on 09/04/07. Copies sent.(krob) (Entered: 09/06/2007)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/23/2019 16:04:08			
<b>PACER Login:</b>	KK0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:05-cv-00350-LO-TCB
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

CLOSED,JURY

**U.S. District Court  
Southern District of Ohio (Columbus)  
CIVIL DOCKET FOR CASE #: 2:04-cv-00053-MHW-TPK**

Doyle et al v. Diversified Collection Services Inc  
Assigned to: Judge Michael H. Watson  
Referred to: Magistrate Judge Terence P Kemp  
Cause: 15:1692 Fair Debt Collection Act

Date Filed: 01/23/2004  
Date Terminated: 08/02/2007  
Jury Demand: Defendant  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**John Doyle**

represented by **Gary Michael Smith**  
Equal Justice Foundation  
88 East Broad St.  
Suite 1590  
Columbus, OH 43215  
614-221-9800  
Fax: 614-221-9810  
Email: [gmsmith@grahamlpa.com](mailto:gmsmith@grahamlpa.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Amy Gullifer**  
Minnillo & Jenkins  
1170 Old Henderson Road  
Suite 109  
Columbus, OH 43220  
614-500-4755  
Fax: 614-538-1806  
Email: [agullifer@minnillojenkins.com](mailto:agullifer@minnillojenkins.com)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Angela Lamp**

represented by **Gary Michael Smith**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Amy Gullifer**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**United States of America**

represented by **United States of America**  
PRO SE

V.

**Defendant**

**Diversified Collection Services Inc**

represented by **Jeffrey Charles Turner**  
Surdk Dowd & Turner Co., L.P.A.  
8163 Old Yankee Street  
Suite C  
Dayton, OH 45458  
937-222-2333  
Fax: 937-222-1970  
Email: [jturner@sdtlawyers.com](mailto:jturner@sdtlawyers.com)  
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**Boyd W Gentry**

Law Office of Boyd W. Gentry  
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Beavercreek, OH 45431  
937-839-2881

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Fax: 202.637.5910

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Fax: 202.637.5910

Email: [tmgoldsmith@hhlaw.com](mailto:tmgoldsmith@hhlaw.com)

*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/23/2004	<u>1</u>	COMPLAINT against Diversified Collection Services Inc (Filing fee \$ 150.00 paid Receipt #239820) (Attachments: continuation of Exhibits #'s(1) & (2) )(bw) Modified on 1/28/2004 (bw, ). (Entered: 01/27/2004)
03/22/2004	<u>4</u>	AMENDED COMPLAINT against Diversified Collection Services Inc , filed by Plaintiffs John Doyle, Angela Lamp, Defendant Diversified Collection Services Inc. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6# <u>7</u> Exhibit 7)(bw) (Entered: 03/22/2004)
03/24/2004	<u>5</u>	ORDER directing that documents #2 and #3 be sealed until further order of the Court. Signed by Judge James L Graham on 3/24/2004. (bw) (Entered: 03/24/2004)
10/06/2004	<u>10</u>	ORDER REASSIGNING CASE to Judge Michael H. Watson for all further proceedings. Judge James L Graham no longer assigned to case. Signed by Judge James L Graham on 10/4/2004. (bw) (Entered: 10/06/2004)
10/15/2004	<u>11</u>	ORDER to file status report. Signed by Judge Michael H. Watson on 10/15/04. (mhw1,dtg) (Entered: 10/15/2004)
10/20/2004	<u>12</u>	STATUS REPORT by Plaintiff John Doyle. (Gullifer, Amy) Modified on 10/20/2004 (ph, ). (Entered: 10/20/2004)
10/20/2004		Notice of Correction re: <u>12</u> Status Report (former document 12 filed on 10/19/04 was deleted by Clerk due to lack of proper signature. Former document 13 filed on 10/20/04 as a corrected Status Report was renumbered as document 12. (ph, ) (Entered: 10/20/2004)

02/23/2005	<u>13</u>	ORDER re 9 Sealed Document; Plaintiff shall serve the Amended Complaint by 6/23/2005 upon the Defendant. (ba1, ) (Entered: 02/23/2005)
05/16/2005	<u>14</u>	Summons Issued as to Diversified Collection Services Inc – sent certified USPS article # 7004 1160 0005 2201 4410. (ja, ) (Entered: 05/16/2005)
06/03/2005	<u>15</u>	ANSWER to Amended Complaint by Defendant Diversified Collection Services Inc.(Turner, Jeffrey) (Entered: 06/03/2005)
07/14/2005	<u>16</u>	RULE 26(f) REPORT by Plaintiffs John Doyle, Angela Lamp. (Smith, Gary) (Entered: 07/14/2005)
08/10/2005	<u>17</u>	NOTICE: Pretrial Conference set for 10/11/2005 @ 3:30 PM in chambers before Terence P Kemp. (Attachments: # <u>1</u> Important Notice–2 # <u>2</u> Notice re discovery)(wh1, ) (Entered: 08/10/2005)
10/13/2005	<u>18</u>	PRELIMINARY PRETRIAL ORDER: Joinder of Parties & Motions to Amend due by 11/1/2005. Discovery due by 3/15/2006. Dispositive motions due by 4/15/2006. Settlement Week in 3/2006. Signed by Judge Terence P Kemp on 10/13/05. (dms) (Entered: 10/13/2005)
10/17/2005	<u>19</u>	SCHEDULING ORDER: Final Pretrial Conference set for 8/9/2006 at at 10:00 AM before Michael H. Watson, Room 322. Jury Trial set for 9/11/2006 at 09:30 AM before Michael H. Watson, Courtroom 836. Signed by Judge Michael H. Watson on 10/17/2005. (ba, ) (Entered: 10/17/2005)
01/11/2006	<u>20</u>	MOTION to Compel <i>Motion to Compel Answers to Plaintiffs' First Requests for Production of Documents</i> by Plaintiffs John Doyle, Angela Lamp. (Attachments: # <u>1</u> Requests for Production of Documents# <u>2</u> Email Correspondence)(Smith, Gary) (Entered: 01/11/2006)
01/13/2006	<u>21</u>	ORDER: The purpose of this order is to advise the parties that if the facts are as represented in the MOTION to Compel <u>20</u> , this Court may impose sanctions. The non-complying party is given fifteen days from the date of this order to respond. If no response is received on the sixteenth day the Court will enter an order awarding attorneys' fees to the movant. . Signed by Judge Terence P Kemp on 01/13/06. (jm, ) (Entered: 01/13/2006)
01/20/2006	<u>22</u>	ORDER – Counsel to confer w/in five (5) business days and inform Court by 1/30/06 if case should not be set for March 2006 Settlement Week. Signed by Judge Terence P Kemp on 1/20/06. (dms) (Entered: 01/20/2006)
01/20/2006		Reset Columbus PPTO Deadlines: SW 6/06 (wh1, ) (Entered: 02/01/2006)
01/27/2006	<u>23</u>	NOTICE by Plaintiffs John Doyle, Angela Lamp <i>of Name and Address Change</i> (Smith, Gary) (Entered: 01/27/2006)
01/27/2006	<u>24</u>	RESPONSE in Opposition re <u>20</u> MOTION to Compel <i>Motion to Compel Answers to Plaintiffs' First Requests for Production of Documents</i> filed by Defendant Diversified Collection Services Inc. (Gentry, Boyd) (Entered: 01/27/2006)
01/30/2006	<u>25</u>	MOTION for Protective Order by Defendant Diversified Collection Services Inc. (Attachments: # <u>1</u> Exhibit Plaintiffs' Discovery Requests)(Gentry, Boyd) (Entered: 01/30/2006)
02/21/2006	<u>26</u>	RESPONSE in Opposition re <u>25</u> MOTION for Protective Order filed by Plaintiffs John Doyle, Angela Lamp. (Smith, Gary) (Entered: 02/21/2006)
03/08/2006	<u>27</u>	REPLY to Response to Motion re <u>25</u> MOTION for Protective Order filed by Defendant Diversified Collection Services Inc. (Gentry, Boyd) (Entered: 03/08/2006)
03/10/2006	<u>28</u>	NOTICE: Status Conference set for 3/13/2006 @ 4:00pm by teleconference before Terence P Kemp. (wh1, ) (Entered: 03/10/2006)
03/13/2006		Status Conference held on 3/13/2006 before Magistrate Judge Terence P. Kemp. (pb1, ) (Entered: 03/13/2006)
03/29/2006	<u>29</u>	OPINION AND ORDER – GRANTING <u>20</u> Plaintiffs' Motion to Compel and DENYING <u>25</u> Defendant's Motion for Protective Order. Signed by Judge Terence P Kemp on 03/29/06. (dms) (Entered: 03/29/2006)

04/10/2006	<u>30</u>	MOTION for Reconsideration re <u>29</u> Order on Motion to Compel, Order on Motion for Protective Order by Defendant Diversified Collection Services Inc. (Gentry, Boyd) (Entered: 04/10/2006)
04/14/2006	<u>31</u>	ORDER: Counsel to confer w/in five (5) business days and inform Court by 4/28/06 if case should not be set for June 2006 Settlement Week. Signed by Judge Terence P Kemp on 04/14/06. (jm, ) (Entered: 04/14/2006)
04/20/2006	<u>32</u>	RESPONSE in Opposition re <u>30</u> MOTION for Reconsideration re <u>29</u> Order on Motion to Compel, Order on Motion for Protective Order filed by Plaintiff John Doyle. (Gullifer, Amy) (Entered: 04/20/2006)
04/26/2006	<u>33</u>	REPLY to Response to Motion re <u>30</u> MOTION for Reconsideration re <u>29</u> Order on Motion to Compel, Order on Motion for Protective Order <i>and For A Stay of That Order</i> filed by Defendant Diversified Collection Services Inc. (Gentry, Boyd) (Entered: 04/26/2006)
04/27/2006	<u>34</u>	ORDER denying <u>30</u> Motion for Reconsideration. Signed by Judge Michael H. Watson on 4/27/2006. (ba, ) (Entered: 04/27/2006)
06/30/2006	<u>35</u>	MOTION for Judgment on the Pleadings <i>as to FCA claim</i> by Defendant Diversified Collection Services Inc. Responses due by 7/24/2006 (Attachments: # <u>1</u> Exhibit Tabs 1-5# <u>2</u> Exhibit Tabs 6-12)(Gentry, Boyd) (Entered: 06/30/2006)
07/03/2006	<u>36</u>	MOTION for Leave to Appear Pro Hac Vice. Filing fee \$ 50. by Defendant Diversified Collection Services Inc. (Attachments: # <u>1</u> Exhibit)(Gentry, Boyd) (Entered: 07/03/2006)
07/03/2006	<u>37</u>	MOTION for Leave to Appear Pro Hac Vice. Filing fee \$ 50. by Defendant Diversified Collection Services Inc. (Attachments: # <u>1</u> Exhibit)(Gentry, Boyd) (Entered: 07/03/2006)
07/03/2006	<u>38</u>	MOTION for Leave to Appear Pro Hac Vice. Filing fee \$ 50. by Defendant Diversified Collection Services Inc. (Attachments: # <u>1</u> Exhibit)(Gentry, Boyd) (Entered: 07/03/2006)
07/05/2006		Filing fee: \$ 50.00, receipt number 200 252053 for PHV app of Therese Goldsmith. (dms) (Entered: 07/05/2006)
07/05/2006		Filing fee: \$ 50.00, receipt number 200 252054 for PHV app of Attorney Ledjeji. (dms) (Entered: 07/05/2006)
07/05/2006		Filing fee: \$ 50.00, receipt number 200 252055 for PHV app of Jonathan L. Diesenhaus. (dms) (Entered: 07/05/2006)
07/07/2006	<u>39</u>	ORDER granting <u>36</u> , <u>37</u> , <u>38</u> , Motion for Jonathan L. Diesenhaus, Theresa M. Goldsmith and Modupe O. Ladeji to Appear pro hac vice on behalf of defendant . Signed by Judge Terence P Kemp on 07/07/06. (jm, ) (Entered: 07/07/2006)
07/14/2006	<u>40</u>	ORDET: Counsel to confer w/in five (5) business days and inform Court by 07/28/06 if case should not be set for September 2006 Settlement Week . Signed by Judge Terence P Kemp on 07/14/06. (jm, ) (Entered: 07/14/2006)
07/19/2006	<u>41</u>	MOTION to Stay <i>discovery regarding False Claims Act claim</i> by Defendant Diversified Collection Services Inc. (Attachments: # <u>1</u> Exhibit case law)(Gentry, Boyd) (Entered: 07/19/2006)
07/20/2006	<u>42</u>	ORDER Setting Status Conference to discuss trial date and deadlines for discovery and dispositive motions. Conference set for 8/9/2006 at 10:00 a.m. before Judge Michael H. Watson. Signed by Judge Michael H. Watson on 7/20/2006. (kw) (Entered: 07/20/2006)
07/24/2006	<u>43</u>	RESPONSE in Opposition re <u>35</u> MOTION for Judgment on the Pleadings <i>as to FCA claim</i> filed by Plaintiffs John Doyle, Angela Lamp. (Smith, Gary) (Entered: 07/24/2006)
08/01/2006	<u>44</u>	REPLY to Response to Motion re <u>35</u> MOTION for Judgment on the Pleadings <i>as to FCA claim</i> filed by Defendant Diversified Collection Services Inc. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(Gentry, Boyd) (Entered: 08/01/2006)

08/08/2006	<u>45</u>	RESPONSE in Opposition re <u>41</u> MOTION to Stay <i>discovery regarding False Claims Act claim</i> filed by Plaintiffs John Doyle, Angela Lamp. (Attachments: # <u>1</u> Exhibit 1 March 29, 2006 Opinion and Order by Magistrate Judge Kemp# <u>2</u> Exhibit 2 April 27, 2006 Opinion and Order Denying Appeal from Magistrate's Order)(Smith, Gary) (Entered: 08/08/2006)
08/09/2006		Minute Entry for proceedings held before Judge Michael H. Watson : Status Conference held on 8/9/2006. Gary Smith present for Plaintiffs and Boyd Gentry and Jonathan Diesenhaus for Defendant. Discovery discussed along with new scheduling order. Order to follow. (Court Reporter n/a.) (kw) (Entered: 08/09/2006)
08/09/2006		Notice of Correction re: Status Conference. Deleted Order which was to be docketed separately. (kw) (Entered: 08/09/2006)
08/09/2006	<u>46</u>	ORDER: The parties shall submit to the Court within a week an Agreed Protective Order or separate drafts for the Court's consideration. Final Pretrial Conference set for 6/6/2008 at 10:00 a.m. before Judge Michael H. Watson. Jury Trial set for 7/7/2008 at 9:00 a.m. before Judge Michael H. Watson. Signed by Judge Michael H. Watson on 8/9/2006. (kw) (Entered: 08/09/2006)
08/12/2006	<u>47</u>	RESPONSE to Motion re <u>35</u> MOTION for Judgment on the Pleadings <i>as to FCA claim by the United States of America</i> . (Affeldt, Kenneth) (Entered: 08/12/2006)
08/16/2006	<u>48</u>	Supplemental Memorandum Opposing re <u>43</u> Response in Opposition to Motion, <u>44</u> Reply to Response to Motion, <u>45</u> Response in Opposition to Motion, filed by Plaintiffs United States Of America, John Doyle, Angela Lamp, United States Of America, John Doyle, Angela Lamp. (Smith, Gary) (Entered: 08/16/2006)
08/16/2006	<u>49</u>	NOTICE by Plaintiffs United States Of America, John Doyle, Angela Lamp re <u>29</u> Order on Motion to Compel, Order on Motion for Protective Order <i>Proposed Order</i> (Attachments: # <u>1</u> Pls Proposed Protective Order – 8-16-06)(Smith, Gary) (Entered: 08/16/2006)
08/16/2006	<u>50</u>	Supplemental Memorandum Supporting re <u>35</u> MOTION for Judgment on the Pleadings <i>as to FCA claim</i> filed by Defendants Diversified Collection Services Inc, Diversified Collection Services Inc. (Attachments: # <u>1</u> Exhibit)(Gentry, Boyd) (Entered: 08/16/2006)
08/16/2006	<u>51</u>	REPLY to Response to Motion re <u>35</u> MOTION for Judgment on the Pleadings <i>as to FCA claim</i> filed by Defendant Diversified Collection Services Inc. (Gentry, Boyd) (Entered: 08/16/2006)
08/16/2006	<u>52</u>	NOTICE by Defendant Diversified Collection Services Inc <i>Proposed Protective Order</i> (Attachments: # <u>1</u> Text of Proposed Order red-lined version# <u>2</u> Text of Proposed Order final version)(Gentry, Boyd) (Entered: 08/16/2006)
09/25/2006	<u>53</u>	PROTECTIVE ORDER signed by Judge Michael H. Watson on 9/25/2006. (kw) (Entered: 09/25/2006)
10/31/2006	<u>54</u>	ORDER: Counsel to confer w/in five (5) business days and inform Court by 11/13/2006 if case should not be set for December 2006 Settlement Week. Signed by Judge Terence P Kemp on 10/31/2006. (kk1) (Entered: 10/31/2006)
12/12/2006	<u>55</u>	NOTICE by Defendant Diversified Collection Services Inc re <u>35</u> MOTION for Judgment on the Pleadings <i>as to FCA claim Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit Case)(Gentry, Boyd) (Entered: 12/12/2006)
12/29/2006	<u>56</u>	ORDER granting <u>35</u> Defendant's Motion for Partial Judgment on the Pleadings and dismisses Plaintiffs' FCA claims for lack of jurisdiction. Signed by Judge Michael H. Watson on 12/29/2006. (kw) (Entered: 12/29/2006)
03/19/2007	<u>57</u>	ORDER finding as moot <u>41</u> Motion to Stay . Signed by Judge Michael H. Watson on 3/19/2007. (kw) (Entered: 03/19/2007)
03/29/2007	<u>58</u>	NOTICE of Conference: Status Conference set for 4/18/2007 at 11:00 a.m. in Courtroom 5 before Judge Michael H. Watson. (kw) (Entered: 03/29/2007)
04/18/2007	<u>59</u>	NOTICE of Appearance by Amy Gullifer for Plaintiffs John Doyle & Angela Lamp (Gullifer, Amy) Modified on 4/19/2007 to correct filers (kk2). (Entered: 04/18/2007)

04/18/2007	<u>60</u>	Minute Entry for proceedings held before Judge Michael H. Watson : Status Conference held on 4/18/2007. (Court Reporter Darla Coulter) (jk) (Entered: 04/18/2007)
08/01/2007	<u>61</u>	ORDER: Counsel to confer w/in five (5) business days and inform Court by 8/10/07 if case should not be set for September 2007 Settlement Week. Signed by Judge Terence P Kemp on 8/1/07. (jr) (Entered: 08/01/2007)
08/02/2007	<u>62</u>	NOTICE of Voluntary Dismissal by Plaintiff John Doyle (Gullifer, Amy) (Entered: 08/02/2007)

CLOSED

**U.S. District Court [LIVE]  
Western District of Texas (Midland)  
CIVIL DOCKET FOR CASE #: 7:07-cv-00024-HLH**

McCready v. Becker et al  
Assigned to: Judge Harry Lee Hudspeth  
Case in other court: USBC-Midland Division, 07-70210  
Cause: Registration of Foreign Judgment

Date Filed: 03/26/2007  
Date Terminated: 06/01/2010  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Kenneth A. McCready**

represented by **Kenneth A. McCready**  
201 North Oak Street  
P.O. Box 10  
McCready Properties Bldg.  
Loda, IL 60948  
PRO SE

V.

**Defendant**

**Danny Lyle Becker, Jr.**  
*also known as*  
Daniel Becker  
*also known as*  
D. L. Becker  
*also known as*  
Dan Becker

represented by **Danny Lyle Becker, Jr.**  
4202 Amistad Drive  
Midland, TX 79707-3203  
PRO SE

**Defendant**

**Pamela Kay Bussell Becker**  
*also known as*  
Pamela Becker  
*also known as*  
Pam Becker

represented by **Pamela Kay Bussell Becker**  
4202 Amistad Drive  
Midland, TX 79707-3203  
PRO SE

**Defendant**

**SCAT Corporation**  
*a Texas Corporation*  
*doing business as*  
Business Office Systems & Solutions  
*doing business as*  
"Boss"  
*doing business as*  
Mapnad Viatel Cons.

represented by **SCAT Corporation**  
4202 Amistad Drive  
Midland, TX 79707-3203  
PRO SE

**Movant**

**Community National Bank, N.A.**

represented by **W. Clark Lea**  
Lea Law Firm LLC  
1608 Gulf Ave.  
Midland, TX 79705  
(432) 559-3683  
Fax: 432-257-3759  
Email: [clarklea@yahoo.com](mailto:clarklea@yahoo.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**



Date Filed	#	Docket Text
03/26/2007	<u>1</u>	JS44 submitted by Kenneth A. McCready. (sm, ) (Entered: 03/26/2007)
03/26/2007	<u>2</u>	REGISTRATION of Foreign Judgment.( Filing fee \$ 39 receipt number 402993), filed by Kenneth A. McCready. (Attachments: # <u>1</u> Foreign Judgment# <u>2</u> Affidavit)(sm, ) (Entered: 03/26/2007)
05/07/2007	<u>3</u>	NOTICE of Filing Judgment of 9/8/06 in USDC, Southern District of Illinois, Urbana Division by Kenneth A. McCready (sm, ) (Entered: 05/07/2007)
05/07/2007	<u>4</u>	CERTIFICATE OF SERVICE on post-judgment request to defendants by Kenneth A. McCready (sm, ) (Entered: 05/07/2007)
05/07/2007	<u>5</u>	CERTIFICATE OF SERVICE on post-judgment interrogatories to defendants by Kenneth A. McCready (sm, ) (Entered: 05/07/2007)
05/07/2007	<u>6</u>	MOTION to Compel by Kenneth A. McCready. (Attachments: # <u>1</u> Appendix A# <u>2</u> Appendix B# <u>3</u> Appendix C# <u>4</u> Appendix D)(sm, ) (Entered: 05/07/2007)
05/11/2007	<u>7</u>	Received Proposed Order from Plaintiff on Motion to Compel (sm, ) (Entered: 05/11/2007)
05/17/2007	<u>8</u>	ORDER REFERRING MOTION: <u>6</u> MOTION to Compel filed by Kenneth A. McCready, referred to Judge Platt. Signed by Judge Robert A. Junell. (sm, ) (Entered: 05/17/2007)
07/02/2007	<u>9</u>	ORDER TO SHOW CAUSE and Preliminarily Denying Motion to Compel as to Kenneth A. McCready.Show Cause Response due by 7/12/2007.. Signed by Judge L. Stuart Platt. (sm, ) (Entered: 07/02/2007)
07/17/2007	<u>10</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Kenneth A. McCready re <u>9</u> Order to Show Cause (sm, ) (Entered: 07/17/2007)
07/17/2007	<u>11</u>	NOTICE of Filing Plaintiffs Appeal of Order to Show Cause Preliminarily Denying Motion to Compel Defendants to Respond to Plaintiff's First Set of Interrogatories and Requests to Admit and for Order to Show Cause by Kenneth A. McCready (sm, ) (Entered: 07/17/2007)
08/02/2007	<u>12</u>	ORDER denying <u>6</u> Motion to Compel Signed by Judge L. Stuart Platt. (sm, ) (Entered: 08/02/2007)
08/02/2007		Motions No Longer Referred: <u>6</u> MOTION to Compel (sm, ) (Entered: 08/02/2007)
08/20/2007	<u>13</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Kenneth A. McCready re <u>12</u> Order on Motion to Compel (sm, ) (Entered: 08/20/2007)
08/20/2007	<u>14</u>	NOTICE of Filing appeal of Order Denying Motion to Compel by Kenneth A. McCready (sm, ) (Entered: 08/20/2007)
08/29/2007		Subpoenas issued to pro se plaintiff this date for Complex Community Credit Union, First National Bank Texas, and First Basin Credit Union (sm, ) (Entered: 08/29/2007)
08/30/2007	<u>15</u>	Letter/Correspondence from Kenneth A. McCready regarding subpoenas. (sm, ) (Entered: 08/30/2007)
08/31/2007	<u>16</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Harry Lee Hudspeth for all proceedings. Judge Robert A. Junell no longer assigned to case. Signed by Judge Robert A. Junell. (sm, ) (Entered: 08/31/2007)
09/24/2007	<u>17</u>	NOTICE of Filing Bankruptcy Case Filing (07-70210) by Danny Lyle Becker, Jr, Pamela Kay Bussell Becker (sm, ) (Entered: 09/24/2007)
09/26/2007	<u>18</u>	ORDER STAYING CASE due to Chapter 13 Bankruptcy. Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 09/26/2007)
10/29/2007	<u>19</u>	NOTICE of Filing Motion to Lift Stay as to SCAT Corp. by Kenneth A. McCready (sm, ) (Entered: 10/29/2007)

10/29/2007	<u>20</u>	MOTION to Lift Stay as to SCAT Corp. re <u>18</u> Order Staying Case by Kenneth A. McCready. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Proposed Order)(sm, ) (Entered: 10/29/2007)
12/03/2007	<u>21</u>	NOTICE of Filing Motion to Lift Court's Stay as to All Defendants by Kenneth A. McCready (sm, ) (Entered: 12/03/2007)
12/03/2007	<u>22</u>	MOTION to Lift Court's Stay as to All Defendants re <u>18</u> Order Staying Case by Kenneth A. McCready. (sm, ) (Entered: 12/03/2007)
12/17/2007	<u>23</u>	ORDER mootng <u>20</u> Motion to Lift Stayto Lift Stay; granting <u>22</u> Motion to Lift Stayto Lift Stay Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 12/17/2007)
12/17/2007		Subpoenas issued on behalf of pro se plaintiff this date (sm, ) (Entered: 12/17/2007)
01/02/2008	<u>24</u>	MOTION for Leave to File Supplemental Pleadings Joining One or More Parties by Kenneth A. McCready. (sm, ) (Entered: 01/02/2008)
01/02/2008	<u>25</u>	NOTICE of Filing and Proof of Service on Motion for Leave to File Supplemental Pleadings Joining One or More Parties by Kenneth A. McCready (sm, ) (Entered: 01/02/2008)
01/10/2008	<u>26</u>	ORDER denying without prejudice <u>24</u> Motion for Leave to File Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 01/10/2008)
01/22/2008		Issued subpoena this date to Plaintiff for Midland Community Federal Credit Union (sm, ) (Entered: 01/22/2008)
01/25/2008	<u>27</u>	MOTION for Protective Order by Community National Bank, N.A.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Proposed Order)(sm, ) (Entered: 01/25/2008)
01/31/2008	<u>28</u>	ORDER REFERRING MOTION: <u>27</u> MOTION for Protective Order filed by Community National Bank, N.A.. Signed by Judge Harry Lee Hudspeth.. Referral Magistrate Judge: L. Stuart Platt. (sm, ) (Entered: 01/31/2008)
02/14/2008	<u>29</u>	ORDER granting <u>27</u> Motion for Protective Order Signed by Judge L. Stuart Platt. (sm, ) (Entered: 02/14/2008)
02/14/2008	<u>30</u>	PROTECTIVE ORDER; subpoena limited to transactions after 9/8/05; Nadmap, LLC is stricken from subpoena; plaintiff to place \$10,000.00 in trust with Community National Bank for production; community may withdraw payment upon approval of the Court; leftover funds to be returned to plaintiff upon petition to Court; if plaintiff fails to make deposit, Community is not required to provide discovery. Signed by Judge L. Stuart Platt. (sm, ) (Entered: 02/14/2008)
02/14/2008		Motions No Longer Referred: <u>27</u> MOTION for Protective Order (sm, ) (Entered: 02/14/2008)
03/06/2008	<u>31</u>	MOTION to Vacate <u>30</u> Protective Order, <u>29</u> Order on Motion for Protective Order by Kenneth A. McCready. (Attachments: # <u>1</u> Exhibit Exemplification Certificate, CDI-Urbana Division)(sm, ) (Entered: 03/06/2008)
03/06/2008	<u>32</u>	RESPONSE to Motion, filed by Community National Bank, N.A., re <u>31</u> MOTION to Vacate <u>30</u> Protective Order, <u>29</u> Order on Motion for Protective Order filed by Plaintiff Kenneth A. McCready (Lea, W.) (Entered: 03/06/2008)
03/17/2008	<u>33</u>	Letter/Correspondence to plaintiff regarding subpoena. (sm, ) (Entered: 03/17/2008)
04/03/2008	<u>34</u>	REPLY to Response to Motion, filed by Kenneth A. McCready, re <u>31</u> MOTION to Vacate <u>30</u> Protective Order, <u>29</u> Order on Motion for Protective Order filed by Plaintiff Kenneth A. McCready (Attachments: # <u>1</u> Declaration of Kenneth McCready, # <u>2</u> Exhibit A)(sm, ) (Entered: 04/03/2008)
04/03/2008	<u>35</u>	NOTICE of Filing Reply to Response to Motion to Vacate Order of February 14,2008 by Kenneth A. McCready (sm, ) (Entered: 04/03/2008)
04/08/2008	<u>36</u>	RESPONSE to <u>34</u> Reply to Response to Motion, by Community National Bank, N.A.. (Lea, W.) (Entered: 04/08/2008)

04/14/2008	<u>37</u>	ORDER DENYING MOTION TO RECUSE MAGISTRATE JUDGE re <u>34</u> Reply to Response to Motion, filed by Kenneth A. McCready. Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 04/15/2008)
04/17/2008	<u>38</u>	ORDER DENYING <u>31</u> Motion to Vacate Signed by Judge L. Stuart Platt. (sm, ) (Entered: 04/17/2008)
05/19/2008	<u>39</u>	MOTION for Leave to File Writ of Execution by Kenneth A. McCready. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order)(sm, ) (Entered: 05/19/2008)
05/19/2008	<u>40</u>	NOTICE of Filing Motion for Leave to Issued Writ of Execution by Kenneth A. McCready (sm, ) (Entered: 05/19/2008)
05/30/2008	<u>42</u>	NOTICE of Filing Respone to Motion for Leave to Issued Writ of Execution by SCAT Corporation, Danny Lyle Becker, Jr, Pamela Kay Bussell Becker (sm, ) (Entered: 05/30/2008)
06/09/2008	<u>43</u>	* MOTION for Declaration that Defendants Have No Exemptions from Enforcement of Judgment by Kenneth A. McCready. (ct, ) (Entered: 06/10/2008)
06/09/2008	<u>44</u>	* MOTION to Correct Record/Docket and Accord Illinois Citations to Discover Assets Full Faith and Credit re <u>31</u> MOTION to Vacate <u>30</u> Protective Order, <u>29</u> Order on Motion for Protective Order by Kenneth A. McCready. (ct, ) (Entered: 06/10/2008)
06/09/2008	<u>45</u>	* MOTION to Strike and for Rule to Show Cause 41 Response to Motion, <u>42</u> Notice of Filing by Kenneth A. McCready. (Attachments: # <u>1</u> Exhibit A)(ct, ) (Entered: 06/10/2008)
06/16/2008	<u>46</u>	REPLY to Response to Motion, filed by Kenneth A. McCready, re <u>39</u> MOTION for Leave to File Writ of Execution filed by Plaintiff Kenneth A. McCready (sm, ) (Entered: 06/17/2008)
06/16/2008	<u>47</u>	NOTICE of Filing and Certificate of Service on Reply to Response to Motion for Leave on Writ of Execution by Kenneth A. McCready (sm, ) (Entered: 06/17/2008)
06/16/2008	<u>48</u>	RESPONSE to Motion, filed by Danny Lyle Becker, Jr, Pamela Kay Bussell Becker, re <u>39</u> MOTION for Leave to File Writ of Execution filed by Plaintiff Kenneth A. McCready (sm, ) (Entered: 06/17/2008)
06/16/2008	<u>49</u>	NOTICE of Filing and Certificate of Service on Response to Motion for Leave to Issue Writ of Execution by Danny Lyle Becker, Jr, Pamela Kay Bussell Becker (sm, ) (Entered: 06/17/2008)
06/26/2008	<u>50</u>	* MOTION to Strike <u>48</u> Response to Motion by Kenneth A. McCready. (sm, ) (Entered: 06/26/2008)
06/26/2008	<u>51</u>	NOTICE of Filing Motion to Strike and service upon plaintiffs by Kenneth A. McCready (sm, ) (Entered: 06/26/2008)
07/21/2008	<u>52</u>	* MOTION for Leave to File Supplemental Pleadings Joining Party by Kenneth A. McCready. (ddl, ) (Additional attachment(s) added on 7/28/2008: # <u>1</u> Motion for Leave to File, # <u>2</u> Supplemental Complaint) (sm, ). (Entered: 07/22/2008)
07/28/2008	<u>53</u>	* MOTION to Compel Defendants to Respond to Second Set of Interrogatories and Requests to Produce or Order to Show Cause by Kenneth A. McCready. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order, # <u>3</u> Envelope)(ddl, ) (Entered: 07/29/2008)
08/07/2008		Issued subpoenas for plaintiff this date for United Merchant Services, Inc. and CCBill, LLC (sm, ) (Entered: 08/07/2008)
08/21/2008	<u>54</u>	CERTIFICATE OF SERVICE by Kenneth A. McCready Regarding Subpoenas Issued (sm, ) (Entered: 08/21/2008)
09/02/2008	<u>55</u>	ORDER Affirming Decision of Magistrate Judge re <u>12</u> Order on Motion to Compel. Signed by Judge Harry Lee Hudspeth. (ddl, ) (Entered: 09/02/2008)
09/02/2008	<u>56</u>	ORDER Affirming Decision and Order of Magistrate Judge re <u>9</u> Order to Show Cause filed by Kenneth A. McCready. Signed by Judge Harry Lee Hudspeth. (ddl, ) (Entered: 09/02/2008)

09/04/2008	<u>57</u>	ORDER DENYING Motion for Leave to File Supplemental Complaint <u>52</u> Motion for Leave to File Signed by Judge Harry Lee Hudspeth. (ddl, ) (Entered: 09/04/2008)
09/04/2008	<u>58</u>	* MOTION to Stay Case for Six Months by Danny Lyle Becker, Jr, Pamela Kay Bussell Becker. (Attachments: # <u>1</u> Correspondence, # <u>2</u> Correspondence, # <u>3</u> Subpoena)(ddl, ) Modified on 9/17/2008 to correct date(sm, ). (Entered: 09/05/2008)
09/15/2008	<u>59</u>	RESPONSE to Motion, filed by Kenneth A. McCready, re <u>58</u> * MOTION to Stay Case filed by Defendant Pamela Kay Bussell Becker, Defendant Danny Lyle Becker, Jr. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(ddl, ) (Entered: 09/15/2008)
09/19/2008	<u>60</u>	* MOTION for Reconsideration re <u>55</u> Order by Kenneth A. McCready. (ddl, ) (Entered: 09/19/2008)
09/19/2008	<u>61</u>	* MOTION for Reconsideration of Order Denying Plaintiff's Motion for Leave to File "Supplemental" Complaint re <u>57</u> Order on Motion for Leave to File by Kenneth A. McCready. (ddl, ) (Entered: 09/19/2008)
09/22/2008	<u>62</u>	* MOTION to participate in case as an e-filer by Kenneth A. McCready. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Envelope)(ddl, ) (Entered: 09/23/2008)
09/22/2008	<u>63</u>	MOTION for Monetary Sanctions Under Rule 11 by Kenneth A. McCready. (ddl, ) (Entered: 09/23/2008)
09/22/2008	<u>64</u>	* MOTION for Turnover Order by Kenneth A. McCready. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(ddl, ) (Entered: 09/23/2008)
10/02/2008	<u>65</u>	* MOTION for Turnover Order by Kenneth A. McCready. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(sm, ) (Entered: 10/02/2008)
10/03/2008	<u>66</u>	RESPONSE to Motion, filed by SCAT Corporation, Danny Lyle Becker, Jr, Pamela Kay Bussell Becker, re <u>64</u> * MOTION for Turnover Order filed by Plaintiff Kenneth A. McCready (Attachments: # <u>1</u> Exhibit)(sm, ) (Entered: 10/06/2008)
10/03/2008		Issued subpoena for Nadmap, LLC for Kenneth A. McCready (sm, ) (Entered: 10/06/2008)
10/14/2008	<u>67</u>	REPLY to Response to Motion, filed by Kenneth A. McCready, re <u>64</u> * MOTION for Turnover Order filed by Plaintiff Kenneth A. McCready, <u>65</u> * MOTION for Turnover Order filed by Plaintiff Kenneth A. McCready and MOTION TO STRIKE ALL UNCORROBORATED BECKER STATEMENTS AND EXHIBITS (sm, ) (Entered: 10/14/2008)
11/10/2008	<u>68</u>	Letter/Correspondence to Plaintiff regarding discovery requests (filing of executed subpoenas). (sm, ) (Entered: 11/12/2008)
11/10/2008	<u>69</u>	* MOTION to Strike All Uncorroborated Becker Statements, and * MOTION to Strike All Becker Exhibits to Their Response Brief by Kenneth A. McCready. (Attachments: # <u>1</u> Exhibit A of Appendix, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Envelope)(sm, ) (Entered: 11/12/2008)
11/24/2008	<u>70</u>	DECLARATION OF SERVICE by Kenneth A. McCready Regarding Subpoena issued (sm, ) (Entered: 11/25/2008)
11/24/2008	<u>71</u>	* MOTION to Compel Compliance with Subpoena for Nadmap, LLC Books and Records by Kenneth A. McCready. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(sm, ) (Entered: 11/25/2008)
03/16/2009	<u>72</u>	MOTION to Deny Defendants' Motion to Set Aside Case as Moot re <u>58</u> * MOTION to Stay Case by Kenneth A. McCready. (ddl, ) (Entered: 03/17/2009)
05/14/2009	<u>73</u>	MOTION for Order to Show Cause Why Defendant Should Not Be Held in Contempt by Kenneth A. McCready. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Envelope)(sm, ) (Entered: 05/14/2009)
06/11/2009	<u>87</u>	ORDER DENYING <u>61</u> Motion for Reconsideration Signed by Judge Harry Lee Hudspeth. (lg, ) (Entered: 06/15/2009)
06/12/2009	<u>74</u>	ORDER DENYING <u>43</u> Motion for Declaration That Defendants Have No Exemptions from Enforcement of Judgment Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 06/12/2009)

		06/12/2009)
06/12/2009	<u>75</u>	ORDER GRANTING IN PART AND DENYING IN PART <u>45</u> Motion to Strike response to motion for leave to issue writ of execution is GRANTED and Motion for Rule to Show Cause is DENIED Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 06/12/2009)
06/12/2009	<u>76</u>	ORDER DENYING <u>50</u> Motion to Strike Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 06/12/2009)
06/12/2009	<u>77</u>	ORDER DENYING <u>60</u> Motion for Reconsideration re <u>55</u> Order Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 06/12/2009)
06/12/2009	<u>78</u>	ORDER DENYING <u>62</u> Motion To Participate in Case as E-Filer Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 06/12/2009)
06/12/2009	<u>79</u>	ORDER GRANTING <u>44</u> Motion to Correct Record/Docket Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 06/12/2009)
06/12/2009	<u>80</u>	Exemption Certificate of the Central District of Illinois, Urbana Division (sm, ) (Entered: 06/12/2009)
06/12/2009	<u>81</u>	Citation to Discover Assets to SCAT Corp. (sm, ) (Entered: 06/12/2009)
06/12/2009	<u>82</u>	Citation to Discover Assets to pamela Kay Bussell Becker (sm, ) (Entered: 06/12/2009)
06/12/2009	<u>83</u>	Citation to Discover Assets to Danny Lyle Becker, Jr. (sm, ) (Entered: 06/12/2009)
06/12/2009	<u>84</u>	Citation to Discover Assets; First Set of Interrogatories to Pamela Kay Bussell Becker (sm, ) (Entered: 06/12/2009)
06/12/2009	<u>85</u>	Citation to Discover Assets; First Set of Interrogatories to SCAT Corp. (sm, ) (Entered: 06/12/2009)
06/12/2009	<u>86</u>	Citation to Discover Assets' First Set of Interrogatories to Danny Lyle Becker, Jr. (sm, ) (Entered: 06/12/2009)
07/09/2009	<u>88</u>	MOTION for Leave to File Supplemental Complaint by Kenneth A. McCready. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order)(sm, ) (Entered: 07/10/2009)
05/13/2010	<u>89</u>	MOTION for Clarity, Lift Stay, MOTION for Show Cause-If Appropriate by Kenneth A. McCready. (Attachments: # <u>1</u> Envelope)(sm, ) (Entered: 05/13/2010)
06/01/2010	<u>90</u>	STIPULATION of Dismissal without prejudice by Kenneth A. McCready. (Attachments: # <u>1</u> Envelope)(sm, ) (Entered: 06/01/2010)
06/03/2010	<u>91</u>	ORDER DENYING AS MOOT MOTION FOR CLARITY. Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 06/03/2010)
06/09/2010	<u>92</u>	ORDER of Dismissal. Signed by Judge Harry Lee Hudspeth. (rew, ) (Entered: 06/09/2010)

**U.S. District Court  
District of New Jersey [LIVE] (Newark)  
CIVIL DOCKET FOR CASE #: 2:07-cv-02690-DMC-MF**

UNITED STATES OF AMERICA, THE v. ORGANON, INC. et al    Date Filed: 06/08/2007  
Assigned to: Judge Dennis M. Cavanaugh    Date Terminated: 04/07/2009  
Referred to: Magistrate Judge Mark Falk    Jury Demand: None  
Case in other court: Third Circuit, 09-02341    Nature of Suit: 890 Other Statutory Actions  
Cause: 31:3729 False Claims Act    Jurisdiction: U.S. Government Plaintiff

**Plaintiff****UNITED STATES OF AMERICA, THE**

represented by **MARK GRADY**  
OFFICE OF UNITED STATES  
ATTORNEY  
ONE COURTHOUSE WAY  
SUITE 9200  
BOSTON, MA 02210  
617 748-3260  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff****JEFFREY D. FELDSTEIN**

represented by **STEVEN I ADLER**  
Mandelbaum Salsburg, P.C.  
3 Becker Farm Road  
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Roseland, NJ 07068  
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*ATTORNEY TO BE NOTICED*

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COLE SCHOTZ MEISEL FORMAN &  
LEONARD  
COURT PLAZA NORTH  
25 MAIN STREET  
HACKENSACK, NJ 07601  
201-489-3000  
Email: cmassaro@coleschotz.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****ORGANON, INC.**  
*a corporation*

represented by **ALANA BETH WEXLER**  
ARENT FOX  
1050 CONNECTICUT AVENUE NW

**Date Discrepancy Cases 266**

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**Defendant**

**AZKO NOBEL**  
*a corporation*

**Defendant**

**SCHERING-PLOUGH**

represented by **ALANA BETH WEXLER**  
 (See above for address)  
 TERMINATED: 07/10/2008  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**MELISSA TONER LOZNER**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**MICHAEL B. HIMMEL**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/08/2007	<a href="#"><u>1</u></a>	COMPLAINT(TRANSFERRED from the USDC,DISTRICT OF MASSACHUSETTS) against ORGANON, INC., AZKO NOBEL (Filing fee \$ 0.), filed by UNITED STATES OF AMERICA, THE.(dr, ) Modified on 6/12/2007 (dr, ). Additional attachment(s) added on 6/13/2007 (dr, ). Additional attachment(s) added on 6/13/2007 (dr, ). Additional attachment(s) added on 6/13/2007 (dr, ). Additional attachment(s) added on 6/13/2007 (dr, ). Additional attachment(s) added on 6/13/2007 (dr, ). (Additional attachment(s) added on

**Date Discrepancy Cases 267**

		8/23/2011: # <a href="#">46</a> doc. #20, appl. ext. time, # <a href="#">47</a> doc. #21, memorandum in support of appl.ext.time, # <a href="#">48</a> doc. #36, order re appl.ext.time) (mn). (Entered: 06/12/2007)
12/20/2007	<a href="#">2</a>	LETTER ORDER re: entry of appearance. Signed by Judge Mark Falk on 12/20/07. (sr, ) (Entered: 12/20/2007)
02/05/2008	<a href="#">3</a>	NOTICE of Appearance by STEVEN I ADLER on behalf of JEFFREY D. FELDSTEIN (sr, ) (Entered: 02/05/2008)
02/13/2008	<a href="#">4</a>	Case unsealed., ORDER unsealing case and pltf. to serve the complt.. Signed by Magistrate Judge Mark Falk on 2/11/2008. (mn, ) (Entered: 02/13/2008)
02/14/2008		Clerk's Note: Case has been unsealed please see doc. 4. (mn, ) (Entered: 02/14/2008)
04/14/2008	<a href="#">5</a>	AMENDED COMPLAINT <i>and Jury Demand</i> against SCHERING-PLOUGH, ORGANON, INC., filed by JEFFREY D. FELDSTEIN. (Attachments: # <a href="#">1</a> Summons to Schering-Plough)(ADLER, STEVEN) (Entered: 04/14/2008)
04/17/2008	<a href="#">6</a>	Summons Issued as to SCHERING-PLOUGH. Days Due - 20. (mailed to counsel)(sr, ) (Entered: 04/17/2008)
04/17/2008	<a href="#">7</a>	Exhibit to JEFFREY D. FELDSTEIN Re <a href="#">5</a> Amended Complaint. (ADLER, STEVEN) (Entered: 04/17/2008)
04/24/2008	<a href="#">8</a>	WAIVER OF SERVICE Returned Executed by JEFFREY D. FELDSTEIN. SCHERING-PLOUGH waiver sent on 4/21/2008, answer due 6/20/2008. (MASSARO, CHRISTOPHER) (Entered: 04/24/2008)
04/30/2008	<a href="#">9</a>	NOTICE of Appearance by ALANA BETH WEXLER on behalf of SCHERING-PLOUGH, ORGANON, INC. (WEXLER, ALANA) (Entered: 04/30/2008)
05/01/2008	<a href="#">10</a>	MOTION for Leave to Appear Pro Hac Vice <i>of Ronald H. Clark</i> by SCHERING-PLOUGH, ORGANON, INC.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(WEXLER, ALANA) (Entered: 05/01/2008)
05/01/2008	<a href="#">11</a>	MOTION for Leave to Appear Pro Hac Vice <i>Jeffrey H. Ruzal</i> by SCHERING-PLOUGH, ORGANON, INC.. (Attachments: # <a href="#">1</a> Text of Proposed Order)(WEXLER, ALANA) (Entered: 05/01/2008)
05/01/2008		Set Deadlines as to <a href="#">10</a> MOTION for Leave to Appear Pro Hac Vice <i>of Ronald H. Clark</i> , <a href="#">11</a> MOTION for Leave to Appear Pro Hac Vice <i>Jeffrey H. Ruzal</i> . Motion Hearing set for 6/2/2008 before Judge Dennis M. Cavanaugh. (PLEASE BE ADVISED THAT THIS MOTION WILL BE DECIDED ON THE PAPERS UNLESS OTHERWISE NOTIFIED BY THE COURT) (sr, ) (Entered: 05/01/2008)
05/07/2008	<a href="#">12</a>	NOTICE of Appearance by CHRISTOPHER P. MASSARO on behalf of JEFFREY D. FELDSTEIN (MASSARO, CHRISTOPHER) (Entered: 05/07/2008)
05/16/2008	<a href="#">13</a>	ORDER granting <a href="#">10</a> Motion for Leave to Appear Pro Hac Vice re: Ronald H. Clark. Signed by Magistrate Judge Mark Falk on 5/15/08. (sr, ) (Entered: 05/16/2008)
05/22/2008	<a href="#">14</a>	ORDER granting <a href="#">11</a> Motion for Leave to Appear Pro Hac Vice re: Jeffrey H. Ruzal. Signed by Magistrate Judge Mark Falk on 5/20/08. (sr, ) (Entered: 05/22/2008)
05/23/2008		Pro Hac Vice fee: \$ 150, receipt number 351982 re: Jeffrey H. Ruzal (sr, ) (Entered: 05/23/2008)
05/28/2008		Pro Hac Vice fee: \$ 150, receipt number 352011 re: Ronald H. Clark (sr, ) (Entered: 05/28/2008)
06/09/2008	<a href="#">15</a>	Letter from Defendants' Counsel, Alana Wexler, Regarding Joint Consent to Extension of <b>Date Discrepancy Cases 268</b>



		Defendants' Filing Deadline. (Attachments: # <a href="#">1</a> Certificate of Service Certificate of Service)(WEXLER, ALANA) (Entered: 06/09/2008)
06/12/2008	<a href="#">16</a>	ORDER re: extending deadline for filing of responsive motion. Signed by Judge Dennis M. Cavanaugh on 6/12/08. (sr, ) (Entered: 06/13/2008)
06/27/2008	<a href="#">17</a>	MOTION to Dismiss by SCHERING-PLOUGH, ORGANON, INC.. Responses due by 7/7/2008 (Attachments: # <a href="#">1</a> Certification, # <a href="#">2</a> Brief, # <a href="#">3</a> Exhibit 1, # <a href="#">4</a> Exhibit 2, # <a href="#">5</a> Exhibit 3, # <a href="#">6</a> Exhibit 4, # <a href="#">7</a> Exhibit 5, # <a href="#">8</a> Exhibit 6, # <a href="#">9</a> Exhibit 7, # <a href="#">10</a> Exhibit 8, # <a href="#">11</a> Exhibit 9, # <a href="#">12</a> Exhibit 10, # <a href="#">13</a> Exhibit 11, # <a href="#">14</a> Exhibit 12, # <a href="#">15</a> Exhibit 13, # <a href="#">16</a> Text of Proposed Order, # <a href="#">17</a> Corporate Disclosure Statement, # <a href="#">18</a> Corporate Disclosure Statement) (WEXLER, ALANA) (Entered: 06/27/2008)
07/01/2008		Set Deadlines as to <a href="#">17</a> MOTION to Dismiss. Motion Hearing set for 7/21/2008 before Judge Dennis M. Cavanaugh. (PLEASE BE ADVISED THAT THIS MOTION WILL BE DECIDED ON THE PAPERS UNLESS OTHERWISE NOTIFIED BY THE COURT) (sr, ) (Entered: 07/01/2008)
07/01/2008	<a href="#">18</a>	Rule 7.1 Letter for extension of return date re <a href="#">17</a> MOTION to Dismiss filed by JEFFREY D. FELDSTEIN. (MASSARO, CHRISTOPHER) (Entered: 07/01/2008)
07/10/2008	<a href="#">19</a>	Substitution of Attorney - Attorney MICHAEL B. HIMMEL for SCHERING-PLOUGH and ORGANON, INC. added. Attorney ALANA BETH WEXLER terminated.. (HIMMEL, MICHAEL) Modified on 7/10/2008 (nr, ). (Entered: 07/10/2008)
07/16/2008	<a href="#">20</a>	NOTICE of Appearance by MELISSA TONER LOZNER on behalf of SCHERING-PLOUGH, ORGANON, INC. (LOZNER, MELISSA) (Entered: 07/16/2008)
07/17/2008	<a href="#">21</a>	Letter re <a href="#">17</a> MOTION to Dismiss. (MASSARO, CHRISTOPHER) (Entered: 07/17/2008)
08/04/2008	<a href="#">22</a>	CERTIFICATION in Opposition re <a href="#">17</a> MOTION to Dismiss of <i>Christopher P. Massaro, Esq.</i> filed by JEFFREY D. FELDSTEIN. (Attachments: # <a href="#">1</a> Exhibit A to C. Massaro Certification, # <a href="#">2</a> Exhibit B to C. Massaro Certification, # <a href="#">3</a> Certification of Jeffrey D. Feldstein, M.D., # <a href="#">4</a> Exhibits A&B to J. Feldstein Certification)(ADLER, STEVEN) (Entered: 08/04/2008)
08/04/2008	<a href="#">23</a>	BRIEF in Opposition re <a href="#">17</a> MOTION to Dismiss filed by JEFFREY D. FELDSTEIN. (ADLER, STEVEN) (Entered: 08/04/2008)
08/05/2008	<a href="#">24</a>	CERTIFICATE OF SERVICE by JEFFREY D. FELDSTEIN re <a href="#">22</a> Certification in Opposition to Motion, <a href="#">23</a> Brief in Opposition to Motion (ADLER, STEVEN) (Entered: 08/05/2008)
08/25/2008	<a href="#">25</a>	REPLY to Response to Motion re <a href="#">17</a> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by SCHERING-PLOUGH, ORGANON, INC.. (Attachments: # <a href="#">1</a> Certificate of Service)(HIMMEL, MICHAEL) (Entered: 08/25/2008)
11/19/2008	<a href="#">26</a>	MOTION on Behalf of Defendants' to Supplement the Record <i>on their Motion to Dismiss the Amended Complaint</i> by SCHERING-PLOUGH, ORGANON, INC.. (Attachments: # <a href="#">1</a> Brief in Support of Defendants' Motion to Supplement the Record on their Motion to Dismiss the Amended Complaint, # <a href="#">2</a> Certification of Michael B. Himmel in Support of Defendants' Motion to Supplement the Record, # <a href="#">3</a> Exhibit A to Himmel Certification, # <a href="#">4</a> Exhibit B to Himmel Certification, # <a href="#">5</a> Exhibit C to Himmel Certification, # <a href="#">6</a> Exhibit D to Himmel Certification, # <a href="#">7</a> Exhibit E to Himmel Certification, # <a href="#">8</a> Exhibit F to Himmel Certification, # <a href="#">9</a> Text of Proposed Order, # <a href="#">10</a> Certificate of Service)(HIMMEL, MICHAEL) (Entered: 11/19/2008)
11/25/2008		Set Deadline as to <a href="#">26</a> MOTION on Behalf of Defendants' to Supplement the Record <i>on their Motion to Dismiss the Amended Complaint</i> . Motion set for 12/15/2008 before Judge

**Date Discrepancy Cases 269**

		Dennis M. Cavanaugh. The motion will be decided on the papers. No appearances required unless notified by the court. (sr, ) (Entered: 11/25/2008)
11/25/2008	<a href="#">27</a>	Rule 7.1 Letter for extension of return date re <a href="#">26</a> MOTION on Behalf of Defendants' to Supplement the Record <i>on their Motion to Dismiss the Amended Complaint</i> filed by JEFFREY D. FELDSTEIN. (MASSARO, CHRISTOPHER) (Entered: 11/25/2008)
12/11/2008	<a href="#">28</a>	MOTION for Sanctions by SCHERING-PLOUGH, ORGANON, INC.. (Attachments: # <a href="#">1</a> Brief, # <a href="#">2</a> Certification of Michael B. Himmel, # <a href="#">3</a> Exhibit A to Himmel Certification, # <a href="#">4</a> Exhibit B to Himmel Certification, # <a href="#">5</a> Exhibit C to Himmel Certification, # <a href="#">6</a> Exhibit D to Himmel Certification, # <a href="#">7</a> Himmel Certificate of Service dated 11-18-2008, # <a href="#">8</a> Text of Proposed Order, # <a href="#">9</a> Certificate of Service)(HIMMEL, MICHAEL) (Entered: 12/11/2008)
12/17/2008	<a href="#">29</a>	Rule 7.1 Letter for extension of return date re <a href="#">28</a> MOTION for Sanctions filed by JEFFREY D. FELDSTEIN. (MASSARO, CHRISTOPHER) (Entered: 12/17/2008)
12/22/2008	<a href="#">30</a>	CERTIFICATION in Opposition re <a href="#">26</a> MOTION on Behalf of Defendants' to Supplement the Record <i>on their Motion to Dismiss the Amended Complaint</i> filed by JEFFREY D. FELDSTEIN. (Attachments: # <a href="#">1</a> Exhibits A-C to Jeffrey Feldstein, M.D.'s Certification) (ADLER, STEVEN) (Entered: 12/22/2008)
12/22/2008	<a href="#">31</a>	BRIEF in Opposition re <a href="#">26</a> MOTION on Behalf of Defendants' to Supplement the Record <i>on their Motion to Dismiss the Amended Complaint</i> filed by JEFFREY D. FELDSTEIN. (ADLER, STEVEN) (Entered: 12/22/2008)
12/29/2008	<a href="#">32</a>	REPLY BRIEF to Opposition to Motion re <a href="#">26</a> MOTION on Behalf of Defendants' to Supplement the Record <i>on their Motion to Dismiss the Amended Complaint</i> filed by SCHERING-PLOUGH, ORGANON, INC.. (Attachments: # <a href="#">1</a> Certificate of Service) (HIMMEL, MICHAEL) (Entered: 12/29/2008)
01/06/2009	<a href="#">33</a>	BRIEF in Opposition re <a href="#">28</a> MOTION for Sanctions filed by JEFFREY D. FELDSTEIN. (ADLER, STEVEN) (Entered: 01/06/2009)
01/07/2009	<a href="#">34</a>	CERTIFICATE OF SERVICE by JEFFREY D. FELDSTEIN re <a href="#">33</a> Brief in Opposition to Motion (ADLER, STEVEN) (Entered: 01/07/2009)
01/13/2009	<a href="#">35</a>	REPLY BRIEF to Opposition to Motion re <a href="#">28</a> MOTION for Sanctions filed by SCHERING-PLOUGH, ORGANON, INC.. (Attachments: # <a href="#">1</a> Certificate of Service) (HIMMEL, MICHAEL) (Entered: 01/13/2009)
03/17/2009	<a href="#">36</a>	MOTION for Leave to File <i>an Amended Complaint Asserting State Law Claims Pursuant to This Court's Supplemental Jurisdiction Under 28 U.S.C. § 1367</i> by JEFFREY D. FELDSTEIN. (Attachments: # <a href="#">1</a> Certification of Steven I. Adler, Esq. in Support of the Motion)(ADLER, STEVEN) (Entered: 03/17/2009)
03/17/2009	<a href="#">37</a>	BRIEF in Support re <a href="#">36</a> MOTION for Leave to File <i>an Amended Complaint Asserting State Law Claims Pursuant to This Court's Supplemental Jurisdiction Under 28 U.S.C. § 1367</i> filed by JEFFREY D. FELDSTEIN. (Attachments: # <a href="#">1</a> Certificate of Service) (ADLER, STEVEN) (Entered: 03/17/2009)
03/19/2009		Set Deadline as to <a href="#">36</a> MOTION for Leave to File <i>an Amended Complaint Asserting State Law Claims Pursuant to This Court's Supplemental Jurisdiction Under 28 U.S.C. § 1367</i> . Motion set for 4/20/2009 before Judge Dennis M. Cavanaugh. The motion will be decided on the papers. No appearances required unless notified by the court. (sr, ) (Entered: 03/19/2009)
04/06/2009	<a href="#">38</a>	BRIEF <i>In Opposition To Plaintiff/Realtor's Motion For Leave To File An Amended Complaint</i> filed by SCHERING-PLOUGH, ORGANON, INC.. (Attachments: # <a href="#">1</a> Certificate of Service)(HIMMEL, MICHAEL) (Entered: 04/06/2009)

**Date Discrepancy Cases 270**

04/07/2009	<a href="#">39</a>	OPINION fld.. Signed by Judge Dennis M. Cavanaugh on 4/6/09. (sr, ) (Entered: 04/07/2009)
04/07/2009	<a href="#">40</a>	ORDER denying <a href="#">28</a> Motion for Sanctions; denying <a href="#">17</a> Motion to Dismiss; granting <a href="#">26</a> Motion supplement record. Signed by Judge Dennis M. Cavanaugh on 4/6/09. (sr, ) (Entered: 04/07/2009)
04/07/2009		***Civil Case Terminated. (sr, ) (Entered: 04/07/2009)
05/01/2009	<a href="#">41</a>	NOTICE OF APPEAL as to <a href="#">40</a> Order on Motion for Sanctions, Order on Motion to Dismiss, Order on Motion for Miscellaneous Relief, <a href="#">39</a> Opinion by JEFFREY D. FELDSTEIN. Filing fee \$ 455, receipt number 0312000000002511724. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (ADLER, STEVEN) (Entered: 05/01/2009)
05/11/2009	<a href="#">42</a>	TRANSCRIPT REQUEST by JEFFREY D. FELDSTEIN (ADLER, STEVEN) (Entered: 05/11/2009)
05/11/2009	<a href="#">43</a>	USCA Case Number 09-2341 for <a href="#">41</a> Notice of Appeal (USCA), Notice of Appeal USCA) filed by JEFFREY D. FELDSTEIN. USCA Case Manager Carmella Wells (Document Restricted - Court Only)(ca3cw, ) (Entered: 05/11/2009)
01/12/2010	<a href="#">44</a>	ORDER denying Pltf's Motion for Leave to Amend the Complaint. Signed by Judge Dickinson R. Debevoise on 1/12/10. (sr, ) (Entered: 01/13/2010)
02/02/2010	<a href="#">45</a>	USCA JUDGMENT as to <a href="#">41</a> Notice of Appeal (USCA), Notice of Appeal (USCA) filed by JEFFREY D. FELDSTEIN (ca3cw, ) (Entered: 02/02/2010)
03/26/2010	<a href="#">46</a>	MANDATE of USCA as to <a href="#">41</a> Notice of Appeal (USCA), Notice of Appeal (USCA) filed by JEFFREY D. FELDSTEIN (Attachments: # <a href="#">1</a> Mandate Letter, # <a href="#">2</a> Opinion)(ca3pdb, ) (Entered: 03/26/2010)
03/29/2010		Pursuant to Local Rule 79.4, notice is hereby given of the Appellate ruling filed on 3/26/10. In the event that the mandate or judgment provides for costs or directs a disposition other than an affirmance, the prevailing party shall prepare and submit an order implementing the mandate or judgment. (ji, ) (Entered: 03/29/2010)
03/29/2010	<a href="#">47</a>	Letter from Michael B. Himmel, Esq. to The Honorable Dennis M. Cavanaugh, U.S.D.J. regarding the proposed Order Implementing the Mandate of the United States Court of Appeals for the Third Circuit. (Attachments: # <a href="#">1</a> Text of Proposed Order, # <a href="#">2</a> Certificate of Service)(HIMMEL, MICHAEL) (Entered: 03/29/2010)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 16:15:55			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:07-cv-02690-DMC-MF Start date: 1/1/1970 End date: 1/28/2019
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50

### Date Discrepancy Cases 271

**U.S. District Court  
Southern District of New York (White Plains)  
CIVIL DOCKET FOR CASE #: 7:05-cv-03317-CM-MDF**

United States of America ex rel. Anne Catherine Finney v.  
Nextwave Telecom, Inc. et al.  
Assigned to: Judge Colleen McMahon  
Referred to: Magistrate Judge Mark D. Fox  
Case in other court: 06-01442  
Cause: 31:3729 False Claims Act

Date Filed: 03/29/2005  
Date Terminated: 03/06/2006  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**  
*ex rel. Anne Catherine Finney*

represented by **Daniel Patrick Finney, Jr.**  
Daniel P. Finney, Jr., Attorney At Law  
1735 S. Big Bend Blvd.  
St. Louis, MO 63117  
(314) 646-0300  
Fax: (314) 646-0303  
Email: [dpfi@aol.com](mailto:dpfi@aol.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Sheila Marie Gowan**  
Diamond McCarthy LLC (NY)  
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**LEAD ATTORNEY**

V.

**Defendant**

**Nextwave Telecom, Inc.**

represented by **Donald B. Verrilli, Jr.**  
Jenner & Block, LLP (DC)  
1099 New York Avenue, N.W.  
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(202)-639-6095  
Fax: (202)-639-6066  
Email: [dverrilli@jenner.com](mailto:dverrilli@jenner.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jonathan Joshua Frankel**  
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**TERMINATED: 04/25/2006**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Robert Ernst**  
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Bedminster, NJ 07921

(908) 306-7392  
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*ATTORNEY TO BE NOTICED*

**William T. Lake**  
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Washington, DC 20037  
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*TERMINATED: 04/25/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Nextwave Personal Communications,  
Inc.**

represented by **Jonathan Joshua Frankel**  
(See above for address)  
*TERMINATED: 04/25/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Ernst**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William T. Lake**  
(See above for address)  
*TERMINATED: 04/25/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Nextwave Partners, Inc.**

represented by **Jonathan Joshua Frankel**  
(See above for address)  
*TERMINATED: 04/25/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Ernst**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William T. Lake**  
(See above for address)  
*TERMINATED: 04/25/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Nextwave Wireless, Inc.**

represented by **Jonathan Joshua Frankel**  
(See above for address)  
*TERMINATED: 04/25/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Ernst**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William T. Lake**

(See above for address)  
*TERMINATED: 04/25/2006*  
*LEAD ATTORNEY*  
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**Steven Bernard Fabrizio**  
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**Defendant**

**Nextwave Power Partners, Inc.**

represented by **Jonathan Joshua Frankel**  
(See above for address)  
*TERMINATED: 04/25/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Ernst**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William T. Lake**  
(See above for address)  
*TERMINATED: 04/25/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Weil Gotshal & Manges L.L.P.**

represented by **Steven Alan Reiss**  
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2123108000  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Lucas, McGowan Nace & Gutierrez**

represented by **John Joseph McAvoy**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Thomas Gutierrez**

represented by **John Joseph McAvoy**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**City of New York**

**Defendant****Correctional Officer Rivera**

Date Filed	#	Docket Text
03/29/2005	<u>1</u>	ORDER... This case, filed the 29th day of March 2005, shall be filed in camera and shall remain under seal for at least 60 days... No docs, pleadings or other materials in this case shall be provided to or served on deft's until the Court so orders or at least 60 days have expired...So Ordered. (Signed by Judge Charles L. Briant on 3/29/05) (fk, ) Additional attachment(s) added on 8/3/2005 (fk, ). (Entered: 04/04/2005)
03/29/2005		Magistrate Judge Mark D. Fox is so designated. (fk, ) (Entered: 04/04/2005)
03/29/2005		MOTION to Seal Case. Document filed by United States of America. (fk, ) (Entered: 08/03/2005)
03/29/2005		AFFIDAVIT of Ann Catherine Finney in Support re: MOTION to Seal Case.. Document filed by United States of America. (fk, ) (Entered: 08/03/2005)
03/29/2005		Minute Entry for proceedings held before Judge Charles L. Briant : Motion(s) terminated: MOTION to Seal Case. filed by United States of America,. (fk, ) (Entered: 08/03/2005)
07/28/2005	<u>3</u>	ORDER Unsealing Case... it is Ordered that the complaint shall be unsealed, and service upon defts by the relator is authorized...So Ordered. (Signed by Judge Colleen McMahon on 7/27/05) (fk, ) Additional attachment(s) added on 8/3/2005 (fk, ). (Entered: 07/28/2005)
07/28/2005	<u>4</u>	NOTICE of Election To Decline Intervention. Document filed by United States of America. (fk, ) Additional attachment(s) added on 8/3/2005 (fk, ). (Entered: 07/28/2005)
07/28/2005	<u>5</u>	ORDER... Relator is directed to serve the summons and complaint on defts no later than 8/20/05. (Signed by Judge Colleen McMahon on 7/27/05) (fk, ) Additional attachment(s) added on 8/3/2005 (fk, ). (Entered: 07/28/2005)
07/28/2005		Case Designated ECF. (fk, ) (Entered: 08/03/2005)
08/01/2005	<u>6</u>	MOTION for Daniel P. Finney, Jr. to Appear Pro Hac Vice. Document filed by United States of America, ex rel., Ann Catherine Finney. (ll, ) (Entered: 08/01/2005)
08/01/2005	<u>7</u>	COMPLAINT against Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc., Weil Gotshal & Manges L.L.P., Lucas, McGowan Nace & Gutierrez, Thomas Gutierrez. (Filing Fee \$ 250.00, Receipt Number 534517)Document filed by United States of America. ***Document Originally filed on 3/29/05 Under Seal*** (fk, ) Additional attachment(s) added on 8/3/2005 (fk, ). (Entered: 08/03/2005)
08/03/2005	<u>8</u>	ORDER granting <u>6</u> Motion for Daniel P. Finney, Jr. to Appear Pro Hac Vice as co-counsel for Plaintiffs. (Signed by Judge Colleen McMahon on 8/2/05) "The Clerk's Office Has Mailed Copies".(ae, ) (Entered: 08/04/2005)
08/03/2005		CASHIERS OFFICE REMARK on <u>8</u> Order on Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 8/3/05, Receipt Number 549012. (ae, ) (Entered: 08/04/2005)
08/10/2005	<u>9</u>	NOTICE of Appearance by Daniel Patrick Finney, Jr on behalf of United States of America (Finney, Daniel) (Entered: 08/10/2005)
08/12/2005	<u>10</u>	SUMMONS RETURNED EXECUTED. Thomas Gutierrez served on 8/10/2005, answer due 8/30/2005. Service was accepted by Thomas Gutierrez, Defendant. Document filed by United States of America. (Finney, Daniel) (Entered: 08/12/2005)
08/12/2005	<u>11</u>	SUMMONS RETURNED EXECUTED. Lucas, McGowan Nace & Gutierrez served on 8/11/2005, answer due 8/31/2005. Service was accepted by David L. Nace. Document filed by United States of America. (Finney, Daniel) (Entered: 08/12/2005)

08/12/2005	<u>12</u>	SUMMONS RETURNED EXECUTED. Service was accepted by David L. Nace. Document filed by United States of America. (Finney, Daniel) (Entered: 08/12/2005)
08/18/2005	<u>13</u>	FIRST MOTION for Extension of Time <i>TO SERVE NEXTWAVE PERSONAL COMMUNICATIONS, INC.</i> . Document filed by United States of America. Return Date set for 9/6/2005 09:00 AM. (Finney, Daniel) (Entered: 08/18/2005)
08/19/2005	<u>14</u>	SUMMONS RETURNED EXECUTED. Nextwave Wireless, Inc. served on 8/17/2005, answer due 9/6/2005. Service was accepted by MARY Drummond, Business Agent Authorized to Accept Service. Document filed by United States of America. (Finney, Daniel) (Entered: 08/19/2005)
08/19/2005	<u>15</u>	SUMMONS RETURNED EXECUTED. Nextwave Partners, Inc. served on 8/17/2005, answer due 9/6/2005. Service was accepted by MARY Drummond Business agent authorized to accept service on behalf of Verizon Wireless Partners, In., formerly Nextwave Partners, Inc.. Document filed by United States of America. (Finney, Daniel) (Entered: 08/19/2005)
08/19/2005	<u>16</u>	SUMMONS RETURNED EXECUTED. Nextwave Power Partners, Inc. served on 8/17/2005, answer due 9/6/2005. Service was accepted by Mary Drummond Business Agent authorized to accept service on behalf of Verizon Wireless Power Partners, Inc., formerly Nextwave Power Partners, Inc.. Document filed by United States of America. (Finney, Daniel) (Entered: 08/19/2005)
08/24/2005	<u>17</u>	AFFIDAVIT OF SERVICE. Weil Gotshal & Manges L.L.P. served on 8/16/2005, answer due 9/6/2005. Service was accepted by Mark Ribato, authorized to accept. Document filed by United States of America. (Finney, Daniel) (Entered: 08/24/2005)
08/24/2005	<u>18</u>	AFFIDAVIT OF SERVICE. Nextwave Telecom, Inc. served on 8/18/2005, answer due 9/7/2005. Service was accepted by Carol Vogt Agent for the NY Sec. of State upon Nextwave Telecom, Inc., and upon Verizon Wireless Telecom, Inc., fka and sha Nextwave Telecom, Inc., now dba Verizon Wireless Telecom, Inc.. Document filed by United States of America. (Finney, Daniel) (Entered: 08/24/2005)
08/24/2005	<u>19</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. Nextwave Wireless, Inc. served on 8/18/2005, answer due 9/7/2005. Service was accepted by Carol Vogt Agent for New York Sec. of State. Document filed by United States of America. (Attachments: # <u>1</u> Supplement Carol Vogt, Agent for NY Sec. of State accepted servie upon Nextwave Wireless, Inc. on 8/18/2005 where it is still listed as doing business; Service obtained ( Doc 14) on Nextwave Wireless, LLC., (fka Nextwave Wireless, Inc., 8/17/2005 in Delaware)(Finney, Daniel) (Entered: 08/24/2005)
08/30/2005	<u>20</u>	REQUEST FOR WAIVER OF SERVICE sent to Susan A. Vinci, Atty. for Verizon Wireless, Bedminster NJ accepting service on behalf of Nextwve Personal Communications, Inc. n/k/a Verizon Wireless Area Communications, Inc.. Document filed by United States of America. Request for Waiver Mailed on 8/30/2005. (Attachments: # <u>1</u> )(Finney, Daniel) (Entered: 08/30/2005)
09/06/2005	<u>21</u>	WAIVER OF SERVICE RETURNED EXECUTED. Nextwave Personal Communications, Inc. waiver sent on 8/31/2005, answer due 10/31/2005. Document filed by United States of America. (Finney, Daniel) (Entered: 09/06/2005)
09/14/2005	<u>22</u>	FILING ERROR – ELECTRONIC FILING FOR NON–ECF DOCUMENT –NOTICE of Motion for Admission Pro Hac Vice of Jonathan J. Frankel. Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Power Partners, Inc.. (Attachments: # <u>1</u> Declaration of David S. Wolf# <u>2</u> Affidavit of Jonathan J. Frankel# <u>3</u> Order for Admission Pro Hac Vice of Jonathan J. Frankel)(Roumel, Eleni) Modified on 9/22/2005 (ac, ). (Entered: 09/14/2005)
09/14/2005	<u>23</u>	NOTICE of of Appearance of Jonathan J. Frankel. Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Power Partners, Inc.. (Roumel, Eleni) (Entered: 09/14/2005)
09/21/2005		Minute Entry for proceedings held before Judge Colleen McMahon : Pre–answer Conference held on 9/21/2005. All parties present. Dfts' motion to dismiss are due by 10/17/2005; plaintiff's responsive papers are due by 11/22/2005' and dft's reply is due by 12/9/2005. All proceedings in this matter are stayed until resolution of dfts' motions



		to dismiss. (Court Reporter Thomas W. Murray) (mde, ) (Entered: 09/21/2005)
09/22/2005		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – NON-ECF DOCUMENT ERROR. Note to Attorney Eleni Roumel to MANUALLY RE-FILE Document No. <u>22</u> Motion for Pro Hac Vice. This document is not filed via ECF. (ac, ) (Entered: 09/22/2005)
09/23/2005	<u>24</u>	MOTION for Jonathan J. Frankel to Appear Pro Hac Vice. Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc.. (dcr, ) (Entered: 09/23/2005)
09/23/2005	<u>25</u>	AFFIDAVIT of David S. Wolf in Support re: <u>24</u> MOTION for Jonathan J. Frankel to Appear Pro Hac Vice.. Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc.. (dcr, ) (Entered: 09/23/2005)
09/23/2005	<u>26</u>	AFFIDAVIT of Jonathan J. Frankel in Support re: <u>24</u> MOTION for Jonathan J. Frankel to Appear Pro Hac Vice.. Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc.. (dcr, ) (Entered: 09/23/2005)
09/23/2005	<u>27</u>	MOTION for William T. Lake to Appear Pro Hac Vice. Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc.. (dcr, ) (Entered: 09/23/2005)
09/23/2005	<u>28</u>	DECLARATION of David S. Wolf in Support re: <u>27</u> MOTION for William T. Lake to Appear Pro Hac Vice.. Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc.. (dcr, ) (Entered: 09/23/2005)
09/23/2005	<u>29</u>	AFFIDAVIT of William T. Lake in Support re: <u>27</u> MOTION for William T. Lake to Appear Pro Hac Vice.. Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc.. (dcr, ) (Entered: 09/23/2005)
09/26/2005	<u>30</u>	ORDER ADMITTING ATTORNEY PRO HAC VICE. Attorney William T. Lake for Nextwave Partners, Inc.; Nextwave Power Partners, Inc.; Nextwave Telecom, Inc. and Nextwave Personal Communications, Inc. admitted Pro Hac Vice. (Signed by Judge Colleen McMahon on 9/26/2005). "The Clerk's Office Has Mailed Copies".(mde, ) (Entered: 10/03/2005)
09/26/2005	<u>31</u>	NOTICE of Appearance by William T. Lake on behalf of Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Power Partners, Inc. (mde, ) Additional attachment(s) added on 10/3/2005 (mde, ). (Entered: 10/03/2005)
09/26/2005	<u>32</u>	ORDER ADMITTING ATTORNEY PRO HAC VICE. Attorney Jonathan J. Frankel for Nextwave Partners, Inc.; Nextwave Power Partners, Inc.; Nextwave Telecom, Inc. and Nextwave Personal Communications, Inc. admitted Pro Hac Vice. (Signed by Judge Colleen McMahon on 9/26/2005) "The Clerk's Office Has Mailed Copies".(mde, ) (Entered: 10/03/2005)
09/26/2005	<u>33</u>	NOTICE of Appearance by Jonathan J. Frankel on behalf of Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Power Partners, Inc. (mde, ) (Entered: 10/03/2005)
10/11/2005	<u>34</u>	NOTICE of Appearance by John Joseph McAvoy on behalf of Lucas, McGowan Nace & Gutierrez, Thomas Gutierrez (McAvoy, John) (Entered: 10/11/2005)
10/11/2005	<u>35</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Lucas, McGowan Nace & Gutierrez, Thomas Gutierrez.(McAvoy, John) (Entered: 10/11/2005)
10/11/2005	<u>36</u>	CERTIFICATE OF SERVICE of Rule 7.1 Statement served on all on October 11, 2005. Service was made by mail and ECF. Document filed by Lucas, McGowan Nace & Gutierrez, Thomas Gutierrez. (McAvoy, John) (Entered: 10/11/2005)

10/11/2005	<u>37</u>	FILING ERROR – PDF ERROR – CERTIFICATE OF SERVICE of Notice of Appearance served on all on Ocotber 11, 2005. Service was made by Mail and ECF. Document filed by Lucas, McGowan Nace & Gutierrez, Thomas Gutierrez. (McAvoy, John) Modified on 10/12/2005 (ae, ). (Entered: 10/11/2005)
10/12/2005	<u>38</u>	CERTIFICATE OF SERVICE of Notice of Appearance served on all on October 11, 2005. Service was made by mail and ECF. Document filed by Lucas, McGowan Nace & Gutierrez, Thomas Gutierrez. (McAvoy, John) (Entered: 10/12/2005)
10/17/2005	<u>39</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Weil Gotshal & Manges L.L.P..(Reiss, Steven) (Entered: 10/17/2005)
10/17/2005	<u>40</u>	MOTION to Dismiss. Document filed by Weil Gotshal & Manges L.L.P.. Responses due by 11/22/2005 (Reiss, Steven) (Entered: 10/17/2005)
10/17/2005	<u>41</u>	AFFIDAVIT of Steven Alan Reiss in Support re: <u>40</u> MOTION to Dismiss.. Document filed by Weil Gotshal & Manges L.L.P.. (Reiss, Steven) (Entered: 10/17/2005)
10/17/2005	<u>42</u>	SUPPLEMENTAL MEMORANDUM OF LAW in Support re: <u>40</u> MOTION to Dismiss.. Document filed by Weil Gotshal & Manges L.L.P.. (Reiss, Steven) (Entered: 10/17/2005)
10/17/2005	<u>43</u>	AFFIDAVIT OF SERVICE of Notice of Motion, Affidavit in Support of Motion, Supplemental Memorandum of Law and Rule 7.1 Statement served on William T. Lake, Esq. and Jonathan J. Frankel, Esq., Wilmer, Cutler Pickering, Hale and Dorr, LLP on 10/17/05. Service was made by FedEx. Document filed by Weil Gotshal & Manges L.L.P.. (Reiss, Steven) (Entered: 10/17/2005)
10/17/2005	<u>44</u>	MOTION to Dismiss <i>and Supporting Memorandum of Law</i> . Document filed by Nextwave Wireless, Inc.. (Attachments: # <u>1</u> )(Fabrizio, Steven) (Entered: 10/17/2005)
10/17/2005	<u>45</u>	SUPPLEMENTAL MEMORANDUM OF LAW in Support re: <u>44</u> MOTION to Dismiss <i>and Supporting Memorandum of Law</i> . filed by Kevin McCarthy on behalf of Philip Anker. Document filed by Nextwave Telecom, Inc.. (Mc Carthy, John) (Entered: 10/17/2005)
10/17/2005	<u>46</u>	DECLARATION of James Millar in Support re: <u>44</u> MOTION to Dismiss <i>and Supporting Memorandum of Law</i> .. Document filed by Nextwave Telecom, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A to Millar Declaration# <u>2</u> Exhibit Exhibit B to Millar Declaration# <u>3</u> Exhibit Exhibit C to Millar Declaration# <u>4</u> Exhibit Exhibit D to Millar Declaration# <u>5</u> Exhibit Exhibit E to Millar Declaration)(Mc Carthy, John) (Entered: 10/17/2005)
10/17/2005	<u>47</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Nextwave Wireless, Inc..(Fabrizio, Steven) (Entered: 10/17/2005)
10/19/2005	<u>48</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Nextwave Telecom, Inc..(Mc Carthy, John) (Entered: 10/19/2005)
10/19/2005	<u>49</u>	DECLARATION of Donald B. Verrilli, Jr. in Support re: <u>44</u> MOTION to Dismiss <i>and Supporting Memorandum of Law</i> .. Document filed by Nextwave Wireless, Inc.. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit # <u>10</u> Exhibit # <u>11</u> Exhibit # <u>12</u> Exhibit # <u>13</u> Exhibit)(Fabrizio, Steven) (Entered: 10/19/2005)
10/26/2005	50	MOTION for Donald B. Verilli, Jr. to Appear Pro Hac Vice. Document filed by Nextwave Telecom, Inc.. (jma, ) (Entered: 11/04/2005)
11/02/2005		***REJECTION OF ATTEMPTED PAPER FILING IN ECF CASE. The following document(s) Appearance by Donald Verrilli, was rejected by the Clerk's Office and must be FILED ELECTRONICALLY on the Court's ECF System. (ac, ) (Entered: 11/02/2005)
11/07/2005	<u>51</u>	ORDER granting 50 Motion for Donald B. Verrillik, Jr. to Appear Pro Hac Vice (Signed by Judge Colleen McMahon on 11/7/2005) (jma, ) (Entered: 11/09/2005)
11/15/2005	<u>52</u>	MEMO ENDORSEMENT ON PLNTFFS' REQUEST TO EXCEED PAGE LIMT.... ENDORSEMENT: exceeding the 25 page limitation but only to a total of 50 pages. SO Ordered: (Signed by Judge Colleen McMahon on 11/15/05) Copies sent by Clerk's

		Office.(pf, ) (Entered: 11/16/2005)
11/22/2005	<u>53</u>	FIRST MEMORANDUM OF LAW in Opposition re: <u>40</u> MOTION to Dismiss., <u>44</u> MOTION to Dismiss <i>and Supporting Memorandum of Law. Memorandum of Law in Opposition to Defendants' Motion to Dismiss.</i> Document filed by United States of America. (Attachments: # <u>1</u> Affidavit Supplemental Aff of Dan Finney# <u>2</u> Exhibit Exhibit A# <u>3</u> Exhibit OMB Excerpts# <u>4</u> Exhibit Credit Subsidy Box 2)(Finney, Daniel) (Entered: 11/22/2005)
12/07/2005	<u>54</u>	NOTICE of Appearance by Donald B. Verrilli, Jr on behalf of Nextwave Telecom, Inc. (Verrilli, Donald) (Entered: 12/07/2005)
12/08/2005	<u>55</u>	MOTION for Leave to File Excess Pages <i>and Proposed Order.</i> Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc., Weil Gotshal & Manges L.L.P., Lucas, McGowan Nace & Gutierrez, Thomas Gutierrez. (Verrilli, Donald) (Entered: 12/08/2005)
12/09/2005	<u>56</u>	RESPONSE in Support re: <u>44</u> MOTION to Dismiss <i>and Supporting Memorandum of Law.</i> Document filed by Nextwave Telecom, Inc.. (Millar, James) (Entered: 12/09/2005)
12/09/2005	<u>57</u>	SUPPLEMENTAL REPLY MEMORANDUM OF LAW in Support re: <u>40</u> MOTION to Dismiss.. Document filed by Weil Gotshal & Manges L.L.P.. (Reiss, Steven) (Entered: 12/09/2005)
12/09/2005	<u>58</u>	REPLY MEMORANDUM OF LAW in Support re: <u>44</u> MOTION to Dismiss <i>and Supporting Memorandum of Law.</i> Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc., Weil Gotshal & Manges L.L.P., Lucas, McGowan Nace & Gutierrez, Thomas Gutierrez. (Verrilli, Donald) (Entered: 12/09/2005)
12/12/2005	<u>59</u>	MEMO ENDORSED, granting <u>55</u> Motion for Leave to File Excess Pages . OK (Signed by Judge Colleen McMahon on 12/12/05) "The Clerk's Office Has Mailed Copies".(ae, ) (Entered: 12/14/2005)
03/01/2006	<u>60</u>	ORDER & DECISION GRANTING DFTS' MOTION TO DISMISS: re: <u>40</u> MOTION to Dismiss. filed by Weil Gotshal & Manges L.L.P., <u>44</u> MOTION to Dismiss <i>and Supporting Memorandum of Law.</i> filed by Nextwave Wireless, Inc.,.... For the foregoing reasons (see document for details), dfts' motion to dismiss the Complaint is granted. The Clerk of the Court is directed to keep this file open pending the government's consent to dismissal, pursuant to 31 USC 3730(b)(1). The government is ordered to provide the Court with a determination of whether it so consents by 3/6/06. So Ordered: (Signed by Judge Colleen McMahon on 2/24/06) Copies sent by Chambers.(pf, ) (Entered: 03/02/2006)
03/06/2006	<u>61</u>	NOTICE of Voluntary Dismissal pursuant to Rule 41(a)(1) of the F.R.C.P. Document filed by United States of America. (jma, ) (Entered: 03/07/2006)
03/15/2006	<u>62</u>	MOTION for Attorney Fees. Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc., Weil Gotshal & Manges L.L.P., Lucas, McGowan Nace & Gutierrez, Thomas Gutierrez. (Verrilli, Donald) (Entered: 03/15/2006)
03/15/2006	<u>63</u>	MEMORANDUM OF LAW in Support re: <u>62</u> MOTION for Attorney Fees.. Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc., Weil Gotshal & Manges L.L.P., Lucas, McGowan Nace & Gutierrez, Thomas Gutierrez. (Verrilli, Donald) (Entered: 03/15/2006)
03/17/2006	<u>64</u>	ENDORSED LETTER addressed to Dear Judge McMahon from Daniel P. Finney, Jr. dated 03/16/2006 re: Since this motion follows the Court's Order of Feb. 24, 2006 dismissing relator's claims, should I treat the motion as.....ENDORSED, No, you should respond. (Signed by Judge Colleen McMahon on 03/16/2006) "Copies Faxed By Chambers".(jma, ) (Entered: 03/17/2006)

03/27/2006	<u>65</u>	NOTICE OF APPEAL from <u>60</u> Order, Terminate Motions,,,, Document filed by United States of America. Filing fee \$ 255.00, receipt number E568134. (jma, ) (Entered: 03/28/2006)
03/27/2006		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>65</u> Notice of Appeal. (jma, ) (Entered: 03/28/2006)
03/27/2006		Transmission of Notice of Appeal to the District Judge re: <u>65</u> Notice of Appeal. (jma, ) (Entered: 03/28/2006)
03/28/2006		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>58</u> Reply Memorandum of Law in Support of Motion, filed by Nextwave Wireless, Inc., Nextwave Personal Communications, Inc., Nextwave Power Partners, Inc., Nextwave Telecom, Inc., Nextwave Partners, Inc., Weil Gotshal & Manges L.L.P., Lucas, McGowan Nace & Gutierrez,, Thomas Gutierrez,, <u>30</u> Order Admitting Attorney Pro Hac Vice,, <u>15</u> Summons Returned Executed, filed by United States of America,, <u>43</u> Affidavit of Service Other, filed by Weil Gotshal & Manges L.L.P., <u>9</u> Notice of Appearance filed by United States of America,, <u>31</u> Notice of Appearance filed by Nextwave Personal Communications, Inc., Nextwave Power Partners, Inc., Nextwave Telecom, Inc., Nextwave Partners, Inc., <u>29</u> Affidavit in Support of Motion, filed by Nextwave Wireless, Inc., Nextwave Personal Communications, Inc., Nextwave Power Partners, Inc., Nextwave Telecom, Inc., Nextwave Partners, Inc., <u>7</u> Complaint, filed by United States of America,, <u>3</u> Order, <u>5</u> Order, <u>63</u> Memorandum of Law in Support of Motion, filed by Nextwave Wireless, Inc., Nextwave Personal Communications, Inc., Nextwave Power Partners, Inc., Nextwave Telecom, Inc., Nextwave Partners, Inc., Weil Gotshal & Manges L.L.P., Lucas, McGowan Nace & Gutierrez,, Thomas Gutierrez,, <u>45</u> Memorandum of Law in Support of Motion filed by Nextwave Telecom, Inc., <u>34</u> Notice of Appearance filed by Lucas, McGowan Nace & Gutierrez,, Thomas Gutierrez,, <u>32</u> Order Admitting Attorney Pro Hac Vice,, <u>6</u> MOTION for Daniel P. Finney, Jr. to Appear Pro Hac Vice. filed by United States of America,, <u>64</u> Endorsed Letter,, <u>38</u> Certificate of Service Other filed by Lucas, McGowan Nace & Gutierrez,, Thomas Gutierrez,, <u>28</u> Declaration in Support of Motion, filed by Nextwave Wireless, Inc., Nextwave Personal Communications, Inc., Nextwave Power Partners, Inc., Nextwave Telecom, Inc., Nextwave Partners, Inc., <u>60</u> Order, Terminate Motions,,,,, <u>23</u> Notice (Other) filed by Nextwave Personal Communications, Inc., Nextwave Power Partners, Inc., Nextwave Telecom, Inc., Nextwave Partners, Inc., <u>17</u> Affidavit of Service Complaints filed by United States of America,, <u>46</u> Declaration in Support of Motion, filed by Nextwave Telecom, Inc., <u>22</u> Notice (Other), Notice (Other) filed by Nextwave Personal Communications, Inc., Nextwave Power Partners, Inc., Nextwave Telecom, Inc., Nextwave Partners, Inc., <u>27</u> MOTION for William T. Lake to Appear Pro Hac Vice. filed by Nextwave Wireless, Inc., Nextwave Personal Communications, Inc., Nextwave Power Partners, Inc., Nextwave Telecom, Inc., Nextwave Partners, Inc., <u>21</u> Waiver of Service Executed filed by United States of America,, <u>61</u> Notice of Voluntary Dismissal – Unsigned filed by United States of America,, <u>42</u> Memorandum of Law in Support of Motion filed by Weil Gotshal & Manges L.L.P., <u>12</u> Summons Returned Executed filed by United States of America,, <u>25</u> Affidavit in Support of Motion, filed by Nextwave Wireless, Inc., Nextwave Personal Communications, Inc., Nextwave Power Partners, Inc., Nextwave Telecom, Inc., Nextwave Partners, Inc., <u>47</u> Rule 7.1 Disclosure Statement filed by Nextwave Wireless, Inc., <u>57</u> Reply Memorandum of Law in Support of Motion filed by Weil Gotshal & Manges L.L.P., <u>26</u> Affidavit in Support of Motion, filed by Nextwave Wireless, Inc., Nextwave Personal Communications, Inc., Nextwave Power Partners, Inc., Nextwave Telecom, Inc., Nextwave Partners, Inc., <u>36</u> Certificate of Service Other filed by Lucas, McGowan Nace & Gutierrez,, Thomas Gutierrez,, <u>62</u> MOTION for Attorney Fees. filed by Nextwave Wireless, Inc., Nextwave Personal Communications, Inc., Nextwave Power Partners, Inc., Nextwave Telecom, Inc., Nextwave Partners, Inc., Weil Gotshal & Manges L.L.P., Lucas, McGowan Nace & Gutierrez,, Thomas Gutierrez,, <u>51</u> Order on Motion to Appear Pro Hac Vice, <u>40</u> MOTION to Dismiss. filed by Weil Gotshal & Manges L.L.P., <u>2</u> Sealed Document, <u>18</u> Affidavit of Service Complaints, filed by United States of America,, <u>14</u> Summons Returned Executed filed by United States of America,, <u>24</u> MOTION for Jonathan J. Frankel to Appear Pro Hac Vice. filed by Nextwave Wireless, Inc., Nextwave Personal Communications, Inc., Nextwave Power Partners, Inc., Nextwave Telecom, Inc., Nextwave Partners, Inc., <u>13</u> FIRST MOTION for Extension of Time <i>TO SERVE NEXTWAVE PERSONAL</i>

		<p><i>COMMUNICATIONS, INC.</i>. filed by United States of America,, <u>49</u> Declaration in Support of Motion, filed by Nextwave Wireless, Inc.,, <u>52</u> Memo Endorsement, <u>19</u> Affidavit of Service Complaints,, filed by United States of America,, <u>16</u> Summons Returned Executed, filed by United States of America,, <u>20</u> Request for Waiver of Service, filed by United States of America,, <u>41</u> Affidavit in Support of Motion filed by Weil Gotshal &amp; Manges L.L.P.,, <u>33</u> Notice of Appearance filed by Nextwave Personal Communications, Inc.,, Nextwave Power Partners, Inc.,, Nextwave Telecom, Inc.,, Nextwave Partners, Inc.,, <u>1</u> Order,, <u>10</u> Summons Returned Executed filed by United States of America,, <u>39</u> Rule 7.1 Disclosure Statement filed by Weil Gotshal &amp; Manges L.L.P.,, <u>48</u> Rule 7.1 Disclosure Statement filed by Nextwave Telecom, Inc.,, <u>11</u> Summons Returned Executed filed by United States of America,, <u>44</u> MOTION to Dismiss <i>and Supporting Memorandum of Law</i>. filed by Nextwave Wireless, Inc.,, <u>65</u> Notice of Appeal filed by United States of America,, <u>53</u> Memorandum of Law in Opposition to Motion, filed by United States of America,, <u>8</u> Order on Motion to Appear Pro Hac Vice, <u>56</u> Response in Support of Motion filed by Nextwave Telecom, Inc.,, <u>37</u> Certificate of Service Other, filed by Lucas, McGowan Nace &amp; Gutierrez,, Thomas Gutierrez,, <u>55</u> MOTION for Leave to File Excess Pages <i>and Proposed Order</i>. filed by Nextwave Wireless, Inc.,, Nextwave Personal Communications, Inc.,, Nextwave Power Partners, Inc.,, Nextwave Telecom, Inc.,, Nextwave Partners, Inc.,, Weil Gotshal &amp; Manges L.L.P.,, Lucas, McGowan Nace &amp; Gutierrez,, Thomas Gutierrez,, <u>4</u> Notice (Other) filed by United States of America,, <u>59</u> Order on Motion for Leave to File Excess Pages, <u>35</u> Rule 7.1 Disclosure Statement filed by Lucas, McGowan Nace &amp; Gutierrez,, Thomas Gutierrez,, <u>54</u> Notice of Appearance filed by Nextwave Telecom, Inc., were transmitted to the U.S. Court of Appeals. Document #50 missing. (ll, ) (Entered: 03/28/2006)</p>
03/29/2006	<u>66</u>	FIRST MEMORANDUM OF LAW in Opposition re: <u>62</u> MOTION for Attorney Fees.. Document filed by United States of America. (Attachments: # <u>1</u> Supplement Realtor's Motion for Adversary Submission)(Finney, Daniel) (Entered: 03/29/2006)
04/05/2006	<u>67</u>	REPLY MEMORANDUM OF LAW in Support re: <u>62</u> MOTION for Attorney Fees.. Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc., Weil Gotshal & Manges L.L.P., Lucas, McGowan Nace & Gutierrez, Thomas Gutierrez. (Verrilli, Donald) (Entered: 04/05/2006)
04/24/2006	<u>68</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Inquest / Damages Hearing. Referred to Magistrate Judge Mark D. Fox. (Signed by Judge Colleen McMahon on 4/21/06) (fk, ) (Entered: 04/26/2006)
04/24/2006	<u>69</u>	**** VACATED **** (Per Doc #86)MEMORANDUM ORDER AND DECISION GRANTING DFTS' MOTION FOR ATTYS' FEES re: <u>62</u> MOTION for Attorney Fees. filed by Nextwave Wireless, Inc.,, Nextwave Personal Communications, Inc.,, Nextwave Power Partners, Inc.,, Nextwave Telecom, Inc.,, Nextwave Partners, Inc.,, Weil Gotshal & Manges L.L.P.,, Lucas, McGowan Nace & Gutierrez,, Thomas Gutierrez,,... (Signed by Judge Colleen McMahon on 4/21/06) Copies sent by Chambers.(pf, ) Modified on 12/19/2006 (fk, ). (Entered: 04/26/2006)
04/25/2006	<u>70</u>	NOTICE of Substitution of Attorney. Document filed by Nextwave Telecom, Inc., Nextwave Personal Communications, Inc., Nextwave Partners, Inc., Nextwave Wireless, Inc., Nextwave Power Partners, Inc.. Added attorney Robert Ernst for Nextwave Telecom, Inc. and Nextwave Personal Communications, Inc.. Attorney Jonathan Joshua Frankel and William T. Lake terminated. (dcr, ) (Entered: 04/28/2006)
05/01/2006	<u>71</u>	FIRST MOTION for Reconsideration re; <u>69</u> Order, Terminate Motions,,. Document filed by United States of America. (Attachments: # <u>1</u> Affidavit Certificate of Service of Notice of Motion)(Finney, Daniel) (Entered: 05/01/2006)
05/01/2006	<u>72</u>	MEMORANDUM OF LAW in Support re: <u>71</u> FIRST MOTION for Reconsideration re; <u>69</u> Order, Terminate Motions,,. Document filed by United States of America. (Attachments: # <u>1</u> Exhibit Transcript of In camera hearing before Hon. A. Hardin USDC Bankruptcy SDNY March 29, 2005)(Finney, Daniel) (Entered: 05/01/2006)

05/03/2006	<u>73</u>	NOTICE of Submission Regarding Janice Obuchowski. Document filed by Nextwave Telecom, Inc.. (Verrilli, Donald) (Entered: 05/03/2006)
05/05/2006	<u>74</u>	MOTION for Leave to File Response to Defendants' Submission. Document filed by United States of America. (Finney, Daniel) (Entered: 05/05/2006)
05/11/2006	<u>75</u>	MOTION to Withdraw <i>Relators Motion for Leave to Respond to Defendants' Submission Regarding Janice Obuchowski</i> . Document filed by United States of America. (Finney, Daniel) (Entered: 05/11/2006)
05/11/2006	<u>76</u>	MEMO ENDORSEMENT on re: <u>75</u> MOTION to Withdraw <i>Relators Motion for Leave to Respond to Defendants' Submission Regarding Janice Obuchowski</i> . filed by United States of America. Endorsement: Application Granted and response is withdrawn. (Signed by Judge Colleen McMahon on 5/12/06) (fk, ) (Entered: 05/15/2006)
05/15/2006	77	ENDORSED LETTER addressed to USMJ Mark D. Fox from John McAvoy dated 5/12/06 re:....request that you excuse my participation in the phone conferenc eof May 30..... ENDORSEMENT: Application Granted. So Ordered: (Signed by Judge Mark D. Fox on 5/15/06) Copies sent by Clerk's Office.(pf, ) (Entered: 05/17/2006)
05/17/2006	<u>78</u>	RESPONSE to Motion re: <u>71</u> FIRST MOTION for Reconsideration re; <u>69</u> Order, Terminate Motions,.. Document filed by Nextwave Telecom, Inc.. (Verrilli, Donald) (Entered: 05/17/2006)
05/23/2006	<u>79</u>	MEMO ENDORSEMENT on <u>71</u> FIRST MOTION for Reconsideration of <u>69</u> Order, Terminate Motions....Endorsement: The motion is denied for the reasons stated in the deft's opposition. (Signed by Judge Colleen McMahon on 5/22/06) (fk, ) (Entered: 05/23/2006)
05/30/2006		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 5/30/2006. Adjourned date: 6/8/06 at 1:00 p.m.. (pf, ) (Entered: 05/30/2006)
06/08/2006		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 6/8/2006. Adjourned to 9/6/2006 at 9:00 (ip) inquest. (Submitted by Ed Modugno). (mde, ) (Entered: 06/09/2006)
06/08/2006	<u>80</u>	STIPULATION ORDER FOR DISCOVERY: Deft's. firms....will submit any retainer letters and contracts for services applicable to the attorneys fees motion and in support of the amounts claimed.....see document for more details. (Signed by Judge Mark D. Fox on 06/08/2006) (jma, ) (Entered: 06/09/2006)
09/06/2006		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 9/6/2006. Adjourned Date: 11/06/06 at 8:45 am (cc). Submitted By: Ed Modugno, Courtroom Deputy (dcr, ) (Entered: 09/07/2006)
09/14/2006	<u>81</u>	NOTICE of Removal from the List of Counsel. Document filed by Nextwave Wireless, Inc.. (Fabrizio, Steven) (Entered: 09/14/2006)
09/19/2006		USCA Case Number 06-1442 assigned to <u>65</u> Notice of Appeal filed by United States of America,. (fk, ) (Entered: 09/19/2006)
11/06/2006	<u>82</u>	ENDORSED LETTER addressed to Magistrate Judge Mark D. Fox from Daniel Finney dated 11/6/06 re: Notification of Settlement. Endorsement: Case is settled. Clerk is directed to close case. So Ordered.. (Signed by Judge Mark D. Fox on 11/6/06) (fk, ) (Entered: 11/08/2006)
11/06/2006		Minute Entry for proceedings held before Judge Mark D. Fox : Stip of Discon and Settlement Conference held on 11/6/2006. Stip of discon, and stip of settlement received in chambers and filed with the court. Matter is dismissed in its entirety. Closed case. (Court Reporter Taped) (jma, ) (Entered: 11/08/2006)
12/08/2006	<u>83</u>	JOINT MOTION to Vacate <i>Judgment and Order and Dismiss Complaint and Motion for Attorney Fee Award</i> . Document filed by United States of America. (Finney, Daniel) (Entered: 12/08/2006)
12/11/2006	<u>84</u>	ORDER (CALENDAR NOTICE).....matter has been scheduled for Conference before the Hon. Colleen McMahon on Friday December 15, 2006 at 10:30am.....So Ordered. (Signed by Judge Colleen McMahon on 12/08/2006) "Copies Faxed By

		Chambers".(jma, ) (Entered: 12/11/2006)
12/11/2006		Set/Reset Deadlines: Conference set for 12/15/2006 at 10:30am, before Hon. Colleen McMahon. (jma, ) (Entered: 12/11/2006)
12/12/2006	<u>85</u>	ENDORSED LETTER addressed to Judge Colleen McMahon from Daniel P. Finney, Jr. dated 12/11/2006 re: request a conference via telephone...ENDORSED: No adjournment you must appear personally. (Signed by Judge Colleen McMahon on 12/12/2006) "The Clerk's Office Has Mailed Copies".(mde, ) (Entered: 12/13/2006)
12/18/2006	<u>86</u>	ORDER re: <u>69</u> Order....Ordered that the Memorandum Order and Decision Granting Defendants' motion for Attorneys' Fees dated 4/21/06, is vacated. So Ordered. (Signed by Judge Colleen McMahon on 12/15/06) (fk, ) (Entered: 12/19/2006)
12/22/2006		Received returned mail re: <u>84</u> Order,. Mail was addressed to Robert Ernst of Verizon Wireless at 180 Washington Valley Road, Bedminister, NJ 07921 and was returned for the following reason(s): Return to Sender, Attempted Not Known–Unable to forward. (mde, ) (Entered: 12/26/2006)
02/05/2007	<u>87</u>	MANDATE of USCA (Certified Copy) as to <u>65</u> Notice of Appeal filed by United States of America USCA Case Number 06–1442. Ordered that the appeal is DISMISSAL. Thomas W. Asreen, Clerk USCA. Issued As Mandate: 11/21/2006. Certified: 02/01/2007. (jma) (Entered: 02/07/2007)
02/05/2007		Transmission of USCA Mandate/Order to the District Judge re: <u>87</u> USCA Mandate. (jma) (Entered: 02/07/2007)

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:02-cv-08105-R-CT**

USA ex rel v. Future Combat Systems  
Assigned to: Judge Manuel L. Real  
Referred to: Magistrate Judge Carolyn Turchin  
Demand: \$0  
Case in other court: 9th CCA, 05-55410  
Cause: 31:3729 False Claims Act

Date Filed: 10/18/2002  
Date Terminated: 02/14/2005  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America**  
*ex rel*

**Plaintiff**

**Fraud Watch**  
*also known as*  
Seal 2

represented by **Michael Thomas Stoller**  
Michael T Stoller Law Offices  
23945 Calabasas Road  
Suite 104  
Calabasas, CA 91302  
818-226-4040  
Fax: 818-226-4044  
Email:  
michael.stoller@stollerlawgroup.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Andrew Paquette**  
*also known as*  
Seal 3

represented by **Michael Thomas Stoller**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Future Combat Systems, LLC**  
*TERMINATED: 09/17/2004*  
*also known as*  
Seal A  
*TERMINATED: 09/17/2004*

represented by **Michael E Weinsten**  
Lavelly and Singer  
2049 Century Park East Suite 2400  
Los Angeles, CA 90067  
310-556-3501  
Fax: 310-556-3615  
Email: mweinsten@lavellysinger.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Sony Pictures Imageworks, Inc**

represented by **Marc S Harris**  
**Date Discrepancy Cases 284**



*also known as*  
Seal B

Scheper Kim & Harris LLP  
One Bunker Hill  
601 West 5th Street 12th Floor  
Los Angeles, CA 90071-2025  
213-613-4655  
Fax: 213-613-4656  
Email: mharris@scheperkim.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Pandemic Studios, LLC**  
*TERMINATED: 09/16/2004*  
*also known as*  
Seal C  
*TERMINATED: 09/16/2004*

represented by **Michael E Weinsten**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Institute for Creative Technology, The**  
*a business entity unknown*  
*TERMINATED: 09/16/2004*  
*also known as*  
Seal D  
*TERMINATED: 09/16/2004*

**Defendant**

**Ronald E Glousman MD**  
*1 through 100, inclusive*

**Defendant**

**DOES 1 through 100, inclusive**

Date Filed	#	Docket Text
10/18/2002	1	COMPLAINT filed Summons(es) Issued referred to Discovery Carolyn Turchin (pc) (Entered: 10/23/2002)
10/18/2002	<a href="#">3</a>	EX PARTE APPLICATION filed by plaintiff Seal 1, plaintiff Seal 2, plaintiff Seal 3 for order to file complaint under seal Lodged Order (seal) (bfr). (Entered: 10/28/2002)
12/03/2002	<a href="#">4</a>	EX PARTE APPLICATION filed by plaintiff Seal 1 to extend time to make an election to intervene Lodged Proposed order (seal) (bfr). (Entered: 12/05/2002)
12/03/2002	<a href="#">6</a>	PROOF OF SERVICE by plaintiff Seal 1 on 12/2/02 of exparte application (seal) (bfr). (Entered: 12/05/2002)
12/09/2002	<a href="#">7</a>	ORDER by Judge Manuel L. Real granting ex parte application for an extension of time, for a period of four months, to & including 3/15/03 [4-1]. It is hereby ordered that the US shall have until & including 3/15/03, to intervene in the captioned action, or to notify the court that it declines to do so; and it is Further Ordered that the complaint and all other filings shall remain under seal unless the court orders that the seal be lifted prior to that date. (seal) (bfr). (Entered: 12/10/2002)
03/06/2003	<a href="#">8</a>	EX PARTE MOTION by the United States filed for a four month extension of time to make an election to intervene (seal) (bfr). (Entered: 03/07/2003)

**Date Discrepancy Cases 285**

03/06/2003	<a href="#">9</a>	MEMORANDUM OF POINTS AND AUTHORITIES in support of ex parte application for a four month extension of time to make an election to intervene [8-1] (seal) (bfr). (Entered: 03/07/2003)
03/06/2003	<a href="#">10</a>	CERTIFICATE OF SERVICE on 3/5/03 of Ex Parte Application (seal) (bfr). (Entered: 03/07/2003)
03/06/2003	<a href="#">11</a>	ORDER by Judge Manuel L. Real granting ex parte application for a four month extension of time to make an election to intervene [8-1] until and including 7/15/03; It is further ordered that the complaint and all other filings shall remain under seal unless the Court orders that the seal be lifted prior to that date (seal) (bfr). (Entered: 03/11/2003)
07/08/2003	<a href="#">12</a>	EX PARTE MOTION filed by plaintiff Seal 1 for a four month extension of time to make an election to intervene ; Lodged order (rl) (seal) (bfr). (Entered: 07/10/2003)
07/08/2003	<a href="#">13</a>	MEMORANDUM OF POINTS AND AUTHORITIES by plaintiff Seal 1 in support of ex parte application for a four month extension of time to make an election to intervene [12-1] (rl) (seal) (bfr). (Entered: 07/10/2003)
07/08/2003	<a href="#">14</a>	CERTIFICATE OF SERVICE on 7/7/03 of Ex Parte Application for a 4 month extension of the intervention deadline, accompanying memorandum, and proposed order (rl) (seal) Modified on 07/10/2003 (bfr). (Entered: 07/10/2003)
07/14/2003	<a href="#">15</a>	ORDER by Judge Manuel L. Real granting ex parte application for a four month extension of time to make an election to intervene [12-1]: ORDERED that the USA shall have until and including 11/15/03 to intervene in the captioned action, or to notify the Court that it declines to do so; and it is FURTHER ORDERED that the complaint and all other filings shall remain under seal unless the Court orders that the seal shall be lifted prior to that date. (yl) (seal) (bfr). (Entered: 07/16/2003)
04/28/2004	<a href="#">16</a>	MINUTES held before Judge Wm. Matthew Byrne :, Set/Reset Hearings: Status Conference set for 5/17/2004 11:00 AM before Honorable Wm. Matthew Byrne. Court Reporter: Not Available. (yc, ) (bfr). (Entered: 04/29/2004)
05/17/2004	<a href="#">17</a>	MINUTES OF Status Conference held before Judge Manuel L. Real : Counsel for government request additional time to intervene. Court denies request for additional time. court orders action unsealed. Court sets Jury Trial set for 9/14/2004 09:00 AM. Pretrial Conference set for 8/16/2004 11:00 AM. Counsel for government to prepare order. Court Reporter: Leonore LeBlanc. (yc, ) (bfr). (Entered: 05/20/2004)
05/24/2004	<a href="#">18</a>	ORDER by Judge Manuel L. Real, IT IS HEREBY ORDERED that: The complaint be unsealed and served upon the defendant by the relator, all other contents of the court's file in this action as of the date hereof shall remain under seal and not be made public or served upon the defendant. The parties shall serve all pleadings and motions filed in this action including supporting memorandam upon the United States, as provided for in 31 USC 3730 (c)(3). The United States will notify the court of its decision to intervene or decline in this matter within 10 days of this order. (yc, ) (Entered: 05/25/2004)
05/26/2004	<a href="#">19</a>	NOTICE TO COUNSEL ORDER by Judge Manuel L. Real, Counsel are advised that the court expects strict compliance with the provisions of the local rules and the Federal Rules of civil procedure. NONCOMPLIANCE MAY LEAD TO THE IMPOSITION OF SANCTIONS WHICH MAY INCLUDE THE STRIKING OF PLEADING AND ENTRY OF JUDGMENT OR DISMISSAL OF THE ACTION. (yc, ) (Entered: 05/27/2004)
06/07/2004	<a href="#">20</a>	SEALED DOCUMENT filed by Plaintiff UNITED STATES OF AMERICA regarding Notice of the United States tht it is not intervening at this time., (yc, ) (bfr). (Entered: 06/09/2004)

**Date Discrepancy Cases 286**

06/28/2004	<a href="#">21</a>	ORDER by Judge Manuel L. Real, IT IS ORDERED that, all contents of the court's filed in this action which have not been previously unsealed remain under seal and not be made public or served upon the defendant, except for this order and the Notice of the United States that it is not intervening at this time, which the relator will serve upon the defendant only after service of the complaint. The parties shall serve all pleading and motions filed in this action, including supporting memoranda upon the United states as provided for. The US may order any deposition transcript and is entitled to intervene in this action(yc, ) (Entered: 06/29/2004)
08/12/2004		Summons Issued re Complaint - (Discovery) 1 as to Defendants (rl, ) (Entered: 08/13/2004)
08/12/2004	23	NOTICE of Pretrial conference and jury trial filed by plaintiffs Andrew Paquette. The court has scheduled a Pretrial Conference on 8/16/04 and Jury trial 9/14/04 at 9am. (yc, ) (Entered: 08/18/2004)
08/16/2004	22	MINUTES OF Pretrial Conference held before Judge Manuel L. Real ;, Reset Hearings: Jury Trial set for 11/16/2004 09:00 AM. Pretrial Conference set for 11/1/2004 11:00 AM.Court Reporter: Leonore LeBlanc. (yc, ) (Entered: 08/17/2004)
08/18/2004	24	NOTICE of continuance of pretrial conference and jury trial filed by plaintiffs Andrew Paquette. Pretrial from 8/16/04 to 11/1/2004; Jury Trial 9/14/04 to 11/16/04(yc, ) (Entered: 08/19/2004)
08/18/2004	25	PROOF OF SERVICE Executed upon Future Combat Systems, LLC served on 8/13/2004, answer due 9/2/2004. The Summons and Complaint were served by personally delivering copies by Federal and State statute were marked, upon Teri Escamilla, Receptionist to and authorized to accept service on behalf of Marc Harris, authorized agent for service.. Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 08/24/2004)
08/18/2004	26	PROOF OF SERVICE Executed upon Institute for Creative Technology, The served on 8/13/2004, answer due 9/2/2004. The Summons and Complaint were served by personally delivering copies by Federal and State statute were both marked, upon Linda Kinchelow, Paralegal and authorized to accept service on behalf of Todd R Dickey, office of the general counsel, registered agent. Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 08/24/2004)
08/18/2004	27	PROOF OF SERVICE Executed upon Sony Pictures Imageworks, Inc served on 8/13/2004, answer due 9/2/2004. The Summons and Complaint were served by personally delivering copies by Federal and State statute were both marked, upon Teri Escamilla, Receptionist to and authorized to accept service on behalf of Marc Harris authorized agent for service.. Due Dilligence declaration not attached.. Original Summons not returned. (yc, ) (Entered: 08/24/2004)
08/18/2004	28	PROOF OF SERVICE Executed upon Pandemic Studios, LLC served on 8/13/2004, answer due 9/2/2004. The Summons and Complaint were served by personally delivering copies by Federal and state statute were marked, upon Kristine Sowers, receptionist to and authorized to accept service on behalf of Joshua, Resnik, registered agent for service of process. Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 08/24/2004)
08/27/2004	29	JOINT STIPULATION Extending Time to Answer the complaint. Future Combat Systems, LLC answer due 10/1/2004; Pandemic Studios, LLC answer due 10/1/2004. filed by defendants Future Combat Systems, LLC ; Pandemic Studios, LLC. (yc, ) (Entered: 08/31/2004)
09/16/2004	<a href="#">30</a>	NOTICE OF DISMISSAL pursuant to FRCP 41a(1) as to Defendants Pandemic Studios

**Date Discrepancy Cases 287**

		LC and The Institute for Creative Technology, a business entity unknown filed by Plaintiff Andrew Paquette, UNITED STATES OF AMERICA, Fraud Watch (ir ) (Entered: 09/17/2004)
09/17/2004	<a href="#">31</a>	NOTICE OF DISMISSAL filed by plaintiff Andrew Paquette pursuant to FRCP 41a(1) as to Future Combat Systems, LLC. (yc, ) (Entered: 09/21/2004)
09/29/2004	<a href="#">32</a>	STIPULATION AND ORDER by Judge Manuel L. Real : IT IS HEREBY ORDERED that counts 1 through 5 of this action are dismiss without prejudice. (yc, ) (Entered: 09/30/2004)
10/01/2004	33	CERTIFICATION of Interested Parties filed by Defendant Sony Pictures Imageworks, Inc. (el, ) (Entered: 10/04/2004)
10/01/2004	34	ANSWER to Complaint - (Discovery) 1 filed by Defendant Sony Pictures Imageworks, Inc.(el, ) (Entered: 10/04/2004)
10/22/2004	<a href="#">35</a>	MINUTES OF In Chambers Conference held before Judge Manuel L. Real: Counsel are Notified that on the COurt's own motion the: Final Pretrial Conference is reset to 11/8/2004 11:00 AM before Honorable Manuel L. Real.Court Reporter: None Present. (shb, ) (Entered: 10/26/2004)
11/08/2004		MINUTES OF PROCEEDINGS: PRE-TRIAL CONFERENCE. The Pre-Trial Conference and Trial Dates are vacated. The matter is set for Status Conference on the issue of whether plaintiff can move forward with this action as solely a job discrimination case as originally pled in the complaint,on 11/29/2004 10:00 AM before Honorable Manuel L. Real. The parties may file briefs on this issue by 11/16/2004.Court Reporter: Leandra Amber. (el, ) (Entered: 11/12/2004)
11/08/2004	36	MINUTES OF PROCEEDINGS: The Pre-Trial Conference and Trial dates are vacated. The matter is set for Status Conference on the issue of whether Plaintiff can move forward with this action as soley a job discrimination case as originally pled in the complaint, on 11/29/2004 10:00 AM before Honorable Manuel L. Real. The parties may file briefs on this issue by 11/16/2004.Court Reporter: Leandra Amber. (el, ) (Entered: 11/15/2004)
11/12/2004	37	JOINT REPORT Rule 26(f) Discovery Plan filed; estimated length of trial 3 - 5 court days. (rl, ) (Entered: 11/17/2004)
11/16/2004	38	BRIEF FILED by Defendant Sony Pictures Imageworks, Inc. regarding Courts Jurisdiction over Employment Claim 36 . (el, ) (Entered: 11/23/2004)
11/16/2004	39	Memorandum of Points and Authorities supporting Courts Jurisdiction over Plaintiff Andrew Paquettes 31 U.S.C. 3730(b) Claim re 38 (el, ) (Entered: 11/23/2004)
11/29/2004	40	MINUTES: Status Conference held before Judge Manuel L. Real. This matter is set for a Pretrial Conference on 1/31/05 at 11:00 AM., and Trial on 2/8/05 at 9:00 AM. Court Reporter: Leonore LeBlanc. (nhac, ) (Entered: 12/06/2004)
12/28/2004	41	NOTICE AND MOTION for Summary Judgment; Memorandum of Points and Authorities filed by Defendant Sony Pictures Imageworks, Inc. Motion set for hearing on 1/18/2005 at 10:00 AM before Honorable Manuel L. Real. Lodged proposed statement, order. (rl, ) (Entered: 01/06/2005)
12/28/2004	42	DECLARATION of Marc S Harris in support of MOTION for Summary Judgment 41 filed by Defendant Sony Pictures Imageworks, Inc. (rl, ) (Entered: 01/06/2005)
12/28/2004	43	DECLARATION of Thomas Hershey in support of MOTION for Summary Judgment 41 filed by Defendant Sony Pictures Imageworks, Inc. (rl, ) (Entered: 01/06/2005)
01/05/2005	<a href="#">44</a>	MINUTES OF IN CHAMBERS ORDER by Judge Manuel L. Real : Counsel are notified

**Date Discrepancy Cases 288**

		that on the Courts own motion, Defendant Sonys MOTION for Summary Judgment 41 , is hereby continued to 2/7/2005 at 10:00 a.m. IT IS FURTHER ORDERED that all reply papers remain due for service and filing on 1/11/2005. The Pre-Trial Conference is ORDERED CONTINUED to 2/28/2005 at 11:00 a.m. and the Trial to 3/22/2005 at 9:00 a.m.Court Reporter: None Present. (el, ) (Entered: 01/07/2005)
01/05/2005		Reset Hearings: Pre-Trial Conference is continued to 2/28/05 at 11:00 a.m. and Jury Trial is continued to 3/22/2005 at 9:00 a.m. pursuant to Minute Order <a href="#">44</a> (el, ) (Entered: 01/07/2005)
01/05/2005	45	NOTICE OF REQUEST to Lodge Original transcript of Deposition of Andrew Paquette regarding SPI Motion for Summary Judgment filed by Defendant Sony Pictures Imageworks, Inc. (mch, ) (Entered: 01/10/2005)
01/12/2005	46	EX PARTE APPLICATION to Continue Hearing on MOTION for Summary Judgment 41 , and Extension of Time to File Plaintiffs Opposition thereto; Memorandum of Points and Authorities; Declaration and Exhibit in support filed by Plaintiff Andrew Paquette. Lodged Order. (el, ) (Entered: 01/18/2005)
01/13/2005	<a href="#">47</a>	ORDER by Judge Manuel L. Real : granting 46 Ex Parte Application to Continue hearing on motion for summary judgment, granting 46 Extension of Time to File opposition: Plaintiff shall file and serve his opposition by 1/14/2005. Defendant shall file its reply by 1/18/2005. (el, ) (Entered: 01/18/2005)
01/18/2005	49	MEMORANDUM OF POINTS AND AUTHORITIES in Opposition to MOTION for Summary Judgment 41 ; Declaration of Michael T. Stoller; Declaration of Andrew Paquette filed by Plaintiff Andrew Paquette. (yl, ) (Entered: 01/20/2005)
01/18/2005	50	STATEMENT of GENUINE ISSUES IN OPPOSITION to MOTION for Summary Judgment 41 filed by Plaintiff Andrew Paquette. (yl, ) (Entered: 01/20/2005)
01/18/2005	51	DECLARATION of Michael T. Stoller in Support of Plaintiff Andrew Paquette's Opposion to MOTION for Summary Judgment 41 filed by Plaintiff Andrew Paquette. (yl, ) (Entered: 01/20/2005)
01/18/2005	52	REPLY BRIEF IN SUPPORT OF Motion for Summary Judgment 41 filed by Defendant Sony Pictures Imageworks, Inc. (yl, ) (Entered: 01/20/2005)
01/19/2005	<a href="#">48</a>	MINUTES OF IN CHAMBERS ORDER by Judge Manuel L. Real that on the Courts own motion the: Defendants MOTION for Summary Judgment 41 is hereby ORDERED CONTINUED to 2/14/2005 at 10:00 a.m.Court Reporter: None Present. (el, ) (Entered: 01/20/2005)
02/07/2005	53	Witness List filed by Defendant Sony Pictures Imageworks, Inc.(shb, ) (Entered: 02/08/2005)
02/07/2005	54	MEMORANDUM of CONTENTIONS of FACT and LAW filed by Defendant Sony Pictures Imageworks, Inc. (shb, ) (Entered: 02/08/2005)
02/14/2005	<a href="#">55</a>	Defendant Sony Pictures Imageworks Inc's STATEMENT Uncontroverted Facts filed by Defendant Sony Pictures Imageworks, Inc (shb, ) (Entered: 02/15/2005)
02/14/2005	<a href="#">56</a>	JUDGMENT by Judge Manuel L. Real, in favor of Defendant Sony Pictures Imageworks, Inc and against Plaintiff UNITED STATES OF AMERICA, Fraud Watch, Andrew Paquette. IT IS ORDERED AND ADJUDGED that plaintiff take nothing, that the action be dismissed on the merits and that defendant Sony Pictures Imageworks Inc recover its costs. (MD JS-6, Case Terminated).(shb, ) (Entered: 02/15/2005)
02/14/2005	57	MINUTES OF Motion Hearing held before Judge Manuel L. Real :, RE: Defendant Sony's

**Date Discrepancy Cases 289**

		MOTION for Summary Judgment 41 ; The Court Grants the Motion and signs the proposed uncontroverted facts and conclusions of law and the proposed judgment. Court Reporter: Beth Zaccaro. (shb, ) (Entered: 02/16/2005)
03/01/2005	58	NOTICE OF APPLICATION TO CLERK To Tax Costs filed by Defendant Sony Pictures Imageworks, Inc. (yl, ) (Entered: 03/04/2005)
03/16/2005	59	NOTICE OF APPEAL to 9th CCA filed by plaintiff Andrew Paquette. Appeal of Judgment, <a href="#">56</a> Filed On: 2/14/05; Entered On: 2/15/05; Filing fee \$255, Paid receipt number 21811. cc: Michael T. Stoller; Beck, De Corso, Daly, Kreindler and Harris. (ghap, ) (Entered: 03/16/2005)
03/17/2005	<a href="#">60</a>	BILL OF COSTS. Costs Taxed in amount of \$ 1,517.00 in favor of defendant Sony Pictures Imageworks Inc and against plaintiff Andrew Paquette. RE: Judgment, <a href="#">56</a> (pj, ) (Entered: 03/18/2005)
03/18/2005		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: Appeal to Circuit Court 59 . (cbr, ) (Entered: 03/18/2005)
04/01/2005	61	NOTIFICATION by Circuit Court of Appellate Docket Number 05-55410, 9th CCA regarding Appeal to Circuit Court, 59 filed by Andrew Paquette,. (nm, ) (Entered: 04/01/2005)
04/04/2005	62	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: 02/14/05 Hearing on Summary Judgment; Court Reporter: Beth Zaccaro; Court of Appeals Case Number: 05-55410; Re: Appeal to Circuit Court, 59 . (cbr, ) (Entered: 04/06/2005)
04/14/2005	63	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 2/14/05 Court Reporter: Beth Zaccaro. (ghap, ) (Entered: 04/18/2005)
04/14/2005	64	TRANSCRIPT filed for proceedings held on 2/14/05. Court Reporter: Beth Zaccaro. (ghap, ) (Entered: 04/18/2005)
04/20/2005	65	CERTIFICATE OF RECORD Transmitted to USCA re Appeal to Circuit Court, 59 filed by Andrew Paquette, ; Court of Appeals Case Number: 05-55410. (ghap, ) (Entered: 04/20/2005)
09/29/2005	<a href="#">66</a>	MANDATE of 9th CCA filed as to Appeal Number Info from USCA (A-8) 61 , Appeal to Circuit Court, 59 , CCA # 05-55410. The appeal is dismissed. Mandate received in this district on 10/3/05. (ghap, ) (Entered: 10/04/2005)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 07:30:08			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:02-cv-08105-R-CT End date: 1/28/2019
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60

**United States District Court  
District of Massachusetts (Worcester)  
CIVIL DOCKET FOR CASE #: 4:06-cv-40241-FDS**

Gagne, et al v City of Worcester  
Assigned to: Judge F. Dennis Saylor, IV  
Cause: 31:3729 False Claims Act

Date Filed: 11/09/2006  
Date Terminated: 06/20/2008  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America**  
ex rel

represented by **Patricia M. Connolly**  
United States Attorney's Office  
John Joseph Moakley Federal Courthouse  
1 Courthouse Way  
Suite 9200  
Boston, MA 02210  
617-748-3278  
Fax: 617-748-3971  
Email: Patricia.Connolly@usdoj.gov  
TERMINATED: 06/12/2007  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Jeffrey Mark Cohen**  
United States Attorney's Office MA  
1 Courthouse Way  
Suite 9200  
Boston, MA 02210  
617-748-3626  
Fax: 617-748-3969  
Email: jeffrey.cohen@usdoj.gov  
ATTORNEY TO BE NOTICED

**Plaintiff**

**Edward L. Gagne**  
ex rel

represented by **Daniel J. Shea**  
Daniel J. Shea, P.C.  
1519 Droxford Drive  
Houston, TX 77008  
832-647-3612  
Email: djs7500@aol.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Plaintiff**

**Linda Jeneski**  
ex rel

represented by **Daniel J. Shea**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

V.

**Defendant****City of Worcester**

represented by **David M. Moore**  
 City of Worcester Law Department  
 City Hall  
 Room 301  
 455 Main Street  
 Worcester, MA 01608  
 508-799-1161  
 Fax: 508-799-1163  
 Email: moored@ci.worcester.ma.us  
**ATTORNEY TO BE NOTICED**

**Janet J. McGuigan**  
 City Hall  
 Room 301  
 455 Main Street  
 Worcester, MA 01608  
 508-799-1161  
 Fax: 508-799-1163  
**ATTORNEY TO BE NOTICED**

**Defendant****Mr. Stephen R Willand**

represented by **Janet J. McGuigan**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Interested Party****Hon. Deval Patrick**

TERMINATED: 01/07/2008

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/09/2006	<a href="#">1</a>	COMPLAINT against City of Worcester Filing fee: \$ 350, receipt number 404942, filed by United States of America, Edward L. Gagne, Linda Jeneski. (Attachments: # <a href="#">1</a> Exhibit # <a href="#">2</a> civil cover sheets)(Jones, Sherry) (Entered: 11/09/2006)
06/08/2007	<a href="#">4</a>	NOTICE of Election to Decline Intervention by United States of America. (Attachments: # <a href="#">1</a> proposed order)(Jones, Sherry) (Entered: 06/08/2007)
06/08/2007	<a href="#">5</a>	Judge F. Dennis Saylor IV: ORDER entered unsealing complaint re <a href="#">4</a> Notice (Other) filed by United States of America.(Jones, Sherry) (Entered: 06/08/2007)
06/13/2007	<a href="#">6</a>	NOTICE of Substitution of Appearance by Jeffrey Mark Cohen on behalf of United States of America (Hassett, Kathy) (Entered: 06/13/2007)
06/13/2007	<a href="#">7</a>	MOTION to Seal Case by Edward L. Gagne. (Attachments: # <a href="#">1</a> Exhibit Exh. "A," Iowa Indictment)(Shea, Daniel) (Entered: 06/13/2007)
06/18/2007	<a href="#">8</a>	First AMENDED COMPLAINT against City of Worcester UNDER SEAL, filed by Edward L. Gagne. (Attachments: # <a href="#">1</a> Exhibit "A," Account Ledger# <a href="#">2</a> Exhibit "B," Ltr. to Mass WFD 03132006# <a href="#">3</a> Text of Proposed Order TRO and Show Cause)(Shea, Daniel) (Entered: 06/18/2007)

**Date Discrepancy Cases 292**



06/21/2007		Judge F. Dennis Saylor IV: Electronic ORDER entered denying <a href="#">7</a> Motion to Seal Case. (Castles, Martin) (Entered: 06/21/2007)
07/19/2007	<a href="#">9</a>	REQUEST FOR WAIVER of Service sent to Hon K. B. Lukes, Def. City on 07/19/2007 by United States of America.Waiver of Service due by 8/20/2007. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed TRO and Show Cause)(Shea, Daniel) (Entered: 07/19/2007)
07/20/2007	<a href="#">10</a>	Judge F. Dennis Saylor IV: MEMORANDUM AND ORDER entered denying request for a TEMPORARY RESTRAINING ORDER.(Castles, Martin) (Entered: 07/20/2007)
08/23/2007	<a href="#">11</a>	WAIVER OF SERVICE Returned Executed City of Worcester waiver sent on 7/19/2007, answer due 9/17/2007. (Shea, Daniel) Modified on 8/28/2007 (Hassett, Kathy). (Entered: 08/23/2007)
08/28/2007		Notice of correction to docket made by Court staff. Correction: document #11 corrected because: incorrect date of waiver issued resulting in incorrect answer due date. (Hassett, Kathy) (Entered: 08/28/2007)
09/17/2007	<a href="#">12</a>	MOTION to Dismiss amended complaint by City of Worcester.(McGuiggan, Janet) Modified on 9/18/2007 (Jones, Sherry). (Entered: 09/17/2007)
10/01/2007	<a href="#">13</a>	First Opposition re <a href="#">12</a> MOTION to Dismiss Complaint filed by Deval Patrick, Edward L. Gagne, Linda Jeneski. (Attachments: # <a href="#">1</a> Exhibit "A," Willand Timesheets 2004# <a href="#">2</a> Exhibit "B," Dahlquist Timesheets 2004# <a href="#">3</a> Exhibit "C," Anderson Timesheets 2004# <a href="#">4</a> Exhibit "D," Crowley Timesheets 2004# <a href="#">5</a> Exhibit "E," Anderson Timesheets 2003# <a href="#">6</a> Exhibit "F," Bull Memorandum# <a href="#">7</a> Exhibit "G," Bull E-mail# <a href="#">8</a> Exhibit "H," Willand Invoice# <a href="#">9</a> Exhibit "I," REB Job Posting# <a href="#">10</a> Exhibit "J," Letter to Governor)(Shea, Daniel) (Entered: 10/01/2007)
10/02/2007	<a href="#">14</a>	MOTION for Leave to File Excess Pages by Edward L. Gagne, Linda Jeneski.(Shea, Daniel) (Entered: 10/02/2007)
10/02/2007	<a href="#">15</a>	NOTICE OF CORRECTED CERTIFICATE OF SERVICE by Edward L. Gagne, Linda Jeneski re <a href="#">14</a> MOTION for Leave to File Excess Pages, <a href="#">13</a> Opposition to Motion,, Corrected Certificate of Service (Shea, Daniel) Modified on 10/18/2007 (Jones, Sherry). (Entered: 10/02/2007)
10/02/2007	<a href="#">16</a>	MOTION to Amend <a href="#">14</a> MOTION for Leave to File Excess Pages by Edward L. Gagne, Linda Jeneski.(Shea, Daniel) (Entered: 10/02/2007)
10/02/2007		Judge F. Dennis Saylor IV: Electronic ORDER entered granting <a href="#">14</a> Motion for Leave to File Excess Pages and granting <a href="#">16</a> Motion to Amend. (Castles, Martin) (Entered: 10/02/2007)
10/03/2007	<a href="#">17</a>	Second MOTION Judicial Notice Restated by Edward L. Gagne, Linda Jeneski.(Shea, Daniel) (Entered: 10/03/2007)
10/11/2007	<a href="#">18</a>	NOTICE of Appearance by David M. Moore on behalf of City of Worcester (Moore, David) Additional attachment(s) added on 10/11/2007 (Hassett, Kathy). (Entered: 10/11/2007)
10/11/2007	<a href="#">19</a>	NOTICE of Appearance by David M. Moore on behalf of City of Worcester (Moore, David) (Entered: 10/11/2007)
10/11/2007		Notice of correction to docket made by Court staff. Correction: document #18 corrected because: incorrect document attached. (Hassett, Kathy) (Entered: 10/11/2007)
11/16/2007	<a href="#">20</a>	MOTION to Strike <a href="#">13</a> Opposition to Motion,, Strike Attachments 1 through 10 to Relators' Opposition filed or, alternatively, request for leave to reply to Relator's Oppostion by City

**Date Discrepancy Cases 293**

		of Worcester.(McGuiggan, Janet) Modified on 11/19/2007 (Jones, Sherry). (Entered: 11/16/2007)
11/20/2007	<a href="#">21</a>	MOTION for Leave to File Second Amended Complaint by Edward L. Gagne, Linda Jeneski. (Attachments: # <a href="#">1</a> Exhibit "A," Second Amended Complaint (Proposed))(Shea, Daniel) (Entered: 11/20/2007)
11/20/2007	<a href="#">22</a>	MOTION for Preliminary Injunction by Edward L. Gagne, Linda Jeneski. (Attachments: # <a href="#">1</a> Exhibit "A," Letter, Shea to Governor Patrick)(Shea, Daniel) (Entered: 11/20/2007)
12/04/2007	<a href="#">23</a>	Opposition re <a href="#">22</a> MOTION for Preliminary Injunction filed by City of Worcester. (McGuiggan, Janet) (Entered: 12/04/2007)
12/04/2007	<a href="#">24</a>	Opposition re <a href="#">21</a> MOTION for Leave to File Second Amended Complaint filed by City of Worcester. (McGuiggan, Janet) (Entered: 12/04/2007)
01/04/2008	<a href="#">25</a>	Judge F. Dennis Saylor, IV: MEMORANDUM AND ORDER entered granting in part and denying in part <a href="#">21</a> Motion for Leave to File Amended Complaint; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures and denying <a href="#">22</a> Motion for Preliminary Injunction. (Castles, Martin) (Entered: 01/04/2008)
01/04/2008	<a href="#">26</a>	Second AMENDED COMPLAINT against all defendants, filed by Edward L. Gagne, Linda Jeneski.(Shea, Daniel) (Entered: 01/04/2008)
01/07/2008	<a href="#">27</a>	Summons Issued as to Stephen R Willand. <b>Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service.</b> (Jones, Sherry) (Entered: 01/07/2008)
01/14/2008	<a href="#">28</a>	SUMMONS Returned Executed Stephen R Willand served on 1/8/2008, answer due 1/28/2008. (Shea, Daniel) (Entered: 01/14/2008)
01/28/2008	<a href="#">29</a>	MOTION to Dismiss Relators' Second Amended Complaint by City of Worcester, Stephen R Willand.(McGuiggan, Janet) (Entered: 01/28/2008)
02/15/2008	<a href="#">30</a>	RESPONSE to Motion re <a href="#">29</a> MOTION to Dismiss Relators' Second Amended Complaint filed by Edward L. Gagne, Linda Jeneski. (Attachments: # <a href="#">1</a> Exhibit "A," letter Shea to McGuiggan, # <a href="#">2</a> Exhibit "B," letter Shea to O'Brien)(Shea, Daniel) (Entered: 02/15/2008)
02/23/2008	<a href="#">31</a>	First MOTION for Sanctions against City of Worcester by Edward L. Gagne, Linda Jeneski.(Shea, Daniel) (Entered: 02/23/2008)
03/05/2008	<a href="#">32</a>	CERTIFICATION pursuant to Local Rule 16.1 by City of Worcester.(McGuiggan, Janet) (Entered: 03/05/2008)
03/05/2008	<a href="#">33</a>	CERTIFICATION pursuant to Local Rule 16.1 by Stephen R Willand.(McGuiggan, Janet) (Entered: 03/05/2008)
04/04/2008		Judge F. Dennis Saylor, IV: Electronic ORDER entered finding as moot <a href="#">12</a> Motion to Dismiss amended complaint; finding as moot <a href="#">17</a> Motion ; finding as moot <a href="#">20</a> Motion to Strike opposition. Second amended complaint has been filed and a motion to dismiss was filed on 1/28/08. (Castles, Martin) (Entered: 04/04/2008)
06/20/2008	<a href="#">34</a>	Judge F. Dennis Saylor, IV: MEMORANDUM AND ORDER entered denying <a href="#">31</a> Motion for Sanctions and granting <a href="#">29</a> Motion to Dismiss. (Castles, Martin) (Entered: 06/20/2008)
06/20/2008	<a href="#">35</a>	Judge F. Dennis Saylor, IV: ORDER entered. ORDER DISMISSING CASE.(Castles, Martin) (Entered: 06/20/2008)

**Date Discrepancy Cases 294**

06/25/2008	<a href="#">36</a>	MOTION to Alter Judgment per Rule 59(e) by Edward L. Gagne, Linda Jeneski.(Shea, Daniel) (Entered: 06/25/2008)
07/09/2008	<a href="#">37</a>	Opposition re <a href="#">36</a> MOTION to Alter Judgment per Rule 59(e) filed by City of Worcester, Stephen R Willand. (McGuiggan, Janet) (Entered: 07/09/2008)
07/09/2008	<a href="#">38</a>	Judge F. Dennis Saylor, IV: MEMORANDUM AND ORDER ON RELATORS MOTION FOR RECONSIDERATION entered denying <a href="#">36</a> Motion to Alter Judgment. (Jones, Sherry) (Entered: 07/09/2008)
07/17/2008	<a href="#">39</a>	NOTICE OF APPEAL as to <a href="#">34</a> Order on Motion for Sanctions, Order on Motion to Dismiss, <a href="#">38</a> Order on Motion to Alter Judgment, <a href="#">35</a> Order Dismissing Case by Edward L. Gagne, Linda Jeneski Filing fee \$ 455, receipt number 0101000000002041179 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/6/2008. (Shea, Daniel) (Entered: 07/17/2008)
07/21/2008	<a href="#">40</a>	Certified and Transmitted Record on Appeal to US Court of Appeals re <a href="#">39</a> Notice of Appeal (Attachments: # <a href="#">1</a> docket sheet)(Hassett, Kathy) (Entered: 07/21/2008)
07/30/2008	<a href="#">41</a>	CASE OPENING NOTICE of USCA as to <a href="#">39</a> Notice of Appeal,, filed by Linda Jeneski, Edward L. Gagne. (Jones, Sherry) (Entered: 07/30/2008)
07/22/2009	<a href="#">42</a>	MANDATE of USCA as to <a href="#">39</a> Notice of Appeal,, filed by Linda Jeneski, Edward L. Gagne. Appeal <a href="#">39</a> , <a href="#">41</a> , <a href="#">40</a> Terminated. The district court's order dismissing Edward L. Gagne and Linda Jeneski's claim and denying them leave to amend is affirmed. (Burgos, Sandra) Modified on 7/23/2009 (Burgos, Sandra). (Entered: 07/22/2009)
05/14/2010	<a href="#">43</a>	Judge F. Dennis Saylor, IV: ORDER entered. ORDER pursuant to Local Rule 7.2, re impounded documents in the Court's custody.(Jones, Sherry) (Entered: 05/14/2010)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/31/2019 14:17:49			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:06-cv-40241-FDS
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.40

**U.S. District Court  
District of New Jersey [LIVE] (Newark)  
CIVIL DOCKET FOR CASE #: 2:02-cv-05899-Whw**

MONT, et al v. ALLIED SIGNAL, INC., et al  
Assigned to: Judge William H. Walls  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 12/13/2002  
Date Terminated: 04/01/2011  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**JEROME MONT**  
*UNITED STATES ex rel*

represented by **DAVID S. STONE**  
STONE & MAGNANINI LLP  
100 Connell Drive, Suite 2200  
Berkeley Heights, NJ 07922  
(973) 218-1111  
Email: dstone@stonemagnalaw.com  
*TERMINATED: 11/19/2009*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**LINDA J. STENGLE**  
KENNEY & MCCAFFERTY, P.C.  
3031 WALTON ROAD, SUITE 202 C  
PLYMOUTH MEETING, PA 19462  
Email: lstengle@kenneymccafferty.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**BRIAN P. KENNEY**  
KENNEY EGAN MCCAFFERTY &  
YOUNG  
3031 WALTON ROAD  
SUITE 202  
PLYMOUTH MEETING, PA 19462  
6109409099  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**JOHN CASSIDY**  
*UNITED STATES ex rel*

represented by **DAVID S. STONE**  
(See above for address)  
*TERMINATED: 11/19/2009*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**LINDA J. STENGLE**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**BRIAN P. KENNEY**  
 KENNEY EGAN MCCAFFERTY &  
 YOUNG  
 3031 WALTON ROAD  
 SUITE 202  
 PLYMOUTH MEETING, PA 19462  
 610-940-9099  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**ALLIED SIGNAL, INC.**

*also known as*

**HONEYWELL INTERNATIONAL, INC.**

**Defendant**

**L3 COMMUNICATIONS, INC.**

**Defendant**

**UAW LOCAL 153**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/13/2002	1	COMPLAINT filed; jury demand FILING FEE \$ 150.00 RECEIPT # 312387 (dr) (Entered: 12/19/2002)
07/29/2008	<a href="#">14</a>	Substitution of Attorney - Attorney BRIAN P. KENNEY for JOHN CASSIDY,BRIAN P. KENNEY for JEROME MONT added.. (lm2, ) (Entered: 03/11/2010)
11/05/2009	<a href="#">10</a>	NOTICE by UNITED STATES OF AMERICA of election to decline intervention (Attachments: # <a href="#">1</a> P/O)(nr, ) (Entered: 11/09/2009)
11/10/2009	<a href="#">11</a>	ORDER REOPENING CASE; unsealing the complt., notice of election to decline intervention and this order; etc.. Signed by Judge William H. Walls on 11/10/2009. (nr, ) (Entered: 11/13/2009)
11/19/2009	<a href="#">12</a>	NOTICE by JOHN CASSIDY, JEROME MONT <i>Notice of Attorney Withdrawal</i> (STONE, DAVID) (Entered: 11/19/2009)
03/10/2010	<a href="#">13</a>	Notice of Call for dismissal Pursuant to Rule 41.1(a) Dismissal set for 3/19/2010 10:00 AM before Judge William H. Walls. The motion will be decided on the papers. No appearances required unless notified by the court. (lm2, ) (Entered: 03/10/2010)
03/11/2010	<a href="#">15</a>	Letter regarding pro hac attorney Brian P. Kenney (nr, ) (Entered: 03/11/2010)
03/16/2010	<a href="#">16</a>	NOTICE of Appearance by LINDA J. STENGLE on behalf of JOHN CASSIDY, JEROME MONT (nr, ) (Entered: 03/22/2010)
03/16/2010	<a href="#">17</a>	APPLICATION for for extension of time to retain new counsel by JOHN CASSIDY, JEROME MONT. (nr, ) (Entered: 03/22/2010)
03/24/2010	<a href="#">18</a>	ORDER withdrawing notice of call for dismissal. Signed by Judge William H. Walls on 03/23/2010. (nr, ) (Entered: 03/24/2010)
04/13/2010	<a href="#">19</a>	MOTION to Withdraw as Attorney by JOHN CASSIDY, JEROME MONT. (Attachments:

		# <a href="#">1</a> Exhibit Letter Notifying Clients of Intent to Withdraw as Counsel, # <a href="#">2</a> Exhibit Letter Notifying Clients of Intent to Withdraw as Counsel)(STENGLER, LINDA) (Entered: 04/13/2010)
04/16/2010		CLERKS QUALITY CONTROL MESSAGE - A Motion Doc. #19 was not submitted with a proof of service submitted by L. STENGLER on 4/13/2010. PLEASE SUBMIT THE MISSING DOCUMENT(S) ONLY. (nr, ) (Entered: 04/16/2010)
08/18/2010	<a href="#">20</a>	ORDER denying <a href="#">19</a> Motion to Withdraw as Attorney.. Signed by Judge William H. Walls on 08/18/2010. (nr, ) (Entered: 08/18/2010)
03/21/2011	<a href="#">21</a>	Notice of Call for dismissal Pursuant to Rule 41.1(a) Response date: 4/1/2011 10:00 AM in Newark - Courtroom 4D before Judge William H. Walls. (lm2, ) (Entered: 03/21/2011)
03/31/2011	<a href="#">22</a>	MOTION to Dismiss <i>Complaint Voluntarily without Prejudice</i> by JOHN CASSIDY, JEROME MONT. Responses due by 4/1/2011 (STENGLER, LINDA) (Entered: 03/31/2011)
04/01/2011	<a href="#">23</a>	ORDER VOLUNTARILY DISMISSING CASE. Signed by Judge William H. Walls on 04/01/2011. (nr, ) (Entered: 04/04/2011)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 15:49:10			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
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<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CIVIL DOCKET FOR CASE #: 1:02-cv-03746-SJ**

United States of America et al v. Young et al  
Assigned to: Judge Sterling Johnson, Jr  
Cause: 31:3729 False Claims Act

Date Filed: 10/15/2002  
Date Terminated: 11/21/2008  
Jury Demand: Both  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America**

represented by **Paul Kaufman**  
Office of the United States Attorney  
Civil Division  
One Pierrepont Plaza  
Brooklyn, NY 11201  
(718) 254-7000  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Sherwood Allen Salvan**  
*Realty*

represented by **Bjorn Holubar**  
Holubar, McKinney & Ross LLP  
20 West 20th Street  
Suite 1004  
New York, NY 10011  
516 446 1546  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Chandra M. Young**

**Defendant**

**Courtney A.B. Hamilton**  
*doing business as*  
Courtney A.B. Hamilton Associates

**Defendant**

**Christopher Liotta**

**Defendant**

**Rose Marie Cantanno**

**Defendant**

**Waverley Realty, LLC**

**Defendant**

**Donna Schwartz**

**Defendant**

**All State Abstract**

**Defendant**

**Earl Rusnak**

**Defendant**

**Alliance Funding a Division of Superior  
Bank FSB**

**Defendant**

**Financial Depot**

**Defendant**

**John Hughlis**

**Defendant**

**Joe Hughlis**

**Defendant**

**Michael Greene**

**Defendant**

**John Does**

Date Filed	#	Docket Text
10/15/2002	1	Sealed complaint & Order to Seal filed . (Villanueva, William) Modified on 10/24/2002 (Villanueva, William). Additional attachment(s) added on 3/24/2004 (Villanueva, William). (Entered: 10/24/2002)
10/25/2002	2	SEALED letter placed in vault (Glenn, Marilyn) Modified on 3/24/2004 (Piper, Francine). (Entered: 10/25/2002)
04/21/2003	3	Sealed Document placed in vault. (Sica, Michele) (Entered: 05/02/2003)
07/29/2003	5	STIPULATION AND PROPOSED ORDER placed in vault as per order of Judge Johnson. (Piper, Francine) (Entered: 08/11/2003)
08/05/2003	4	(SEALED) STIPULATION AND ORDER placed in vault as per order of Judge Johnson. (Piper, Francine) (Entered: 08/05/2003)
01/08/2004	6	(SEALED) document placed in vault. (Glenn, Marilyn) Modified on 3/24/2004 (Piper, Francine). (Entered: 02/05/2004)
03/17/2004	11	Sealed Letter dated 2/18/04; signed 3/12/04. Sumitted by Paul Kaufman and Jonathan A. Willens. (Glenn, Marilyn) (Entered: 03/25/2004)
03/24/2004	7	ORDER, that the complaint be unsealed and served upon dfts by the relator. All other contents of the court file shall remain under seal and not be made public or served upon dfts, except for this Order and the U.S. Notice of Election to Decline Intervention. (Signed by Judge Sterling Johnson Jr. on 3/15/04) (Piper, Francine) (Entered: 03/24/2004)
03/24/2004	8	NOTICE of Election to Decline Intervention filed by the U.S. (Piper, Francine) (Entered: 03/24/2004)
03/24/2004	9	(SEALED DOCUMENT) ORDER placed in vault. (Piper, Francine) (Entered: 03/24/2004)
03/25/2004	10	(SEALED DOCUMENT) Motion placed in vault. (Piper, Francine) (Entered: 03/25/2004)
04/12/2004	12	Sealed ORDER TO SHOW CAUSE. Signed by Judge Sterling Johnson Jr. signed 4/7/04.(Glenn, Marilyn) (Entered: 05/07/2004)



05/25/2004	13	Sealed Letter from Alex Pladott signed 4/15/05. (Glenn, Marilyn) (Entered: 05/25/2004)
02/01/2007		Motions terminated: <u>1</u> Motion to seal.. Unsealed on 3/25/04. (Guzzi, Roseann) (Entered: 02/01/2007)

U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

MAY 11 2011

LAWRENCE K. BAERMAN, CLERK  
ALBANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA ex rel.  
JOANNE GENOVESE,

Plaintiff,

-against-

D.A. COLLINS CONSTRUCTION CO., INC.,  
JOINTA GALUSHA, L.L.C., PALLETTE STONE  
CORPORATION, KUBRICKY CONSTRUCTION  
CO., INC., DONNELLY CONSTRUCTION,  
INC., CARRIE SPESHOCK and BONNIE  
DONNELLY,

Defendants.

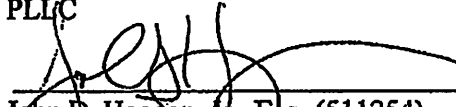
**STIPULATION OF VOLUNTARY  
DISMISSAL**

Case No. 1:10-cv-0772  
(LEK/DRH)

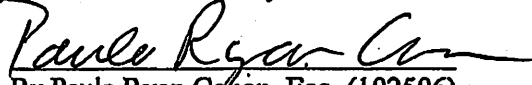
IT IS HEREBY STIPULATED AND AGREED, by, between and among the parties which have appeared in the above-captioned action that the above entitled action be and hereby is dismissed pursuant to FRCP Rule 41, without prejudice and without costs to any party. Pursuant to 31 U.S.C. § 3730(b)(1), the United States of America consents to dismissal of this action in the interests of justice.

Dated: April 26, 2011

LAW OFFICE OF JOHN HOGGAN,  
PLLC

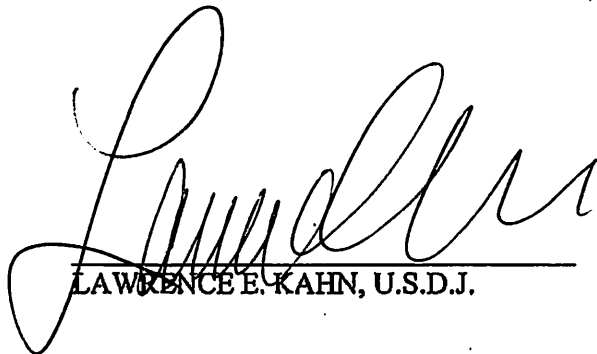
  
John D. Hoggan, Jr., Esq. (511254)  
Attorneys for Plaintiff  
90 State Street  
Albany, New York 12207  
(518) 472-0440

RICHARD S. HARTUNIAN  
United States Attorney

  
By Paula Ryan Conan, Esq. (102506)  
Assistant United States Attorney  
P.O. Box 7198  
Syracuse, New York 13261-7198  
(315) 448-0672

IT IS SO ORDERED.

Date: 5/11, 2011  
Albany, New York

  
LAWRENCE E. KAHN, U.S.D.J.

**U.S. District Court**  
**Northern District of New York – Main Office (Syracuse) [NextGen CM/ECF**  
**Release 1.2 (Revision 1.2)] (Albany)**  
**CIVIL DOCKET FOR CASE #: 1:10-cv-00772-LEK-RFT**

Genovese v. D.A. Collins Construction Co., Inc., et al.  
Assigned to: Senior Judge Lawrence E. Kahn  
Referred to: Magistrate Judge Randolph F. Treece  
Cause: 31:3729 False Claims Act – Liability

Date Filed: 06/30/2010  
Date Terminated: 05/11/2011  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff****Joanne Genovese**

represented by **Donald T. Kinsella**  
Office of Donald T. Kinsella  
2 Wall Street, Suite 3  
Albany, NY 12205  
518-312-4176  
Email: [dkinsella@khlaw.net](mailto:dkinsella@khlaw.net)  
*ATTORNEY TO BE NOTICED*

**John D. Hoggan , Jr.**  
U.S. Department of Justice – Albany  
Office  
445 Broadway, Room 218  
James T. Foley Courthouse  
Albany, NY 12207-2924  
518-431-0247  
Fax: 518-431-0386  
Email: [john.hoggan@usdoj.gov](mailto:john.hoggan@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****D.A. Collins Construction Co., Inc.****Defendant****Jointa Galusha, L.L.C.****Defendant****Palette Stone Corporation****Defendant****Kubricky Construction Co., Inc.****Defendant****Donnelly Construction, Inc.****Defendant****Carrie Speshock****Defendant****Bonnie Donnelly**

Date Filed	#	Docket Text
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06/30/2010	<u>1</u>	COMPLAINT against Sealed Defendant 1, Sealed Defendant 2, Sealed Defendant 3, Sealed Defendant 4, Sealed Defendant 5, Sealed Defendant 6 and Sealed Defendant 7 (Filing fee \$350 receipt number ALB005917) filed by Sealed Plaintiff. (dpk) (mab, ). (Entered: 06/30/2010)
01/28/2011	<u>11</u>	NOTICE of Declination of Intervention by the United States of America. (mab) (Entered: 01/31/2011)
01/28/2011	<u>12</u>	ORDER. IT IS THEREFORE ORDERED that the Complaint in this action be unsealed and that the Plaintiff proceed to make service upon the Defendants in accordance with FRCP. IT IS FURTHER ORDERED that this Order and the United States of America's Notice of Declination of Intervention also be unsealed and served upon the Defendants, but only after service of the Complaint. IT IS FURTHER ORDERED that except for the Complaint, this Order and the United States of America's Notice of Declination of Intervention, all other contents of the Court's file in this action remain under seal and not be made public or served upon the Defendant. IT IS FURTHER ORDERED that this civil action shall not be dismissed, settled or otherwise discontinued in the absence of written consent of the United States. Signed by Senior Judge Lawrence E. Kahn on 1/28/2011. (mab) (Entered: 01/31/2011)
03/22/2011	<u>13</u>	STIPULATION / <i>Consent to Change Attorney</i> by Joanne Genovese submitted to Judge Kahn. (Peters, Michael) (Entered: 03/22/2011)
04/01/2011	<u>14</u>	ORDER re <u>13</u> Stipulation/Consent to Change Attorney filed by Joanne Genovese. Signed by Senior Judge Lawrence E. Kahn on 4/1/11. (ban) (Entered: 04/01/2011)
04/04/2011	<u>15</u>	AFFIDAVIT <i>of service</i> by Joanne Genovese. (Peters, Michael) (Entered: 04/04/2011)
05/10/2011	<u>16</u>	STIPULATION of Dismissal by Joanne Genovese submitted to Judge Kahn. (Hoggan, John) (Entered: 05/10/2011)
05/11/2011	<u>17</u>	STIPULATION AND ORDER of Voluntary Dismissal. It is SO ORDERED that the action be and hereby is dismissed pursuant to Fed.R.Civ.P. Rule 41 without prejudice and without costs to any party, and pursuant to Title 31 USC Sec. 3730(b)(1) the United States of America consents to dismissal of this action in the interests of justice. Signed by Senior Judge Lawrence E. Kahn on 5/11/2011. (sg ) (Entered: 05/11/2011)

**U.S. District Court**  
**EASTERN DISTRICT OF NORTH CAROLINA (Western Division)**  
**CIVIL DOCKET FOR CASE #: 5:04-cv-00712-BR**

United States of America v. United States Aid Funds, Inc., et al  
Assigned to: Senior Judge W. Earl Britt  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 09/29/2004  
Date Terminated: 05/02/2006  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff****United States of America ex rel. Ellis M. George and Richard W. Rutherford**

V.

**Defendant****United Student Aid Funds, Inc.****Defendant****Pioneer Credit Recovery, Inc.**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/29/2004	<a href="#">1</a>	Complaint filed (False Claims Action) Pltf. seeks damages, civil penalties for every false claim, pre and post judgment interest, injunctive relief; cy: J. Britt (bl) Modified on 10/08/2004 Additional attachment(s) added on 4/21/2006 (Deputy Clerk, BL). Modified on 4/21/2006 (Deputy Clerk, BL). (Entered: 10/08/2004)
04/06/2006	<a href="#">20</a>	NOTICE of Filing SEALED DOCUMENT with the Clerk's Office by Plaintiff Sealed Plaintiff ; cy to J. Britt (Deputy Clerk, BL) Modified on 4/21/2006 (Deputy Clerk, BL). Additional attachment(s) added on 4/21/2006 (Deputy Clerk, BL). (Entered: 04/10/2006)
04/18/2006	<a href="#">21</a>	SEALED ORDER- that the complaint be unsealed and served upon the deft. All other contents of the Court's file in this action shall remain under seal; USA to make service; cy: USA. Signed by Judge W. Earl Britt on 4/14/06. (Deputy Clerk, BL) Modified on 4/21/2006 (Deputy Clerk, BL). Additional attachment(s) added on 4/21/2006 (Deputy Clerk, BL). (Entered: 04/21/2006)
05/02/2006	22	SEALED NOTICE of Voluntary Dismissal ; cy: J. Britt (Deputy Clerk, BL) (Entered: 05/02/2006)
08/03/2006	<a href="#">24</a>	RESPONSE to Order dated July 12, 2006 filed by United States of America ex rel. Ellis M. George and Richard W. Rutherford. (Acker, G.) (Entered: 08/03/2006)
08/04/2006	25	SEALED ORDER. Signed by Judge W. Earl Britt on 8/4/06. (Deputy Clerk, BL) cys dist. (Entered: 08/04/2006)

**PACER Service Center**

**Date Discrepancy Cases 305**

### Transaction Receipt

01/28/2019 12:07:27

<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	5:04-cv-00712-BR
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10

**U.S. District Court  
Southern District of Florida (Ft Lauderdale)  
CIVIL DOCKET FOR CASE #: 0:05-cv-60710-JEM**

United States, et al. v. Click OK, Inc.  
Assigned to: Judge Jose E. Martinez  
Demand: \$0  
Cause: 28:1331 Federal Question

Date Filed: 05/02/2005  
Date Terminated: 02/12/2008  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**  
*ex. rel. Howard Fellman*

represented by **Veronica Vanessa Harrell-James**  
United States Attorney's Office  
99 NE 4 Street  
Miami, FL 33132  
305-961-9327  
Fax: 530-7139  
Email: Veronica.Harrell-James@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**State of Florida**  
*ex rel. Howard Fellman*

**Plaintiff**

**Ex Rel. Fellman**

represented by **Michael William Simon**  
Simon & Sigalos, LLP  
3839 N.W. Boca Raton Blvd.  
Suite 100  
Boca Raton, FL 33432  
561-447-0017  
Fax: 561-447-0018  
Email: msimon@simonsigalos.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Click OK, Inc.**  
*doing business as*  
New Horizons Computer Learning Centers

Date Filed	#	Docket Text
05/02/2005	1	SEALED DOCUMENT placed in vault (vp, Deputy Clerk) <b>UNSEALED</b> see DE <a href="#">15</a> .Modified on 6/14/2007 (nt). (Entered: 01/26/2006)

**Date Discrepancy Cases 307**

05/02/2005	2	SEALED DOCUMENT placed in vault (vp, Deputy Clerk) (Entered: 01/26/2006)
05/02/2005	3	SEALED DOCUMENT placed in vault (vp, Deputy Clerk) (Entered: 01/26/2006)
05/02/2005	<a href="#">15</a>	<b>UNSEALED</b> COMPLAINT against Click OK, Inc. Filing fee \$ 250. Receipt#: 533995, filed by UNITED STATES OF AMERICA, State of Florida.(nt) (previously filed as 1 sealed document) Modified on 6/14/2007 (nt). (Entered: 06/14/2007)
06/29/2005	4	SEALED DOCUMENT placed in vault (vp, Deputy Clerk) (Entered: 01/26/2006)
07/27/2005	5	SEALED DOCUMENT placed in vault (vp, Deputy Clerk) (Entered: 01/26/2006)
08/04/2005	6	SEALED DOCUMENT placed in vault (vp, Deputy Clerk) (Entered: 01/26/2006)
08/04/2005	7	SEALED DOCUMENT placed in vault (vp, Deputy Clerk) (Entered: 01/26/2006)
11/07/2005	8	SEALED DOCUMENT placed in vault (vp, Deputy Clerk) (Entered: 01/26/2006)
12/12/2005	9	SEALED DOCUMENT placed in vault (vp, Deputy Clerk) (Entered: 01/26/2006)
03/31/2006	10	SEALED DOCUMENT placed in vault (bb, Deputy Clerk) <b>UNSEALED</b> see DE <a href="#">16</a> . Modified on 6/14/2007 (nt). (Entered: 04/03/2006)
03/31/2006	<a href="#">16</a>	<b>UNSEALED</b> NOTICE of Election to Decline Intervention by UNITED STATES OF AMERICA (nt) (previously filed as 10 sealed document) Modified on 6/14/2007 (nt). (Entered: 06/14/2007)
03/14/2007	11	Sealed Document. (jc) <b>UNSEALED</b> see DE <a href="#">17</a> . Modified on 6/14/2007 (nt). (Entered: 03/15/2007)
03/14/2007	<a href="#">17</a>	<b>UNSEALED</b> NOTICE of Election to Decline to Intervene by State of Florida (nt) (previously filed as 11 sealed document) Modified on 6/14/2007 (nt). (Entered: 06/14/2007)
06/14/2007	<a href="#">12</a>	Order Unsealing Case. The Clerk is directed to unseal 1 complaint, 10 notice of election to decline intervention, and 11 notice of election to decline intervene. All other contents remain under seal. All documents after the date of this Order shall be unsealed.Signed by Judge Jose E. Martinez on 06/11/07.(nt) (Entered: 06/14/2007)
06/14/2007	<a href="#">13</a>	Order Requiring Parties to Meet and File Joint Scheduling Report and Proposed Order and Directing Parties to File Certificates of Interested Parties.Signed by Judge Jose E. Martinez on 6/11/07.(nt) (Entered: 06/14/2007)
06/14/2007	14	Notice of Docket Correction: Attorney Veronica Harrell-James added to case re <a href="#">12</a> Order to Unseal Case, (nt) (Entered: 06/14/2007)
06/26/2007	<a href="#">18</a>	Corporate Disclosure Statement by Ex Rel. Fellman. (Gasser, Damon) (Entered: 06/26/2007)
01/16/2008	<a href="#">19</a>	ORDER TO SHOW CAUSE the relator shall show cause why this action should not be dismissed for failure to prosecute; Show Cause Response due by 2/4/2008.Signed by Judge Jose E. Martinez on 01/14/2008.(bs) (Entered: 01/16/2008)
01/16/2008	20	NOTICE of Docket Correction: added attorney to service list; re <a href="#">19</a> Order to Show Cause ; (bs) (Entered: 01/16/2008)
02/12/2008	<a href="#">21</a>	ORDER DISMISSING CASE ; all pending motions are denied as moot; case is closed;Signed by Judge Jose E. Martinez on 02/11/2008.(bs) (Entered: 02/12/2008)



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01/25/2019 14:45:51			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	0:05-cv-60710-JEM
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

**U.S. District Court**  
**United States District Court for the Western District of Washington (Seattle)**  
**CIVIL DOCKET FOR CASE #: 2:04-cv-02450-RSM**

Stokes et al v. Agnor  
Assigned to: Judge Ricardo S. Martinez  
Cause: 31:3729 False Claims Act

Date Filed: 12/10/2004  
Date Terminated: 04/17/2009  
Jury Demand: Plaintiff  
Nature of Suit: 151 Contract: Recovery  
Medicare  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Richard Stokes**

*PhD, United States of America, Ex Rel*  
*TERMINATED: 08/17/2005*

represented by **Mary A Nester**  
HARRELL & NESTER  
6825 SW CAPITOL HILL RD  
STE 19  
PORTLAND, OR 97219  
503-274-8700  
Email: mvester@health-law.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**United States of America**

represented by **H Malkin**  
US ATTORNEY'S OFFICE (SEA)  
700 STEWART ST  
STE 5220  
SEATTLE, WA 98101-1271  
Email: ECF-Civ.USAWAW@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Peter Angus Winn**  
US ATTORNEY'S OFFICE (SEA)  
700 STEWART ST  
STE 5220  
SEATTLE, WA 98101-1271  
206-553-4985  
Email: peter.a.winn@usdoj.gov  
*TERMINATED: 02/11/2009*

**Plaintiff**

**Shoshona Stokes**

*Ex Rel*

represented by **Mary A Nester**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Date Discrepancy Cases 310**

**Defendant****David W Agnor***PhD, P.C.**doing business as*

Senior Connections

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/10/2004	<a href="#">1</a>	COMPLAINT (QUI TAM, FILED UNDER SEAL) against defendant David W Agnor (NO Summons(es) issued) (Receipt # 319079) , filed by Richard Stokes. (Attachments: # <a href="#">1</a> Cover Sheet (unsigned)# <a href="#">2</a> Cover Sheet (signed)# <a href="#">3</a> Cover letter from counsel)(PM, ) (Entered: 12/15/2004)
12/10/2004	<a href="#">2</a>	MOTION for Protective Order To File Complaint Under Seal by Plaintiff Richard Stokes. (Attachments: # <a href="#">1</a> Proposed Order)(PM, ) (Entered: 12/15/2004)
12/17/2004	<a href="#">3</a>	ORDER granting <a href="#">2</a> Motion for Protective Order and to File Complaint Under Seal by Judge Ricardo Martinez.(LMS, ) (Entered: 12/20/2004)
02/10/2005	<a href="#">4</a>	<del>EX PARTE/SEALED</del> MOTION by Plaintiff United States of America. (Attachments: # <a href="#">1</a> proposed order)(CL, ) Modified on 2/17/2009 (VP). (Entered: 02/10/2005)
02/15/2005	<a href="#">5</a>	ORDER granting ex parte motion for extension of time to 8/10/05 for US to intervene by Judge Ricardo Martinez. (RS, ) (Entered: 02/16/2005)
08/11/2005	<a href="#">6</a>	<del>EX PARTE/SEALED</del> MOTION by Plaintiff United States of America. Noting Date 8/19/2005. (Attachments: # <a href="#">1</a> Proposed Order)(LMS, ) Modified on 2/17/2009 (VP). (Entered: 08/11/2005)
08/15/2005	<a href="#">7</a>	<del>SEALED</del> ORDER by Judge Ricardo S Martinez.(LMS, ) Modified on 2/17/2009 (VP). (Entered: 08/16/2005)
08/16/2005	<a href="#">8</a>	<del>EX PARTE/SEALED DOCUMENT</del> /Motion for substitution of party by Plaintiff Richard Stokes. (Attachments: # <a href="#">1</a> declaration# <a href="#">2</a> proposed order)(CL, ) Modified on 2/17/2009 (VP). (Entered: 08/17/2005)
08/17/2005	<a href="#">9</a>	<del>SEALED</del> ORDER by Judge Ricardo S Martinez.(LMS, ) Modified on 2/17/2009 (VP). (Entered: 08/19/2005)
01/31/2006	<a href="#">10</a>	EX PARTE MOTION for enlargement of time to consider election to intervene by Plaintiff United States of America. Noting Date 1/31/2006. (Attachments: # <a href="#">1</a> Proposed Order)(RS, ) (Entered: 02/01/2006)
02/06/2006	<a href="#">11</a>	ORDER granting <a href="#">10</a> Motion for Extension of Time to 8/2/06 for govt to intervene by Judge Ricardo S Martinez.(RS, ) (Entered: 02/07/2006)
06/22/2006	<a href="#">12</a>	EX PARTE MOTION to partially lift the seal by Plaintiff United States of America. Noting Date 6/22/2006. (Attachments: # <a href="#">1</a> Proposed Order)(RS, ) (Entered: 06/23/2006)
06/26/2006	<a href="#">13</a>	ORDER granting <a href="#">12</a> Ex Parte Motion to partially lift the seal by Judge Ricardo S Martinez. (RS, ) (Entered: 06/26/2006)
07/20/2006	<a href="#">14</a>	EX PARTE MOTION for Extension of Time to Consider Election to Intervene by Plaintiff United States of America. Noting Date 7/20/2006. (Attachments: # <a href="#">1</a> Proposed Order)(RS, ) (Entered: 07/20/2006)
07/24/2006	<a href="#">15</a>	ORDER granting <a href="#">14</a> Exparte Motion for Extension of Time to Consider Election to Intervene by Judge Ricardo S Martinez.(LT, ) (Entered: 07/25/2006)

**Date Discrepancy Cases 311**

01/29/2007	<a href="#">16</a>	<del>EX PARTE/SEALED</del> MOTION for Extension of Time to Consider Election to Intervene by Plaintiff United States of America. Noting Date 1/29/2007. (Attachments: # <a href="#">1</a> Proposed Order)(LT, ) Modified on 2/17/2009 (VP). (Entered: 01/30/2007)
02/01/2007	<a href="#">17</a>	<del>SEALED</del> ORDER re <a href="#">16</a> Motion by Judge Ricardo S Martinez.(LT, ) Modified on 2/17/2009 (VP). (Entered: 02/02/2007)
04/27/2007	<a href="#">18</a>	<del>Ex Parte-Sealed</del> MOTION for enlargement of time to consider election to intervene filed by Plaintiff United States of America. (Attachments: # <a href="#">1</a> Proposed Order)(RS, ) Modified on 2/17/2009 (VP). (Entered: 04/30/2007)
05/08/2007	<a href="#">19</a>	<del>Ex Parte-Sealed</del> ORDER granting ex parte motion for enlargement of time to 7/27/07 to intervene by Judge Ricardo S Martinez.(RS, ) Modified on 2/17/2009 (VP). (Entered: 05/09/2007)
07/27/2007	<a href="#">20</a>	<del>Ex Parte-Sealed</del> MOTION for enlargement of time to consider election to intervene filed by Plaintiff United States of America. (Attachments: # <a href="#">1</a> Proposed Order)(RS, ) Modified on 2/17/2009 (VP). (Entered: 07/30/2007)
08/17/2007	<a href="#">21</a>	<del>Ex Parte-Sealed</del> ORDER granting ex parte motion for enlargement of time to 11/30/07 to intervene by Judge Ricardo S Martinez.(RS, ) Modified on 2/17/2009 (VP). (Entered: 08/20/2007)
12/03/2007	<a href="#">22</a>	<del>Ex Parte-Sealed</del> MOTION filed by Plaintiff United States of America. Noting Date 11/30/2007. (Attachments: # <a href="#">1</a> proposed order)(CL, ) Modified on 2/17/2009 (VP). (Entered: 12/03/2007)
12/04/2007	<a href="#">23</a>	<del>Ex Parte-Sealed</del> ORDER granting <a href="#">22</a> MOTION extending time to 2/29/08 to intervene filed by United States of America by Judge Ricardo S Martinez.(RS, ) Modified on 2/17/2009 (VP). (Entered: 12/05/2007)
02/12/2008	<a href="#">24</a>	<del>Ex Parte-Sealed</del> MOTION for extension of time to consider election to intervene filed by Plaintiff United States of America. Noting Date 2/12/2008. (Attachments: # <a href="#">1</a> Proposed Order)(RS, ) Modified on 2/17/2009 (VP). (Entered: 02/13/2008)
02/13/2008	<a href="#">25</a>	<del>Ex Parte-Sealed</del> ORDER granting govt's ex parte motion for extension of time to 6/30/08 to intervene by Judge Ricardo S Martinez.(RS, ) Modified on 2/17/2009 (VP). (Entered: 02/14/2008)
06/20/2008	<a href="#">26</a>	<del>Ex Parte-Sealed</del> MOTION for extension of time to consider election to intervene. by Plaintiff United States of America (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 6/20/2008; (TS, ) Modified on 2/17/2009 (VP). (Entered: 06/23/2008)
06/24/2008	<a href="#">27</a>	<del>Ex Parte-Sealed</del> ORDER re <a href="#">26</a> MOTION TO EXTEND TIME TO CONSIDER ELECTION TO INTERVENE filed by United States of America. by Judge Ricardo S Martinez.(MD, copy to USA-H. Malkin) Modified on 2/17/2009 (VP). (Entered: 06/24/2008)
09/25/2008	<a href="#">28</a>	<del>Ex Parte-Sealed</del> MOTION for extension of time to intervene by Plaintiff United States of America. (Attachments: # <a href="#">1</a> Proposed Order)(RS) Modified on 2/17/2009 (VP). (Entered: 09/25/2008)
09/26/2008	<a href="#">29</a>	<del>Ex Parte-Sealed</del> ORDER granting Ex Parte Motion filed by govt for extension to 12/29/08 to intervene by Judge Ricardo S Martinez.cc govt (RS) Modified on 2/17/2009 (VP). (Entered: 09/29/2008)
12/15/2008	<a href="#">30</a>	<del>Ex Parte-Sealed</del> MOTION for extension of time to consider election to intervene by Plaintiff United States of America. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 12/23/2008, (RS) Modified on 2/17/2009 (VP). (Entered: 12/29/2008)

## Date Discrepancy Cases 312

01/06/2009	<a href="#">31</a>	<del>Ex Parte-Sealed</del> ORDER granting govt's motion to extend time to 1/29/09 to intervene by Judge Ricardo S Martinez.cc H Malkin(RS) Modified on 2/17/2009 (VP). (Entered: 01/07/2009)
01/28/2009	<a href="#">32</a>	<del>Ex Parte-Sealed</del> MOTION for Extension of Time to Consider Election to Intervene, by Plaintiff United States of America. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 1/28/2009, (RS) Modified on 2/17/2009 (VP). (Entered: 01/29/2009)
01/30/2009	<a href="#">33</a>	<del>Ex Parte-Sealed</del> , ORDERgranting Govt's Ex-Parte Motion to Extend Time to 4/29/09 to Intervene, by Judge Ricardo S Martinez.(RS) Modified on 2/17/2009 (VP). (Entered: 02/02/2009)
02/12/2009	<a href="#">34</a>	MOTION to lift seal by Plaintiff United States of America. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 2/12/2009, (RS) (Entered: 02/12/2009)
02/17/2009	<a href="#">35</a>	ORDER granting <a href="#">34</a> MOTION TO UNSEAL CASE; This case is hereby unsealed in its entirety. The Relator shall have 45 days from the entry of this Order to complete service of the Complaint and this Order on Dfts, by Judge Ricardo S Martinez.(VP) (Entered: 02/17/2009)
04/17/2009	<a href="#">36</a>	ORDER OF DISMISSAL without prejudice by Judge Ricardo S Martinez. (RS) (Entered: 04/20/2009)

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**United States District Court  
Eastern District of Pennsylvania (Philadelphia)  
CIVIL DOCKET FOR CASE #: 2:06-cv-02015-ER**

USA v. REHABCARE GROUP, INC.  
Assigned to: HONORABLE EDUARDO C. ROBRENO  
Cause: 31:3729 False Claims Act

Date Filed: 05/12/2006  
Date Terminated: 02/05/2009  
Jury Demand: None  
Nature of Suit: 890 Other Statutes: Other  
Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**UNITED STATES OF AMERICA**  
ex rel. HEALTH DIMENSIONS  
REHABILITATION, INC.

represented by **JAMES A. BACKSTROM**  
JAMES A. BACKSTROM,  
COUNSELLOR AT LAW  
1515 MARKET ST SUITE 1200  
PHILADELPHIA, PA 19102-1932  
215-864-7797  
Fax: 801-469-9381  
Email: jabber@backstromlaw.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**MARGARET L. HUTCHINSON**  
U.S. ATTORNEY'S OFFICE  
615 CHESTNUT STREET  
SUITE 1250  
PHILADELPHIA, PA 19106  
215-861-8282  
Fax: 215-861-8618  
Email: margaret.hutchinson@usdoj.gov  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

V.

**Defendant**

**REHABCARE GROUP, INC.**

Date Filed	#	Docket Text
05/12/2006	1	COMPLAINT against REHABCARE GROUP, INC., filed by PLFF UNITED STATES OF AMERICA.(kw, ) (Entered: 01/14/2009)
05/12/2006	2	Disclosure Statement Form pursuant to FRCP 7.1., filed by PLFF UNITED STATES OF AMERICA.(kw, ) (Entered: 01/14/2009)
07/13/2006	3	Govt's ex parte application for extension of intervention deadline and period for the seal, filed by PLFF UNITED STATES OF AMERICA. (FILED UNDER SEAL) (kw, )

**Date Discrepancy Cases 314**

		(Entered: 01/14/2009)
01/10/2007	5	Govt's ex parte application for extension of intervention deadline and for extension of seal, filed by PLFF UNITED STATES OF AMERICA. (FILED UNDER SEAL) (kw, ) (Entered: 01/14/2009)
01/11/2007	4	ORDER THAT A TELEPHONE CONFERENCE IS SCHEDULED FOR 1/12/07 AT 11:00 A.M. ON THE GOVT'S EX PARTE APPLICATION FOR A THREE MONTH EXTENSION OF TIME DURING WHICH THE COMPLAINT, ETC. REMAIN UNDER SEAL; GOVT' SHALL INITIATE THE TELEPHONE CONFERENCE AND CALL CHAMBERS WHEN ALL PARTIES ARE ON LINE, ETC. SIGNED BY HONORABLE EDUARDO C. ROBRENO ON 1/0/06. 1/11/07 ENTERED AND COPIES MAILED.(kw, ) (Entered: 01/14/2009)
01/16/2007	6	ORDER GRANTING GOVT'S APPLICATION FOR EXTENSION; THE GOVT. SHALL HAVE UNTIL AND INCLUDING 4/12/07 TO INTERVENE, ETC; THE COMPLAINT, ETC., SHALL REMAIN UNDER SEAL FROM 1/12/07 TO 4/12/07; FURTHER ORDERED THAT A STATUS AND SCHEDULING CONFERENCE IS SCHEDULED FOR 4/12/07 AT 9:00 A.M. IN COURTROOM 11A, ETC. SIGNED BY HONORABLE EDUARDO C. ROBRENO ON 1/15/07. 1/16/07 ENTERED AND COPIES MAILED. (kw, ) (Entered: 01/14/2009)
04/13/2007	7	Minute Entry, re: Status and Scheduling Conference for proceedings held before HONORABLE EDUARDO C. ROBRENO on 4/12/07. Oral motion of Govt. for extension of seal granted; Govt. shall have an additional 10 days to intervene. (kw, ) (Entered: 02/04/2009)
04/13/2007	8	ORDER GRANTING GOVT'S ORAL MOTION FOR A 10 DAY EXTENSION OF THE INTERVENTION DEADLINE AND PERIOD FOR SEAL TO REMAIN; THE GOVT. SHALL HAVE UNTIL AND INCLUDING 4/23/07 TO INTERVENE OR TO NOTIFY THE COURT THAT IT DECLINES TO DO SO; THE OCMPLAINT, ETC. SHALL REMAIN UNDER SEAL FROM 1/12/07 TO 4/23/07, ETC. SIGNED BY HONORABLE EDUARDO C. ROBRENO ON 4/13/07. 4/13/07 ENTERED AND COPIES MAILED. (kw, ) (Entered: 02/04/2009)
04/20/2007	9	Notice of Election to Decline Intervention, filed by PLFF UNITED STATES OF AMERICA. (kw, ) (Entered: 02/04/2009)
04/20/2007	10	NOTICE of Voluntary Dismissal, filed by PLFF UNITED STATES OF AMERICA. (kw, ) (Entered: 02/04/2009)
01/08/2009	<a href="#">11</a>	ORDER THAT THE SEAL IN THIS MATTER IS LIFTED IN PART. IT IS FURTHER ORDERED THAT DOCKET ENTRIES 3 AND 5 SHALL REMAIN UNDER SEAL OF THE COURT. SIGNED BY HONORABLE EDUARDO C. ROBRENO ON 1/7/09. 1/9/09 ENTERED AND COPIES MAILED.(kw, ) (Entered: 02/04/2009)

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<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

### Date Discrepancy Cases 315

CLOSED

**U.S. District Court  
Southern District of California (San Diego)  
CIVIL DOCKET FOR CASE #: 3:05-cv-02269-BEN-RBB**

Herndon v. Science Applications  
Assigned to: Judge Roger T. Benitez  
Referred to: Magistrate Judge Ruben B. Brooks  
Demand: \$9,999,000  
Case in other court: USCA, 07-56163  
Cause: 31:3729 False Claims Act - Liability

Date Filed: 12/13/2005  
Date Terminated: 07/18/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Mary Anne Herndon**

represented by **James C Mitchell**  
Mitchell and Gilleon  
1320 Columbia  
Suite 200  
San Diego, CA 92101  
(619)702-8623  
Fax: (619)702-6337  
Email: [jim@gilleonlawfirm.com](mailto:jim@gilleonlawfirm.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Karl Imant Mullen**  
Mullen Law Firm, P.C.  
4836 South West Scholls Ferry Road  
# 405  
Portland, OR 97225  
(503)297-4594  
Email: [mullenlawfirm@hotmail.com](mailto:mullenlawfirm@hotmail.com)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Science Applications International  
Corp**  
*a Delaware corporation*

represented by **Mark R Troy**  
McKenna Long and Aldridge  
444 South Flower Street  
Suite 800  
Los Angeles, CA 90071-2901  
(213)243-6170  
Fax: (213)243-6330  
Email: [mtroy@mckennalong.com](mailto:mtroy@mckennalong.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Miscellaneous Party**

**United States of America**

represented by **U S Attorney CV**  
U S Attorneys Office Southern District of  
California  
Civil Division  
880 Front Street  
Suite 6253  
San Diego, CA 92101  
(619)557-5662  
Fax: (619)557-7122  
Email: [Efile.dkt.civ@usdoj.gov](mailto:Efile.dkt.civ@usdoj.gov)  
**TERMINATED: 09/01/2006**



*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

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(858) 314-1200  
Fax: (844) 345-3178  
Email: [kphewitt@jonesday.com](mailto:kphewitt@jonesday.com)  
*TERMINATED: 07/08/2008  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
12/13/2005	<u>1</u>	Complaint Filed; (referred to Magistrate Judge Ruben B. Brooks); Receipt No/Amt of Fee: 119477/\$250.00 (seal) (Entered: 12/16/2005)
12/15/2005	<u>2</u>	Document Sealed (pursuant to Court Order); Order by Judge Roger T. Benitez sealing case; this action shall not be made available to the public, or any party, other than the U.S., or pla's lawyers, for a period of 60 days form 12/13/05, or until 02/13/06, and the complaint shall not be served on the dft until the court orders (cc: Judge Benitez, atty James Mitchell, USATTY) (seal) (Entered: 12/16/2005)
02/07/2006	<u>3</u>	Document Sealed (pursuant to Court Order); Ex Parte Application (seal) (Entered: 02/07/2006)
02/07/2006	<u>4</u>	Document Sealed (pursuant to Court Order); Memo of p/a's (seal) (Entered: 02/07/2006)
02/07/2006	<u>5</u>	Document Sealed (pursuant to Court Order); Declaration (seal) (Entered: 02/07/2006)
02/07/2006	<u>6</u>	Document Sealed (pursuant to Court Order); Order (cc: Judge Benitez, USATTY, atty for Relator) (seal) (Entered: 02/07/2006)
04/28/2006	<u>7</u>	Document Sealed (pursuant to Court Order); govt's notice of election to decline intervention (seal) (Entered: 05/01/2006)
04/28/2006	<u>8</u>	Document Sealed (pursuant to Court Order); Order by Judge Benitez unsealing the complaint, and all other matters occurring in this action after the date of this order; all other contents of the court's file shall remain under seal; this Order and the Govt's Notice of Election to Decline Intervention shall be served upon the dft by the relator only after service of the Complaint (cc: counsel for USA, Relator's counsel, Judge Benitez, Mag Judge Brooks) (seal) (Entered: 05/01/2006)
05/11/2006	<u>9</u>	Summons issued (joeh) (Entered: 05/11/2006)
06/12/2006	<u>10</u>	Return of Service of summons and complaint executed upon defendant Science Applications on 5/31/06 (joeh) (Entered: 06/14/2006)
06/21/2006	<u>11</u>	Pro Hac Vice approved by Judge Roger T. Benitez on behalf of plaintiff Mary Anne Herndon for Karl I Mullen (dkt clerk) (Entered: 06/21/2006)

06/27/2006	<u>12</u>	Stipulation and Order by Magistrate Judge Ruben B. Brooks: Answer ddl extended to 7/20/06 for Science Applications (joeh) (Entered: 06/28/2006)
07/11/2006	<u>13</u>	Proof of service by plaintiff Mary Anne Herndon, defendant Science Applications of gov't's notice of election to decline intervention and order on 7/6/06 (axr) (Entered: 07/12/2006)
07/21/2006	<u>14</u>	Stipulation and Order by Magistrate Judge Ruben B. Brooks: Answer ddl extended to 7/27/06 for Science Applications (joeh) (Entered: 07/24/2006)
07/27/2006	<u>15</u>	Notice of Motion and Motion by defendant Science Applications to dismiss compliant for failure to state claim FRCP 12(b)(6) ; [ motion(s) referred to Judge Roger T. Benitez ]; motion hrg set for 09/18/06 10:30AM (joeh) (Entered: 07/28/2006)
07/27/2006	<u>16</u>	Memorandum of points and authorities by defendant Science Applications in support of motion to dismiss compliant for failure to state claim FRCP 12(b)(6) [15-1] (joeh) (Entered: 07/28/2006)
08/04/2006	<u>17</u>	Notice by counsel for plaintiff Mary Anne Herndon of change of address (joeh) (Entered: 08/07/2006)
09/05/2006	<u>18</u>	RESPONSE in Opposition to Motion by defendant Science Applications to dismiss compliant for failure to state claim FRCP 12(b)(6) <u>15</u> , by Mary Anne Herndon. (joeh, ) (Entered: 09/08/2006)
09/11/2006	<u>20</u>	REPLY to Opposition to Motion re <u>15</u> Motion to Dismiss filed by Science Applications International Corp. (cag) (Entered: 09/15/2006)
10/31/2006	<u>21</u>	ORDER granting <u>15</u> Motion to Dismiss for failure to comply with rule 9(b), with leave to amend on or before 11/27/06. Signed by Judge Roger T. Benitez on 10/31/06. (joeh, ) (Entered: 10/31/2006)
11/17/2006	<u>22</u>	Ex Parte MOTION for Extension of Time to Amend by Mary Anne Herndon. (Mitchell, James) (Entered: 11/17/2006)
11/17/2006	<u>23</u>	OBJECTION by Science Applications International Corp re <u>22</u> Ex Parte MOTION for Extension of Time to Amend (Troy, Mark) (Entered: 11/17/2006)
11/28/2006	<u>24</u>	ORDER granting <u>22</u> Motion for Extension of Time to Amend complaint. The First amended complaint ddl set for 12/15/06 . Signed by Judge Roger T. Benitez on 11/21/06. (joeh, ) (Entered: 11/28/2006)
12/15/2006	<u>25</u>	AMENDED COMPLAINT <i>first</i> against Science Applications International Corp, filed by Mary Anne Herndon. (Attachments: # <u>1</u> )(Mitchell, James) (Entered: 12/15/2006)
01/04/2007	<u>26</u>	MOTION to Dismiss <i>First Amended Complaint</i> by Science Applications International Corp. (Attachments: # <u>1</u> Memo of Points and Authorities In Support of Motion to Dismiss)(Troy, Mark) (Entered: 01/04/2007)
01/29/2007	<u>27</u>	RESPONSE in Opposition re <u>26</u> MOTION to Dismiss <i>First Amended Complaint</i> filed by Mary Anne Herndon. (Mitchell, James) (Entered: 01/29/2007)
02/05/2007	<u>28</u>	REPLY to Response to Motion re <u>26</u> MOTION to Dismiss <i>First Amended Complaint</i> filed by Science Applications International Corp. (Troy, Mark) (Entered: 02/05/2007)
02/08/2007	<u>29</u>	MINUTE ORDER submitting <u>26</u> Motion to Dismiss. Motion Hearing date of 2/12/07 10:30AM is hereby vacated. (gxr, ) (Entered: 02/08/2007)
07/10/2007	<u>30</u>	ORDER granting dft's <u>26</u> motion to dismiss pla's first amended complaint with leave to amend. Signed by Judge Roger T. Benitez on 7/10/07. (tkl) (Entered: 07/11/2007)
08/09/2007	<u>31</u>	NOTICE OF APPEAL as to <u>30</u> Order by Mary Anne Herndon. (Filing fee Paid, receipt #141334) (mkz) (Entered: 08/10/2007)
08/10/2007		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>31</u> Notice of Appeal (mkz) (Entered: 08/10/2007)
08/24/2007	<u>32</u>	USCA Case Number 07-56163 for <u>31</u> Notice of Appeal filed by Mary Anne Herndon. (mkz) (Entered: 08/29/2007)

08/30/2007	<u>33</u>	USCA Time Scheduling Order as to <u>31</u> Notice of Appeal filed by Mary Anne Herndon. (mkz) (Entered: 08/31/2007)
05/30/2008	<u>34</u>	ORDER of USCA as to <u>31</u> Notice of Appeal filed by Mary Anne Herndon. Pursuant to the stipulation of the parties, this appeal is voluntarily dismissed. The parties shall bear their own costs and attorneys' fees on appeal. This order served on the USDC shall act as and for the mandate of the USCA. (leh) (Entered: 06/02/2008)
07/01/2008	<u>35</u>	Joint MOTION to Dismiss <i>Stipulation For Voluntary Dismissal With Prejudice</i> by Mary Anne Herndon. (Mitchell, James)(joeh). (Entered: 07/01/2008)
07/01/2008	<u>36</u>	NOTICE of Change of Address by James C Mitchell (Mitchell, James) (joeh). (Entered: 07/01/2008)
07/08/2008	<u>37</u>	NOTICE of Appearance by Joseph J Purcell on behalf of United States of America (Purcell, Joseph) (ag). (Entered: 07/08/2008)
07/08/2008	<u>38</u>	RESPONSE to Motion re <u>35</u> MOTION to Dismiss <i>Stipulation For Voluntary Dismissal With Prejudice</i> filed by United States of America. (Purcell, Joseph) (mjj) (Entered: 07/08/2008)
07/15/2008	<u>39</u>	RESPONSE in Opposition re <u>35</u> MOTION to Dismiss <i>Stipulation For Voluntary Dismissal With Prejudice [Response to USA's Objection to Dismissal]</i> filed by Science Applications International Corp. (Troy, Mark) (joeh). (Entered: 07/15/2008)
07/16/2008	<u>40</u>	RESPONSE in Opposition re <u>35</u> MOTION to Dismiss <i>Stipulation For Voluntary Dismissal With Prejudice</i> filed by Mary Anne Herndon. (Mitchell, James) (joeh). (Entered: 07/16/2008)
07/18/2008	<u>41</u>	ORDER granting <u>35</u> Motion to Dismiss and dismissing the entire action with prejudice as to relator Herndon but without prejudice as to the United States. Signed by Judge Roger T. Benitez on 07/17/08. (joeh) (av1). (Entered: 07/21/2008)

**U.S. District Court  
DISTRICT OF KANSAS (Kansas City)  
CIVIL DOCKET FOR CASE #: 2:04-cv-02004-KHV-JPO**

Herrman v. University of Kansas Hospital Authority  
Assigned to: Chief Judge Kathryn H. Vratil  
Referred to: Magistrate Judge James P. O'Hara  
Cause: 31:3729 False Claims Act

Date Filed: 01/06/2004  
Date Terminated: 07/24/2006  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff****Daniel J. Herrman**

represented by **David M. Mayer**  
Monsees & Mayer, PC  
4717 Grand Avenue, Suite 820  
Kansas City, MO 64112-2258  
816-361-5555  
Fax: 816-361-5577  
Email: [dmayer@monseesmayer.com](mailto:dmayer@monseesmayer.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****University of Kansas Hospital  
Authority****Interested Party****United States of America**  
*ex rel.*

represented by **Richard L. Schodorf**  
Office of United States Attorney – Wichita  
301 North Main Street, Suite #1200  
Wichita, KS 67202-4812  
316-269-6688  
Fax: 316-269-6484  
Email: [richard.schodorf@usdoj.gov](mailto:richard.schodorf@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/06/2004	<u>1</u>	COMPLAINT with jury demand and trial location of Kansas City, Kansas, filed by Daniel J Herrman.(Sealed User KC) Additional attachment(s) added on 3/8/2006 (mm, ). (Entered: 01/08/2004)
01/06/2004		FILING FEE PAID: in the amount of \$ 150, receipt number 101775 (Sealed User KC) (Entered: 01/08/2004)
03/04/2004	2	MOTION for Extension of Time to Make an Election Pursuant to 31 U.S.C. 3730(b) by Interested Party USA (Sealed User KC) (Entered: 03/08/2004)
03/04/2004	3	MEMORANDUM IN SUPPORT of 2 MOTION for Extension of Time to Make an Election Pursuant to 21 U.S.C. 3730(b) by Interested Party USA. (Sealed User KC) (Entered: 03/08/2004)
03/09/2004	4	ORDER granted 2 Motion . Signed by Judge Kathryn H. Vratil on 3/9/04. (Sealed User KC) (Entered: 03/09/2004)
09/07/2004	5	MOTION for Enlargement of Time to Make an Election by USA.(Sealed User KC (ck) (Entered: 09/23/2004)

09/07/2004	6	MEMORANDUM IN SUPPORT of 5 MOTION for extension of time by USA (Sealed User KC(ck) (Entered: 09/23/2004)
09/22/2004	7	ORDER granting 5 Motion for Extension of Time. Signed by Judge Kathryn H. Vratil on 9/22/04. (Sealed User KC) (Entered: 09/23/2004)
03/04/2005	8	EX PARTE MOTION for extension of time to Make an Election Pursuant to 31 USC 3730(b) by USA(Sealed User KC) (Entered: 03/07/2005)
03/04/2005	9	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF 8 EX PARTE MOTION for extension of time to make an election by USA.(Sealed User KC,ck ) (Entered: 03/07/2005)
03/10/2005	10	ORDER giving the United States up to and including 9/8/05 to notify court of its decision whether to intervene . Signed by Judge Kathryn H. Vratil on 3/10/05. (Sealed User KC) (Entered: 03/10/2005)
08/31/2005	11	SEALED EX PARTE MOTION to Enlarge Time to Make an Election by Interested Party USA(Sealed User CK ) (Entered: 09/01/2005)
08/31/2005	12	SEALED MEMORANDUM OF POINTS AND AUTHORITIES in Support of 11 Motion. (Sealed User CK ) (Entered: 09/01/2005)
09/15/2005	13	SEALED ORDER granting 11 Ex Parte Sealed Motion to Make an Election. Signed by Judge Kathryn H. Vratil on 9/15/05. Copy emailed to Richard Schodorf, Magistrate Judge James P. O'Hara and District Judge Kathryn H. Vratil. (Sealed User CK ) (Entered: 09/16/2005)
10/07/2005	14	NOTICE of election to decline intervention by USA (Sealed User KC) (Entered: 10/18/2005)
10/17/2005	<u>15</u>	ORDER to unseal. Complaint and this order to be unsealed; all other documents are to remain under seal. Complaint to be served on defendant by the realtor. Signed by Judge Kathryn H. Vratil on 10/17/05. (Sealed User CK ) (Entered: 10/18/2005)
05/23/2006	<u>16</u>	ORDER TO SHOW CAUSE. Show cause response due by 6/22/2006. Signed by Magistrate Judge James P. O'Hara on 5/23/06. (mt) (Entered: 05/23/2006)
07/24/2006	<u>18</u>	ORDER. Plaintiff has not responded to <u>16</u> Order to Show Cause. The Court finds the complaint should be dismissed without prejudice. Signed by Judge Kathryn H. Vratil on 7/24/06.(ls) (Entered: 07/24/2006)

**U.S. District Court**  
**Middle District of Florida (Tampa)**  
**CIVIL DOCKET FOR CASE #: 8:06-cv-00027-VMC-MAP**

Howard v. USA Environmental, Inc.  
Assigned to: Judge Virginia M. Hernandez Covington  
Referred to: Magistrate Judge Mark A. Pizzo  
Case in other court: 09-11866-B  
Cause: 31:3729 False Claims Act

Date Filed: 01/05/2006  
Date Terminated: 03/13/2009  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Patricia Howard**

represented by **Alan M. Grayson**  
Grayson & Kubli, PC  
8605 Westwood Center Drive  
Suite 410  
Vienna, VA 22182  
703/442-0327  
*TERMINATED: 01/06/2009*  
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*ATTORNEY TO BE NOTICED*

**Donald W. Buckler**  
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**Melissa A. Roover**  
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**Date Discrepancy Cases 322**

*TERMINATED: 01/06/2009*  
*LEAD ATTORNEY*  
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**Sarah Rebecca Bagley**  
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*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**USA Environmental, Inc.**

represented by **C. Bryant Boydston, Jr.**  
Traub Lieberman Strauss & Shrewsberry  
LLP  
360 Central Ave Ste 1000  
St Petersburg, FL 33701-3878  
727/822-2033  
Fax: 727/822-1633  
Email: bboydstun@traublieberman.com  
*TERMINATED: 12/16/2008*  
*LEAD ATTORNEY*  
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**Karen M. Buesing**  
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**Robert T. Rhoad**  
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*PRO HAC VICE*  
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**Movant**

**USA**

represented by **Whitney L. Schmidt**

**Date Discrepancy Cases 323**

*ex rel*

Whitney Schmidt  
 PO Box 1428  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/05/2006		Sealed document S-1 (JLH) (Entered: 07/15/2008)
01/10/2006		Sealed document S-3 (JLH) (Entered: 07/15/2008)
03/07/2006		Sealed document S-4,5 (JLH) (Entered: 07/15/2008)
03/09/2006		Sealed document S-6 (JLH) (Entered: 07/15/2008)
06/05/2006	<a href="#">1</a>	COMPLAINT against USA Environmental, Inc. ; jury demand (Filing fee \$ 250.00 receipt number T035449) filed by Patricia Howard.(JLH) (Entered: 07/14/2008)
10/04/2006		Sealed document S-7 (JLH) (Entered: 07/15/2008)
10/06/2006		Sealed document S-8 (JLH) (Entered: 07/15/2008)
12/27/2006		Sealed document S-9 (JLH) (Entered: 07/15/2008)
12/29/2006		Sealed document S-10 (JLH) (Entered: 07/15/2008)
06/29/2007		Sealed document S-11 (JLH) (Entered: 07/15/2008)
07/02/2007		Sealed document S-12 (JLH) (Entered: 07/15/2008)
01/04/2008		Sealed document S-13, 14 (JLH) (Entered: 07/15/2008)
01/08/2008		Sealed document S-15 (JLH) (Entered: 07/15/2008)
01/18/2008		Sealed document S-17, 18 (JLH) (Entered: 07/15/2008)
02/26/2008		Sealed document S-16 (JLH) (Entered: 07/15/2008)
03/05/2008		Sealed document S-18, 19, 20 (JLH) (Entered: 07/15/2008)
06/10/2008		Sealed document S-21 (JLH) (Entered: 07/15/2008)
06/13/2008		Sealed document S-22 (JLH) (Entered: 07/15/2008)
07/03/2008	<a href="#">2</a>	NOTICE of election to decline intervention by United States of America re <a href="#">1</a> Complaint (JLH) (Entered: 07/14/2008)
07/14/2008	<a href="#">3</a>	ORDER that the complaint be unsealed and served. All contents remain under seal except for this order, the notice of election to decline intervention and complaint. The seal will be lifted as to all other matters occurring after this action after this date. (see order for further details) Signed by Judge Susan C Bucklew on 7/12/08. (JLH) (Entered: 07/14/2008)
07/21/2008		Mail returned as Undeliverable re: <a href="#">3</a> Order. Mail resent to Alan M. Grayson. Grayson & Kubli, PC, 1420 Springhill Road Suite 230, McLean VA 22102 (JLH) (Entered: 07/21/2008)
07/25/2008	<a href="#">4</a>	NOTICE of change of address by Donald W. Buckler (Buckler, Donald) (Entered: 07/25/2008)

**Date Discrepancy Cases 324**



		07/25/2008)
08/04/2008		Case Reassigned to Judge Virginia M. Hernandez Covington. New case number: 8:06-cv-27-T-33MAP. Judge Susan C Bucklew no longer assigned to the case. (JLH) (Entered: 08/04/2008)
08/04/2008	5	NOTICE to counsel of new case number and judge assignment: 8:06-cv-27-T-33MAP (signed by deputy clerk). (JLH) (Entered: 08/04/2008)
08/04/2008	<a href="#">6</a>	Summons issued as to USA Environmental, Inc.. (JLH) (Entered: 08/05/2008)
08/18/2008	<a href="#">7</a>	NOTICE of change of address by Donald W. Buckler (Buckler, Donald) (Entered: 08/18/2008)
08/18/2008	<a href="#">8</a>	NOTICE by Patricia Howard <i>Notice of Filing Affidavit of Service</i> (Attachments: # <a href="#">1</a> Affidavit Affidavit of Service - USA Environmental)(Buckler, Donald) Modified on 8/18/2008 (JLH). DOCUMENT TERMINATED; INCORRECT EVENT CODE; COUNSEL NOTIFIED TO RE-FILE. (Entered: 08/18/2008)
08/18/2008	<a href="#">9</a>	RETURN of service executed on 8/11/08 by Patricia Howard as to USA Environmental, Inc.. (Buckler, Donald) (Entered: 08/18/2008)
08/29/2008	<a href="#">10</a>	MOTION to dismiss Plaintiff's Complaint by USA Environmental, Inc.. (Boydston, C.) (Entered: 08/29/2008)
09/15/2008	<a href="#">11</a>	MEMORANDUM in opposition re <a href="#">10</a> Motion to dismiss filed by Patricia Howard. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1, # <a href="#">2</a> Exhibit Exhibit 2)(Roover, Melissa) (Entered: 09/15/2008)
10/21/2008	<a href="#">12</a>	ORDER referring motion for report and recommendation: <a href="#">10</a> MOTION to dismiss Plaintiff's Complaint filed by USA Environmental, Inc. Signed by Judge Virginia M. Hernandez Covington on 10/21/2008. (KAK) Motions referred to Magistrate Judge Mark A. Pizzo. (Entered: 10/21/2008)
11/03/2008		Mail returned as Undeliverable re: <a href="#">12</a> Order Referring Motion for report and recommendation. Mail resent to Alan M. Grayson. (BES) (Entered: 11/03/2008)
12/03/2008	<a href="#">13</a>	REPORT AND RECOMMENDATION re <a href="#">10</a> MOTION to dismiss Plaintiff's Complaint filed by USA Environmental, Inc.. Signed by Magistrate Judge Mark A. Pizzo on 12/3/2008. (DK) (Entered: 12/03/2008)
12/12/2008	<a href="#">14</a>	MOTION to substitute attorney by USA Environmental, Inc.. (Buesing, Karen) Motions referred to Magistrate Judge Mark A. Pizzo. (Entered: 12/12/2008)
12/12/2008	<a href="#">15</a>	MOTION for Robert T. Rhoad to appear pro hac vice by USA Environmental, Inc.. (Buesing, Karen) Motions referred to Magistrate Judge Mark A. Pizzo. (Entered: 12/12/2008)
12/16/2008	16	ENDORSED ORDER granting <a href="#">14</a> Motion to substitute attorney. Signed by Magistrate Judge Mark A. Pizzo on 12/16/2008. (DK) (Entered: 12/16/2008)
12/16/2008	<a href="#">17</a>	ORDER granting <a href="#">15</a> motion to appear pro hac vice. Signed by Magistrate Judge Mark A. Pizzo on 12/16/2008. (DK) (Entered: 12/16/2008)
12/16/2008	<a href="#">18</a>	NOTICE of Appearance by John Andres Thornton on behalf of Patricia Howard (Thornton, John) (Entered: 12/16/2008)
12/17/2008	<a href="#">19</a>	OBJECTION re <a href="#">13</a> REPORT AND RECOMMENDATION re <a href="#">10</a> MOTION to dismiss Plaintiff's Complaint filed by USA Environmental, Inc.. <i>as to Count III</i> . (Buesing, Karen) (Entered: 12/17/2008)

**Date Discrepancy Cases 325**

12/17/2008	<a href="#">20</a>	<b>**INCORRECT EVENT CODE USED; COUNSEL TO RE-FILE**</b> APPEAL of Magistrate Judge ruling to District Court by Patricia Howard re <a href="#">13</a> REPORT AND RECOMMENDATION re <a href="#">10</a> MOTION to dismiss Plaintiff's Complaint filed by USA Environmental, Inc.. (Roover, Melissa) Modified on 12/18/2008 (JLH). (Entered: 12/17/2008)
12/18/2008	<a href="#">21</a>	OBJECTION re <a href="#">13</a> REPORT AND RECOMMENDATION re <a href="#">10</a> MOTION to dismiss Plaintiff's Complaint filed by USA Environmental, Inc... (Roover, Melissa) (Entered: 12/18/2008)
12/23/2008	<a href="#">22</a>	Joint MOTION to extend time to Respond to Rule 72 Objections by Patricia Howard. (Roover, Melissa) (Entered: 12/23/2008)
12/24/2008	<a href="#">23</a>	ENDORSED ORDER granting <a href="#">22</a> Joint Motion for an Enlargement of Time to Respond to Rule 72 Objections to the Magistrate Judge's December 3, 2008, Report and Recommendation. The parties shall have until and including January 9, 2009, in which to respond to objections to the Magistrate Judge's December 3, 2008, Report and Recommendation. Signed by Judge Virginia M. Hernandez Covington on 12/24/2008. (KAK) (Entered: 12/24/2008)
01/02/2009	<a href="#">24</a>	MOTION for Melissa Roover to withdraw as attorney by Patricia Howard. (Roover, Melissa) Motions referred to Magistrate Judge Mark A. Pizzo. (Entered: 01/02/2009)
01/02/2009	<a href="#">25</a>	MOTION for Alan Grayson to withdraw as attorney by Patricia Howard. (Thornton, John) Motions referred to Magistrate Judge Mark A. Pizzo. (Entered: 01/02/2009)
01/02/2009	<a href="#">26</a>	NOTICE by Patricia Howard <i>Of Change of Firm Name</i> (Thornton, John) (Entered: 01/02/2009)
01/06/2009	<a href="#">27</a>	ENDORSED ORDER granting <a href="#">24</a> Melissa Roover's Motion to withdraw as attorney. ; granting <a href="#">25</a> Ala Grayson's Motion to withdraw as attorney. Signed by Magistrate Judge Mark A. Pizzo on 1/6/2009. (DK) (Entered: 01/06/2009)
01/09/2009	<a href="#">28</a>	RESPONSE to objections to <a href="#">13</a> Report and Recommendations ( <i>Relator's Rule 72's</i> ), OBJECTION to <a href="#">13</a> Report and Recommendations by USA Environmental, Inc.. (Buesing, Karen) (Entered: 01/09/2009)
01/09/2009	<a href="#">29</a>	NOTICE by USA Environmental, Inc. re <a href="#">17</a> Order on motion to appear pro hac vice <i>Notice of Compliance</i> (Rhoad, Robert) (Entered: 01/09/2009)
01/09/2009	<a href="#">30</a>	RESPONSE re <a href="#">19</a> <i>Objection to Magistrate's Report and Recommendation</i> filed by Patricia Howard. (Thornton, John) (Entered: 01/09/2009)
01/19/2009	<a href="#">31</a>	ORDER: Judge Pizzo's report and recommendation <a href="#">13</a> is accepted with modifications. Defendant's motion to dismiss Relator's complaint <a href="#">10</a> is granted. Counts one and two of the complaint are dismissed with prejudice. Counts three and four are dismissed without prejudice. Should Relator be inclined to amend counts three and four of her complaint, she shall do so within eleven days of the date of this order. No extensions of this deadline will be granted. See Order for details. Signed by Judge Virginia M. Hernandez Covington on 1/19/2009. (KAK) (Entered: 01/19/2009)
01/30/2009	<a href="#">32</a>	AMENDED COMPLAINT against USA Environmental, Inc. with Jury Demand filed by Patricia Howard.(Thornton, John) (Entered: 01/30/2009)
02/13/2009	<a href="#">33</a>	MOTION to dismiss Amended Complaint by USA Environmental, Inc.. (Attachments: # <a href="#">1</a> Exhibit A)(Buesing, Karen) (Entered: 02/13/2009)
02/25/2009	<a href="#">34</a>	MOTION for Sarah Rebecca Bagley to appear pro hac vice by Patricia Howard. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Text of Proposed Order

**Date Discrepancy Cases 326**

		Exhibit D)(Thornton, John) Motions referred to Magistrate Judge Mark A. Pizzo. (Entered: 02/25/2009)
02/26/2009	<a href="#">35</a>	ORDER granting <a href="#">34</a> motion to appear pro hac vice. Signed by Magistrate Judge Mark A. Pizzo on 2/26/2009. (DK) (Entered: 02/26/2009)
03/05/2009	<a href="#">36</a>	NOTICE of supplemental authority by USA Environmental, Inc. (Attachments: # <a href="#">1</a> Exhibit 1)(Buesing, Karen) (Entered: 03/05/2009)
03/05/2009	<a href="#">37</a>	RESPONSE to motion re <a href="#">33</a> MOTION to dismiss Amended Complaint filed by United States of America. (Schmidt, Whitney) (Entered: 03/05/2009)
03/05/2009	<a href="#">38</a>	RESPONSE in opposition re <a href="#">33</a> MOTION to dismiss Amended Complaint filed by Patricia Howard. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Thornton, John) (Entered: 03/05/2009)
03/12/2009	<a href="#">39</a>	ORDER granting <a href="#">33</a> motion to dismiss. This case is dismissed with prejudice. The Clerk is directed to enter judgment in favor of Defendant and close this case. See order for details. Signed by Judge Virginia M. Hernandez Covington on 3/12/2009. (KAK) (Entered: 03/12/2009)
03/13/2009	<a href="#">40</a>	JUDGMENT in favor of USA Environmental, Inc. against Patricia Howard (Signed by Deputy Clerk) (JLH) (Entered: 03/13/2009)
04/10/2009	<a href="#">41</a>	NOTICE OF APPEAL as to <a href="#">39</a> Order on motion to dismiss, <a href="#">31</a> Order Adopting Report and Recommendations, <a href="#">40</a> Judgment by Patricia Howard. (Filing fee not paid) (Bagley, Sarah) (Entered: 04/10/2009)
04/13/2009		TRANSMITTAL of initial appeal package to USCA consisting of certified copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re <a href="#">41</a> Notice of appeal. (DG) (Entered: 04/13/2009)
04/14/2009		USCA appeal fees received \$ 455 receipt number T049957 re <a href="#">41</a> Notice of appeal filed by Patricia Howard. (DG) (Entered: 04/14/2009)
04/14/2009		TRANSMITTAL to USCA forwarding certified copy of paid appellate filing fee receipt re <a href="#">41</a> Notice of appeal. USCA number: not yet known. (DG) (Entered: 04/14/2009)
04/21/2009		ACKNOWLEDGMENT by USCA of receiving certified copy of paid appellate filing fee receipt on 4/16/09 re <a href="#">41</a> Notice of appeal. (DG) (Entered: 04/21/2009)
07/15/2009	<a href="#">42</a>	CERTIFICATE of readiness sent to USCA re: <a href="#">41</a> Notice of appeal. ROA consists of: volume of pleadings: 2 [1 public; 1 sealed]. USCA number: 09-11866-BB (DG) (Entered: 07/15/2009)
07/15/2009		RECORD on appeal sent to USCA re <a href="#">41</a> Notice of appeal. Transmittal includes certified copy of docket sheet, volume of pleadings: 2 [1 public; 1 sealed]. USCA number 09-11866-BB (DG) (Entered: 07/15/2009)
07/20/2009		ACKNOWLEDGMENT by USCA of receiving certificate of readiness on 07/17/09 re <a href="#">41</a> Notice of appeal. USCA number: 09-11866-BB. (JMS) (Entered: 07/20/2009)
07/20/2009		ACKNOWLEDGMENT by USCA of receiving record on appeal on 07/17/09 re <a href="#">41</a> Notice of appeal. USCA number: 09-11866-BB. (JMS) (Entered: 07/20/2009)
03/05/2010	<a href="#">43</a>	MANDATE of USCA as to <a href="#">41</a> Notice of appeal filed by Patricia Howard; affirmed. Issued as Mandate: 3/3/10 EOD: 2/2/10 ROA returned and consists of: volume of pleadings: 2 [1 public; 1 sealed]. USCA number: 09-11866-BB (DG) (Entered: 03/05/2010)

<b>PACER Service Center</b>			
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<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	8:06-cv-00027-VMC-MAP
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50

**U.S. District Court  
DISTRICT OF KANSAS (Topeka)  
CIVIL DOCKET FOR CASE #: 5:05-cv-04035-RDR-KGS**

Wynne v. Blue Cross-Blue Shield of Kansas, Inc.  
Assigned to: District Judge Richard D. Rogers  
Referred to: Magistrate Judge K. Gary Sebelius  
Case in other court: US District Court, District of Maryland,  
00-00452-AMD  
Cause: 31:3729 False Claims Act

Date Filed: 03/22/2005  
Date Terminated: 12/08/2006  
Jury Demand: Both  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**USA**

represented by **Ira Dennis Hawver**  
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**Plaintiff**

Rosalind L. Wynne

represented by **Bret D. Landrith**  
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TERMINATED: 11/01/2005  
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V.

**Defendant**

**Blue Cross-Blue Shield of Kansas, Inc.**

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Date Filed	#	Docket Text
03/22/2005	<u>84</u>	Case transferred in from District of Maryland (Baltimore); Case Number 00-CV-00452-AMD. Original file with documents numbered 1 – 39, certified copy of transfer order and docket sheet received., filed by USA, Rosalind L Wynne.(sal) (hs). (Entered: 03/22/2005)
03/22/2005	<u>1</u>	COMPLAINT no summons issued , filed by Rosalind L Wynne. (Attachments: # <u>1</u> pages 13-27 of complaint# <u>2</u> pages 28-58 of complaint# <u>3</u> Exhibit A) (Originally filed on 2/16/2000 in the District of Maryland)(daw) (Entered: 03/24/2005)

03/22/2005		DEMAND for Trial by Jury by Rosalind L Wynne. (Originally filed on 2/16/00 in the District of Maryland)(daw) (Entered: 03/24/2005)
03/22/2005	<u>2</u>	NOTICE of Election to Decline Intervention by USA (Originally filed 9/1/04 in the District of Maryland) (daw) (Entered: 03/24/2005)
03/22/2005	<u>3</u>	Order to Unseal Complaint, Notice of Election to Decline Intervention and all other pleading filed after this date. Signed by Judge Andre Davis on 9/2/04. (Originally filed on 9/2/04 in the District of Maryland) (daw) (Entered: 03/24/2005)
03/22/2005	<u>4</u>	MEMORANDUM AND OPINION . Signed by Judge Andre Davis on 3/16/05. (Originally filed on 3/16/05 in the District of Maryland)(daw, ) (Entered: 03/24/2005)
03/22/2005	<u>5</u>	ORDER granting plaintiff's motion for extension of time to obtain counsel and to transfer case to the US District Court for the District of Kansas signed by Judge Andre Davis 3/16/05. (Originally filed on 3/16/05 in the District of Maryland)(daw) (Entered: 03/24/2005)
04/26/2005		Summons Issued as to Blue Cross–Blue Shield of Kansas, Inc.. (sal) (Entered: 04/26/2005)
04/27/2005	<u>6</u>	Summons Returned Executed — personal service by Rosalind L Wynne upon Mike Mattox, President, Blue Cross–Blue Shield of Kansas, Inc. served on 4/26/2005, answer due 5/16/2005 (ms) (Entered: 04/28/2005)
05/03/2005	<u>7</u>	CLERK'S ORDER extending time until May 31, 2005 for Defendants Blue Cross–Blue Shield of Kansas, Inc. to answer or otherwise plead. Signed by deputy clerk on 5/3/05. (sal) (Entered: 05/03/2005)
05/11/2005	<u>8</u>	ORDER SETTING TELEPHONE SCHEDULING CONFERENCE: Telephone Scheduling Conference set for 6/22/2005 at 03:30 PM before Magistrate Judge K. Gary Sebelius. Report of Parties Planning Meeting deadline 6/13/2005. Signed by Magistrate Judge K. Gary Sebelius on 5/11/2005. (djs) (Entered: 05/11/2005)
05/31/2005	<u>9</u>	MOTION to Dismiss by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 05/31/2005)
05/31/2005	<u>10</u>	MEMORANDUM IN SUPPORT of <u>9</u> MOTION to Dismiss by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 05/31/2005)
06/20/2005	<u>11</u>	MOTION to Stay Proceedings by Plaintiff Rosalind L Wynne (ms) (Entered: 06/21/2005)
06/20/2005	<u>12</u>	MOTION to Appoint Counsel by Plaintiff Rosalind L Wynne (ms) (Entered: 06/21/2005)
06/20/2005	<u>13</u>	NOTE: Access to document is restricted pursuant to the Court's privacy policy.) FINANCIAL AFFIDAVIT in support of Application for Appointment of Counsel <u>12</u> by Plaintiff Rosalind L Wynne. (ms) (Entered: 06/21/2005)
06/22/2005	<u>14</u>	Minute Entry for proceedings held before Magistrate Judge K. Gary Sebelius: Telephone Scheduling Conference held on 6/22/2005. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry) (djs) (Entered: 06/22/2005)
06/23/2005	<u>15</u>	SCHEDULING ORDER: Discovery deadline 1/6/2006. Dispositive motion deadline set for 3/3/2006. Mediation deadline 11/18/2005. Proposed Pretrial Order due by 1/24/2006. Final Pretrial Conference set for 2/3/2006 at 10:00 AM before Magistrate Judge K. Gary Sebelius. Signed by Magistrate Judge K. Gary Sebelius on 6/23/2005. (djs) (Entered: 06/23/2005)
07/03/2005	<u>16</u>	ENTRY OF APPEARANCE by Bret D. Landrith on behalf of Rosalind L. Wynne (Landrith, Bret) Modified on 10/20/2005 (daw). (Entered: 07/03/2005)
07/06/2005	<u>17</u>	NOTICE OF SERVICE by Rosalind L Wynne of Good Faith Settlement Offer (Landrith, Bret) (Entered: 07/06/2005)
07/11/2005	<u>18</u>	MOTION for Protective Order by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 07/11/2005)

07/12/2005	<u>19</u>	PROTECTIVE ORDER granting <u>18</u> Joint Motion for Protective Order. Counsel should note that the court modified the parties' proposed order with respect to the provisions for the use of confidential information in court filings. See Protective Order for details. Signed by Magistrate Judge K. Gary Sebelius on 7/12/2005. (djs) (Entered: 07/12/2005)
07/14/2005	<u>20</u>	ORDER denying <u>9</u> Motion to Dismiss, finding as moot <u>11</u> Motion to Stay, finding as moot <u>12</u> Motion to Appoint Counsel . Signed by Judge Richard D. Rogers on 7/14/05. (meh) (Entered: 07/14/2005)
07/21/2005	<u>21</u>	NOTICE OF SERVICE by Blue Cross–Blue Shield of Kansas, Inc. of Defendant's Rule 26 Initial Disclosure Statement (Ayers, Gary) (Entered: 07/21/2005)
07/22/2005	<u>22</u>	MOTION for Extension of Time to File Answer by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 07/22/2005)
07/25/2005	<u>23</u>	RESPONSE by Plaintiff Rosalind L Wynne re <u>22</u> MOTION for Extension of Time to File Answer (Landrith, Bret) (Entered: 07/25/2005)
07/25/2005	<u>24</u>	CERTIFICATE OF SERVICE by Rosalind L Wynne of <i>Initial Rule 26 Disclosures</i> . (Landrith, Bret) (Entered: 07/25/2005)
07/27/2005	<u>25</u>	ORDER granting <u>22</u> Motion for Extension of Time to Answer. Blue Cross–Blue Shield of Kansas, Inc. answer due 8/19/2005. Signed by Magistrate Judge K. Gary Sebelius on 7/27/2005. (djs) (Entered: 07/27/2005)
08/03/2005	<u>26</u>	ENTRY OF APPEARANCE by Stacy A. Jeffress on behalf of Blue Cross–Blue Shield of Kansas, Inc. (Ayers, Gary) Modified on 8/5/2005 to change attorney to conform with document (ms). (Entered: 08/03/2005)
08/15/2005	<u>27</u>	MEDIATION MINUTE ORDER – Mediation Deadline Terminated. Signed by Magistrate Judge K. Gary Sebelius on 8/15/2005. (djs) (Entered: 08/15/2005)
08/19/2005	<u>28</u>	ANSWER to Complaint by Blue Cross–Blue Shield of Kansas, Inc..(Ayers, Gary) (Entered: 08/19/2005)
08/19/2005	<u>29</u>	MOTION for Judgment <i>On the Pleadings for Failure to State a Claim</i> by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 08/19/2005)
08/19/2005	<u>30</u>	MEMORANDUM IN SUPPORT of <u>29</u> MOTION for Judgment <i>On the Pleadings for Failure to State a Claim</i> by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 08/19/2005)
08/22/2005	<u>31</u>	DEMAND for Trial by Jury by Blue Cross–Blue Shield of Kansas, Inc.. (Ayers, Gary) (Entered: 08/22/2005)
09/12/2005	<u>32</u>	RESPONSE by Plaintiffs Rosalind L Wynne re <u>29</u> MOTION for Judgment <i>On the Pleadings for Failure to State a Claim</i> (Landrith, Bret) (Entered: 09/12/2005)
10/04/2005	<u>33</u>	MOTION for Extension of Time as to <u>32</u> Response to Motion by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 10/04/2005)
10/10/2005	<u>34</u>	REPLY to Response to Motion by Defendant Blue Cross–Blue Shield of Kansas, Inc. re: <u>29</u> MOTION for Judgment <i>On the Pleadings for Failure to State a Claim</i> (Ayers, Gary) (Entered: 10/10/2005)
10/19/2005	<u>35</u>	MOTION to Withdraw as Attorney for Plaintiff Rosalind L Wynne(Landrith, Bret) (Entered: 10/19/2005)
10/31/2005	<u>36</u>	ORDER granting <u>33</u> Motion for Extension of Time to File Reply re: <u>29</u> MOTION for Judgment <i>On the Pleadings for Failure to State a Claim</i> . Reply deadline 10/10/2005. See order for details. Signed by Magistrate Judge K. Gary Sebelius on 10/31/2005. (djs) (Entered: 10/31/2005)
11/01/2005	<u>37</u>	ORDER granting <u>35</u> Motion to Withdraw as Attorney. Attorney Bret D. Landrith terminated. IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel (# 12) is denied. IT IS FURTHER ORDERED that plaintiff shall be allowed 20 days from the date of this order to find counsel to represent her in this action. If counsel has not entered an appearance within 20 days, the court shall dismiss this action. The clerk shall mail a copy of this memorandum and order to plaintiff, Bret D. Landrith, defense



		counsel and government counsel. Signed by Judge Richard D. Rogers on 11/1/05. (meh) Modified text on 11/7/2005 (ms). (Entered: 11/01/2005)
11/19/2005	<u>38</u>	ENTRY OF APPEARANCE by Ira Dennis Hawver on behalf of USA, Rosalind L Wynne (Hawver, Ira) (Entered: 11/19/2005)
11/21/2005	<u>39</u>	ENTRY OF APPEARANCE by Richard W. Benson on behalf of Rosalind L Wynne. (ms) (Entered: 11/22/2005)
11/23/2005	<u>40</u>	ORDER: Ira Dennis Hawver has entered an appearance for the plaintiff in this case. Therefore, the court will not consider the pending motion for judgment on the pleadings for failure to state a claim as quickly as possible. Signed by Judge Richard D. Rogers on 11/23/05.(meh) (Entered: 11/23/2005)
11/29/2005	<u>41</u>	AMENDED ENTRY OF APPEARANCE by Ira Dennis Hawver on behalf of Rosalind L Wynne (Hawver, Ira) Modified on 11/30/2005 (ms). (Entered: 11/29/2005)
12/01/2005	<u>42</u>	MOTION to Amend Scheduling Order by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 12/01/2005)
12/08/2005	<u>43</u>	AMENDED SCHEDULING ORDER granting <u>42</u> Motion to Amend Scheduling Order. Discovery deadline 4/6/2006. Dispositive motion deadline set for 5/30/2006. Proposed Pretrial Order due by 4/24/2006. Final Pretrial Conference set for 5/1/2006 at 09:30 AM before Magistrate Judge K. Gary Sebelius. Signed by Magistrate Judge K. Gary Sebelius on 12/8/2005. (djs) (Entered: 12/08/2005)
01/30/2006	<u>44</u>	NOTICE OF SERVICE by USA, Rosalind L Wynne of Request for Production (Attachments: # <u>1</u> Supplement 1)(Hawver, Ira) (Entered: 01/30/2006)
04/05/2006	<u>45</u>	MOTION to Amend Scheduling Order by Defendant Blue Cross–Blue Shield of Kansas, Inc. (Ayers, Gary) (Entered: 04/05/2006)
04/07/2006	<u>46</u>	SECOND AMENDED SCHEDULING ORDER granting <u>45</u> Joint Motion to Amend Scheduling Order. Discovery deadline 7/6/2006. Dispositive motion deadline set for 8/21/2006. Proposed Pretrial Order due by 7/17/2006. Final Pretrial Conference set for 7/24/2006 at 09:30 AM before Magistrate Judge K. Gary Sebelius. Signed by Magistrate Judge K. Gary Sebelius on 4/7/2006. (djs) (Entered: 04/07/2006)
04/11/2006	<u>47</u>	RETURN OF SERVICE of subpoena(s) filed by Plaintiff Rosalind L Wynne executed upon Patricia Hanower on March 14, 2006 by Certified Mail (Hawver, Ira) (Entered: 04/11/2006)
04/21/2006	<u>48</u>	MEMORANDUM AND ORDER regarding <u>29</u> Motion for Judgment. Defendant's motion for judgment on the pleadings for failure to state a claim be hereby held in abeyance pending the filing of an amended complaint by the plaintiff. Plaintiff shall have twenty (20) days in which to file the amended complaint. If an amended complaint is not timely filed, the court shall grant the defendant's motion. If an amended complaint is filed, the court will deny defendant's motion. Signed by Judge Richard D. Rogers on 4/21/06. (meh) (Entered: 04/21/2006)
05/08/2006	<u>49</u>	DISREGARD – REDOCKETED AS DOCUMENT NUMBER 53 FOR LINKING PURPOSES. Amended Complaint re <u>1</u> Complaint <i>as ordered by the court</i> by Plaintiffs USA, Rosalind L Wynne (Attachments: # <u>1</u> Witness Affidavit) (Hawver, Ira) Modified on 5/10/2006 (ms). Modified on 5/25/2006 (ms). (Entered: 05/08/2006)
05/08/2006	<u>53</u>	AMENDED COMPLAINT against Blue Cross–Blue Shield of Kansas, Inc. filed by Rosalind L Wynne. (Attachments: # <u>1</u> Witness Affidavit) (ms) REDOCKETED FOR LINKING PURPOSES (Entered: 05/25/2006)
05/11/2006	<u>50</u>	ORDER denying <u>29</u> Motion for Judgment on the Pleadings . Signed by Judge Richard D. Rogers on 5/11/06. (meh) (Entered: 05/11/2006)
05/18/2006	<u>51</u>	MOTION to Withdraw as Attorney by Plaintiff Rosalind L Wynne (Benson, Richard) (Entered: 05/18/2006)
05/24/2006	<u>52</u>	ORDER granting <u>51</u> Motion to Withdraw as Attorney for plaintiff. Attorney Richard W. Benson terminated . Signed by Judge Richard D. Rogers on 5/24/06. (meh) (Entered: 05/24/2006)

05/26/2006	<u>54</u>	MOTION for Extension of Time to File Answer to <i>Amended Complaint</i> by Defendant Blue Cross–Blue Shield of Kansas, Inc. (Ayers, Gary) (Entered: 05/26/2006)
05/31/2006	<u>55</u>	ORDER granting <u>54</u> Motion for Extension of Time to Answer. Blue Cross–Blue Shield of Kansas, Inc., answer due 6/13/2006. See order for details. Signed by Magistrate Judge K. Gary Sebelius on 5/31/2006. (djs) (Entered: 05/31/2006)
06/07/2006	<u>56</u>	NOTICE OF SERVICE by Rosalind L Wynne of first Interrogatories to Defendant (Hawver, Ira) (Entered: 06/07/2006)
06/13/2006	<u>57</u>	MOTION to Dismiss by Defendant Blue Cross–Blue Shield of Kansas, Inc. (Ayers, Gary) (Entered: 06/13/2006)
06/13/2006	<u>58</u>	MEMORANDUM IN SUPPORT of <u>57</u> MOTION to Dismiss by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 06/13/2006)
06/21/2006	<u>59</u>	NOTICE OF SERVICE by Blue Cross–Blue Shield of Kansas, Inc. of Defendant's Responses to Plaintiff's First Request for Production of Documents (Ayers, Gary) (Entered: 06/21/2006)
06/30/2006	<u>60</u>	MOTION to Modify <i>Amended Scheduling Order and for Scheduling Conference</i> by Defendant Blue Cross–Blue Shield of Kansas, Inc. (Ayers, Gary) (Entered: 06/30/2006)
07/05/2006	<u>61</u>	MOTION to Compel <i>Production of documents</i> by Plaintiff Rosalind L Wynne (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2) (Hawver, Ira) (Entered: 07/05/2006)
07/05/2006	<u>62</u>	RESPONSE by Plaintiff Rosalind L Wynne re <u>57</u> MOTION to Dismiss (Attachments: # <u>1</u> Exhibit 1)(Hawver, Ira) (Entered: 07/05/2006)
07/07/2006	<u>63</u>	NOTICE OF SERVICE by Blue Cross–Blue Shield of Kansas, Inc. of Interrogatory Responses (Ayers, Gary) (Entered: 07/07/2006)
07/07/2006	<u>64</u>	ORDER granting in part and denying in part <u>60</u> Motion to Modify Amended Scheduling Order and for Scheduling Conference. Telephone Status Conference set for 7/21/2006, at 1:30 p.m, before Magistrate Judge Sebelius. Written Status Report due to chambers by 7/18/2006. See order for details. Signed by Magistrate Judge K. Gary Sebelius on 7/7/2006. (djs) (Entered: 07/07/2006)
07/19/2006	<u>65</u>	RESPONSE by Defendant Blue Cross–Blue Shield of Kansas, Inc. re <u>61</u> MOTION to Compel <i>Production of documents</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E)(Ayers, Gary) (Entered: 07/19/2006)
07/21/2006	66	Minute Entry for proceedings held before Magistrate Judge K. Gary Sebelius: Telephone Status Conference held on 7/21/2006. The parties are to confer in an attempt to resolve plaintiff's pending motion to compel. Plaintiff shall, by 8/3/2006, submit to the court and opposing counsel a status report providing her position on the status of the parties' discovery dispute and their efforts to resolve it. Defendant shall, by 8/4/2006, submit to the court and opposing counsel, a status report providing its position in response to plaintiff's report. Ordered by Magistrate Judge K. Gary Sebelius on 7/21/2006. (This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (djs) (Entered: 07/21/2006)
07/21/2006	<u>67</u>	THIRD AMENDED SCHEDULING ORDER: Estimated Trial Time: 10 trial days. Discovery deadline 10/23/2006. Dispositive motion deadline set for 12/13/2006. Proposed Pretrial Order due by 11/8/2006. Final Pretrial Conference set for 11/15/2006 at 01:30 PM before Magistrate Judge K. Gary Sebelius. See order for details.Signed by Magistrate Judge K. Gary Sebelius on 7/21/2006.(djs) (Entered: 07/21/2006)
07/27/2006	<u>68</u>	MEMORANDUM IN SUPPORT of <u>57</u> MOTION to Dismiss by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 07/27/2006)
08/14/2006	<u>69</u>	NOTICE by Defendant Blue Cross–Blue Shield of Kansas, Inc. of taking deposition of Rosalind L. Wynne on 08–31–2006 (Ayers, Gary) (Entered: 08/14/2006)
09/18/2006	70	ORDER Rescheduling final pretrial conference. At the request of the parties, the final pretrial conference is rescheduled from November 15, 2006 at 1:30 p.m. to November 16, 2006 at 10:00 a.m. Ordered by Magistrate Judge K. Gary Sebelius on

		9/18/2006.(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.)(ars) (Entered: 09/18/2006)
09/28/2006	<u>71</u>	CERTIFICATE OF SERVICE of Second Request for Answers to Interrogatories and Second request for Production of Documents by Rosalind L Wynne (Hawver, Ira) (Entered: 09/28/2006)
10/25/2006	<u>72</u>	NOTICE OF SERVICE by Blue Cross–Blue Shield of Kansas, Inc. of Defendant's Responses to Second Set of Interrogatories and Request for Production of Documents (Ayers, Gary) (Entered: 10/25/2006)
11/09/2006	73	Minute Entry for proceedings held before Magistrate Judge K. Gary Sebelius : Telephone Status Conference held on 11/9/2006. Counsel for both parties informed the court that no pending discovery issues existed. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ars) (Entered: 11/09/2006)
11/09/2006	<u>74</u>	ORDER denying <u>61</u> Motion to Compel as moot. See text of order for details. Signed by Magistrate Judge K. Gary Sebelius on 11/9/2006. (ars) (Entered: 11/09/2006)
11/14/2006	<u>75</u>	OBJECTION(S) to <i>Plaintiff's Proposed Additions to Pretrial Conference Order</i> by Blue Cross–Blue Shield of Kansas, Inc.. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u> # <u>12</u> # <u>13</u> # <u>14</u> )(Ayers, Gary) (Entered: 11/14/2006)
11/15/2006	76	Minute Entry for proceedings held before Magistrate Judge K. Gary Sebelius : Status Conference held on 11/15/2006. Plaintiff shall file a response in writing, if at all, to Defendant's Objections to Plaintiff's proposed pretrial order (Doc. 75) on or before November 28, 2006. Should plaintiff file such a response, defendant may file a reply in writing, if at all, on or before December 12, 2006. The court hereby suspends the parties' dispositive motion deadline and November 16, 2006 pretrial conference until subsequent order of the court. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ars) (Entered: 11/15/2006)
11/27/2006	<u>77</u>	RESPONSE by Plaintiffs USA, Rosalind L Wynne re 70 Order, <i>Order 76 Allowing Response to Defendant Objection</i> (Attachments: # <u>1</u> Exhibit exb 1# <u>2</u> Exhibit Exb 2 Wynne000# <u>3</u> Exhibit Exb 3 Wynne00000435# <u>4</u> Exhibit Exb 4 Wynne00000439)(Hawver, Ira) (Entered: 11/27/2006)
12/08/2006	<u>78</u>	MEMORANDUM AND ORDER granting <u>57</u> Defendant's Motion to Dismiss Plaintiff's amended complaint. Plaintiff's amended complaint shall be dismissed with prejudice for failure to state a claim upon which relief can be granted pursuant to Fed.R.Civ.P. 12(b)(6). Signed by Judge Richard D. Rogers on 12/8/06. (ms) (Entered: 12/08/2006)
12/08/2006	<u>79</u>	JUDGMENT pursuant to Memorandum and Order filed December 8, 2006, that defendant's motion to dismiss plaintiff's amended complaint is hereby granted. Plaintiff's amended complaint shall be dismissed with prejudice for failure to state a claim upon which relief can be granted pursuant to Fed.R.Civ.P. 12(b) (6). IT IS FURTHER ORDERED AND ADJUDGED that plaintiff take nothing and the defendant recover of the plaintiff its costs of action. Entered on the docket 12/8/06. Dated: December 8, 2006 RALPH L. DeLOACH, CLERK s/ M. StamperDeputy Clerk, ***Terminating Case. Signed by deputy clerk on 12/8/06. (ms) (Entered: 12/08/2006)
12/18/2006	<u>80</u>	MOTION for Reconsideration of <i>Dismissal and Judgment</i> by Plaintiffs USA, Rosalind L Wynne (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4) (Hawver, Ira) (Entered: 12/18/2006)
12/18/2006	<u>81</u>	AFFIDAVIT of Corrected Certificate of Service re <u>80</u> MOTION for Reconsideration of <i>Dismissal and Judgment</i> by Plaintiffs USA, Rosalind L Wynne(Hawver, Ira) (Entered: 12/18/2006)
01/02/2007	<u>82</u>	RESPONSE by Defendant Blue Cross–Blue Shield of Kansas, Inc. re <u>80</u> MOTION for Reconsideration of <i>Dismissal and Judgment</i> (Ayers, Gary) (Entered: 01/02/2007)
01/12/2007	<u>83</u>	ORDER denying <u>80</u> Motion for Reconsideration. Signed by Judge Richard D. Rogers on 1/12/07. (meh) (Entered: 01/12/2007)

**U.S. District Court  
Eastern District of Arkansas (Little Rock)  
CIVIL DOCKET FOR CASE #: 4:05-cv-00649-JMM**

Jones v. St Mary's Regional, et al  
Assigned to: Judge James M. Moody  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 04/28/2005  
Date Terminated: 09/18/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Terrence A Jones**  
*M.D. Ph.D, United States ex rel.*

represented by **Terrence A Jones**  
160 County Road 622  
Valley Head, AL 35989  
PRO SE

**Brian P. Kenney**  
Kenney Lennon & Egan, P.C.  
3031 C. Walton Road  
Suite 202  
Plymouth Meeting, PA 19462  
(610) 940-9099  
*TERMINATED: 02/26/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Eric L. Young**  
Kenney Lennon & Egan, P.C.  
3031 C. Walton Road  
Suite 202  
Plymouth Meeting, PA 19462  
(610) 940-9099  
*TERMINATED: 02/26/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Patrick R. James**  
James House Downing & Lueken, P.A.  
Post Office Box 3585  
Little Rock, AR 72203-3585  
501-372-6555  
Email: pjames@jamesandhouse.com  
*TERMINATED: 01/08/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Date Discrepancy Cases 336**

**St Mary's Regional Medical Center****Defendant****St Mary's Medical Group****Defendant****Michael McCoy**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
04/28/2005	<a href="#">2</a>	COMPLAINT with jury demand, \$250.00 filing fee paid/receipt #119500 (no summons issued) (jap) (MODIFICATION: Docket entry unsealed and document added as an attachment on 2/15/2007, per 36 Order.)(thd) (Entered: 04/29/2005)
02/08/2007	<a href="#">35</a>	NOTICE of Election to Decline Intervention filed by USA. (thd) (MODIFICATION: Docket entry unsealed and document added as an attachment on 2/15/2007, per 36 Order.) (thd) (Entered: 02/09/2007)
02/26/2007	<a href="#">38</a>	SEALED ORDER granting motion for leave of court to withdraw as attorneys for Relator-Plaintiff Terrence A. Jones, J.D., Ph.D., of Eric L. Young and Brian P. Kenney. Signed by Judge James M Moody on 2/26/07. (bcp) (MODIFICATION: The document image was removed from the docket, and the document was filed under seal.) (thd) (Entered: 02/27/2007)
02/26/2007	41	SEALED MOTION to Withdraw as Realtor-Plaintiff's Counsel. (thd) (Entered: 08/14/2007)
02/28/2007		NOTICE OF DOCKET CORRECTION re: <a href="#">38</a> Sealed Order. CORRECTION: The document was removed from the docket and filed under seal. (thd) (Entered: 02/28/2007)
05/11/2007	39	MOTION to Substitute Attorney by USA (bcp) (Entered: 05/11/2007)
05/11/2007	40	ORDER granting 39 Motion to Substitute Attorney. Added attorney Clarence Daniel Stripling for USA and Terrence A Jones. Attorney A. Douglas Chavis, III terminated. Signed by Judge James M Moody on 5/11/07. (bcp) (Entered: 05/11/2007)
09/18/2008	<a href="#">42</a>	ORDER dismissing case for Plaintiff's failure to prosecute. Signed by Judge James M. Moody on 9/18/2008. (thd) (Entered: 09/18/2008)
09/23/2008	<a href="#">44</a>	Mail Returned as Undeliverable. Mail sent to Terrence A Jones re <a href="#">42</a> Order Dismissing Case (bcp) (Entered: 09/23/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 15:27:06			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:05-cv-00649-JMM
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

**Date Discrepancy Cases 337**

**U.S. District Court**  
**Southern District of Ohio (Dayton)**  
**CIVIL DOCKET FOR CASE #: 3:03-cv-00241-TMR**

Judd v. Maloy, et al  
Assigned to: Judge Thomas M. Rose  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 07/03/2003  
Date Terminated: 09/06/2006  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Jeffrey Judd**

represented by **James R Greene , III**  
James R Greene III & Associates  
Liberty Tower  
120 W Second Street  
Suite 900  
Dayton, OH 45402  
937-225-3991  
Email: jrgatlaw@aol.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Valerie Lynn Colbert**  
James R. Greene, III & Associates  
120 West Second St., Suite 900  
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Email: valerie.colbert@ymail.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Dennis Maloy**

represented by **Diane Leslie Gentile**  
Cooper & Gentile Co - 2  
Talbot Tower  
118 W First Street  
Suite 850  
Dayton, OH 45402  
937-224-5300  
Email: dlgentile@cgwlaw.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**South Community Inc**

represented by **Diane Leslie Gentile**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**South Community Inc Board of Trustees**

represented by **Diane Leslie Gentile**

**Date Discrepancy Cases 338**

(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant****Gerre Wood**

represented by **Diane Leslie Gentile**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Movant****USA**

represented by **Kenneth F Affeldt**  
 US Attorney's Office  
 303 Marconi Boulevard  
 2nd Floor  
 Columbus, OH 43215  
 614-469-5715  
 Email: ken.affeldt@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/03/2003	1	COMPLAINT (With Jury Demand) ( no. pgs: 8+attachments) (seal) (Entered: 08/01/2003)
07/03/2003	2	SEALED DOCUMENT( no pgs: 2 w/Proposed Order attached) (seal) Modified on 3/16/2004 (rp1, ). (Entered: 08/01/2003)
07/03/2003	3	SEALED DOCUMENT ( no pgs: 2) (seal) Modified on 3/16/2004 (rp1, ). (Entered: 08/01/2003)
07/03/2003		Filing Fee Paid: on 7/3/03 in the amount of \$ 150.00, receipt # 317031. (seal) (Entered: 08/01/2003)
07/03/2003	4	SEALED ORDER ( no pgs: 2) (seal) Modified on 3/16/2004 (rp1, ). (Entered: 08/01/2003)
08/01/2003		SEALED NOTATION ORDER by Judge Thomas M. Rose (seal) Modified on 3/16/2004 (rp1, ). (Entered: 08/01/2003)
08/26/2003	5	SEALED DOCUMENT ( no pgs: 6 w/attachments Order) (seal) Modified on 3/16/2004 (rp1, ). (Entered: 08/26/2003)
09/15/2003	<a href="#">6</a>	SEALED ORDER. Signed by Judge Thomas M Rose on 9/15/03. (re1, ) Modified on 3/16/2004 (rp1, ). (Entered: 09/15/2003)
03/03/2004	<a href="#">7</a>	Notice of Election to Decline Intervention by USA (rp1, ) Modified on 3/16/2004 (rp1, ). Modified on 3/19/2004 (rp1, ). (Entered: 03/03/2004)
03/12/2004	<a href="#">8</a>	ORDER UNSEALING COMPLAINT AND SETTING FORTH FURTHER PROCEDURES re <a href="#">7</a> Notice OF ELECTION TO DECLINE INTERVENTION filed by USA. Signed by Judge Thomas M Rose on 3/10/04. (rp1, ) (Entered: 03/12/2004)
07/09/2004	<a href="#">9</a>	WAIVER OF SERVICE Returned Executed: Dennis Maloy waiver sent on 6/10/2004, answer due 8/9/2004; South Community Inc waiver sent on 6/10/2004, answer due 8/9/2004; South Community Inc Board of Trustees waiver sent on 6/10/2004, answer due 8/9/2004; Gerre Wood waiver sent on 6/10/2004, answer due 8/9/2004. (Colbert, Valerie) (Entered: 07/09/2004)
08/06/2004	<a href="#">10</a>	MOTION to Dismiss <i>Relator's Complaint</i> by Defendants Dennis Maloy, South Community

**Date Discrepancy Cases 339**

		Inc, South Community Inc Board of Trustees, Gerre Wood. Responses due by 8/30/2004 (Gentile, Diane) (Entered: 08/06/2004)
08/10/2004	<a href="#">11</a>	CORPORATE DISCLOSURE STATEMENT by Defendant South Community Inc. (Gentile, Diane) (Entered: 08/10/2004)
08/27/2004	<a href="#">12</a>	RESPONSE to Motion re <a href="#">10</a> MOTION to Dismiss <i>Relator's Complaint (United States' Amicus Curiae Brief in Response)</i> filed by Movant USA. (Affeldt, Kenneth) (Entered: 08/27/2004)
08/30/2004	<a href="#">13</a>	RESPONSE in Opposition re <a href="#">10</a> MOTION to Dismiss <i>Relator's Complaint</i> filed by Plaintiff Jeffrey Judd. (Colbert, Valerie) (Entered: 08/30/2004)
09/03/2004		...STRICKEN, COUNSEL TO RESUBMIT USING CORRECT EVENT...Reply <i>Memorandum in Support of Motion to Dismiss Relator's Complaint Under Fed. R. Civ. P. 12</i> by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) Modified on 9/8/2004 (phil, ). (Entered: 09/03/2004)
09/08/2004	<a href="#">14</a>	REPLY to Response to Motion re <a href="#">10</a> MOTION to Dismiss <i>Relator's Complaint</i> filed by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 09/08/2004)
10/05/2004	<a href="#">15</a>	ENTRY AND ORDER granting in part and denying in part <a href="#">10</a> Defendant's Motion to Dismiss . Signed by Judge Thomas M Rose on 10/4/04. (rp, ) (Entered: 10/05/2004)
10/11/2004	<a href="#">16</a>	ANSWER to Complaint by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood.(Gentile, Diane) (Entered: 10/11/2004)
03/24/2005		NOTICE of Hearing: Preliminary Pretrial Conference set for Tuesday May 24, 2005, at 9:00 a.m. by telephone conference call before Judge Thomas M. Rose. Prior to the pretrial conference counsel must comply with the MANDATORY DISCLOSURE RULES of Fed.R.Civ.P. 26(a)(1) and the MANDATORY, pre-preliminary pretrial conference between counsel, required by Fed.R.Civ.P. 26(f). The report must be filed prior to the conference. Pretrial procedures and forms can be found at our website at www.ohsd.uscourts.gov. Should more attorneys be actively involved than those listed on the Court's docket, please notify the courtroom deputy, Jeffrey Garey, at 937-512-1600, immediately, to include the additional attorneys in the Preliminary Pretrial Conference. If you wish a number other than your office number called, please advise the Court at least 24 hours preceding the conference. (jg, ) (Entered: 03/24/2005)
04/27/2005	<a href="#">17</a>	RULE 26(f) REPORT <i>OF PARTIES</i> by Plaintiff Jeffrey Judd. (Colbert, Valerie) (Entered: 04/27/2005)
05/24/2005	<a href="#">18</a>	PRELIMINARY PRETRIAL ORDER: Motions directed to pleadings due by 8/12/2005. Lay Witness due by 9/12/2005. Plaintiff Primary Expert due by 10/17/2005. Defendant Primary Expert due by 12/1/2005. Discovery due by 1/31/2006. Motions not directed to pleadings due by 2/28/2006. Proposed Final Pretrial Order due by 8/21/2006. Final Pretrial Conference set for 9/1/2006 03:30 PM in chambers before Judge Thomas M Rose. Exhibit Submission for Trial due by 9/28/2006. Jury Trial set for 10/2/2006 09:00 AM in Courtroom 2 before Judge Thomas M Rose. Status Conference set for 2/8/2006 09:00 AM by teleconference before Judge Thomas M Rose. Signed by Judge Thomas M Rose on 5/24/05. (jg, ) (Entered: 05/24/2005)
05/24/2005		Minute Entry for proceedings held before Judge Thomas M Rose : Initial Pretrial Conference held on 5/24/2005. (jg, ) (Entered: 05/24/2005)
06/13/2005	<a href="#">19</a>	MOTION for Leave to File <i>Attached Stipulated Confidentiality Order</i> by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre

Date Discrepancy Cases 340



		Wood. (Gentile, Diane) (Entered: 06/13/2005)
06/14/2005	<a href="#">20</a>	ENTRY AND ORDER OVERRULING <a href="#">19</a> Motion to Adopt Stipulated Confidentiality Order. Signed by Judge Thomas M Rose on 6/14/05. (bev, ) (Entered: 06/14/2005)
06/21/2005	<a href="#">21</a>	STIPULATED PROTECTIVE ORDER is entered solely for the purpose of protecting the confidentiality of information and facilitating the exchange of documents and information between the parties to this proceeding without unnecessarily involving the Court in the process, and may be amended as need may arise by the mutual consent and agreement of counsel without prior leave of the Court.Signed by Judge Thomas M Rose on 6/21/05. (Attachments: # <a href="#">1</a> Exhibit Confidentiality Agreement)(bev, ) (Entered: 06/21/2005)
07/21/2005	<a href="#">22</a>	MOTION for Hearing <i>By Telephone Regarding Discovery</i> by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 07/21/2005)
07/22/2005	<a href="#">23</a>	ORDER TO SHOW CAUSE re <a href="#">22</a> It is ORDERED that the Relator is given until not later than ten (10) days following entry of this ORDER to either provide the "disclosure statement" to the Defendants or show cause as to why it should not be provided. Signed by Judge Thomas M Rose on 07/22/05. (phil1, ) (Entered: 07/25/2005)
08/01/2005	<a href="#">24</a>	RESPONSE TO ORDER TO SHOW CAUSE by Plaintiff Jeffrey Judd. (Attachments: # <a href="#">1</a> July Emails)(Colbert, Valerie) (Entered: 08/01/2005)
08/02/2005	<a href="#">25</a>	ORDER re <a href="#">23</a> ; It is ORDERED that Plaintiff is given until not later than ten (10) days following entry of this Order to submit the disclosure statement that is the subject of the current discovery dispute to this Court for an in-camera inspection. Signed by Judge Thomas M Rose on 08/02/05. (phil1, ) (Entered: 08/02/2005)
08/05/2005	<a href="#">26</a>	Response re <a href="#">25</a> Order, by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 08/05/2005)
08/11/2005	<a href="#">27</a>	NOTICE by Plaintiff Jeffrey Judd re <a href="#">25</a> Order, <i>Submission of Disclosure Statement for In Camera Inspection</i> (Colbert, Valerie) (Entered: 08/11/2005)
08/11/2005	<a href="#">28</a>	Sealed Document. RELATOR'S DISCLOSURE STATEMENT SUBMITTED FOR IN CAMERA INSPECTION PER COURT ORDER <a href="#">25</a> . (Attachments: # <a href="#">1</a> Attachment 1) (kopf1, ) (Entered: 08/12/2005)
08/26/2005	<a href="#">29</a>	ENTRY AND ORDER Finding that the Defendants are not entitled to Relator's "Disclosure Statement" and Finding Defendants' <a href="#">22</a> Motion for a telephone conference MOOT. Signed by Judge Thomas M Rose on 8/26/05. (bev, ) Modified on 8/26/2005 (bev, ). (Entered: 08/26/2005)
09/13/2005	<a href="#">30</a>	Witness List by Plaintiff Jeffrey Judd. (Greene, James) (Entered: 09/13/2005)
09/13/2005	<a href="#">31</a>	Witness List by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 09/13/2005)
10/07/2005	<a href="#">32</a>	NOTICE to Take Deposition of Jeffrey Judd by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood.(Gentile, Diane) (Entered: 10/07/2005)
01/26/2006	<a href="#">33</a>	MOTION for Order to <i>Permit Relator to Take Telephonic Deposition of Out of State Non-Party Witness, Theresa Voskuhl</i> by Plaintiff Jeffrey Judd. (Attachments: # <a href="#">1</a> Exhibit # <a href="#">2</a> Exhibit # <a href="#">3</a> Exhibit # <a href="#">4</a> Exhibit # <a href="#">5</a> Exhibit)(Colbert, Valerie) (Entered: 01/26/2006)
01/27/2006	<a href="#">34</a>	RESPONSE in Opposition re <a href="#">33</a> MOTION for Order to <i>Permit Relator to Take Telephonic Deposition of Out of State Non-Party Witness, Theresa Voskuhl</i> filed by Defendants Dennis

**Date Discrepancy Cases 341**

		Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 01/27/2006)
01/27/2006	<a href="#">35</a>	REPLY to Response to Motion re <a href="#">33</a> MOTION for Order to <i>Permit Relator to Take Telephonic Deposition of Out of State Non-Party Witness, Theresa Voskuhl</i> filed by Plaintiff Jeffrey Judd. (Attachments: # <a href="#">1</a> Exhibit)(Colbert, Valerie) (Entered: 01/27/2006)
01/30/2006		NOTATION ORDER granting <a href="#">33</a> Motion. Signed by Judge Thomas M Rose on 1-30-06. (de, ) (Entered: 01/30/2006)
01/31/2006		NOTICE of Hearing: Telephone status conference following discovery set for 2/8/2006 at 9:00 AM is moved to 8:30 AM before Judge Thomas M Rose. (de, ) (Entered: 01/31/2006)
01/31/2006	<a href="#">36</a>	MOTION for Order to <i>Amend Complaint and Motion for Extension of Discovery Cut-Off Deadline</i> by Plaintiff Jeffrey Judd. (Attachments: # <a href="#">1</a> Exhibit # <a href="#">2</a> Exhibit # <a href="#">3</a> Exhibit # <a href="#">4</a> Exhibit # <a href="#">5</a> Exhibit # <a href="#">6</a> Exhibit # <a href="#">7</a> Exhibit # <a href="#">8</a> Exhibit)(Colbert, Valerie) (Entered: 01/31/2006)
02/01/2006		NOTATION ORDER granting <a href="#">36</a> Motion for Order - Plaintiff given through 2/15/06 to file amended complaint, discovery deadline extended through 3/31/06, Motion deadline -4/28/06, status conference previously set for 2/8/06 is VACATED and rescheduled for 4/4/06 at 9:15 AM. Signed by Judge Thomas M Rose on 2-1-06. (de, ) (Entered: 02/01/2006)
02/01/2006		NOTICE of Hearing: Telephone Status Conference rescheduled from 2/8/2006 to 4/4/2006 at 9:15 AM before Judge Thomas M Rose. (de, ) (Entered: 02/01/2006)
02/15/2006	<a href="#">37</a>	AMENDED COMPLAINT against Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood, filed by Plaintiff Jeffrey Judd, Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood.(Greene, James) (Entered: 02/15/2006)
02/17/2006	<a href="#">38</a>	MOTION for Protective Order <i>Under Fed. R. Civ. P. 26(c)</i> by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 02/17/2006)
02/22/2006	<a href="#">39</a>	ANSWER to Amended Complaint by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood.(Gentile, Diane) (Entered: 02/22/2006)
02/22/2006		NOTICE of Hearing on Motion <a href="#">38</a> for Protective Order - Motion Hearing set for 3/9/2006 at 9:00 AM in Courtroom 2 before Judge Thomas M Rose. (de, ) (Entered: 02/22/2006)
03/08/2006	<a href="#">40</a>	RESPONSE in Opposition re <a href="#">38</a> MOTION for Protective Order <i>Under Fed. R. Civ. P. 26(c)</i> filed by Plaintiff Jeffrey Judd. (Colbert, Valerie) (Entered: 03/08/2006)
03/14/2006		Minute Entry for proceedings held before Judge Thomas M Rose : In Chambers Conference held on 3/9/2006. (jg, ) (Entered: 03/14/2006)
03/14/2006	<a href="#">41</a>	Minute Entry for proceedings held before Judge Thomas M Rose : Motion Hearing held on 3/9/2006 re <a href="#">38</a> MOTION for Protective Order Under Fed. R. Civ. P. 26(c) filed by Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, and Gerre Wood. (Court Reporter Leslie Foley.) (jg, ) (Entered: 03/14/2006)
03/14/2006		NOTICE of Hearing: Status Conference set for 3/20/2006 09:00 AM by teleconference before Judge Thomas M Rose. (jg, ) (Entered: 03/14/2006)
03/21/2006		Minute Entry for proceedings held before Judge Thomas M Rose : Telephone Conference held on 3/20/2006. (jg, ) (Entered: 03/21/2006)

**Date Discrepancy Cases 342**

03/31/2006	<a href="#">42</a>	Second MOTION for Extension of Time to Complete Discovery New date requested 4/28/2006. by Plaintiff Jeffrey Judd. (Colbert, Valerie) (Entered: 03/31/2006)
04/04/2006		NOTICE of Hearing: Telephone Status Conference set for 4/18/2006 at 9:00 AM before Judge Thomas M Rose. (de, ) (Entered: 04/04/2006)
04/11/2006		Minute Entry for proceedings held before Judge Thomas M Rose : Telephone Status Conference held on 4/04/2006. (jg, ) (Entered: 04/11/2006)
04/18/2006		NOTICE of Hearing: Telephone Status Conference set for 4/26/2006 at 11:15 AM before Judge Thomas M Rose. (de, ) (Entered: 04/18/2006)
04/20/2006		Minute Entry for proceedings held before Judge Thomas M Rose : Telephone Conference held on 4/18/2006. (jg, ) (Entered: 04/20/2006)
04/27/2006		Minute Entry for proceedings held before Judge Thomas M Rose : Telephone Status Conference held on 4/26/2006. (jg, ) (Entered: 04/27/2006)
05/03/2006	<a href="#">43</a>	RESPONSE in Support re <a href="#">38</a> MOTION for Protective Order <i>Under Fed. R. Civ. P. 26(c)</i> filed by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 05/03/2006)
05/10/2006	<a href="#">44</a>	Supplemental Memorandum Opposing re <a href="#">38</a> MOTION for Protective Order <i>Under Fed. R. Civ. P. 26(c)</i> filed by Plaintiffs Jeffrey Judd, Jeffrey Judd. (Colbert, Valerie) (Entered: 05/10/2006)
05/18/2006	<a href="#">45</a>	ENTRY AND ORDER overruling in part and granting in part <a href="#">38</a> Defendant's Motion for Protective Order, granting <a href="#">42</a> Relator's Motion for Extension of Discovery Deadline, resetting the discovery deadline to 6/19/06 and resetting the deadline for Motions not directed to the pleadings to 7/14/06. Due to trial date of 10/2/2006, no further extensions will be granted. Signed by Judge Thomas M Rose on 5-18-06. (de, ) (Entered: 05/18/2006)
07/14/2006	<a href="#">46</a>	MOTION for Summary Judgment by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. Responses due by 8/7/2006 (Gentile, Diane) (Entered: 07/14/2006)
07/14/2006	<a href="#">47</a>	DEPOSITION of Joseph L. Szoke taken on January 18, 2006 by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 07/14/2006)
07/14/2006	<a href="#">48</a>	DEPOSITION of Beverly Kirstein Jones-Arthur taken on January 18, 2006 by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood.(Gentile, Diane) (Entered: 07/14/2006)
07/14/2006	<a href="#">49</a>	DEPOSITION of Teresa Voskuhl taken on January 30, 2006 by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood.(Gentile, Diane) (Entered: 07/14/2006)
07/14/2006	<a href="#">50</a>	DEPOSITION of Dennis Maloy taken on January 17, 2006 by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood.(Gentile, Diane) (Entered: 07/14/2006)
07/14/2006	<a href="#">51</a>	DEPOSITION of John C. Harvey taken on January 30, 2006 by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood.(Gentile, Diane) (Entered: 07/14/2006)
07/14/2006	<a href="#">52</a>	DEPOSITION of Jeffrey M. Judd, Pages 1-149 taken on October 20, 2005 by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood.(Gentile, Diane) (Entered: 07/14/2006)

**Date Discrepancy Cases 343**

07/14/2006	<a href="#">53</a>	DEPOSITION of Jeffrey M. Judd, Pages 150-220, Exhibits A and B taken on October 20, 2005 by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood.(Gentile, Diane) (Entered: 07/14/2006)
07/14/2006	<a href="#">54</a>	DEPOSITION of Jeffrey M. Judd, Exhibit C taken on October 20, 2005 by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood.(Gentile, Diane) (Entered: 07/14/2006)
07/14/2006	<a href="#">55</a>	DEPOSITION of Jeffrey M. Judd, Exhibits D and E taken on October 20, 2005 by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood.(Gentile, Diane) (Entered: 07/14/2006)
08/03/2006	<a href="#">56</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">46</a> MOTION for Summary Judgment New date requested 8/14/2006. by Plaintiff Jeffrey Judd. (Greene, James) (Entered: 08/03/2006)
08/04/2006		NOTATION ORDER granting <a href="#">56</a> Motion for Extension of Time to File Response/Reply. Responses due by 8/14/2006. Signed by Judge Thomas M Rose on 8/4/2006. (de, ) Modified on 8/7/2006 typographical correction (ep1, ). (Entered: 08/04/2006)
08/14/2006	<a href="#">57</a>	RESPONSE in Opposition re <a href="#">46</a> MOTION for Summary Judgment filed by Plaintiff Jeffrey Judd. (Attachments: # <a href="#">1</a> Exhibit Exhibit A# <a href="#">2</a> Exhibit Exhibit B# <a href="#">3</a> Exhibit ODMH Regulation)(Greene, James) (Entered: 08/14/2006)
08/15/2006	<a href="#">58</a>	MOTION for Leave to File Excess Pages & <i>Motion for Extension of Time to File Table of Contents and Table of Authorities</i> by Plaintiff Jeffrey Judd. (Colbert, Valerie) (Entered: 08/15/2006)
08/16/2006		NOTATION ORDER denying <a href="#">58</a> Motion for Leave to File Excess Pages. Response to Motion for Summary Judgment was due 8/14/2006. Signed by Judge Thomas M Rose on 8-16-06. (de, ) (Entered: 08/16/2006)
08/17/2006		NOTATION ORDER STRIKING re <a href="#">57</a> Relator's Memorandum Contra Defendants' Motion for Summary Judgment filed by Jeffrey Judd, for failure to comply with Local Rule 7.2(a)(3)(page limitation). Relator has until not later than August 22, 2006 to file a Memorandum Contra that complies with the page limitation or show cause as to why the page limitation should be exceeded. Signed by Judge Thomas M Rose on 8-17-2006. (de, ) (Entered: 08/17/2006)
08/21/2006	<a href="#">59</a>	Proposed Pretrial Order by Plaintiff Jeffrey Judd. (Attachments: # <a href="#">1</a> Appendix A# <a href="#">2</a> # <a href="#">3</a> # <a href="#">4</a> )(Colbert, Valerie) (Entered: 08/21/2006)
08/22/2006	<a href="#">60</a>	RESPONSE TO ORDER TO SHOW CAUSE by Plaintiff Jeffrey Judd. (Greene, James) (Entered: 08/22/2006)
08/23/2006	<a href="#">61</a>	MOTION in Limine by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 08/23/2006)
08/24/2006	<a href="#">62</a>	Unopposed MOTION for Order to <i>Permit Relator to Make Trial Exhibits Available for Inspection in Lieu of a Physical Exchange</i> by Plaintiff Jeffrey Judd. (Colbert, Valerie) (Entered: 08/24/2006)
08/28/2006	<a href="#">63</a>	ENTRY ORDERING RELATOR TO FILE HIS THIRTY-FIVE PAGE MEMORANDUM CONTRA NOT LATER THAN TWENTY-FOUR HOURS FOLLOWING THE DOCKETING OF THIS ORDER. Signed by Judge Thomas M Rose on 8/28/06. (bev1, ) (Entered: 08/28/2006)
08/28/2006		NOTATION ORDER granting <a href="#">62</a> Motion for Leave to Make Trial Exhibits Available for Inspection in Lieu of a Physical Exchange. Signed by Judge Thomas M Rose on 8-28-

**Date Discrepancy Cases 344**

		2006. (de, ) (Entered: 08/28/2006)
08/29/2006	<a href="#">64</a>	RESPONSE in Opposition re <a href="#">46</a> MOTION for Summary Judgment filed by Plaintiff Jeffrey Judd. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B# <a href="#">3</a> Exhibit C)(Greene, James) (Entered: 08/29/2006)
08/29/2006	<a href="#">65</a>	RESPONSE in Support re <a href="#">46</a> MOTION for Summary Judgment filed by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 08/29/2006)
08/30/2006		NOTICE of Hearing: Final Pretrial Conference rescheduled from 9/1/2006 to 9/7/2006 at 4:00 PM in chambers before Judge Thomas M Rose. (de, ) (Entered: 08/30/2006)
08/31/2006	<a href="#">66</a>	RESPONSE in Opposition re <a href="#">61</a> MOTION in Limine filed by Plaintiff Jeffrey Judd. (Greene, James) (Entered: 08/31/2006)
09/05/2006	<a href="#">67</a>	RESPONSE in Support re <a href="#">61</a> MOTION in Limine filed by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 09/05/2006)
09/06/2006	<a href="#">68</a>	ENTRY AND ORDER GRANTING Defendant's Motion for Summary Judgment (Doc. # <a href="#">46</a> and Terminating the case. Signed by Judge Thomas M Rose on 9/6/06. (bev1, ) (Entered: 09/06/2006)
09/08/2006	<a href="#">69</a>	BILL OF COSTS by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 09/08/2006)
09/08/2006	<a href="#">70</a>	JUDGMENT in favor of Defendants against Plaintiff. Notice of Disposal attached. Signed by Judge Thomas M Rose on 9/6/06. (bev1, ) (Entered: 09/08/2006)
09/11/2006	<a href="#">71</a>	NOTICE OF BILL OF COSTS (bev1, ) (Entered: 09/11/2006)
09/26/2006	<a href="#">72</a>	Response to <i>Defendants' Bill of Costs</i> by Plaintiff Jeffrey Judd. (Colbert, Valerie) Modified on 9/27/2006 to create relationship(ep1, ). (Entered: 09/26/2006)
09/28/2006	<a href="#">73</a>	Reply <i>Memorandum in Support of Notice of Bill of Costs</i> by Defendants Dennis Maloy, South Community Inc, South Community Inc Board of Trustees, Gerre Wood. (Gentile, Diane) (Entered: 09/28/2006)
12/05/2006	<a href="#">74</a>	MEMORANDUM AS TO BILL OF COSTS TAXATION (bev1, ) (Entered: 12/05/2006)
12/05/2006	<a href="#">75</a>	BILL OF COSTS (bev1, ) (Entered: 12/05/2006)

<b>PACER Service Center</b>			
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<b>PACER Login:</b>	KK0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:03-cv-00241-TMR
<b>Billable Pages:</b>	7	<b>Cost:</b>	0.70

CLOSED

**U.S. District Court  
Eastern District of California – Live System (Sacramento)  
CIVIL DOCKET FOR CASE #: 2:04-cv-01955-MCE-PAN**

(JFM) USA, et al v. Shasta Services Inc  
Assigned to: Chief Judge Morrison C. England, Jr  
Referred to: Magistrate Judge Peter A. Nowinski  
Demand: \$0  
Case in other court: 06-16683  
Cause: 31:3729 False Claims Act

Date Filed: 09/20/2004  
Date Terminated: 07/11/2006  
Jury Demand: Both  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**USA**

represented by **Kristin S. Door**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Mike Stierli**

represented by **Paul F. Dauer**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**State of California**

represented by **Elizabeth Anne Linton**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Shasta Services Inc**  
*Doing business as*  
Timberworks

represented by **George Frederick Vogt , Jr.**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/17/2004		LODGED order to seal the complaint by plaintiff Mike Stierli (old) (Entered: 09/20/2004)
09/20/2004	<u>1</u>	COMPLAINT for violation of the federal false claims, fee status PAID, receipt # 2929, assigned to Judge Morrison C. England Jr referred to Magistrate Judge Peter A. Nowinski (old) (Complaint unsealed per order) Modified on 5/3/2005 (Warren, P). (Entered: 09/20/2004)
04/07/2005	<u>15</u>	JOINT NOTICE of Election to Decline Intervention by the USA and the State of CA. (Krueger, M) Modified on 9/1/2005 (Marciel, M). (UNSEALED PER ORDER <u>17</u> ] Modified on 4/17/2006 (Krueger, M). (Entered: 04/07/2005)
04/11/2005	<u>17</u>	ORDER signed by Judge Morrison C. England Jr. on 04/11/05 ORDERING the complaint be unsealed and served upon the dft by the relator. All other contents of the Court's file in this action to remain under seal and not to be made public or served upon the dft, except for this order and the Joint Notice of Election to Decline Intervention. See order for further details. (Cannarozzi, N) (Entered: 04/11/2005)
05/03/2005	<u>18</u>	SUMMONS RETURNED EXECUTED by Mike Stierli. Shasta Services Inc served on 4/18/2005, answer due 5/9/2005. (Krueger, M) (Entered: 05/03/2005)
05/06/2005	<u>19</u>	STIPULATION regarding extending time until 5/17/05 for defendant to respond to complaint by Shasta Services Inc. (Attachments: # <u>1</u> Proposed Order)(Krueger, M) (Entered: 05/09/2005)
05/10/2005	<u>20</u>	ORDER signed by Judge Morrison C. England Jr. on 5/10/05 APPROVING <u>19</u> extension of time until 5/17/05 for defendant Shasta Services Inc to answer complaint. (Krueger, M) (Entered: 05/10/2005)
05/13/2005	<u>21</u>	SECOND STIPULATION and PROPOSED ORDER regarding extending time until 5/24/05 for defendant to respond to complaint by Shasta Services Inc. (Attachments: # <u>1</u> Proposed Order). (Krueger, M) (Entered: 05/13/2005)
05/18/2005	<u>22</u>	ORDER approving second time extension signed by Judge Morrison C. England Jr. on 5/17/05. The due date for the Response by defendant Shasta Services is EXTENDED to 5/24/05.(Marciel, M) (Entered: 05/18/2005)
05/24/2005	<u>23</u>	ANSWER to COMPLAINT with Jury Demand by Shasta Services Inc.(Krueger, M) (Entered: 05/25/2005)
06/14/2005	<u>24</u>	STIPULATION by Mike Stierli. re extending time to file joint status report; (Attachments: # <u>1</u> Proposed Order approving time extension for parties to file joint status report)(Reader, L) (Entered: 06/14/2005)
06/29/2005	<u>25</u>	ORDER signed by Judge Morrison C. England Jr. on 6/29/05 <u>24</u> APPROVING the due date for the Joint Status Report is EXTENDED to 6/30/05. (Krueger, M) (Entered: 06/29/2005)
06/30/2005	<u>26</u>	JOINT PRELIMINARY STATUS REPORT by Mike Stierli, and Shasta Services Inc. (Krueger, M) (Entered: 07/01/2005)
08/02/2005	<u>27</u>	NOTICE OF MOTION AND MOTION for stay of action pending arbitration and order compelling arbitration by Shasta Services Inc. (Dotson, B) (Entered: 08/02/2005)

08/02/2005	<u>28</u>	MEMORANDUM of points and authorities in SUPPORT of <u>27</u> MOTION for STAY of action pending arbitration and order compelling arbitration. (Dotson, B) (Entered: 08/02/2005)
08/02/2005	<u>29</u>	DECLARATION of George F. Vogt, Jr. in support of <u>27</u> MOTION for STAY of action pending arbitration and order compelling arbitration. (Dotson, B) (Entered: 08/02/2005)
08/02/2005	<u>30</u>	DECLARATION of Harold J. Knight in support of <u>27</u> MOTION to Stay action pending arbitration and for an order compelling arbitration. (Dotson, B) (Entered: 08/02/2005)
08/11/2005	<u>31</u>	AMENDED NOTICE of HEARING on MOTION <u>27</u> MOTION to STAY: Motion Hearing set for 9/12/2005 at 09:00 AM in Courtroom 3 (MCE) before Judge Morrison C. England Jr.. (Reader, L) (Entered: 08/12/2005)
08/26/2005	<u>32</u>	OPPOSITION to MOTION for STAY of Action <u>27</u> by USA. (Krueger, M) (Entered: 08/29/2005)
08/29/2005	<u>33</u>	RESPONSE to MOTION re <u>27</u> MOTION to STAY. (Waggoner, D) (Entered: 08/29/2005)
09/02/2005	<u>34</u>	REPLY to Pltf's OPPOSITION to Motion to Compel by Qui Tam dft Shasta Services Inc. (Girgis, C) (Entered: 09/07/2005)
09/02/2005	<u>35</u>	REPLY to USA's OPPOSITION to Motion to Compel by Shasta Services, Inc. (Girgis, C) (Entered: 09/07/2005)
09/09/2005	<u>36</u>	MINUTE ORDER: (TEXT ONLY ENTRY) Defendant Shasta Services Inc.'s <u>27</u> Motion to Stay, scheduled for hearing on 9/12/05, is submitted without oral argument pursuant to Local Rule 78-230(h). If the court determines that oral argument is needed, it will be scheduled at a later date. Approved by Judge Morrison C. England Jr. on 9/9/05. (Souvannarath, A) (Entered: 09/09/2005)
09/20/2005	<u>37</u>	ORDER denying <u>27</u> Motion to Stay pending arbitration signed by Judge Morrison C. England Jr. on 9/20/05. (Duong, D) (Entered: 09/20/2005)
10/05/2005	<u>38</u>	PRETRIAL (STATUS) SCHEDULING ORDER: Designation of Expert Witnesses due by 3/2/2006. Discovery due by 1/3/2006. Dispositive Motion due by 6/12/2006. Settlement Conference set for 4/17/2006 at 9:00 AM in Courtroom 25 before Magistrate Judge Peter A. Nowinski. Final Pretrial Conference set for 8/28/2006 at 2:30 PM in Courtroom 3 before Judge Morrison C. England, Jr. Jury Trial set for 10/4/2006 at 9:00 AM in Courtroom 3 before Judge Morrison C. England, Jr. Signed by Judge Morrison C. England Jr. on 10-05-2005. (Deutsch, S) (Entered: 10/05/2005)
10/13/2005	<u>39</u>	REPLY/RESPONSE to Trial Schedule Order by Mike Stierli. (Dauer, Paul) (Entered: 10/13/2005)
11/18/2005	<u>40</u>	MINUTE ORDER: (TEXT ONLY ENTRY) The Court has received and reviewed the Plaintiff's response to the Pretrial Scheduling Order <u>39</u> , which asks that the deadline for discovery be extended due to the holiday schedule. The request is granted. Discovery deadline is reset from 1/3/06 to 2/6/06. Approved by Judge Morrison C. England Jr. on 11/18/05. (Souvannarath, A) (Entered: 11/18/2005)
01/05/2006	<u>41</u>	STIPULATION and PROPOSED ORDER by Shasta Services Inc. (Turner, Marcus) (Entered: 01/05/2006)
01/09/2006	<u>42</u>	ORDER approving extension for discovery and disclosure of expert witnesses signed by Judge Morrison C. England Jr. on 1/6/06. Designation of Expert Witnesses due by 5/2/2006. Discovery due by 4/6/2006. (Dotson, B) (Entered: 01/09/2006)
03/03/2006	<u>43</u>	MINUTE ORDER: (TEXT ONLY ENTRY) Due to the Honorable Peter A. Nowinski's retirement, the Settlement Conference of 4/17/06 is vacated and reset for 4/27/2006 at 01:30 PM in Courtroom 26 (KJM) before Magistrate Judge Kimberly J. Mueller. Parties are directed to submit their separate confidential settlement conference directly to the Chambers of Magistrate Judge Kimberly J. Mueller seven (7) days prior to the scheduled settlement conference. (Souvannarath, A) (Entered: 03/03/2006)



03/06/2006	<u>44</u>	NOTICE by USA of <i>Right to Approve Settlement</i> (Door, Kristin) (Entered: 03/06/2006)
03/07/2006	<u>45</u>	MINUTE ORDER: re: settlement conference signed by Judge Kimberly J. Mueller on 3/7/06. (Farnsworth, C) (Entered: 03/07/2006)
03/09/2006	<u>46</u>	NOTICE OF TEMPORARY ASSIGNMENT notifying parties that due to the retirement of Magistrate Judge Peter A. Nowinski, this action is temporarily reassigned to Magistrate Judge John F. Moulds. (Reader, L) (Entered: 03/09/2006)
03/29/2006	<u>47</u>	MOTION to DISMISS <i>the California False Claims Act Claims</i> by State of California. Motion Hearing set for 5/1/2006 at 09:00 AM in Courtroom 3 (MCE) before Judge Morrison C. England Jr. (Attachments: # <u>1</u> Points and Authorities # <u>2</u> Declaration of Olivia Fonseca)(Linton, Elizabeth) Modified on 3/30/2006 (Krueger, M). (Entered: 03/29/2006)
04/12/2006	<u>48</u>	EX PARTE APPLICATION for order vacating hearing on State of California's motion to dismiss by Mike Stierli for Order vacating hearing etc. (Dauer, Paul) (Entered: 04/12/2006)
04/12/2006	<u>49</u>	STATEMENT of NON-OPPOSITION to MOTION to Dismiss. (Attachments: # <u>1</u> Exhibit A – USDOT Findings# <u>2</u> Exhibit B – Timberworks Sp. Rogs# <u>3</u> Exhibit C – Relator Response to Sp. Rogs)(Turner, Marcus) Modified on 4/13/2006 (Marciel, M). (Entered: 04/12/2006)
04/13/2006	<u>50</u>	OPPOSITION to <u>48</u> Ex Parte Application for order vacating Hearing by State of California. (Linton, Elizabeth) Modified on 4/14/2006 (Donati, J). Modified on 4/14/2006 (Donati, J). (Entered: 04/13/2006)
04/17/2006	<u>51</u>	PROPOSED ORDER re <u>48</u> Ex Parte Application by Mike Stierli. (Dauer, Paul) Modified on 4/17/2006 (Krueger, M). (Entered: 04/17/2006)
04/17/2006	<u>52</u>	JOINDER by USA in Motions to Dismss filed by the State of California and Defendant; And MOTION to DISMISS Federal False Claims Act claims by USA. MOTION to DISMISS Hearing set for 5/1/2006 at 09:00 AM in Courtroom 3 (MCE) before Judge Morrison C. England Jr. (Door, Kristin) Modified on 4/17/2006 (Krueger, M). (Entered: 04/17/2006)
04/17/2006	<u>53</u>	NOTICE by Shasta Services Inc of <i>Submission of Confidential Settlement Conference Statement</i> (Turner, Marcus) (Entered: 04/17/2006)
04/17/2006	<u>54</u>	OPPOSITION to the State's <u>47</u> MOTION TO DISMISS by Mike Stierli. (Attachments: # <u>1</u> Exhibit A # <u>2</u> WRONG IMAGE ATTACHED – SEE DOCKET ENTRY <u>55</u> FOR CORRECT IMAGE Exhibit B # <u>3</u> Exhibit C)(Dauer, Paul) Modified on 4/18/2006 (Krueger, M). (Entered: 04/17/2006)
04/18/2006	<u>55</u>	CORRECTED EXHIBIT B to <u>54</u> Opposition to State's Motion to Dismiss by Mike Stierli. (Dauer, Paul) Modified on 4/18/2006 (Krueger, M). (Entered: 04/18/2006)
04/18/2006	<u>56</u>	ORDER DENYING <u>51</u> Ex Parte Application filed by Mike Stierli. Signed by Judge Morrison C. England, Jr. on 4/18/2006. (Deutsch, S) (Entered: 04/18/2006)
04/20/2006	<u>57</u>	NOTICE by Mike Stierli of <i>Submission of Confidential Settlement Conference Statement</i> (Dauer, Paul) Modified on 4/21/2006 (Krueger, M). (Entered: 04/20/2006)
04/24/2006	<u>58</u>	REPLY/RESPONSE to State's Motion to Dismiss the California False Claims Act Claims by State of California re <u>47</u> MOTION to DISMISS <i>the California False Claims Act Claims</i> . (Linton, Elizabeth) (Entered: 04/24/2006)
04/24/2006	<u>59</u>	ORDER signed by Judge Morrison C. England Jr. on 4/24/2006; RESET MOTION HEARINGS to 6/5/2006 at 09:00 AM in Courtroom 3 (MCE) before Judge Morrison C. England Jr. re <u>47</u> MOTION to DISMISS <i>the CA False Claims Act Claims</i> , and <u>52</u> MOTION for JOINDER by USA in <i>Motions to Dismss filed by the State of CA and Dft.</i> (Reader, L) (Entered: 04/24/2006)
04/27/2006	60	MINUTES for proceedings held before Judge Kimberly J. Mueller : SETTLEMENT CONFERENCE held on 4/27/2006. Case did not settle. Plaintiffs Counsel Paul F. Dauer for USA/State Ex Rel; Kristin Door for US; Jeff Aran for Relator Stierli; Mike Stierli; Larry Raskin for State of CA present. Defendants Counsel George F. Vogt Jr.,

		Marcus L. Turner, Ryan Maas; Jennifer Knight and Harold Knight present. (Farnsworth, C) (Entered: 04/27/2006)
04/28/2006	<u>62</u>	WAIVER OF DISQUALIFICATION by USA, Mike Stierli, Shasta Services Inc. The parties request that Mag Judge Mueller participate in the settlement conf on 4/27/06. (Kastilahn, A) (Entered: 05/01/2006)
05/01/2006	<u>61</u>	ORDER signed by Judge Morrison C. England Jr. on 4/28/06 ORDERING that the 5/1/06 hearing on <u>47</u> & <u>52</u> motions is continued to 6/5/06 at 9:00 a.m.(Caspar, M) (Entered: 05/01/2006)
05/05/2006	<u>63</u>	PLAINTIFF(S) MOTION for SUMMARY JUDGMENT by Mike Stierli. Motion Hearing set for 6/5/2006 at 09:00 AM in Courtroom 3 (MCE) before Judge Morrison C. England Jr.. (Attachments: # <u>1</u> Points and Authorities # <u>2</u> Statement of Undisputed Facts# <u>3</u> Declaration of Jeffrey L. Aran# <u>4</u> Exhibit 2# <u>5</u> Exhibit 3# <u>6</u> Exhibit 1# <u>7</u> Exhibit 4# <u>8</u> Exhibit 5# <u>9</u> Exhibit 6# <u>10</u> Exhibit 7)(Dauer, Paul) (Entered: 05/05/2006)
05/09/2006	<u>64</u>	NOTICE of ERRATA by Mike Stierli re <u>63</u> Motion for Summary Judgment.(Dauer, Paul) Additional attachment(s) added on 5/10/2006 (Donati, J). Modified on 5/10/2006 (Donati, J). (Entered: 05/09/2006)
05/18/2006	<u>65</u>	RESPONSE in OPPOSITION to USA and State of CA's Motions to Dismiss. (Attachments: # <u>1</u> Declaration of Paul F. Dauer)(Dauer, Paul) Modified on 5/19/2006 (Yin, K). (Entered: 05/18/2006)
05/19/2006	<u>66</u>	MEMORANDUM/RESPONSE in Opposition to <u>63</u> Plaintiff's Motion For Summary Judgment. (Attachments: # <u>1</u> Response # <u>2</u> Objection # <u>3</u> Declaration # <u>4</u> Exhibit 1# <u>5</u> Exhibit 2# <u>6</u> Exhibit 3# <u>7</u> Exhibit 4# <u>8</u> Exhibit 5)(Turner, Marcus) Modified on 5/22/2006 (Donati, J). (Entered: 05/19/2006)
05/19/2006	<u>67</u>	CROSS MOTION for SUMMARY JUDGMENT by Shasta Services Inc. Motion Hearing set for 6/5/2006 at 09:00 AM in Courtroom 3 (MCE) before Judge Morrison C. England Jr.. (Attachments: # <u>1</u> Points and Authorities # <u>2</u> Statement of Undisputed Facts# <u>3</u> Declaration # <u>4</u> Exhibit 1# <u>5</u> Exhibit 2# <u>6</u> Exhibit 3# <u>7</u> Exhibit 4# <u>8</u> Exhibit 5# <u>9</u> Exhibit 6# <u>10</u> Exhibit 7)(Turner, Marcus) Modified on 5/22/2006 (Donati, J). (Entered: 05/19/2006)
05/22/2006	<u>68</u>	MINUTE ORDER: (TEXT ONLY ENTRY) Pursuant to E.D. Local Rule 78-230(e), the Plaintiff's <u>63</u> Motion for Summary Judgment, <u>67</u> Shasta Services' Motion and Cross Motion for Summary Judgment, USA's <u>47</u> Motion to Dismiss the California False Claims Act Claims, <u>52</u> Motion for Joinder by USA in the Motions to Dismiss filed by the State of California and Defendant; US's motion to dismiss federal False Claims Act claims are CONTINUED from 06/05/2006 to 06/19/2006, so as to allow all parties reasonable opportunity to serve and file oppositions and replies to all pending motions. Motions Hearing set for 6/19/2006 at 09:00 AM in Courtroom 3 (MCE) before Judge Morrison C. England Jr.Approved by Judge Morrison C. England Jr. on 5/22/06. (Souvannarath, A) (Entered: 05/22/2006)
05/24/2006	<u>69</u>	REPLY to OPPOSITION to <u>52</u> Motion to Dismiss and Joinder in Motion to Dismiss by the State of CA Filed by the USA. (Door, Kristin) Modified on 5/25/2006 (Krueger, M). Modified on 6/6/2006 (Donati, J). (Entered: 05/24/2006)
05/24/2006	<u>70</u>	DECLARATION of Lance Yokota in Support of <u>69</u> Reply to Response to Motion. (Door, Kristin) Modified on 5/25/2006 (Krueger, M). Modified on 6/6/2006 (Donati, J). (Entered: 05/24/2006)
06/05/2006	<u>71</u>	REQUEST for Extension of Page Limitation by Mike Stierli. (Dauer, Paul) Modified on 6/6/2006 (Donati, J). (Entered: 06/05/2006)
06/05/2006	<u>72</u>	OBJECTIONS by Defendant Shasta Services Inc to <u>71</u> Request. (Turner, Marcus) Modified on 6/6/2006 (Donati, J). (Entered: 06/05/2006)
06/05/2006	<u>73</u>	REPLY to RESPONSE to <u>52</u> Motion to Dismiss and Joinder. (Turner, Marcus) Modified on 6/6/2006 (Donati, J). (Entered: 06/05/2006)
06/05/2006	<u>74</u>	[DISREGARD-REFER TO DOC. <u>75</u> ] REPLY to RESPONSE to <u>63</u> Motion for Summary Judgment and OPPOSITION to <u>67</u> Cross Motion for Summary Judgment.

		(Attachments: # <u>1</u> Exhibit 8)(Dauer, Paul) Modified on 6/6/2006 (Donati, J). Modified on 6/8/2006 (Donati, J). (Entered: 06/05/2006)
06/07/2006	<u>75</u>	REPLY to RESPONSE to <u>63</u> Motion for Summary Judgment and OPPOSITION to <u>67</u> Cross Motion for Summary Judgment (Attachments: #1 Exhibit 8)(Dauer, Paul) Modified on 6/8/2006 (Donati, J). (Entered: 06/07/2006)
06/08/2006	<u>76</u>	EX PARTE APPLICATION by State of California for Order Granting the State of CA Permission to File a Surreply in State's Motion to Dismiss. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Surreply)(Linton, Elizabeth) Modified on 6/9/2006 (Donati, J). (Entered: 06/08/2006)
06/12/2006	<u>77</u>	REPLY to RESPONSE to <u>67</u> MOTION for Summary Judgment by Defendant. (Turner, Marcus) Modified on 6/13/2006 (Krueger, M). (Entered: 06/12/2006)
06/15/2006	<u>78</u>	MINUTE ORDER: (TEXT ONLY ENTRY) Pursuant to Local Rule 78-230(h), the USA's <u>52</u> Motion to Dismiss, Plaintiffs' <u>63</u> Motion for Summary Judgment, Defendant Shasta Services' <u>67</u> Motion for Summary Judgment, and the State of California's <u>47</u> Motion to Dismiss, scheduled for hearing on 6/19/06, are submitted without oral argument. If the court determines that oral argument is needed, it will be scheduled at a later date. Approved by Judge Morrison C. England Jr. on 6/15/06. (Souvannarath, A) (Entered: 06/15/2006)
07/11/2006	<u>79</u>	MEMORANDUM AND ORDER signed by Judge Morrison C. England Jr. on 7/10/06 ORDERING that the Motions to Dismiss presently before the Court <u>47</u> and <u>52</u> are GRANTED. Inasmuch as this ruling effectively disposes of the lawsuit, it is not necessary to rule on either of the Cross Motions for Summary Judgment also before the Court and the Court declines to do so. CASE CLOSED. (Krueger, M) (Entered: 07/11/2006)
07/11/2006	<u>80</u>	JUDGMENT dated *7/11/06* is hereby entered in accordance with the Court Order by Judge Morrison C. England Jr. (Krueger, M) (Entered: 07/11/2006)
07/21/2006	<u>81</u>	BILL of COSTS SUBMITTED by Shasta Services Inc. (Turner, Marcus) (Entered: 07/21/2006)
07/26/2006	<u>82</u>	OPPOSITION to <u>81</u> Bill of Costs by Plaintiff Mike Stierli. (Dauer, Paul) Modified on 7/27/2006 (Donati, J). (Entered: 07/26/2006)
08/03/2006	<u>83</u>	[REFILED – SEE DOCKET ENTRY <u>86</u> ] MOTION for ATTORNEY FEES by Shasta Services Inc. Motion Hearing set for 9/11/2006 at 09:00 AM in Courtroom 3 (MCE) before Judge Morrison C. England Jr. (Turner, Marcus) Modified on 8/10/2006 (Krueger, M). (Entered: 08/03/2006)
08/03/2006	<u>84</u>	MEMORANDUM/RESPONSE in SUPPORT of <u>83</u> Motion for Attorneys Fees. (Attachments: # <u>1</u> Affidavit Of George F. Vogt, Jr. # <u>2</u> Exhibit A # <u>3</u> Exhibit B # <u>4</u> Exhibit C # <u>5</u> Exhibit D # <u>6</u> Exhibit E # <u>7</u> Exhibit F # <u>8</u> Exhibit G # <u>9</u> Exhibit H # <u>10</u> Exhibit I # <u>11</u> Exhibit J # <u>12</u> Exhibit K)(Turner, Marcus) Modified on 8/10/2006 (Krueger, M). (Entered: 08/03/2006)
08/09/2006	<u>85</u>	[DISREGARD – SEE DOCKET ENTRY <u>86</u> ] MOTION for ATTORNEY FEES by Shasta Services Inc. Motion Hearing set for 9/11/2006 at 09:00 AM in Courtroom 3 (MCE) before Judge Morrison C. England Jr. (Attachments: # <u>1</u> (DUPLICATE ENTRY – Motion for Attorney Fees # <u>2</u> Points and Authorities # <u>3</u> Affidavit of George F. Vogt, Jr. # <u>4</u> Exhibit A # <u>5</u> Exhibit B # <u>6</u> Exhibit C – AMENDED # <u>7</u> Exhibit D # <u>8</u> Exhibit E # <u>9</u> # Exhibit F (10) Exhibit G # <u>11</u> Exhibit H # <u>12</u> Exhibit I # <u>13</u> Exhibit J # <u>14</u> Exhibit K)(Turner, Marcus) Modified on 8/10/2006 (Krueger, M). (Entered: 08/09/2006)
08/09/2006	<u>86</u>	MOTION for ATTORNEY FEES with a Corrected Exhibit C by Shasta Services Inc. Motion Hearing set for 9/11/2006 at 09:00 AM in Courtroom 3 (MCE) before Judge Morrison C. England Jr. (Attachments: # <u>1</u> DUPLICATE ENTRY – Motion for Attorney Fees # <u>2</u> Memo of Points and Authorities # <u>3</u> Affidavit George F. Vogt, Jr. # <u>4</u> Exhibit A # <u>5</u> Exhibit B # <u>6</u> Exhibit C – REFORMATTED # <u>7</u> Exhibit D # <u>8</u> Exhibit E # <u>9</u> Exhibit F # <u>10</u> Exhibit G # <u>11</u> Exhibit H # <u>12</u> Exhibit I # <u>13</u> Exhibit J # <u>14</u> Exhibit K)(Turner, Marcus) Modified on 8/10/2006 (Krueger, M). (Entered: 08/09/2006)

08/25/2006	<u>87</u>	MEMORANDUM/RESPONSE in OPPOSITION to <u>86</u> Motion for Attorney Fees by Plaintiff. (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Exhibit # <u>3</u> Exhibit 3# <u>4</u> Exhibit 4 # <u>5</u> Declaration of Paul F. Dauer # <u>6</u> Exhibit I # <u>7</u> Exhibit II # <u>8</u> Exhibit III)(Dauer, Paul) Modified on 8/28/2006 (Krueger, M). (Entered: 08/25/2006)
09/01/2006	<u>88</u>	REPLY to RESPONSE to MOTION For Attorney Fees <u>86</u> by Shasta Services Inc. (Attachments: # <u>1</u> Declaration George F. Vogt, Jr. # <u>2</u> Declaration Harold J. Knight)(Turner, Marcus) Modified on 9/5/2006 (Krueger, M). (Entered: 09/01/2006)
09/06/2006	<u>89</u>	MINUTE ORDER: (TEXT ONLY ENTRY) The Defendants' <u>86</u> Motion for Attorney Fees, scheduled for hearing on 09/11/2006, is SUBMITTED without oral argument pursuant to Local Rule 78-230(h). If the court determines that oral argument is needed, a hearing will be scheduled at a later date. Ordered by Judge Morrison C. England Jr. on September 6, 2006. (Rivas, A) (Entered: 09/06/2006)
09/07/2006	<u>90</u>	NOTICE of APPEAL by Mike Stierli. (Dauer, Paul) (Entered: 09/07/2006)
09/08/2006		RECEIPT number 205 11476 for \$455.00 for Appeal Filing Fee from Paul F. Dauer. (Kirkpatrick, S) (Entered: 09/08/2006)
09/08/2006	<u>92</u>	APPEAL PROCESSED to Ninth Circuit re <u>90</u> Notice of Appeal filed by Mike Stierli. Filed dates for Notice of Appeal *9/7/2006*, Complaint *9/20/2004* and Appealed Order / Judgment *7/11/2006*. ** *Fee Status: Paid on 9/7/2006 in the amount of \$455.00* ** (Attachments: # <u>1</u> Appeal Notice # <u>2</u> Certificate of Record) (Krueger, M) (Entered: 09/08/2006)
09/08/2006	<u>93</u>	ORDER signed by Judge Morrison C. England Jr. on 9/8/06 ORDERING Timberworks' Motion for Attorney's Fees <u>86</u> is DENIED. (Krueger, M) (Entered: 09/08/2006)
09/15/2006	<u>94</u>	USCA CASE NUMBER 06-16683 for <u>90</u> Notice of Appeal filed by Mike Stierli. (Matson, R) (Entered: 09/18/2006)
09/15/2006	<u>95</u>	USCA CASE NUMBER 06-16683 for <u>90</u> Notice of Appeal - ATY filed by Mike Stierli. (Donati, J) (Entered: 09/18/2006)
02/01/2007	<u>96</u>	ORDER of USCA as to <u>90</u> Notice of Appeal filed by Mike Stierli has been Voluntarily DISMISSED with prejudice. (Krueger, M) (Entered: 02/02/2007)
05/22/2007	<u>97</u>	ORDER signed by Judge Morrison C. England Jr. on 5/22/07: Costs are taxed in favor of Timberworks in the sum of \$1,807.22 <u>86</u> . (Kaminski, H) (Entered: 05/22/2007)

**FILED**

**JAN 31 2007**

CATHY A. CATTERSON, CLERK  
U. S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
and  
  
MIKE STIERLI,  
  
Plaintiff - Appellant,  
  
STATE OF CALIFORNIA,  
  
Plaintiff - Appellee,  
  
v.  
  
SHASTA SERVICES, INC.,  
  
Defendant - Appellee.

No. 06-16683  
  
D.C. No. CV-04-01955-  
MCE/PAN  
Eastern District of California,  
Sacramento

ORDER

**FILED**

**FEB 1 2007**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
~~EASTERN DISTRICT OF CALIFORNIA~~  
BY \_\_\_\_\_ DEPUTY CLERK DEPUTY CLERK

The appellant's motion under Federal Rule of Appellate Procedure 42(b) for voluntary dismissal with prejudice is granted. A certified copy of this order shall act as and for the mandate of this court.

For the Court:

CATHY A. CATTERSON  
Clerk of the Court

A TRUE COPY  
CATHY A. CATTERSON  
Clerk of Court  
ATTEST  
  
JAN 31 2007  
  
by: *Grace S. Santos*  
Deputy Clerk

*Grace S. Santos*  
\_\_\_\_\_  
Grace S. Santos  
Deputy Clerk  
Ninth Circuit Rule 27-7/Advisory Note to Rule 27  
and Ninth Circuit 27-10

**U.S. District Court  
Eastern District of Missouri (St. Louis)  
CIVIL DOCKET FOR CASE #: 4:05-cv-00200-DJS**

Kirkpatrick v. SSM Health Care  
Assigned to: District Judge Donald J. Stohr  
Cause: 31:3729 False Claims Act

Date Filed: 02/02/2005  
Date Terminated: 09/26/2005  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Deborah Kirkpatrick**  
United States of America, ex rel.

represented by **Arthur S. Margulis , Sr.**  
MARGULIS GELFAND, LLC  
8000 Maryland Avenue  
Suite 420  
St. Louis, MO 63105  
314-390-0234  
Fax: 314-485-2264  
Email: art@margulisgelfand.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

V.

**Defendant**

**SSM Health Care**

**Movant**

**USA**

represented by **Andrew J. Lay**  
OFFICE OF U.S. ATTORNEY  
111 S. Tenth Street  
20th Floor  
St. Louis, MO 63102  
314-539-2200  
Fax: 314-539-2777  
Email: andrew.lay@usdoj.gov  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/02/2005	1	COMPLAINT w/Jury Demand with receipt number S2005-3860, in the amount of \$150.00. Disclosure of Corporate Interest issued to deft. (KLK, ) (Entered: 02/07/2005)
02/02/2005		Receipt: \$ 150.00, receipt number S2005-3860 filing fee. (KLK, ) (Entered: 02/09/2005)
09/06/2005	6	MEMORANDUM: Consent of the United States of America to Relator's Motion for Dismissal without prejudice by Movant USA. Copy of Motion to Dismiss attached. (SAJ, ) (Entered: 09/13/2005)

**Date Discrepancy Cases 354**

09/13/2005		***REMARK Document #6 was filed as a memorandum due to the fact a Motion to Dismiss was not filed by the Relator. Attorneys for Relator and Movant were notified as to how the document would be filed and why. (SAJ, ) (Entered: 09/13/2005)
09/15/2005	7	MOTION for Dismissal without Prejudice by Plaintiff Deborah Kirkpatrick. (SAJ, ) (Entered: 09/16/2005)
09/26/2005	8	ORDER granting 7 Motion to Dismiss Case Signed by Judge Jean C. Hamilton on 09/26/05. (SAJ, ) (Entered: 09/27/2005)
04/01/2008	<a href="#">10</a>	ORDER granting 9 Motion to Partially Unseal Signed by Honorable Jean C. Hamilton on 04/01/2008. (SAJ) (Entered: 04/03/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/31/2019 15:15:29			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:05-cv-00200-DJS
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10

**U.S. District Court  
Northern District of Georgia (Atlanta)  
CIVIL DOCKET FOR CASE #: 1:04-cv-03534-WBH**

Knight, et. al. v. Piedmont Hospital, Inc.  
Assigned to: Judge Willis B. Hunt, Jr  
Cause: 31:3730 Qui Tam False Claims Act

Date Filed: 12/03/2004  
Date Terminated: 05/30/2008  
Jury Demand: Plaintiff  
Nature of Suit: 370 Other Fraud  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**  
*ex rel*

represented by **Amy L. Berne**  
Office of United States Attorney  
Northern District of Georgia  
75 Spring Street, S.W.  
600 United States Courthouse  
Atlanta, GA 30303  
404-581-6261  
Email: [Amy.Berne@usdoj.gov](mailto:Amy.Berne@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Rebecca O. Knight**  
*R.N.*  
*TERMINATED: 04/07/2008*

represented by **Rebecca O. Knight**  
PRO SE

**John Cole McIntyre , Jr.**  
McIntyre & Associates  
Suite 56-282  
2625 Piedmont Road  
Atlanta, GA 30324  
404-210-6856  
Fax: 678-379-4091  
Email: [jmcintyrejr@earthlink.net](mailto:jmcintyrejr@earthlink.net)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Virginia Lipke**  
*R.N.*

represented by **Virginia Lipke**  
PRO SE

**John Cole McIntyre , Jr.**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Maurice Chapman**

represented by **Maurice Chapman**  
PRO SE

**John Cole McIntyre , Jr.**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Rebecca Knight Heitkam**

represented by **John Cole McIntyre , Jr.**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**



V.

**Defendant****Piedmont Hospital, Inc.**

represented by **Karen S. Guarino**  
 King & Spalding, LLP-ATL 40  
 40th Floor  
 1180 Peachtree Street, NE  
 Atlanta, GA 30309-3521  
 404-572-4600  
 Email: [kguarino@kslaw.com](mailto:kguarino@kslaw.com)  
**ATTORNEY TO BE NOTICED**

**Lora L. Greene**  
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 191 Peachtree Street, N.E.  
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 404-572-4600  
 Email: [lgreene@kslaw.com](mailto:lgreene@kslaw.com)  
**ATTORNEY TO BE NOTICED**

**Michael Wayne Johnston**  
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 38th Floor  
 1180 Peachtree St., N.E.  
 Atlanta, GA 30309-3521  
 404-572-4600  
 Fax: 404-572-5135  
 Email: [MJohnston@KSlaw.com](mailto:MJohnston@KSlaw.com)  
**ATTORNEY TO BE NOTICED**

**Richard L. Shackelford**  
 Richard Shackelford, Esq.  
 145 15th St., N.E., Unit 1245  
 Atlanta, GA 30309  
 404-572-4600  
 Email: [rshackelfordrs@gmail.com](mailto:rshackelfordrs@gmail.com)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
12/03/2004	<u>1</u>	<b>---DOCUMENT UNSEALED PURSUANT TO THIS COURT'S 16 ORDER OF 08/10/07---</b> COMPLAINT with Jury Demand filed. Consent form to proceed before U.S. Magistrate and pretrial instructions given to attorney ( Filing fee \$ 150 receipt number 530522), filed by Maurice Chapman, Rebecca O. Knight, Virginia Lipke. (jdb) Modified on 1/5/2007 (cdg). Additional attachment(s) added on 1/5/2007 (cdg). Modified on 1/5/2007 (cdg). Modified on 8/13/2007 to remove from sealed status. (aaq). (Entered: 12/06/2004)
12/03/2004	<u>2</u>	<b>---DOCUMENT FILED UNDER SEAL---</b> MOTION for Leave to File False Claims Complaint under seal with Brief In Support by Maurice Chapman, Rebecca O. Knight, Virginia Lipke. (jdb) Modified on 1/5/2007 (cdg). Additional attachment(s) added on 1/5/2007 (cdg). Additional attachment(s) added on 1/5/2007 (cdg). (Entered: 12/06/2004)
12/03/2004	<u>3</u>	<b>---DOCUMENT FILED UNDER SEAL---</b> ORDER granting <u>2</u> Motion to file false claims complaint under seal. Signed by Judge Beverly B. Martin on 12/03/04. (jdb) Additional attachment(s) added on 1/5/2007 (cdg). (Entered: 12/06/2004)
02/28/2005	<u>4</u>	<b>---DOCUMENT FILED UNDER SEAL---</b> EX PARTE STATUS REPORT regarding calculation of time during which the govt may intervene and the complaint is to remain under seal by United States of America. (jdb) Additional attachment(s) added on 1/5/2007 (cdg). (Entered: 02/28/2005)

06/13/2005	<u>5</u>	---DOCUMENT FILED UNDER SEAL--- Second Ex Parte STATUS REPORT by United States of America regarding caculation of time during which the government may intervene and the complaint remain under seal. (cdg) Additional attachment(s) added on 1/5/2007 (cdg). (Entered: 06/15/2005)
07/25/2005	<u>6</u>	---DOCUMENT FILED UNDER SEAL--- EX PARTE CONSENT MOTION for Extension of Time for a 180 day extension in which to intervene with Brief In Support by United States of America and Proposed Order. (cdg) Additional attachment(s) added on 1/5/2007 (cdg). (Entered: 07/26/2005)
07/26/2005	<u>7</u>	---DOCUMENT FILED UNDER SEAL--- ORDER GRANTING <u>6</u> Motion for Extension of Time thru 1/23/06 in which to determine whether to intervene, Signed by Judge Willis B. Hunt Jr. on 7/26/05. (cdg) Additional attachment(s) added on 1/5/2007 (cdg). (Entered: 07/27/2005)
01/17/2006	<u>8</u>	---DOCUMENT FILED UNDER SEAL--- Ex Parte Consent Application for Extension of Time of One Hundred Eighty-Days in which to intervene with Brief In Support and proposed order by United States of America. (cdg) Additional attachment(s) added on 1/5/2007 (cdg). (Entered: 01/18/2006)
01/18/2006	<u>9</u>	---DOCUMENT FILED UNDER SEAL--- ORDER Granting <u>8</u> Motion for Extension of Time. It is further ORDERED that the complaint and all other filings shall remain under seal until and including June 23, 2006 upon order of this court, unless the United States requests that the seal be lifted prior to that date, Signed by Judge Willis B. Hunt Jr. on 1/18/2006. (cdg) Additional attachment(s) added on 1/5/2007 (cdg). (Entered: 01/18/2006)
06/14/2006	<u>10</u>	---DOCUMENT FILED UNDER SEAL--- Ex Parte Consent MOTION for a 180 Day Extension of Time to Intervene by United States of America. (cdg) Additional attachment(s) added on 6/21/2006 (cdg). Modified on 6/21/2006 (cdg). (Entered: 06/21/2006)
06/26/2006	<u>11</u>	---DOCUMENT FILED UNDER SEAL--- ORDER GRANTING <u>10</u> Motion for Extension of Time. Signed by Judge Willis B. Hunt Jr. on 6/26/2006. (cdg) Additional attachment(s) added on 6/26/2006 (cdg). (Entered: 06/26/2006)
12/19/2006	<u>12</u>	---DOCUMENT FILED UNDER SEAL--- MOTION for 180 Day Extension of Time to Intervene by United States of America.(Attachments: # <u>1</u> Text of Proposed Order) (cdg) (Entered: 12/19/2006)
12/19/2006	<u>13</u>	---DOCUMENT FILED UNDER SEAL--- Brief in Support re <u>12</u> MOTION for 180 Day Extension of Time to Intervene filed by United States of America. (cdg) (Entered: 12/19/2006)
12/22/2006	<u>14</u>	---DOCUMENT FILED UNDER SEAL--- ORDER GRANTING <u>12</u> Motion for 180 Day Extension for Enlargement of Time to consider election to Intervene re <u>1</u> Complaint,. Signed by Judge Willis B. Hunt Jr. on 12/22/2006. (cdg) Additional attachment(s) added on 12/22/2006 (cdg). (Entered: 12/22/2006)
06/26/2007	<u>15</u>	---DOCUMENT UNSEALED PURSUANT TO THIS COURT'S <u>16</u> ORDER OF 08/10/07---NOTICE of Election to Decline Intervention by United States of America. (Attachment: Proposed Order) Modified on 8/13/2007 to remove from sealed status. (aaq). (Entered: 06/26/2007)
08/10/2007	<u>16</u>	---DOCUMENT UNSEALED PURSUANT TO THIS COURT'S ORDER OF 08/10/07--- ORDER on the <u>15</u> NOTICE of Election to Decline Intervention by United States of America. (See order for specific instructions.) Signed by Judge Willis B. Hunt Jr. on 08/10/07. (aaq) Modified on 8/13/2007 to remove from sealed status. (aaq). (Entered: 08/10/2007)
08/10/2007		Remark: Copies of the <u>16</u> Order forwarded (under seal) via U.S. Mail to the parties. (aaq) (Entered: 08/10/2007)
08/13/2007		Remark: Case unsealed pursuant to the <u>16</u> Order. (aaq) (Entered: 08/13/2007)
08/14/2007	<u>17</u>	Mail sent to John Cole McIntyre, Jr., <u>16</u> Order, returned undeliverable. Marked: Return to sender, not at this address. (aaq) (Entered: 08/15/2007)

08/21/2007		NOTICE of Hearing: Status Conference set for 9/4/2007 at 10:00 AM in Courtroom 1708 before Judge Willis B. Hunt Jr. (sc) (Entered: 08/21/2007)
08/27/2007		NOTICE OF CANCELLATION of Status Conference set for 9/4/2007 at 10:00 AM in Courtroom 1708 before Judge Willis B. Hunt Jr. (sc) (sc) (Entered: 08/27/2007)
08/27/2007	<u>18</u>	CLARIFICATION ORDER: Service upon Defendant in this action must be made within 120 days of August 13, 2007 (the date the Court unsealed the Complaint) in accordance with Rule 4(m) of the Federal Rules of Civil Procedure. Plaintiffs are cautioned that no extensions will be granted in connection with either service or securing co-counsel due to the age of this case and further, that failure to perfect service within 120 days of August 13, 2007, exposes them to the dismissal of this action. Signed by Judge Willis B. Hunt Jr. on 08/27/07. (aaq) (Entered: 08/27/2007)
08/27/2007		Remark: Copy of the <u>18</u> Order forwarded to Attorney John C. McIntyre, Jr. at McIntyre & Associates, LLC, 2625 Piedmont Rd. Ste 56-282, Atlanta, GA 30324. (aaq) (Entered: 08/27/2007)
12/11/2007	<u>19</u>	NOTICE of Change of Address by Counsel for Relators Rebecca O. Knight, Virginia Lipke and Maurice Chapman. (aaq) (Entered: 12/14/2007)
12/11/2007	<u>21</u>	Summons Issued as to Piedmont Hospital, Inc. (aaq) (Entered: 12/14/2007)
12/14/2007	<u>20</u>	NOTICE OF REQUIREMENT TO FILE ELECTRONICALLY pursuant to Standing Order 04-01 forwarded to Attorney John Cole McIntyre, Jr regarding the <u>19</u> Notice of Change of Address. (aaq) (Entered: 12/14/2007)
12/20/2007	<u>22</u>	NOTICE of Appearance by Lora L. Greene on behalf of Piedmont Hospital, Inc. (Greene, Lora) (Entered: 12/20/2007)
12/20/2007	<u>23</u>	NOTICE of Appearance by Michael Wayne Johnston on behalf of Piedmont Hospital, Inc. (Johnston, Michael) (Entered: 12/20/2007)
12/20/2007	<u>24</u>	NOTICE of Appearance by Richard L. Shackelford on behalf of Piedmont Hospital, Inc. (Shackelford, Richard) (Entered: 12/20/2007)
12/20/2007	<u>25</u>	NOTICE of Appearance by Karen S. Guarino on behalf of Piedmont Hospital, Inc. (Guarino, Karen) (Entered: 12/20/2007)
12/20/2007	<u>26</u>	Corporate Disclosure Statement by Piedmont Hospital, Inc. identifying Corporate Parent Piedmont Healthcare, Inc. for Piedmont Hospital, Inc. by Piedmont Hospital, Inc..(Greene, Lora) (Entered: 12/20/2007)
12/20/2007	<u>27</u>	Consent MOTION for Extension of Time by Piedmont Hospital, Inc.. (Greene, Lora) (Entered: 12/20/2007)
12/20/2007	<u>28</u>	PROPOSED CONSENT ORDER Consent Order for Enlargement of Time re: <u>27</u> Consent MOTION for Extension of Time. (Greene, Lora) (Entered: 12/20/2007)
12/21/2007	<u>29</u>	ORDER granting the <u>27</u> Motion for Extension of Time to 02/29/08 to Answer the Complaint. Signed by Judge Willis B. Hunt, Jr on 12/21/07. (aaq) (Entered: 12/21/2007)
12/21/2007		Set Deadlines/Hearings: Piedmont Hospital, Inc. answer due 2/29/2008. (aaq) (Entered: 12/21/2007)
02/19/2008	<u>30</u>	Consent MOTION for Leave to File Excess Pages by Piedmont Hospital, Inc.. (Attachments: # <u>1</u> Consent Order for Extending Page Limitation)(Greene, Lora) (Entered: 02/19/2008)
02/21/2008	<u>31</u>	CONSENT ORDER GRANTING the <u>30</u> Consent Motion for Leave to File Excess Pages. Defendant is permitted to file an additional twenty-five (25) pages for its brief in support of its Motion to Dismiss. Signed by Judge Willis B. Hunt, Jr. on 2/21/08. (dfb) (Entered: 02/21/2008)
02/29/2008	<u>32</u>	<b>DOCUMENT FILING ERROR. DOCUMENT RE-FILED AT #33</b> MOTION to Dismiss <i>Plaintiffs' Complaint Pursuant to Rule 12(b)(6)</i> by Piedmont Hospital, Inc. (Greene, Lora) Modified on 3/3/2008 (sjk). (Entered: 02/29/2008)

02/29/2008	<u>33</u>	MOTION to Dismiss <i>Plaintiffs' Complaint Pursuant to Rule 12(b)(6)</i> with Brief In Support by Piedmont Hospital, Inc.. (Attachments: # <u>1</u> Memorandum of Law in Support of Defendant's Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(b)(6), # <u>2</u> Exhibit A to Memo of Law, # <u>3</u> Exhibit B to Memo of Law)(Greene, Lora) (Entered: 02/29/2008)
02/29/2008	<u>34</u>	MOTION to Dismiss <i>Plaintiff Maurice Chapman's False Claims Act Claims Pursuant to Fed.R.Civ.P. 12(b)(1)</i> with Brief In Support by Piedmont Hospital, Inc.. (Attachments: # <u>1</u> Memorandum In Support of Defendant's Motion to Dismiss Plaintiff Maurice Chapman's False Claims Act Claims Pursuant to Fed.R.Civ.P. 12(b)(1), # <u>2</u> Exhibit A to Memo in Support of Defendant's Motion, # <u>3</u> Exhibit B to Memo in Support of Defendant's Motion, # <u>4</u> Exhibit C to Memo in Support of Defendant's Motion, # <u>5</u> Exhibit D to Memo in Support of Defendant's Motion)(Greene, Lora) (Entered: 02/29/2008)
02/29/2008	<u>35</u>	MOTION for Oral Argument re: <u>33</u> MOTION to Dismiss <i>Plaintiffs' Complaint Pursuant to Rule 12(b)(6)</i> and <u>34</u> MOTION to Dismiss <i>Plaintiff Maurice Chapman's False Claims Act Claims Pursuant to Fed.R.Civ.P. 12(b)(1)</i> by Piedmont Hospital, Inc. (Greene, Lora) Modified on 3/4/2008 to remove duplicative text. (dfb) (Entered: 02/29/2008)
03/13/2008	<u>36</u>	Consent MOTION for Extension of Time File Responses to Defendants' <u>33</u> MOTION to Dismiss <i>Plaintiffs' Complaint Pursuant to Rule 12(b)(6)</i> and <u>34</u> MOTION to Dismiss <i>Plaintiff Maurice Chapman's False Claims Act Claims Pursuant to Fed.R.Civ.P. 12(b)(1)</i> by Rebecca O. Knight, Virginia Lipke, Maurice Chapman. (Attachments: # <u>1</u> Text of Proposed Order)(McIntyre, John) Modified on 3/17/2008 to remove duplicative text. (dfb) (Entered: 03/13/2008)
03/14/2008	<u>37</u>	STATEMENT OF INTEREST under 28 U.S.C. § 517 and AMICUS BRIEF by the United States in response to Defendant's <u>33</u> MOTION to Dismiss <i>Plaintiffs' Complaint Pursuant to Rule 12(b)(6)</i> . (Attachments: # <u>1</u> Westlaw Attachment)(Berne, Amy) Modified on 3/17/2008 to remove duplicative text and to accurately reflect title of document. (dfb) (Entered: 03/14/2008)
03/14/2008	<u>38</u>	CONSENT ORDER GRANTING the <u>36</u> Consent Motion for Extension of Time through and including April 4, 2008 for Plaintiffs to Respond to Defendant's <u>33</u> MOTION to Dismiss <i>Plaintiffs' Complaint Pursuant to Rule 12(b)(6)</i> and <u>34</u> MOTION to Dismiss <i>Plaintiff Maurice Chapman's False Claims Act Claims Pursuant to Fed.R.Civ.P. 12(b)(1)</i> . Signed by Judge Willis B. Hunt, Jr. on 3/14/08. (dfb) (Entered: 03/17/2008)
03/17/2008		Notification of Docket Correction re: the <u>36</u> Consent MOTION for Extension of Time and <u>37</u> Statement of Interest and Amicus Brief. Docket text modified to remove duplicative text and to accurately reflect title of documents.(dfb) (Entered: 03/17/2008)
03/21/2008	<u>39</u>	Consent MOTION for Extension of Time to File Response re: <u>37</u> Statement of Interest by United States of America, Piedmont Hospital, Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Shackelford, Richard) Modified on 3/21/2008 to correct docket text (ekb). (Entered: 03/21/2008)
03/25/2008	<u>40</u>	CONSENT ORDER GRANTING the <u>39</u> Consent Motion for Enlargement of Time for Defendant to Respond to the United States' <u>37</u> Statement of Interest under 28 U.S.C. § 517 and Amicus Brief. Defendant may respond to the Statement of Interest on or before the same date Defendant's reply to Plaintiffs Rebecca Knight, Virginia Lipke and Maurice Chapman's responses to Defendant's motions to dismiss (filed February 29, 2008) will be due to the Court. Signed by Judge Willis B. Hunt, Jr. on 3/25/08. (dfb) (Entered: 03/26/2008)
03/31/2008	<u>41</u>	Initial Disclosures by Piedmont Hospital, Inc..(Shackelford, Richard) (Entered: 03/31/2008)
03/31/2008	<u>42</u>	Joint PRELIMINARY REPORT AND DISCOVERY PLAN filed by Rebecca O. Knight, Virginia Lipke, Maurice Chapman, Piedmont Hospital, Inc.. (Shackelford, Richard) (Entered: 03/31/2008)
04/07/2008	<u>43</u>	SCHEDULING ORDER APPROVING the <u>42</u> Joint Preliminary Report and Discovery Plan.Signed by Judge Willis B. Hunt, Jr. on 4/7/08. (dfb) (Entered: 04/09/2008)

04/22/2008	<u>44</u>	MOTION for Extension of Time File Responses to 12(b) Motions by Rebecca Knight Heitkam. (Attachments: # <u>1</u> Text of Proposed Order)(McIntyre, John) (Entered: 04/22/2008)
04/22/2008	<u>45</u>	AFFIDAVIT in Support re <u>44</u> MOTION for Extension of Time File Responses to 12(b) Motions filed by Rebecca Knight Heitkam. (McIntyre, John) (Entered: 04/22/2008)
05/06/2008	<u>46</u>	MOTION for Extension of Time to File Responses to Rule 12b Motions to Dismiss by Rebecca Knight Heitkam. (Attachments: # <u>1</u> Text of Proposed Order)(McIntyre, John) (Entered: 05/06/2008)
05/06/2008	<u>47</u>	ORDER granting <u>44</u> and <u>46</u> Motions for Extension of Time to File Responses to Rule 12(b) Motions. Relators have until 5/7/2008 to file their responses to Defendant's motions to dismiss. No further extensions will be granted with respect to these motions. Signed by Judge Willis B. Hunt, Jr on 5/6/2008. (alc) (Entered: 05/06/2008)
05/08/2008	<u>48</u>	MOTION to Dismiss <i>For Failure to Prosecute Or, Alternatively, Motion to Request A Ruling</i> by Piedmont Hospital, Inc.. (Shackelford, Richard) (Entered: 05/08/2008)
05/16/2008		Submission of <u>33</u> MOTION to Dismiss <i>Plaintiffs' Complaint Pursuant to Rule 12(b)(6)</i> ; <u>34</u> MOTION to Dismiss <i>Plaintiff Maurice Chapman's False Claims Act Claims Pursuant to Fed.R.Civ.P. 12(b)(1)</i> ; and <u>35</u> MOTION for Hearing re <u>33</u> MOTION to Dismiss <i>Plaintiffs' Complaint Pursuant to Rule 12(b)(6)</i> <u>34</u> MOTION to Dismiss <i>Plaintiff Maurice Chapman's False Claims Act Claims Pursuant to Fed.R.Civ.P. 12(b)(1)</i> , submitted to District Judge Willis B. Hunt. (smg) (Entered: 05/16/2008)
05/27/2008		Submission of <u>48</u> MOTION to Dismiss <i>For Failure to Prosecute Or, Alternatively, Motion to Request A Ruling</i> , submitted to District Judge Willis B. Hunt. (smg) (Entered: 05/27/2008)
05/30/2008	<u>49</u>	ORDER granting <u>33</u> Motion to Dismiss; denying as moot <u>34</u> Motion to Dismiss; denying as moot <u>35</u> Motion for Hearing; denying <u>48</u> Motion to Dismiss. The Clerk is DIRECTED to enter judgment in favor of the Defendant. Signed by Judge Willis B. Hunt, Jr on 5/30/08. (smg) (Entered: 06/02/2008)
05/30/2008		Civil Case Terminated. (smg) (Entered: 06/02/2008)
06/02/2008	<u>50</u>	CLERK'S JUDGMENT in favor of defendant against plaintiff. (smg)—Please refer to <a href="http://www.ca11.uscourts.gov">http://www.ca11.uscourts.gov</a> to obtain an appeals jurisdiction checklist— (Entered: 06/02/2008)

**U.S. District Court**  
**Southern District of California (San Diego)**  
**CIVIL DOCKET FOR CASE #: 3:03-cv-01467-H-WMC**

In Re Lancer v. Blackburn, et al  
Assigned to: Judge Marilyn L. Huff  
Referred to: Magistrate Judge William McCurine, Jr  
Demand: \$0  
Case in other court: 04-56614  
Cause: 31:3729 False Claims Act - Liability

Date Filed: 07/28/2003  
Date Terminated: 07/02/2004  
Jury Demand: Both  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Craig Lanser**

represented by **Craig Lanser**  
7055 Hilton Place  
San Diego, CA 92111  
PRO SE

**Joel Chalfen Golden**  
Law Offices of Joel C Golden  
2356 Moore Street  
Suite 201  
San Diego, CA 92110  
(619)294-7918  
Fax: (619)296-8229  
Email: goldenlawfirm@gmail.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**David A Blackburn**

represented by **Michael W Vivoli**  
Vivoli Saccuzzo, LLP  
2550 Fifth Avenue  
Ninth Floor  
San Diego, CA 92103  
(619)744-9992  
Fax: (619)744-9994  
Email: mvivoli@vivolilaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Linda Blackburn**  
*TERMINATED: 03/23/2004*

**Defendant**

**Co Conspirators**  
*Co-Conspirators 4718 Angle Pt La Mesa,*

**Date Discrepancy Cases 362**

CA 91941

TERMINATED: 03/23/2004

**Defendant****Diane C Blackburn**

represented by **Michael W Vivoli**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Intervenor****United States of America**

represented by **U S Attorney CV**  
 U S Attorneys Office Southern District of  
 California  
 Civil Division  
 880 Front Street  
 Suite 6253  
 San Diego, CA 92101  
 (619)557-5662  
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 Email: Efile.dkt.civ@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/28/2003	<a href="#">1</a>	Complaint Filed; (referred to Magistrate Judge Ruben B. Brooks ) Receipt No/Amt of Fee: #95925 \$150 (seal) Modified on 07/29/2003 (Entered: 07/28/2003)
07/28/2003	<a href="#">2</a>	Document Sealed (pursuant to Court Order) Motion to file under seal (seal) (Entered: 07/28/2003)
07/28/2003	<a href="#">3</a>	Document Sealed (pursuant to Court Order) Order (seal) (Entered: 07/28/2003)
07/28/2003	<a href="#">4</a>	Document Sealed (pursuant to Court Order) Order re summons (seal) (Entered: 07/28/2003)
07/28/2003	<a href="#">5</a>	Document Sealed (pursuant to Court Order) Letter (seal) (Entered: 07/28/2003)
09/15/2003	<a href="#">6</a>	Document Sealed (pursuant to Court Order)- Ex Parte Appl for extension of time (seal) (Entered: 09/15/2003)
09/15/2003	<a href="#">7</a>	Document Sealed (pursuant to Court Order) Memorandum of P/A'S re document sealed [6-1] (seal) (Entered: 09/15/2003)
09/15/2003	<a href="#">8</a>	Document Sealed (pursuant to Court Order) decl re document sealed [6-1] (seal) (Entered: 09/15/2003)
09/15/2003	<a href="#">9</a>	Document Sealed (pursuant to Court Order) Order re document sealed [6-1] (seal) (Entered: 09/15/2003)
11/21/2003	<a href="#">10</a>	Document Sealed (pursuant to Court Order) Decl (seal) (Entered: 11/24/2003)
03/03/2004	<a href="#">11</a>	Document Sealed (pursuant to Court Order) - Gov't notice of Election to Decline Intervention (seal) (Entered: 03/05/2004)
03/03/2004	<a href="#">12</a>	Order by Judge Marilyn L. Huff; the US having declined to intervene in this action pursuant to the False Claims Act 31 USC 3730(b)(4)(B), the ct rules as follows; The

**Date Discrepancy Cases 363**

		complaint be unsealed and served upon the dft by the relator; all other contents of the file in this action remain under seal and not made public or served upon the dft, except for this order and the gov't notice to decline intervention, which the relator will serve upon the dft only after svc of the complaint. The seal shall be lifted as to all matters occurring in this action after the date of this order. case unsealed (seal) Modified on 03/05/2004 (Entered: 03/05/2004)
03/22/2004	<a href="#">13</a>	Summons issued as to David A Blackburn, Linda Blackburn, Co Conspirators (cag) (Entered: 03/23/2004)
03/23/2004	<a href="#">14</a>	1st Amended complaint [1-1]; terming party Co Conspirators; jury trl requested (cag) (Entered: 03/24/2004)
03/23/2004	<a href="#">15</a>	Summons on 1st amd cmp issued as to David A Blackburn, Linda Blackburn (cag) (Entered: 03/24/2004)
03/26/2004	<a href="#">16</a>	Attorney Substitution: signed by Judge Marilyn L. Huff; substituting attorney Joel Chalfen Golden for Craig Lanser in place of acting as his own pro se (dkt clerk) (Entered: 03/29/2004)
04/05/2004	<a href="#">17</a>	Order of Transfer by Magistrate Judge Ruben B. Brooks; Case referred to Magistrate Judge William McCurine Jr. (cag) (Entered: 04/05/2004)
04/06/2004	<a href="#">18</a>	Return of Service of summons and cmp on amd cmp executed upon defendant David A Blackburn on 3/23/04 (cag) Modified on 04/08/2004 (Entered: 04/08/2004)
04/06/2004	<a href="#">19</a>	Return of Service of summons and cmp on amd cmp executed upon defendant Diane C Blackburn on 3/27/04 (cag) (Entered: 04/08/2004)
04/13/2004	<a href="#">20</a>	Ex Parte Motion by David A Blackburn, Diane C Blackburn to extend time to file motion to dismiss ; [motion referred to Judge Marilyn L. Huff] (atty maint) (cag) (Entered: 04/14/2004)
04/13/2004	<a href="#">21</a>	Declaration of Michael W. Vivoli re motion to extend time to file motion to dismiss [20-1] (cag) (Entered: 04/14/2004)
04/13/2004	<a href="#">22</a>	Order by Judge Marilyn L. Huff granting motion to extend time to file motion to dismiss [20-1]; responsive pleading by 5/16/04 for Diane C Blackburn, for David A Blackburn (cag) (Entered: 04/14/2004)
05/12/2004	<a href="#">23</a>	Notice of Motion and Motion by David A Blackburn, Diane C Blackburn to dismiss for failure to state a claim ; [motion referred to Judge Marilyn L. Huff]; motion hrg set for 7/6/04 at 10:30 (cag) (Entered: 05/13/2004)
05/12/2004	<a href="#">24</a>	Memorandum of points and authorities by David A Blackburn, Diane C Blackburn in support of motion to dismiss for failure to state a claim [23-1] (cag) (Entered: 05/13/2004)
05/12/2004	<a href="#">25</a>	Declaration of Michael W. Vivoli re motion to dismiss for failure to state a claim [23-1] (cag) (Entered: 05/13/2004)
05/12/2004	<a href="#">26</a>	Request for Judicial Notice by David A Blackburn, Diane C Blackburn motion to dismiss for failure to state a claim [23-1] (cag) (Entered: 05/13/2004)
06/21/2004	<a href="#">27</a>	Statement of interest by intervenor USA re motion to dismiss for failure to state a claim [23-1] (cag) (Entered: 06/22/2004)
06/22/2004	<a href="#">28</a>	Opposition by Craig Lanser to motion to dismiss for failure to state a claim [23-1] (cag) (Entered: 06/23/2004)
06/22/2004	<a href="#">29</a>	Declaration by Craig Lanser re motion response [28-1] (cag) (Entered: 06/23/2004)

**Date Discrepancy Cases 364**



06/28/2004	<a href="#">30</a>	Reply by David A Blackburn, Diane C Blackburn to opposition to motion to dismiss for failure to state a claim [23-1] (cag) (Entered: 06/29/2004)
06/28/2004	<a href="#">31</a>	Objections by David A Blackburn, Diane C Blackburn to decl of Craig Lanser in support of opposition to motion to dismiss (cag) (Entered: 06/29/2004)
06/28/2004	<a href="#">32</a>	Response by David A Blackburn, Diane C Blackburn to govt's stmt of interest re motion to dismiss (cag) (Entered: 06/29/2004)
07/01/2004	<a href="#">33</a>	Order by Judge Marilyn L. Huff granting dfts' motion to dismiss for failure to state a claim [23-1] w/ prej as to Craig Lanser and w/o prej as to USA (cag) (Entered: 07/02/2004)
07/02/2004	<a href="#">34</a>	Clerks Judgment: Court grants Defendants' motion to dismiss and dismisses the complaint with prejudice with regard to Craig Lanser and without prejudice with regard to the United States; terminating case (cag) (Entered: 07/02/2004)
07/06/2004	<a href="#">35</a>	Minutes: Enter Order by Judge Marilyn L. Huff; motion to dismiss for failure to state a claim [23-1] submitted on the papers; hrg date of 7/6/04 vacated. Court Reporter: Nancy Cablay (cag) (Entered: 07/06/2004)
08/02/2004	<a href="#">36</a>	Notice of Motion and Motion by plaintiff Craig Lanser for reconsideration of order granting dfts' motion to dismiss [ motion(s) referred to Judge Marilyn L. Huff ] motion hrg set for 8/30/04 at 10:30 am (ksr) (Entered: 08/04/2004)
08/02/2004	<a href="#">37</a>	Memorandum of points and authorities by plaintiff Craig Lanser in support of motion for reconsideration of order granting dfts' motion to dismiss [36-1] (ksr) (Entered: 08/04/2004)
08/16/2004	<a href="#">38</a>	Opposition by defendant David A Blackburn, defendant Diane C Blackburn to motion for reconsideration of order granting dfts' motion to dismiss [36-1] (dkt clerk) (Entered: 08/19/2004)
08/16/2004	<a href="#">39</a>	Objections by defendant David A Blackburn, defendant Diane C Blackburn to exhibit "A" attached to the Relator's motion for reconsideration of the Order granting dfts' motion to dimiss (dkt clerk) (Entered: 08/19/2004)
08/26/2004	<a href="#">40</a>	Order by Judge Marilyn L. Huff denying relator Craig Lanser's motion for reconsideration of order granting dfts' motion to dismiss [36-1] (dkt clerk) (Entered: 08/27/2004)
09/01/2004	<a href="#">41</a>	Notice of appeal by plaintiff Craig Lanser from Dist. Court decision entered on 07/02/04; 08/26/04. Receipt No/Amt of Fee: Fee not paid [40-1], [34-2] (dkt clerk) (Entered: 09/03/2004)
09/03/2004		Notice of appeal sent to Circuit Court [41-1] (dkt clerk) (Entered: 09/03/2004)
09/27/2004	<a href="#">42</a>	Proof of service of notice of motion and motion for atty's fees and other accompanying documents (axr) Modified on 09/27/2004 (Entered: 09/27/2004)
09/27/2004	<a href="#">43</a>	Notice of Motion and Motion by defendant David A Blackburn, defendant Diane C Blackburn for attorney fees [ motion(s) referred to Judge Marilyn L. Huff ] motion hrg set for 11/01/04 at 10:30am (axr) (Entered: 09/27/2004)
09/27/2004	<a href="#">44</a>	Memorandum of points and authorities by defendant David A Blackburn, defendant Diane C Blackburn in support of motion for attorney fees [43-1] (axr) (Entered: 09/27/2004)
09/27/2004	<a href="#">45</a>	Declaration of Michael W. Vivoli by defendant David A Blackburn, defendant Diane C Blackburn re motion for attorney fees [43-1] (axr) (Entered: 09/27/2004)
09/27/2004	<a href="#">46</a>	Notice of lodgment by defendant David A Blackburn, defendant Diane C Blackburn ; motion for attorney fees [43-1] (axr) (Entered: 09/27/2004)
09/28/2004	<a href="#">47</a>	Notification by Circuit Court of Appellate Docket Number [41-1] 04-56614 (dkt clerk)

**Date Discrepancy Cases 365**

		(Entered: 09/29/2004)
09/28/2004	<a href="#">48</a>	Received Order for appeal time schedule from USCA Aplnt to notify aplee of trans ordered: 09/13/04; Aplee to notify aplnt of addtnl trans: 09/21/04; Aplnt to file trans order form w/ USDC: 10/01/04; Ct Rpt to file trans in USDC: 11/01/04; Aplnt opening brief: 12/20/04; Aplee brief: 01/18/05 (dkt clerk) (Entered: 09/29/2004)
10/12/2004	<a href="#">49</a>	Memorandum by plaintiff Craig Lanser in opposition to motion for attorney fees [43-1] (axr) (Entered: 10/13/2004)
10/25/2004	<a href="#">50</a>	Reply by defendant David A Blackburn, defendant Diane C Blackburn to opposition to motion for attorney fees [43-1] (axr) (Entered: 10/27/2004)
10/25/2004	<a href="#">51</a>	Declaration of Jason P. Saccuzzo by defendant David A Blackburn, defendant Diane C Blackburn re motion reply [50-1] (axr) (Entered: 10/27/2004)
10/28/2004	<a href="#">52</a>	Order by Judge Marilyn L. Huff denying motion for attorney fees [43-1] (axr) (Entered: 10/28/2004)
11/18/2004	<a href="#">53</a>	RECEIVED fee from Craig Lanser in amount of \$ 255.00 ( Receipt # 108744) (cc: USCA and all parties) (dkt clerk) (Entered: 11/18/2004)
02/17/2005		Mailed Original Clerk's record to USCA: 3 case volumes, 5 sealed envelopes [41-1] (cag) (Entered: 02/17/2005)
07/25/2005		Received judgement from USCA. Forwarded copy to Court Clerk for calendar. (affirmed) (dkt clerk) (Entered: 07/25/2005)
07/26/2005	<a href="#">54</a>	Notice of Spreading the Mandate; Appeal mandate hrg set for 10:30 8/8/05 before Judge Marilyn Huff re USCA affirming the USDC decision " (dkt clerk) (Entered: 07/28/2005)
08/08/2005	<a href="#">55</a>	Minutes of Mandate Hearing, certified copy of USCA jgm certified copy of USCA jgm affirming USDC decision ordered filed and entered. Appeal mandate hearing held 10:30 8/8/05 Court Reporter: N. Cablay (dkt clerk) (Entered: 08/09/2005)
08/08/2005	<a href="#">56</a>	Certified copy of judgment from USCA affirming the decision of the District Court re: appeal [41-1] (dkt clerk) (Entered: 08/09/2005)
10/24/2005		Clerk's original record returned from USCA: 3 vol and 5 sealed envelopes (dkt clerk) (Entered: 10/24/2005)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 09:14:41			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:03-cv-01467-H-WMC
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.40

**U.S. District Court [LIVE]  
Western District of Texas (Midland)  
CIVIL DOCKET FOR CASE #: 7:05-cv-00167-HLH**

Sheila Limon, et al v. Permian Basin Community Centers  
Assigned to: Judge Harry Lee Hudspeth  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 11/18/2005  
Date Terminated: 03/06/2007  
Jury Demand: Plaintiff  
Nature of Suit: 151 Contract: Recovery  
Medicare  
Jurisdiction: U.S. Government Plaintiff

**Relator**

**Sheila Limon**

represented by **Gerald K. Fugit**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Relator**

**Nancy Heath**

represented by **Gerald K. Fugit**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Permian Basin Community Centers**  
*doing business as*  
Mental Health and Mental Retardation of  
Texas

represented by **Aaron Dorfner**  
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**Date Discrepancy Cases 367**

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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/18/2005		Case assigned to Judge Robert A. Junell (vt) (Entered: 11/18/2005)
11/18/2005	2	Sealed Document filed by Sheila Limon, Nancy Heath. (sm, ) (Entered: 08/04/2006)
11/18/2005	<a href="#">3</a>	COMPLAINT ( Filing fee \$ 250 receipt number 396056), filed by Sheila Limon, Nancy <b>Date Discrepancy Cases 368</b>

		Heath.(sm, ) (Entered: 08/04/2006)
11/22/2005	4	Sealed Document. (sm, ) (Entered: 08/04/2006)
01/17/2006	5	Sealed Document. (sm, ) (Entered: 08/04/2006)
01/20/2006	6	Sealed Document. (sm, ) (Entered: 08/04/2006)
03/29/2006	7	Sealed Document. (sm, ) (Entered: 08/04/2006)
03/30/2006	8	Sealed Document. (sm, ) (Entered: 08/04/2006)
04/10/2006	9	Sealed Document. (sm, ) (Entered: 08/04/2006)
04/11/2006	10	Sealed Document. (sm, ) (Entered: 08/04/2006)
04/11/2006	11	Sealed Document. (sm, ) (Entered: 08/04/2006)
04/18/2006	12	Sealed Document. (sm, ) (Entered: 08/04/2006)
04/18/2006	13	Sealed Document. (sm, ) (Entered: 08/04/2006)
04/19/2006	14	Sealed Document. (sm, ) (Entered: 08/04/2006)
04/20/2006	15	Sealed Document. (sm, ) (Entered: 08/04/2006)
04/24/2006	16	Sealed Document. (sm, ) (Entered: 08/04/2006)
06/12/2006	17	Sealed Document. (sm, ) (Entered: 08/04/2006)
07/17/2006	<a href="#">1</a>	ORDER setting Status Conference set for 8/3/2006 03:00 PM before Honorable Robert A. Junell.. Signed by Judge Robert A. Junell. (vt, ) (Entered: 07/17/2006)
07/17/2006	<a href="#">18</a>	NOTICE of Election to Decline Intervention by United States of America re <a href="#">3</a> Complaint (sm, ) (Entered: 08/04/2006)
08/03/2006	<a href="#">19</a>	Minute Entry for proceedings held before Judge Robert A. Junell : Status Conference held on 8/3/2006 (Minute entry documents are not available electronically.). (Court Reporter Todd Anderson.) (sm, ) (Entered: 08/04/2006)
08/03/2006	<a href="#">20</a>	ORDER Unsealed portions of case and order for service re <a href="#">18</a> Notice (Other) filed by United States of America,, <a href="#">3</a> Complaint filed by Sheila Limon,, Nancy Heath, . Signed by Judge Robert A. Junell. (sm, ) (Entered: 08/04/2006)
08/03/2006	<a href="#">21</a>	ORDER mootng motion to hold seal in abeyance. Signed by Judge Robert A. Junell. (sm, ) (Entered: 08/04/2006)
08/03/2006	<a href="#">22</a>	Summons Issued as to Permian Basin Community Centers. (sm, ) (Entered: 08/04/2006)
08/04/2006	<a href="#">23</a>	SUMMONS Returned Executed by personal service by Sheila Limon, Nancy Heath. Permian Basin Community Centers served on 8/3/2006, answer due 8/23/2006. (sm, ) (Entered: 08/04/2006)
08/09/2006	24	TRANSCRIPT of Proceedings held on 8/3/06. Proceedings Transcribed:Motions Hearing. Court Reporter: Todd Anderson. NOTE: Transcript document is not available online. (vt, ) (Entered: 08/09/2006)
08/16/2006	<a href="#">25</a>	ANSWER to Complaint by Permian Basin Community Centers.(vt, ) (Entered: 08/16/2006)
08/18/2006	<a href="#">26</a>	MOTION for Leave to File Amended Complaint by Sheila Limon, Nancy Heath. (Amended complaint received and forwarded to chambers for review) (vt, ) (Entered: 08/18/2006)

**Date Discrepancy Cases 369**

08/22/2006	<a href="#">27</a>	Scheduling ORDER ADR Report Deadline due by 2/9/2007. Amended Pleadings due by 10/13/2006. Discovery due by 1/19/2007. Motions due by 2/2/2007. Jury Selection set for 5/7/2007 08:30AM before Honorable Robert A. Junell. Jury Trial set for 5/7/2007 08:30 AM before Honorable Robert A. Junell.. Signed by Judge Robert A. Junell. (vt, ) (Entered: 08/22/2006)
08/23/2006	<a href="#">28</a>	ORDER granting <a href="#">26</a> Motion for Leave to File Signed by Judge Robert A. Junell. (vt, ) (Entered: 08/23/2006)
08/23/2006	<a href="#">29</a>	FIRST AMENDED COMPLAINT against Permian Basin Community Centers amending , filed by Sheila Limon, Nancy Heath.(vt, ) (Entered: 08/23/2006)
08/23/2006	<a href="#">30</a>	FIRST SUPPLEMENT to <a href="#">29</a> Amended Complaint by Sheila Limon, Nancy Heath. (vt, ) (Entered: 08/23/2006)
09/07/2006	<a href="#">31</a>	AMENDED ANSWER to <a href="#">29</a> Amended Complaint by Permian Basin Community Centers. (vt, ) (Entered: 09/07/2006)
09/08/2006	<a href="#">32</a>	Sealed Document filed by United States of America. (vt, ) (Entered: 09/08/2006)
09/08/2006	<a href="#">33</a>	MOTION to Determine Proper Name by Sheila Limon, Nancy Heath. (vt, ) (Entered: 09/08/2006)
09/08/2006	<a href="#">34</a>	MOTION to Expedite Approval of Filing of First Amended Complaint by Sheila Limon, Nancy Heath. (vt, ) (Entered: 09/08/2006)
09/08/2006	<a href="#">35</a>	MOTION to Expand Interrogatories by Sheila Limon, Nancy Heath. (vt, ) (Entered: 09/08/2006)
09/08/2006	<a href="#">36</a>	MOTION To Appear before Grand Jury by Sheila Limon, Nancy Heath. (vt, ) (Entered: 09/08/2006)
09/08/2006	<a href="#">37</a>	NOTICE of Disclosure under Rule 26 Federal Rules of Civil Procedure by Sheila Limon, Nancy Heath (vt, ) (Entered: 09/08/2006)
09/13/2006	<a href="#">38</a>	ORDER denying <a href="#">35</a> Motion To Expand Interrogatories Signed by Judge Robert A. Junell. (vt, ) (Entered: 09/13/2006)
09/13/2006	<a href="#">39</a>	ORDER mooting <a href="#">34</a> Motion to Expedite Filing First Amended Complaint and Relator's First Supplemental Amendment to the First Amended Complaint Filed September 8, 2006. Signed by Judge Robert A. Junell. (vt, ) (Entered: 09/13/2006)
09/18/2006	<a href="#">40</a>	RESPONSE to Motion re <a href="#">33</a> MOTION Determine Proper Name, filed by Permian Basin Community Centers. (Lauritzen, David) (Entered: 09/18/2006)
09/18/2006	<a href="#">41</a>	Response in Opposition to Motion re <a href="#">36</a> MOTION To Appear before Grand Jury, filed by Permian Basin Community Centers. (Lauritzen, David) (Entered: 09/18/2006)
09/20/2006	<a href="#">42</a>	ORDER denying <a href="#">33</a> Motion To Determine Proper Name Signed by Judge Robert A. Junell. (vt, ) (Entered: 09/20/2006)
09/21/2006	<a href="#">43</a>	RESPONSE to <a href="#">39</a> Order on Motion to Expedite by Sheila Limon, Nancy Heath. (vt, ) (Entered: 09/21/2006)
09/21/2006	<a href="#">44</a>	REPLY to Response to Motion re <a href="#">36</a> MOTION To Appear before Grand Jury , filed by Sheila Limon, Nancy Heath. (vt, ) (Entered: 09/21/2006)
09/21/2006	<a href="#">45</a>	ORDER granting Motion to File Supplemental Amendment of the First Amended Complaint. . Signed by Judge Robert A. Junell. (vt, ) (Entered: 09/21/2006)
09/22/2006	<a href="#">46</a>	Response in Opposition to Motion re <a href="#">36</a> MOTION To Appear before Grand Jury, filed by

**Date Discrepancy Cases 370**

		United States of America. (Attachments: # <a href="#">1</a> Exhibit Motion to Appear Before Grand Jury)(Klassen, John) (Entered: 09/22/2006)
09/29/2006	<a href="#">47</a>	RESPONSE to <a href="#">46</a> Response in Opposition to Motion by Sheila Limon, Nancy Heath. (vt, ) (Entered: 09/29/2006)
10/02/2006	<a href="#">48</a>	ORDER denying <a href="#">36</a> Motion To Appear Before Grand Jury Signed by Judge Robert A. Junell. (vt, ) (Entered: 10/02/2006)
10/23/2006	<a href="#">49</a>	MOTION Enter Land for Inspection and Other Purposes by Sheila Limon, Nancy Heath. (vt, ) (Entered: 10/23/2006)
10/27/2006	<a href="#">50</a>	RESPONSE to <i>Relators'</i> to <a href="#">49</a> MOTION Enter land for Inspection and other purposes by Permian Basin Community Centers. (Attachments: # <a href="#">1</a> Exhibit Exhibit A)(Dorfner, Aaron) (Entered: 10/27/2006)
11/01/2006	<a href="#">51</a>	ORDER finding that the Relators have improperly requested permission to enter upon the property of the Defendant.. Signed by Judge Robert A. Junell. (vt, ) (Entered: 11/01/2006)
11/08/2006		Notice of Correction: re 52 Order. ORDER WAS DOCKETED ERRONEOUSLY TO WRONG CASE. (vt, ) (Entered: 11/08/2006)
11/10/2006	<a href="#">53</a>	RESPONSE to <i>Court Order</i> by Sheila Limon, Nancy Heath. (Fugit, Gerald) Modified on 11/13/2006 (tr, ). to link response to Court's Order #51. (Entered: 11/10/2006)
11/15/2006	<a href="#">54</a>	ORDER transferring case to the docket of Senior U.S. District Judge Harry Lee Hudspeth. Signed by Judge Robert A. Junell. (vt, ) (Entered: 11/15/2006)
11/15/2006		Case Reassigned to Judge Harry Lee Hudspeth. Judge Robert A. Junell no longer assigned to the case. (vt, ) (Entered: 11/15/2006)
11/16/2006	<a href="#">55</a>	Response in Opposition to Motion re <a href="#">49</a> MOTION Enter land for Inspection and other purposes, filed by Permian Basin Community Centers. (Dorfner, Aaron) (Entered: 11/16/2006)
11/28/2006	<a href="#">56</a>	MOTION to Compel by Permian Basin Community Centers. (Attachments: # <a href="#">1</a> Exhibit Exhibits to Defs Mot to Compel)(Dorfner, Aaron) (Entered: 11/28/2006)
11/28/2006	<a href="#">57</a>	DEFENDANT'S EXPERT REBUTTAL by Permian Basin Community Centers <i>Defendant's Expert Rebuttal</i> . (Dorfner, Aaron) Modified on 11/28/2006 to clarify docket text(kc, ). (Entered: 11/28/2006)
11/28/2006		Notice of Correction: re <a href="#">57</a> Designation of Expert Witness. Clerk modified text to reflect 'Defendant's Expert Rebuttal' (kc, ) (Entered: 11/28/2006)
12/04/2006	<a href="#">58</a>	ORDER REFERRING MOTION: <a href="#">56</a> MOTION to Compel filed by Permian Basin Community Centers, referred to Judge Platt. Signed by Judge Harry Lee Hudspeth. (vt, ) (Entered: 12/04/2006)
12/04/2006		MOTION REFERRED: referred <a href="#">56</a> MOTION to Compel to Judge Platt. (vt, ) (Entered: 12/04/2006)
12/07/2006	<a href="#">59</a>	RESPONSE to Motion re <a href="#">56</a> MOTION to Compel <i>Discovery</i> , filed by Sheila Limon, Nancy Heath. (Attachments: # <a href="#">1</a> Exhibit Exhibit A# <a href="#">2</a> Exhibit Exhibit B)(Fugit, Gerald) (Entered: 12/07/2006)
12/08/2006	<a href="#">60</a>	DESIGNATION OF EXPERT WITNESS by Permian Basin Community Centers. (Lauritzen, David) (Entered: 12/08/2006)
12/13/2006	<a href="#">61</a>	ORDER granting in part and denying in part <a href="#">56</a> Motion to Compel Signed by Judge L. Stuart Platt. (vt, ) (Entered: 12/13/2006)

**Date Discrepancy Cases 371**

12/13/2006		Motions No Longer Referred: <a href="#">56</a> MOTION to Compel (sm, ) (Entered: 12/18/2006)
12/15/2006	<a href="#">62</a>	MOTION for Summary Judgment by Permian Basin Community Centers. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit 3# <a href="#">3</a> Exhibit 4# <a href="#">4</a> Exhibit 5# <a href="#">5</a> Exhibit 6# <a href="#">6</a> Exhibit 7# <a href="#">7</a> Exhibit 8# <a href="#">8</a> Exhibit 9# <a href="#">9</a> Exhibit 10# <a href="#">10</a> Exhibit 11# <a href="#">11</a> Exhibit 12# <a href="#">12</a> Exhibit B-D# <a href="#">13</a> Exhibit 2# <a href="#">14</a> Proposed Order)(sm, ) (Entered: 12/15/2006)
12/18/2006	<a href="#">63</a>	*** DOCUMENT DEFICIENT ON CERTIFICATE OF SERVICE*** ATTORNEY TO REFILE CERTIFICATE OF SERVICE*** MOTION to Dismiss <i>Pursuant to Rules 9(b) and 12(b)(6)</i> by Permian Basin Community Centers. (Attachments: # <a href="#">1</a> Proposed Order to Dismiss)(Lauritzen, David) Modified on 12/18/2006 (sm, ). (Entered: 12/18/2006)
12/18/2006	<a href="#">64</a>	DEFICIENCY NOTICE: re <a href="#">63</a> MOTION to Dismiss <i>Pursuant to Rules 9(b) and 12(b)(6)</i> (Gerald Fugit not served in certificate of service) (sm, ) (Entered: 12/18/2006)
12/19/2006	<a href="#">65</a>	CERTIFICATE OF SERVICE by Permian Basin Community Centers <i>Amended Certificate of Service to</i> <a href="#">63</a> MOTION to Dismiss <i>Pursuant to Rules 9(b) and 12(b)(6)</i> (Lauritzen, David) (Entered: 12/19/2006)
12/21/2006	<a href="#">66</a>	RESPONSE to <a href="#">61</a> Court Order for Response to Interrogatories by Sheila Limon, Nancy Heath. (Attachments: # 1)(vt, ) Additional attachment(s) added on 12/26/2006 (sm, ). Modified on 12/26/2006 to add text(THIS DOCUMENT FILED IN ERROR AND REMOVED PER INSTRUCTIONS FROM JUDGE HUDSPETH)(sm, ). (Entered: 12/21/2006)
12/21/2006	<a href="#">67</a>	MOTION for Extension of Time to File Answer by Sheila Limon, Nancy Heath. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B# <a href="#">3</a> Exhibit C# <a href="#">4</a> Exhibit D)(Fugit, Gerald) (Entered: 12/21/2006)
12/22/2006	<a href="#">68</a>	*** DOCUMENT DEFICIENT - ATTORNEY TO FILE AMENDED CERTIFICATE OF SERVICE *** MOTION for Extension of Time to File <i>Amicus Brief</i> by United States of America. (Klassen, John) Modified on 12/26/2006 to add deficiency text(sm, ). (Entered: 12/22/2006)
12/26/2006	<a href="#">69</a>	DEFICIENCY NOTICE: re <a href="#">68</a> MOTION for Extension of Time to File <i>Amicus Brief</i> (sm, ) (Entered: 12/26/2006)
12/26/2006	<a href="#">70</a>	ORDER, Motions terminated: <a href="#">67</a> MOTION for Extension of Time to File Answer filed by Sheila Limon,, Nancy Heath, to January 26, 2007 or 10 days after depositions of Thomas and Carroll, whichever is earlier.. Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 12/26/2006)
12/26/2006	<a href="#">71</a>	ORDER granting <a href="#">68</a> Motion for Extension of Time to File Amicus Brief to January 16, 2007 Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 12/26/2006)
12/29/2006	<a href="#">72</a>	NOTICE of Compliance and Response to Relators' Motion by Permian Basin Community Centers re <a href="#">70</a> Order, Terminate Motions,, (Lauritzen, David) (Entered: 12/29/2006)
01/02/2007	<a href="#">73</a>	REPLY to Response to Motion re <a href="#">67</a> MOTION for Extension of Time to File Answer, filed by Sheila Limon, Nancy Heath. (Fugit, Gerald) (Entered: 01/02/2007)
01/08/2007	<a href="#">74</a>	MOTION for Expert's Report by Sheila Limon, Nancy Heath. (Attachments: # <a href="#">1</a> Proposed Order)(Fugit, Gerald) Modified on 1/18/2007 (vt, ) to reflect correct motion description. (Entered: 01/08/2007)
01/08/2007	<a href="#">75</a>	MOTION for Extension of Time to File Response/Reply by Sheila Limon, Nancy Heath. (Attachments: # <a href="#">1</a> Proposed Order)(Fugit, Gerald) (Entered: 01/08/2007)
01/11/2007	<a href="#">76</a>	ORDER denying as moot <a href="#">74</a> Motion for Expert's Report as moot Signed by Judge Harry Lee Hudspeth. (vt, ) (Entered: 01/11/2007)

**Date Discrepancy Cases 372**



01/11/2007	<a href="#">77</a>	ORDER granting <a href="#">75</a> Motion for Extension of Time to File Response/Reply by January 19, 2007. Signed by Judge Harry Lee Hudspeth. (vt, ) (Entered: 01/11/2007)
01/12/2007	<a href="#">78</a>	Second MOTION for Extension of Time to File <i>Amicus Brief Concerning Defendant's Motion for Summary Judgment</i> by United States of America. (Klassen, John) (Entered: 01/12/2007)
01/16/2007	<a href="#">79</a>	ORDER granting <a href="#">78</a> Motion for Extension of Time to File Amicus Brief. Signed by Judge Harry Lee Hudspeth. (vt, ) (Entered: 01/16/2007)
01/19/2007	<a href="#">80</a>	RESPONSE to Motion re <a href="#">62</a> MOTION for Summary Judgment , filed by Sheila Limon, Nancy Heath. <b>**Response not scanned or electronically filed due to excessive volume***</b> (vt, ) (Additional attachment(s) added on 1/27/2010: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit A Continued, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Exhibit E) (sm, ). (Entered: 01/19/2007)
01/19/2007	<a href="#">81</a>	RESPONSE by Sheila Limon, Nancy Heath (Fugit, Gerald) to Defendant's Motion to Dismiss <a href="#">63</a> Modified on 1/19/2007 (vt, ) to reflect link to motion. (Entered: 01/19/2007)
01/19/2007		Notice of Correction: re <a href="#">81</a> Response. (Response was not linked to appropriate motion to dismiss <a href="#">63</a> . Response linked to motion by clerk. (vt, ) (Entered: 01/19/2007)
01/19/2007	<a href="#">82</a>	BRIEF regarding <a href="#">62</a> MOTION for Summary Judgment by United States of America <i>United States' Statement of Interest under 28 U.S.C. 517 and Amicus Curiae Brief</i> . (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2# <a href="#">3</a> Exhibit 3)(McCabe, Brian) (Entered: 01/19/2007)
01/19/2007	<a href="#">83</a>	DEFICIENCY NOTICE: re <a href="#">82</a> Brief (vt, ) (Entered: 01/19/2007)
01/19/2007	<a href="#">84</a>	MOTION for Leave to Exceed Page Limitation <i>Unopposed Application to Exceed Page Limitations or in the Alternative Application for Extension of Time in Which to File Its Statement of Interest and Amicus Curiae Brief Regarding Defendant's Motion for Summary Judgment</i> by United States of America. (McCabe, Brian) (Entered: 01/19/2007)
01/26/2007	<a href="#">85</a>	Miscellaneous Objection to <i>Relators' Evidence in Support of Their Resonse to Defendant's Motion for Summary Judgment</i> by Permian Basin Community Centers. (Dorfner, Aaron) (Entered: 01/26/2007)
01/26/2007	<a href="#">86</a>	REPLY to Response to Motion re <a href="#">63</a> MOTION to Dismiss <i>Pursuant to Rules 9(b) and 12(b)(6)</i> , filed by Permian Basin Community Centers. (Dorfner, Aaron) (Entered: 01/26/2007)
01/26/2007	<a href="#">87</a>	RESPONSE to <i>United States' Amicus Curiae Brief Regarding Defendants' Motion for Summary Judgment</i> to <a href="#">82</a> Brief by Permian Basin Community Centers. (Dorfner, Aaron) (Entered: 01/26/2007)
01/26/2007	<a href="#">88</a>	REPLY to Response to Motion re <a href="#">62</a> MOTION for Summary Judgment, filed by Permian Basin Community Centers. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B# <a href="#">3</a> Exhibit C# <a href="#">4</a> Exhibit D# <a href="#">5</a> Exhibit E)(Dorfner, Aaron) (Entered: 01/26/2007)
01/26/2007	<a href="#">89</a>	DEFICIENCY NOTICE: re <a href="#">85</a> Miscellaneous Objection (vt, ) (Entered: 01/26/2007)
01/26/2007	<a href="#">90</a>	NOTICE of <i>Certificate of Service for Defendant's Objections to Relators' Evidence in Support of their Resonse to Defendant's Motion for Summary Judgment</i> by Permian Basin Community Centers re <a href="#">85</a> Miscellaneous Objection (Dorfner, Aaron) (Entered: 01/26/2007)
01/29/2007	<a href="#">91</a>	ORDER granting <a href="#">84</a> Motion for Leave to File Excess Pages Signed by Judge Harry Lee Hudspeth. (sm, ) (Entered: 01/29/2007)

**Date Discrepancy Cases 373**

01/30/2007	<a href="#">92</a>	BRIEF regarding <a href="#">62</a> MOTION for Summary Judgment by United States of America <i>United States' Corrected Statement of Interest Under 28 U.S.C. 517 and Amicus Curiae Brief.</i> (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2# <a href="#">3</a> Exhibit 3)(McCabe, Brian) (Entered: 01/30/2007)
02/02/2007	<a href="#">93</a>	MOTION to Compel by Sheila Limon, Nancy Heath. (Fugit, Gerald) (Entered: 02/02/2007)
02/02/2007	<a href="#">94</a>	RESPONSE by Sheila Limon, Nancy Heath. (Attachments: # <a href="#">1</a> Exhibit A)(Fugit, Gerald) (Entered: 02/02/2007)
02/02/2007	<a href="#">95</a>	RESPONSE by Sheila Limon, Nancy Heath. (Fugit, Gerald) (Entered: 02/02/2007)
02/05/2007	<a href="#">96</a>	ORDER REFERRING MOTION: <a href="#">93</a> MOTION to Compel filed by Sheila Limon,, Nancy Heath, referred to Judge Platt. Signed by Judge Harry Lee Hudspeth. (vt, ) (Entered: 02/05/2007)
02/07/2007	<a href="#">97</a>	RESPONSE to Motion re <a href="#">93</a> MOTION to Compel, filed by Permian Basin Community Centers. (Dorfner, Aaron) (Entered: 02/07/2007)
02/09/2007	<a href="#">98</a>	ADR Report Filed - by Permian Basin Community Centers(Dorfner, Aaron) (Entered: 02/09/2007)
02/20/2007	<a href="#">99</a>	RESPONSE to <i>Defenant's Response to Motion to Compel</i> by Sheila Limon, Nancy Heath. (Fugit, Gerald) (Entered: 02/20/2007)
02/22/2007	<a href="#">100</a>	ORDER SETTING HEARING, Set Motion Hearing for <a href="#">93</a> MOTION to Compel Motion Hearing set for 2/27/2007 08:30 AM before Honorable L. Stuart Platt.. Signed by Judge L. Stuart Platt. (vt, ) (Entered: 02/22/2007)
02/27/2007	<a href="#">101</a>	Minute Entry for proceedings held before Judge L. Stuart Platt : <b>**MATTER TAKEN UNDER ADVISEMENT**</b> Motion Hearing held on 2/27/2007 re <a href="#">93</a> MOTION to Compel filed by Sheila Limon,, Nancy Heath, (Minute entry documents are not available electronically.). (Court Reporter ERO.) (vt, ) (Entered: 02/27/2007)
03/01/2007	<a href="#">102</a>	ORDER denying <a href="#">93</a> Motion to Compel Signed by Judge L. Stuart Platt. (vt, ) (Entered: 03/01/2007)
03/01/2007		Motions No Longer Referred: <a href="#">93</a> MOTION to Compel (vt, ) (Entered: 03/01/2007)
03/06/2007	<a href="#">103</a>	ORDER GRANTING IN PART <a href="#">62</a> Motion for Summary Judgment Signed by Judge Harry Lee Hudspeth. (vt, ) (Entered: 03/06/2007)
03/06/2007	<a href="#">104</a>	JUDGMENT in favor of Permian Basin Community Centers for Mental Health and Mental Retardation.. Signed by Judge Harry Lee Hudspeth. (vt, ) (Entered: 03/06/2007)
03/23/2007	<a href="#">105</a>	BILL OF COSTS by Permian Basin Community Centers. (Dorfner, Aaron) (Entered: 03/23/2007)
03/29/2007	<a href="#">106</a>	RESPONSE to <i>Defendant's Bill of Costs</i> by Sheila Limon, Nancy Heath. (Fugit, Gerald) (Entered: 03/29/2007)
04/02/2007	<a href="#">107</a>	RESPONSE ( <i>Reply</i> ) to <i>Relators' Response to Bill of Costs</i> to <a href="#">106</a> Response by Permian Basin Community Centers. (Dorfner, Aaron) (Entered: 04/02/2007)
04/04/2007	<a href="#">108</a>	ORDER REGARDING BILL OF COSTS re <a href="#">105</a> Bill of Costs filed by Permian Basin Community Centers, . Signed by Judge Harry Lee Hudspeth. (vt, ) (Entered: 04/04/2007)
08/06/2007	<a href="#">109</a>	MOTION <i>or in the Alternative, Issue Injunction</i> by Permian Basin Community Centers. (Attachments: # <a href="#">1</a> )(Dorfner, Aaron) (Entered: 08/06/2007)

**Date Discrepancy Cases 374**

08/21/2007	<a href="#">110</a>	RESPONSE to Motion to Enforce Joint Confidentiality Agreement by Sheila Limon. (Fugit, Gerald) (Entered: 08/21/2007)
08/24/2007	<a href="#">111</a>	ORDER mooting <a href="#">109</a> Motion to enforce joint confidentiality agreement, or, in the alternative, issue a mandatory injunction. Signed by Judge Harry Lee Hudspeth. (vt, ) (Entered: 08/24/2007)

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<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60

**United States District Court  
District of Nevada (Reno)  
CIVIL DOCKET FOR CASE #: 3:07-cv-00062-LRH-RAM**

Link v. University of Nevada,Reno et al  
Assigned to: Judge Larry R. Hicks  
Referred to: Magistrate Judge Robert A McQuaid, Jr  
Cause: 31:3729 False Claims Act

Date Filed: 02/08/2007  
Date Terminated: 11/04/2008  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Laura L. Link**

represented by **Laura L. Link**  
PO Box 60095  
Reno, NV 89506  
(775) 530-3477  
PRO SE

V.

**Defendant**

**University of Nevada,Reno**

**Defendant**

**University and Community College  
System of Nevada Board of Regents**

**Defendant**

**Nevada Division of Environmental  
Protection**

**Defendant**

**Nevada Department of Occupational  
Safety and Health**

**Defendant**

**Nevada State Attorney General**

**Defendant**

**Nevada Secretary of State**

**Defendant**

**UNR President(s)**

**Defendant**

**UNR Vice President(s) for Finance**

**Defendant**

**UNR Executive Vice President(s) and  
Date Discrepancy Cases 376**

**Provost****Defendant****UNR Academic Vice President(s)****Defendant****UNR Asst. Vice President(s) for Research****Defendant****UNR Asst. Vice President(s) for Facilities****Defendant****UNR Physical Plant Director(s)****Defendant****UNR Police Department****Defendant****UNR Chief(s) of Police****Defendant****UNR Environmental Health and Safety  
Director****Defendant****UNR Fire School****Defendant****Fallon Mining Corporation****Defendant****Does 1-500****Interested Party****United States of America**

represented by **Patrick A Rose**  
U.S. Attorney's Office  
501 Las Vegas Blvd. South, Suite 1100  
Las Vegas, NV 89101  
702-388-6336  
Email: Patrick.Rose@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul S. Padda , USAO**  
United States Attorney's Office  
333 Las Vegas Blvd So  
Suite 5000  
Las Vegas, NV 89101  
702-388-6336  
Fax: 702-388-6151  
Email: paul.padda@usdoj.gov

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/27/2007	<a href="#">4</a>	<b>UNSEALED PER ORDER 23 <del>SEALED</del>-COMPLAINT</b> against all defendants , filed by Laura L. Link. Certificate of Interested Parties due by 4/6/2007. Ref. 3 Ord.(DRM, ) Modified on 5/5/2008 to show unsealed. (WJ). (Entered: 03/28/2007)
04/23/2008	<a href="#">22</a>	The Government's Notice of Election to Decline Intervention & proposed order. (DRM) (Entered: 04/25/2008)
05/01/2008	23	MINUTES OF PROCEEDINGS - Motion Hearing held on 5/1/2008 before Magistrate Judge Robert A. McQuaid, Jr. Crtrm Administrator: <i>Jennifer Cotter</i> ; Pla Counsel: <i>Laura Link, In Pro Per</i> ; Counsel for United States: <i>Paul Padda (telephonically)</i> ; FTR #: 2:34:10 p.m. - 2:38:38 p.m.; Time of Hearing: 2:30 p.m.; Courtroom: 2. Mr. Padda advises the Court that the Government has filed a notice declining intervention. IT IS ORDERED that 14 Motion to Unseal <a href="#">4</a> Complaint is GRANTED. Plaintiff shall have until 8/29/2008 to complete service of process. (Copies have been distributed pursuant to the NEF - JC) (Entered: 05/02/2008)
05/02/2008	<a href="#">24</a>	ORDER that 1. The complaint be unsealed and served upon the defendant by the relator; 2. All other contents of the Court's file in this action remain under seal and not be made public or served upon the defendant, except for this Order and The Government's Notice of Election to Decline Intervention, which the relator will serve upon the defendant only after service of the complaint; 3. The seal be lifted as to all other matters occurring in this action after the date of this Order; 4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the U.S., as provided for in 31 U.S.C. 3730(c)(3). The U.S. may order any deposition transcripts and is entitled to intervene in this action, for good cause at any time; 5. The parties shall serve all notices of appeal upon the U.S.; 6. All orders of this Court shall be sent to the United States; and that 7. Should the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will provide the U.S. with notice and an opportunity to be heard before ruling or granting its approval. Signed by Magistrate Judge Robert A. McQuaid, Jr on 5/2/2008. (Copies have been distributed pursuant to the NEF - KL) Modified on 5/2/2008 to unseal per order(JC). (Entered: 05/02/2008)
08/11/2008	<a href="#">25</a>	MOTION to Dismiss <i>Suggestion of Dismissal of First Cause of Action (False Claims Act)</i> by Interested Party United States of America. Responses due by 8/29/2008. (Rose, Patrick) (Entered: 08/11/2008)
08/12/2008	<a href="#">26</a>	MINUTE ORDER IN CHAMBERS Regarding the Requirements of <i>Klinge v. Eikenberry</i> and <i>Rand v. Rowland</i> as to <a href="#">25</a> MOTION to Dismiss <i>Suggestion of Dismissal of First Cause of Action (False Claims Act)</i> : Opposition due fifteen (15) days from the date of this Minute Order, and reply due eleven (11) days after the filing of the opposition. Signed by Judge Larry R. Hicks on 8/12/08. (Copies have been distributed pursuant to the NEF - KO) (Entered: 08/12/2008)
09/26/2008	<a href="#">27</a>	NOTICE of intent to dismiss pursuant to FRCP 4(m). The complaint in this action was filed on* 5/1/08.* To date no proper proof of service has been filed as to*University of Nevada, Reno; University and Community College System of Nevada Board of Regents; Nevada Division of Environmental Protection; Nevada Department of Occupational Safety and Health; Nevada State Attorney General; Nevada Secretary of State; UNR President(s); UNR Vice President(s) for Finance; UNR Executive Vice President(s) and Provost; UNR Academic Vice President(s); UNR Asst. Vice President(s) for Research; UNR Asst. Vice President(s) for Facilities; UNR Physical Plant Director(s); UNR Police Department; UNR

**Date Discrepancy Cases 378**

		Chief(s) of Police; UNR Environmental Health and Safety Director; UNR Fire School; Fallon Mining Corporation; * FRCP 4(m) dismissal deadline set for 10/26/2008. (WJ) (Entered: 09/26/2008)
11/04/2008	<a href="#">28</a>	ORDER OF DISMISSAL WITHOUT PREJUDICE PURSUANT TO RULE 4(m) FEDERAL RULES OF CIVIL PROCEDURE. IT IS ORDERED, ADJUDGED, AND DECREED that this action is dismissed without prejudice as to all Defendants. Signed by Judge Larry R. Hicks on 11/4/2008. (Copies have been distributed pursuant to the NEF - DRM) (Entered: 11/05/2008)

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<b>Billable Pages:</b>	3	<b>Cost:</b>	0.30

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**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:07-cv-09874-VM**

United States of America Ex rel. Martin F. Litman v. Alan D.  
Aviles, et al.  
Assigned to: Judge Victor Marrero  
Cause: 31:3729 False Claims Act

Date Filed: 11/07/2007  
Date Terminated: 02/16/2011  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**ABC**  
*TERMINATED: 02/16/2011*

**Plaintiff**

**United States of America Ex rel. Martin  
F. Litman**

represented by **William Dennis Hummell**  
Kucker and Bruh, LLP  
747 Third Avenue  
New York, NY 10017  
(212) 869-5030  
Fax: (212) 944-5818  
Email: w.hummell@kuckerandbruh.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**DEF**  
*TERMINATED: 02/16/2011*

**Defendant**

**Alan D. Aviles**

**Defendant**

**NYU Mount Sinai Medical Center**

**Defendant**

**Pete Velez**

**Defendant**

**Jacobi Medical Center**

**Defendant**

**Daniel D. Ricciardi**

**Defendant**

**Date Discrepancy Cases 380**



**Linda I. Gibbs**

**Defendant**

**Harlem Hospital Center**

**Defendant**

**Diane Lacey Winley**

**Defendant**

**Kings County Hospital Center**

**Defendant**

**The Mount Sinai Hospital**

**Defendant**

**Jean G. Leon**

**Defendant**

**Lynda D. Curtis**

**Defendant**

**Cecilia E. Norat**

**Defendant**

**Charlynn Goins**

**Defendant**

**Queens Hospital Center**

**Defendant**

**Peter Wolf**

**Defendant**

**John R. Maese**

**Defendant**

**Jasmin Moshirpur**

**Defendant**

**Bernard Rosen**

**Defendant**

**Kenneth L. Davis**

**Defendant**

**Emily A. Youssouf**

**Defendant**

**Thomas R. Frieden**

**Defendant**

**Jose R. Sanchez**

**Defendant**

**Larry Hollier**

**Defendant**

**Iris Jimenez-Hernandez**

**Defendant**

**Peter W. May**

**Defendant**

**Robert Doar**

**Defendant**

**Lloyd I. Sederer**

**Defendant**

**William P. Walsh**

**Defendant**

**Benjamin K. Chu**

**Defendant**

**Jane Does 1-20**

**Defendant**

**Antonio Martin**

**Defendant**

**The Mount Sinai Medical Center**

**Defendant**

**Josephine Bolus**

**Defendant**

**John Does 1-20**

**Defendant**

**Louis R. Marcos**

**Defendant**

**Edwin Mendez-Santiago**

**Defendant**

**North Central Bronx Hospital**

**Defendant**

**Elmhurst Hospital Center**

**Defendant**

**Date Discrepancy Cases 382**

**New York City Health and Hospitals  
Corporation Bellevue Hospital Center**

**Defendant**

**Woodhull Medical and Mental Health  
Center**

**Defendant**

**Herman Smith**

**Defendant**

**Metropolitan Hospital Center**

**Defendant**

**Kenneth I. Berns**

**Defendant**

**Coney Island Hospital**

**Defendant**

**Marcia R. Brown**

**Defendant**

**Ann Marie Sullivan**

**Defendant**

**Mount Sinai School of Medicine**

**Defendant**

**Lincoln Medical and Mental Health  
Center**

**Defendant**

**Chris Constantino**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/07/2007	1	ORDER, Case sealed. (Signed by Judge Robert W. Sweet on 11/07/2007) (rt) (Entered: 11/08/2007)
11/07/2007		Magistrate Judge Henry B. Pitman is so designated. (rt) (Entered: 11/08/2007)
01/06/2009	5	SEALED DOCUMENT placed in vault.(rt) (Entered: 01/06/2009)
07/13/2009	6	SEALED DOCUMENT placed in vault.(rt) (Entered: 07/13/2009)
01/08/2010	7	SEALED DOCUMENT placed in vault.(jri) (Entered: 01/08/2010)
04/09/2010	8	SEALED DOCUMENT placed in vault.(nm) (Entered: 04/09/2010)
02/14/2011	<a href="#">9</a>	ORDER, ORDERED that the Clerk of Court is directed to unseal the case and the complaint only in this action. (Signed by Judge Victor Marrero on 2/14/2011) (nm) (Entered: 02/16/2011)

**Date Discrepancy Cases 383**

02/14/2011	<a href="#">10</a>	ORDER, that the Clerk of the Court is directed to unseal the case and the complaint only in this action; and it is further ORDERED that the Clerk of Court is directed to dismiss the complaint in this action without prejudice pursuant to Federal Rule of Civil Procedure 4 (m), provided that within seven days of the date of this Order plaintiff may, for good cause shown, request reinstatement of the case to the Court's docket. In the event no timely response to this Order is filed, the action shall be dismissed with prejudice. The Clerk of Court is directed to terminate any pending motions and to close this case. SO ORDERED. (Signed by Judge Victor Marrero on 2/14/2011) (lnl) (Entered: 02/16/2011)
02/16/2011	<a href="#">11</a>	COMPLAINT against Alan D. Aviles, Kenneth I. Berns, Josephine Bolus, Marcia R. Brown, Benjamin K. Chu, Coney Island Hospital, Chris Constantino, Lynda D. Curtis, DEF, Kenneth L. Davis, Robert Doar, Elmhurst Hospital Center, Thomas R. Frieden, Linda I. Gibbs, Charlynn Goins, Harlem Hospital Center, Larry Hollier, Jacobi Medical Center, Jane Does 1-20, Iris Jimenez-Hernandez, John Does 1-20, Kings County Hospital Center, Jean G. Leon, Lincoln Medical and Mental Health Center, John R. Maese, Louis R. Marcos, Antonio Martin, Peter W. May, Edwin Mendez-Santiago, Metropolitan Hospital Center, Jasmin Moshirpur, Mount Sinai School of Medicine, NYU Mount Sinai Medical Center, New York City Health and Hospitals Corporation Bellevue Hospital Center, Cecilia E. Norat, North Central Bronx Hospital, Queens Hospital Center, Daniel D. Ricciardi, Bernard Rosen, Jose R. Sanchez, Lloyd I. Sederer, Herman Smith, Ann Marie Sullivan, The Mount Sinai Hospital, The Mount Sinai Medical Center, Pete Velez, William P. Walsh, Diane Lacey Winley, Peter Wolf, Woodhull Medical and Mental Health Center, Emily A. Youssef. (Filing Fee \$ 350.00.) Document filed by United States of America Ex rel. Martin F. Litman. (lnl) (Entered: 02/16/2011)

<b>PACER Service Center</b>			
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<b>Billable Pages:</b>	3	<b>Cost:</b>	0.30

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA Ex rel.  
MARTIN F. LITMAN,

Plaintiff,

**COMPLAINT**

- against -

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION  
BELLEVUE HOSPITAL CENTER, HARLEM HOSPITAL CENTER,  
QUEENS HOSPITAL CENTER, ELMHURST HOSPITAL CENTER,  
LINCOLN MEDICAL AND MENTAL HEALTH CENTER, KINGS  
COUNTY HOSPITAL CENTER, METROPOLITAN HOSPITAL  
CENTER, WOODHULL MEDICAL AND MENTAL HEALTH  
CENTER, NORTH CENTRAL BRONX HOSPITAL, CONEY  
ISLAND HOSPITAL, JACOBI MEDICAL CENTER,  
LOUIS R. MARCOS, BENJAMIN K. CHU, ALAN D. AVILES,  
CHARLYNN GOINS, EDWIN MENDEZ-SANTIAGO,  
JOSEPHINE BOLUS, MARCIA R. BROWN, ROBERT DOAR,  
THOMAS R. FRIEDEN, LINDA I. GIBBS, JOHN R. MAESE,  
CECILIA E. NORAT, DANIEL D. RICCIARDI, BERNARD  
ROSEN, LLOYD I. SEDERER, DIANE LACEY WINLEY,  
EMILY A. YOUSOUF, PETE VELEZ, ANN MARIE  
SULLIVAN, CHRIS CONSTANTINO, ANTONIO MARTIN,  
HERMAN SMITH, JASMIN MOSHIRPUR, LYNDA D. CURTIS,  
JOSE R. SANCHEZ, WILLIAM P. WALSH, JEAN G. LEON,  
IRIS JIMENEZ-HERNANDEZ, PETER WOLF, NYU MOUNT  
SINAI MEDICAL CENTER, THE MOUNT SINAI MEDICAL  
CENTER, THE MOUNT SINAI HOSPITAL, MOUNT SINAI  
SCHOOL OF MEDICINE, PETER W. MAY, KENNETH I. BERNS,  
KENNETH L. DAVIS, LARRY HOLLIER, JOHN DOES 1-20, and  
JANE DOES 1-20,

**QUI- TAM LAWSUIT**

(PURSUANT TO  
31 U.S.C. § 3730(b))

**FILED UNDER SEAL**

(PURSUANT TO  
31 U.S.C. § 3730(b)(2))

**DEMAND FOR  
JURY TRIAL**

Defendants.

-----X

Plaintiff and relator Martin F. Litman (hereafter, "Plaintiff-Relator, Litman"), by his attorneys, Kucker & Bruh, LLP, brings this action on behalf of himself and the United States of America, and complaining of the New York City Health and Hospitals Corporation ("NY-HHC") and each of the associated parties who are identified in the caption of this Complaint as a named defendant (collectively, "Defendants"), alleges as follows:

1. This action is filed to recover damages and civil penalties for false statements and claims made and presented by Defendants or their agents, employees, and co-conspirators in violation of the federal False Claims Act, 31 U.S.C. Sections 3729, *et seq.*, (“§§ 3729, *et seq.*”) as amended (the “Act”), in the course of submitting fraudulent claims to Medicare, in the course of submitting fraudulent claims to Medicaid, and in applying for, obtaining from, utilizing, and inaccurately accounting for, funds from the United States Department of Health and Human Services (“US-HHS”) to which Defendants had no valid claim. The federal subsidized programs defrauded by Defendants are *Medicare, Medicaid, Medicaid Managed Care*, and the *Graduate Medical Residency Program*, which in part is paid for by the US-HHS (hereinafter, sometimes referred to as “GME Residency Program”). These federal programs were deprived of enormous sums of money as a direct result of knowing acts of gross misconduct by Defendants. On information and belief, the amount of federal funds misappropriated by Defendants through false claims and misuse of funds entrusted to health care executives, including NY-HHC, is at least One Billion Dollars (\$1 Billion) received by them to which they were not entitled. In addition, among other things, Defendants deprived patients of adequate medical treatment, which put their health and their lives at serious risk. Plaintiff-Relator, Litman requests this court will grant all relief which is appropriate under the Act and any other federal statute, rule or regulation.

2. Plaintiff-Relator, Litman is the “original source,” as defined in 31 U.S.C. § 3730(e)(4)(B), of the information in this Complaint, having direct and independent knowledge of the information on which the allegations in this Complaint are based, and having voluntarily provided such information to the Government before filing a civil action under 31 U.S.C. § 3730.

**JURY DEMAND**

3. Plaintiff-Relator, Litman demands a trial by jury of all causes of action set forth in this Complaint.

### JURISDICTION AND VENUE

4. Jurisdiction over this *qui tam* action is conferred on this federal district court by 28 U.S.C. §1331, because the action arises under laws of the United States. In addition, a private right of action in favor of Plaintiff-Relator, Litman is expressly set forth in 31 U.S.C §3730(b).

5. Venue is proper in the Southern District of New York, under 28 U.S.C. §1391(c) and 31 U.S.C §3732(a), for each of the following distinct reasons: (i) NY-HHC's corporate headquarters ("Central Office") is located at 125 Worth Street, New York, New York 10013 (in this district); (ii) other Defendants charged with violating the Act are located in this district; (iii) Defendants are doing business in this district; (iv) Defendants transact business in this district; and (v) many of the actions and events proscribed by 31 U.S.C §3729 occurred in this district.

### PARTIES

6. Plaintiff-Relator, Litman, is an individual citizen of New York State, residing in Staten Island, New York. During relevant times, he has been employed by NY-HHC and as such performed professional services in this district, including New York and Queens Counties.

7. According to the representations of Defendant NY-HHC on its internet website, it is a public benefit corporation created in 1969 by the New York state legislature which has operated and continues to operate all of the public hospitals and clinics in New York City, and serves approximately 1.3 million New Yorkers annually, including more than 400,000 uninsured city residents. Each year NY-HHC facilities provide 225,000 admissions, one million emergency room visits and five million clinic visits to New Yorkers.

8. According to the representations of Defendant NY-HHC on its internet webset, the NY-HHC facilities include 11 public hospitals (*i.e.*, in NY-HHC parlance, each is known as an "acute care facility"), plus 4 skilled nursing facilities, 6 large diagnostic and treatment centers and more than 80 community-based primary care sites, serving primarily the poor and working

class, organized in 7 internal divisions labeled as “regional health networks,” a partial list of which follows (a more expansive list is contained in annexed Appendix “A”):

- i. SOUTH MANHATTAN HEALTH NETWORK, which includes:
  - a. **Bellevue Hospital Center** (*acute care facility*)
  - b. **Gouverneur Healthcare Services** (*diagnostic & treatment center*)
  - c. **Coler-Goldwater Specialty Hospital and Nursing Facility** (*nursing facility*)
  
- ii. GENERATIONS PLUS NORTHERN MANHATTAN HEALTH NETWORK, which includes:
  - a. **Lincoln Medical and Mental Health Center** (*acute care facility*)
  - b. **Harlem Hospital Center** (*acute care facility*)
  - c. **Metropolitan Hospital Center** (*acute care facility*)
  - d. **Renaissance Healthcare Network Diagnostic & Treatment Center** (*diagnostic & treatment center*)
  - e. **Morrisania Diagnostic Treatment Center** (*diagnostic & treatment center*)
  - f. **Segundo Ruiz Belvis Diagnostic Treatment Center** (*diagnostic & treatment center*)
  
- iii. NORTH BRONX HEALTH NETWORK, which includes:
  - a. **Jacobi Medical Center** (*acute care facility*)
  - b. **North Central Bronx Hospital** (*acute care facility*)
  
- iv. QUEENS HEALTH NETWORK, which includes:
  - a. **Elmhurst Hospital Center** (*acute care facility*)
  - b. **Queens Hospital Center** (*acute care facility*)
  
- v. NORTH BROOKLYN HEALTHCARE NETWORK, which includes:
  - a. **Woodhull Medical and Mental Health Center** (*acute care facility*)
  - b. **Cumberland Diagnostic Treatment Center** (*diagnostic and treatment center*)
  
- vi. CENTRAL BROOKLYN FAMILY HEALTH NETWORK, which includes:
  - a. **Kings County Hospital Center** (*acute care facility*)
  - b. **East New York Diagnostic & Treatment Center** (*diagnostic and treatment center*)
  - c. **Dr. Susan Smith McKinney Nursing and Rehabilitation Center** (*nursing facility*)



vii. SOUTHERN BROOKLYN AND STATEN ISLAND HEALTH NETWORK, which includes:

- a. **Coney Island Hospital** (*acute care facility*)
- b. **Sea View Hospital Rehabilitation Center & Home** (*nursing facility*)

9. On information and belief, Defendant **Louis R. Marcos**, was President of NY-HHC for approximately eight years, from 1994 to February 2002.

10. Defendant **Benjamin K. Chu** was President of NY-HHC for three years, from February 2002 (appointed by Mayor Bloomberg) to February 15, 2005, when he left NY-HHC to become president of the Southern California region of Kaiser-Permanente health system and health plan. From 1990 to 1994, Dr. Chu: (i) served as NY-HHC Senior Vice President for medical and professional affairs; and (ii) was acting commissioner of health for the New York City Department of Health and acting executive director for Kings County Hospital Center.

11. Defendant **Alan D. Aviles** has been President of NY-HHC from February 16, 2005 (when he was appointed by Mayor Bloomberg to succeed Dr. Chu as President) to the present date. However, Mr. Aviles also is Chief Executive Officer (“CEO”). Immediately prior to his positions as President and CEO of NY-HHC, Mr. Aviles was Senior Vice President for Queens Health Network,<sup>1</sup> one of NY-HHC’s seven (7) regional health networks. Prior to the Senior Vice President position, he was General Counsel for NY-HHC.

12. Defendant **Charlynn Goins**, during relevant times, has been a member of the Board of Directors of NY-HHC (hereafter, the “NY-HHC Board”), and currently is Chairperson for the NY-HHC Board.

13. Defendant **Edwin Mendez-Santiago**, during relevant times, has been a member of the NY-HHC Board, and currently is Vice-Chairperson for the NY-HHC Board.

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<sup>1</sup> Senior Vice President is the highest administrative position within each NY-HHC health network.

14. Defendant **Josephine Bolus**, during relevant times, has been a member of the NY-HHC Board. On information and belief, she is a registered nurse by profession.

15. Defendant **Marcia R. Brown**, during relevant times, has been a member of the NY-HHC Board. On information and belief, she is a medical doctor by profession.

16. Defendant **Robert Doar**, during relevant times, has been a member of the NY-HHC Board.

17. Defendant **Thomas R. Frieden**, during relevant times, has been a member of the NY-HHC Board. On information and belief, he is a medical doctor by profession.

18. Defendant **Linda T. Gibbs**, during relevant times, has been a member of the NY-HHC Board.

19. Defendant **John R. Maese**, during relevant times, has been a member of the NY-HHC Board. On information and belief, he is a medical doctor by profession.

20. Defendant **Cecilia E. Norat**, during relevant times, has been a member of the NY-HHC Board. On information and belief, she is an attorney by profession.

21. Defendant **Daniel D. Ricciardi**, during relevant times, has been a member of the NY-HHC Board. On information and belief, he is a medical doctor by profession.

22. Defendant **Bernard Rosen**, during relevant times, has been a member of the NY-HHC Board.

23. Defendant **Lloyd I. Sederer**, during relevant times, has been a member of the NY-HHC Board. On information and belief, he is a medical doctor by profession.

24. Defendant **Diane Lacey Winley**, during relevant times, has been a member of the NY-HHC Board. On information and belief, she is a reverend or minister by profession.

25. Defendant **Emily A. Youssouf**, during relevant times, has been a member of the NY-HHC Board.

26. Defendant **Pete Velez**, prior to November 2005, was Senior Vice President for NY-HHC's internal division known as "Queens Health Network," and, as such, reported directly to the NY-HHC President. In November 2005, Mr. Velez retired from NY-HHC.

27. Defendant **Ann Sullivan**, became Senior Vice President for NY-HHC's Queens Health Network after Alan D. Aviles was promoted (from Queens Health Center Senior Vice President to NY-HHC President), and in such position she reports directly to the NY-HHC President, and she currently remains in that position.

28. Defendant **Chris Constantino** ("Constantino"), during relevant times, was Chief Operating Officer of Elmhurst Hospital Center, in NY-HHC's Queens Health Network. He later was promoted to Executive Director of Elmhurst Hospital Center in the same network, and, as such, reported directly to the Senior Vice President for Queens Health Network.

29. Defendant **Antonio Martin**, during relevant times, was Executive Director of Queens Hospital Center, and, as such, reported directly to the Senior Vice President for NY-HHC's Queens Health Network.

30. Defendant **Jasmin Moshirpur**, during relevant times, was Medical Director of both Elmhurst Hospital Center and Queens Hospital Center, in NY-HHC's Queens Health Network, and Associate Dean of the teaching affiliate in NYU Mount Sinai Medical Center.

31. Defendant **Herman Smith**, during relevant times, was Associate Executive Director, Human Resources, for NY-HHC's Queens Health Network. He subsequently became Senior Associate Executive Director, Network Human Resources, for the Generations Plus Northern Manhattan Health Network.

32. Defendant **Lynda D. Curtis**, during relevant times, was Senior Vice President for NY-HHC's internal division known as "South Manhattan Health Network".

33. Defendant **Jose R. Sanchez**, during relevant times, was Senior Vice President for

NY-HHC's internal division known as "Generations Plus Northern Manhattan Health Network".

34. Defendant **William P. Walsh**, during relevant times, was Senior Vice President for NY-HHC's internal division known as "North Bronx Health Network".

35. Defendant **Jean G. Leon**, during relevant times, was Senior Vice President for NY-HHC's internal division known as "Central Brooklyn Family Health Network".

36. Defendant **Iris Jimenez-Hernandez**, during relevant times, was Senior Vice President for NY-HHC's internal division known as "North Brooklyn Healthcare Network".

37. Defendant **Peter Wolf**, during relevant times, was Senior Vice President for NY-HHC's internal division known as "Southern Brooklyn and Staten Island Health Network".

38. Defendant **NYU Mount Sinai Medical Center**, on information and belief, is a New York corporation which oversees and administers The Mount Sinai Medical Center, The Mount Sinai Hospital, and Mount Sinai School of Medicine, which operate an acute care facility in addition to operating as a teaching hospital.

39. Defendant **The Mount Sinai Medical Center**, on information and belief is a New York corporation which operates an acute care facility and a teaching hospital.

40. Defendant **The Mount Sinai Hospital**, on information and belief is a New York corporation which operates an acute care facility in addition to operating as a teaching hospital.

41. Defendant **Mount Sinai School of Medicine**, on information and belief is a New York corporation which operates as a teaching hospital.

42. Defendant **Peter W. May**, during relevant times, was Chairman of the Board of Trustees for NYU Mount Sinai Medical Center, The Mount Sinai Medical Center, The Mount Sinai Hospital, and Mount Sinai School of Medicine.

43. Defendant **Kenneth I. Berns**, from February 1, 2002 to March 21, 2003, was Chief Executive Officer of The Mount Sinai Medical Center.

44. Defendant **Kenneth L. Davis**, beginning March 21, 2003, became President and Chief Executive Officer of The Mount Sinai Medical Center, and Dean of Mount Sinai School of Medicine.

45. Defendant **Larry Hollier**, became President of The Mount Sinai Hospital in August 2002, and reported to the Chief Executive for The Mount Sinai Medical Center.

46. Defendant **John Does 1-10**, and Defendant **Jane Does 1-10**, refers to the persons whose identity currently is unknown to Plaintiff-Relator, Litman, who, along with the explicitly named Defendants, participated in the wrongful conduct alleged in this complaint.

## **I. BACKGROUND**

### **Education & Professional Experience**

47. Plaintiff-Relator, Litman graduated from Pace University in 1969 (38 years ago), from which he was awarded a Bachelor of Business Administration degree, with a concentration in accounting practices. From 1971-1974, he was employed as a controller for a private company, and subsequently as a senior accountant for an accounting firm. From 1974 to June 1997, he was employed by various medical centers and hospitals in the New York metropolitan area as an internal auditor, assistant controller or compliance officer.

48. Plaintiff-Relator, Litman has maintained many professional affiliations: (i) Hospital Financial Management Association, Metropolitan New York Chapter (Co-Chairman of Program Committee); (ii) Association of Healthcare Internal Auditors (Metropolitan New York Regional Coordinator); and (iii) Metropolitan Health Care Auditing Society (former President).

49. Plaintiff-Relator, Litman attended many professional conferences to remain current in healthcare compliance and auditing topics, thus insuring his professional analysis and findings adhered to federal and state regulations (*e.g.*, the Association of American Medical Colleges Compliance Seminar). This knowledge helped him design projected reviews, and analyze potential

trouble areas and exposure.

50. From June 11, 1997 to the present date, Plaintiff-Relator, Litman has been employed by NY-HHC. His personal experiences, inquiries, examinations and conclusions which are the sole basis for the allegations set forth in this complaint include critical events which occurred while he served in the following respective NY-HHC employment positions:

- Regional Senior Management Consultant/Auditing
- Associate Executive Director/Audits and Compliance for Queens Health Network
- Associate Executive Director/Materials Management for Queens Hospital Center

51. Plaintiff-Relator, Litman's initial responsibilities as Senior Management Consultant/Auditing were to perform internal and operational audits solely for Elmhurst Hospital Center. Subsequently, additional significant responsibilities were assigned to him, including:

- a. In the year 1998, his role as Senior Management Consultant/Auditor was expanded to include Queens Hospital Center, and he began performing internal and operational audits for Queens Hospital Center (while continuing to perform audits for Elmhurst Hospital Center). With the expanded responsibilities he was given a new title: "Associate Executive Director/Audits and Compliance for the Queens Health Network." He continued these functions until November 2006.
- b. In the year 1999, his functions were expanded to also include the position of Contract Liaison for both Elmhurst Hospital Center and Queens Hospital Center, and in this capacity he analyzed all facilities vendors contracts to try to make certain each contract complied with NY-HHC corporate policies; and
- c. In the year 2000, additional responsibilities were assigned to Plaintiff-Relator, Litman by Pete Velez, as Senior Vice President for NY-HHC's Queens Health Network. Among other things, Litman's functions grew to include the position of

Compliance Liaison Officer for Elmhurst and Queens Hospital Centers, and in this capacity he analyzed corporate compliance. Within NY-HHC, a Compliance Liaison Officer in a particular regional network was known as: a “Network Compliance Officer” (“NCO”).

52. For example, beginning in the year 2000, Plaintiff-Relator, Litman, as a NCO, first became a member of the Central Office Compliance Committee, which met regularly at the NY-HHC Central Office, 125 Worth Street, New York, New York.

53. Plaintiff-Relator, Litman conducted many internal audits at NY-HHC. For many of them, Plaintiff-Relator, Litman selected the financial or operational items to be reviewed. The Senior Vice President for Queens Health Network, internal Office of Inspector General (“HHC-OIG”) or Central Office Compliance Department in Manhattan might request or direct Plaintiff-Relator, Litman to review individuals, procedures and policies.

54. Throughout his NY-HHC employment, Plaintiff-Relator, Litman has maintained documents and records including audit reports and notes audit schedules and spreadsheets, and memoranda, etc. that were generated in the course of his duties. These records and documents corroborate the allegations of wrongdoing which are delineated throughout this civil complaint. Plaintiff-Relator, Litman retained copies of various documents that include responses to audit findings and recommendations and reports. These documents are available for court review.

55. Based on personal observations and analysis of records by Plaintiff-Relator, Litman - information he uncovered while working as Regional Associate Executive Director/ Audits and Compliance - there was a pattern of gross mismanagement, poor oversight and lack of concern or responsiveness by NY-HHC board members, officers, Central Office management, and individual facilities executives, who ignored, hid or covered-up substantial audit and compliance irregularities.

56. This pattern of mismanagement by NY-HHC board members, officers, and management and facilities executives, who ignored or failed to address system-wide medical and operational issues, jeopardized patient care and safety throughout the NY-HHC hospital system.

57. NY-HHC failed to properly respond to reported deficiencies and misconduct.

58. Based on personal observations and analysis of records by Plaintiff-Relator, Litman - information he uncovered while working as Regional Associate Executive Director/Audits and Compliance: (i) interns, residents, physicians in training, and physician assistants were permitted to treat patients without proper supervision and proper oversight and/or without proper signatures, signed contemporaneous with treatment; and (ii) non-licensed personnel were permitted to treat patients. In addition, based on information that Litman elicited from Adam Gordon (an Elmhurst Hospital Center manager), physicians in training were permitted to conduct surgery on patients without proper supervision or without proper signatures, signed contemporaneous with treatment. In numerous cases, supervising physicians were not in proximity to the interns, residents and physician assistants they were obliged to supervise. Guide-lines for teaching hospitals require supervising physicians and interns and residents to properly document notes kept in a patient's medical chart. Those guidelines were repeatedly violated by NY-HHC. Also, these medical services which were not properly performed were the subject of inappropriate "reimbursements" through indirect Graduate Medical Education payments.

59. Patients receiving treatment and care at NY-HHC facilities seek and expect a certain level of medical care regardless of their economic status. In many instances, this care was substandard, and not in accordance with Medicare and Medicaid guidelines. As a result, the lives of patients were endangered.

60. In addition, the Medicaid and Medicare programs suffered enormous economic damages. So-called "reimbursements" (through indirect GME Residency Program payments)



inappropriately received by NY-HHC (discussed in Complaint paragraph 58 (“¶ 58”), *supra*), were predicated on its having performed services in compliance with Medicare and Medicaid guidelines. NY-HHC had no right to seek a “reimbursement” for the many services which in fact were not performed, or were improperly performed.

61. Each of the countless so-called “reimbursements” that NY-HHC obtained for fictional medical services never actually performed was clearly a false claim.

62. A pattern of corruption, cover-up, selective enforcement and protection for certain staff members from discipline has existed at NY-HHC.

## **II. SUBSTANTIVE ALLEGATIONS – NY-HHC’s INNUMERABLE FALSE CLAIMS**

63. Over the course of eight years as Queens Health Network Associate Executive Director/Audit/Compliance, Plaintiff-Relator, Litman uncovered many illicit practices by NY-HHC, including: improper billings, cost report fraud, violations of the False Claims Act, and lack of physician’s supervision in direct contravention of Medicare and Medicaid requirements during investigations and audits. Plaintiff-Relator, Litman uncovered many instances in which personnel without proper training, proper credentials and/or proper oversight were allowed to have direct contact with patients without the direct supervision of a licensed medical professional. Plaintiff-Relator, Litman regularly uncovered patient safety issues, irregular accounting practices that violated Medicare, Medicaid and insurance regulations. He notified his NY-HHC superiors orally and in writing, by memoranda. However, no effective action was taken in response to his verbal and written reports containing his findings and recommendations. As a result, improper and inaccurate documentation and billing continued to be condoned within NY-HHC which led to NY-HHC’s filing of an enormous number of false claims (hundreds of millions of dollars) regarding the Medicare and Medicaid programs.

64. A pattern of malfeasance has permeated NY-HHC, and continues today, in which it fails to respond to compliance audits and reported deficiencies, fails to report overpayments by the federal government, and fails to provide appropriate repayments to government health insurance programs. In addition, there has been gross mismanagement, cover-ups, substandard oversight and poor execution, related to NY-HHC's compliance program. Some high ranking officials at NY-HHC grossly violated their fiduciary, patient care and safety responsibilities, facilitating substandard quality of care.

65. Plaintiff-Relator, Litman's audit reports were thorough and fair. His reports, in memoranda form with appropriate recommendations to correct NY-HHC deficiencies, were forwarded to the corresponding NY-HHC management personnel regarding individuals or topics under investigation. While investigating and auditing, Plaintiff-Relator, Litman analyzed money transactions, billing practices, compliance procedures, prevention, patient care, education and corrective action. Unfortunately, his attempts to encourage compliance and the implementation of corrective action were ignored or thwarted by certain administrative, medical, executive and other management personnel.

66. On information and belief, NY-HHC superiors ignored many of the verbal and written reports, in which Plaintiff-Relator, Litman identified wrongdoing or gross misconduct, because the misconduct was committed or condoned under the supervision of certain NY-HHC employees who were being protected by their own superiors. This corrupt pattern appears to be systemic in NY-HHC, instead of being just a few isolated instances. As a result, many of the findings and recommendations of Plaintiff-Relator, Litman were discounted or ignored.

67. Several referrals were made to NY-HHC OIG (*i.e.*, office of inspector general) regarding employees engaged in misappropriation of fund. These matters were not always acted on in a timely fashion, thus losing the opportunity to recover the funds, or seek restitution.

**A. NY-HHC Illicitly Acquired Substantial Excess Funds From the New York State Bad Debt and Charity Pool**

68. Pursuant to a federal initiative and the New York State Health Care Reform Act of 1996 (“HCRA”) *1996 N.Y. ALS 639; 1996 N.Y. LAWS 639; 1996 N.Y. A.N. 11330*,<sup>2</sup> beginning in 1997, each hospital in New York which treats indigent and non-insured patients has received annual funds from the New York State Bad Debt and Charity Pool (hereafter, “Bad Debt/Charity Pool”), which includes federal funds intended by the federal government to cover a portion of the expenses incurred by the hospital to treat indigent patients. The money provided to each hospital in New York is determined based on a formula established by New York State.

69. The initial regulations for the Bad Debt/Charity Pool were written in 1996. When New York implemented regulations, it granted special permission for NY-HHC to use its 1996 data as the basis for its share of the Bad Debt/Charity Pool for each successive year. However, the special permission was abused by NY-HHC in manipulating its 1996 data, which had the effect of enabling NY-HHC to receive substantially more than its fair share of the funds.

70. A natural consequence of NY-HHC’s misconduct, concerning the New York State Bad Debt and Charity Pool, was a reduction of the pool of funds available for other worthy New York hospitals to pay for treatments these other hospitals provided to indigent or uninsured patients seeking care from their facility.

71. In 1996, the patient numbers submitted by NY-HHC to determine the formula were not accurately reported by it. For example, the initial financial classification (“IFC”) for outpatients was not properly reclassified. Beginning in 1996 and continuing to the present date, NY-HHC’s policy and procedures were NOT to reclassify outpatients’ IFC to match the patients’ actual billing financial classifications. This failure by NY-HHC to properly re-classify the

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<sup>2</sup> See Public Health Law §2807, McKinney’s Consolidated Laws of New York, annotated.

financial classification for outpatients skewed the percentage recovery which NY-HHC would continue to receive each and every year thereafter. Despite NY-HHC's knowledge of the substantial error in its data, it intentionally perpetuated the exaggerated recovery.

72. For example, when an **outpatient** first presented herself as a self-pay or indigent patient, she was classified under the self-pay financial classification. When possible, NY-HHC would assist the outpatient to apply for government assistance, thus allowing it to bill a 3<sup>rd</sup> party payor. However, when payment subsequently was received by NY-HHC from a 3<sup>rd</sup> party payor (which often happened), NY-HHC did NOT properly reclassify the outpatient from the original self-pay classification designated by NY-HHC to a more accurate 3<sup>rd</sup> party payor classification. There were thousands of these events. As a result, NY-HHC substantially "double dipped" in the base year and successive years, collecting money from both 3<sup>rd</sup> party payors and the Bad Debt/Charity pool for the same treatment because the **outpatients** were not reclassified to match their proper financial classification. In addition to the fact that NY-HHC improperly received more funds from the Bad Debt/Charity Pool than it was entitled under law to receive, it appears, as a result of NY-HHC's violations, other hospitals received less than their share.

73. For example, when an **inpatient** self-pay patient account receivable ("ISP-PAR") was referred to an outside collection agency, NY-HHC transferred the ISP-PAR **from an active** account receivable file **to an inactive** account receivable file. However, on each subsequent occasion that a collection agency secured reimbursement from a 3<sup>rd</sup> party payor for the ISP-PAR, and the reimbursement was remitted to NY-HHC by the collection agency, NY-HHC did NOT reverse the records, even though proper practice would have been to transfer the ISP-PAR back from the inactive account receivable file to an active account receivable file. Instead, NY-HHC purposefully left the ISP-PAR in an inactive account receivable file, despite the truth that payment had been received from a 3<sup>rd</sup> party payor. A natural consequence of the NY-HHC's

conduct was that each self-pay financial classification was not revised to the proper insurance financial classification. There were thousands of these events. As a result, NY-HHC substantially “double dipped” in the base year and successive years, thereby collecting patient revenues from both 3<sup>rd</sup> party payors and New York State Bad Debt and Charity funds because these inpatients were not reclassified to match their proper financial classification. In addition to the fact that the NY-HHC improperly received more funds from the New York State Bad Debt and Charity Pool than it was entitled under law to receive, it appears, as a result of violations by NY-HHC, other hospitals received less than their share.

74. In his capacity as a NCO - Queens Health Network Associate Executive Director/Audit and Compliance, Plaintiff-Relator, Litman analyzed the regional outpatient billing operations, and the regional inpatient billing operations, and uncovered this practice of not reclassifying outpatients and inpatients to their proper financial classification.

75. Plaintiff-Relator, Litman found that, in many instances, NY-HHC employees took steps to help self-pay or uninsured patients obtain coverage with Medicaid or other government insurance assistance. However, as is discussed in Complaint ¶’s 71-73, *supra*, after it was determined by NY-HHC that private insurance was available, NY-HHC nonetheless submitted patient bills for payment from Medicaid or other government insurance coverage.

76. Appropriate hospital policy and practice is to reclassify the patient’s initial financial classification to the patient’s billing financial classification if the patient’s initial financial classification is not the billing intermediary. Because NY-HHC failed to do this (as is discussed in Complaint ¶’s 71-73, *supra*), it was paid twice for each of these patient treatments -- once from a 3<sup>rd</sup> party payor and a second time from New York State Bad Debt and Charity Pool. This practice represents false claims for patient care and a substantial loss to federal and state healthcare programs.

77. Moreover, this practice of failing to reclassify outpatients appears to be systemic within NY-HHC, and the standard operating procedure for all NY-HHC facilities.

**B. No Physician Supervision for NY-HHC Medical Residents**  
**- Lives of NY-HHC Patients Were Endangered**  
**- Federal Government Was Billed for Fictional**  
**and Unsupervised Services**

78. NY-HHC hospitals are categorized as medical teaching hospitals, which provide physicians services in a teaching setting. A teaching hospital is a hospital with an approved GME Residency Program in medicine, osteopathy, dentistry or podiatry.

79. Elmhurst Hospital Center and Queens Medical Center, which are designated as providers, receive Medicare reimbursement for interns and residents under the direct and indirect Graduate Medical Education payments methodology.

80. NY-HHC enters into agreements designed as affiliation contracts with various Medical Schools and Centers to supply salaried physicians and interns and residents for their hospitals. Elmhurst Hospital Center and Queens Medical Center have separate affiliation contracts with Mount Sinai Medical Center. In addition, Queens Medical Center has a separate affiliation contract with Long Island Jewish Medical Center for the Ophthalmology Service.

81. Elmhurst Hospital Center and Queens Medical Center reimburse Mt. Sinai Medical Center and Long Island Jewish Medical Center for physicians, interns and residents salaries. In these teaching settings, the interns and residents furnish medical and surgical services to patients within the scope of the training program. Teaching physicians are obligated to supervise the interns and residents services to patients. Each teaching physician is required to be located in the same room as the patient or in a room that is subdivided with partitioned or curtained areas to accommodate multiple patients.

82. The intern and/or resident documents in the patient's medical record ("PMR") his/her evaluation of the patient and proposed medical plan of action. The teaching physician writes a note in the PMR indicating his/her agreement or disagreement with the intern or resident evaluation and plan of action, and is required to sign and date the note contemporaneous with the patient evaluation and proposed medical plan of action by the intern or resident. In order for the teaching physician to determine if the intern or resident evaluation and medical plan of action is proper, the teaching physician must be available AND in the proximity to examine the patient.

83. During his analysis of operations at Elmhurst Hospital Center's Ophthalmology and Rehabilitation Clinics and Queens Hospital Center's Dental and Ophthalmology Clinics, Plaintiff-Relator, Litman uncovered the following (§'s 83.a – d. below):

- a. at **Elmhurst Hospital Center's Ophthalmology Clinic**, the majority of teaching physicians assigned to this clinic did not write a note in the patient's Medical Record - Progress Note Sheet ("PMR-PNS") indicating confirmation or correction of the intern or resident assessment.
- b. at **Elmhurst Hospital Center's Rehabilitation Clinic**, one teaching physician assigned to this clinic did not write a note in the PMR-PNS indicating confirmation or correction of the intern or resident assessment. Instead of the required teaching physician note, the intern or resident wrote that he/she discussed the case with the teaching physician (which was clearly non-compliant).
- c. at **Queens Hospital Center's Ophthalmology Clinic**, the majority of teaching physicians assigned to this clinic did not write a note in the PMR-PNS indicating confirmation or correction of the intern or resident assessment. Plaintiff-Relator, Litman brought this issue to the attention of Dr. Vivian Boniuk, Queens Hospital Center's Director of Ophthalmology. Dr. Boniuk acknowledged that the required

procedure was not being followed, but argued that, because of the need for additional funding, there was insufficient teaching physician staff and therefore NY-HHC could not comply.

- d. at **Queens Hospital Center's Dental Clinic**, the majority of teaching physicians assigned to this clinic did not write a note in the PMR-PNS indicating confirmation or correction of the intern or resident assessment. While there were some PMR-PNS's with a teaching physician's confirmation or correction of the intern/resident assessment, in actual practice the teaching physician usually wrote these notes later that day or the next day when the patient no longer was present in the clinic. In other words, the teaching physician rarely was in the same room or building, and in many instances failed to supervise the only partially trained student subordinate, or failed to conduct his/her own examination of the patient. In addition, the federal government often was billed for fictional and/or unsupervised services.

84. Plaintiff-Relator, Litman uncovered the fact that Queens Health Network did not meet the teaching hospital guidelines for reimbursing interns and residents under the direct and indirect GME Residency Program payments methodology.

85. Based on these findings and the fact that other NY-HHC Health Networks follow similar protocols and procedures, Plaintiff-Relator, Litman reasonably concluded the same circumstances (*i.e.*, manifest failure by NY-HHC supervising physicians to meet standards of care and prerequisite Medicare guidelines for submitting valid claims to the federal government) exist in each facility operated by NY-HHC in its seven respective regional networks.



**C. No Physician Supervision for NY-HHC Physician Assistants**  
**- Lives of NY-HHC Patients Were Endangered**  
**- Federal Government Was Billed for Fictional**  
**and Unsupervised Services**

86. Elmhurst Hospital Center and Queens Medical Center each hire physician assistants and assign them to the Emergency Department. Each physician assistant examines an Emergency Department patient and writes his/her assessments and medical action plan in the patient's Emergency Department Medical Record. However, a vast number of NY-HHC supervising physicians who were assigned to review each assessment by a physician assistant failed to sign and date the note in the patient's Emergency Department Medical Record agreeing or disagreeing with the physician assistant examination.

87. These manifest failures by NY-HHC, in enabling its supervising physicians to disregard their basic obligations, were egregious departures from medical standards of care, and a breach of public trust that jeopardized patient lives, and gross violations of Medicare guidelines prerequisite for the filing of a proper Medicare claim with the federal government.

88. Based on these findings and the fact that other NY-HHC Health Networks follow similar protocols and procedures, Plaintiff-Relator, Litman reasonably concluded that the same circumstances -- egregious departures from medical standards of care and the filing of false Medicare and Medicaid claims -- have taken place in each facility operated by NY-HHC in its seven regional health networks.

**D. Illicit Billing at Queens Health Network**  
**Ophthalmology Clinics**

89. Plaintiff-Relator, Litman audited Elmhurst Hospital Center and Queens Hospital Center Ophthalmology Clinics. The audit showed both clinics have made countless false claims by billing, as purported clinic visits charged to third parties insurers such as Medicare, Medicaid and Medicaid Managed Care, the following ancillary hospital services:

- Diurnal Curve
- Fluorescence Angiogram
- Intraocular Pressure
- Refraction
- Visual Field

90. Some of these ancillary services (summarized in Complaint ¶ 89, *supra*) were part of a patient's hospital clinic visit, and should NOT have been billed as a separate clinical visit (which falsely represented to the federal government that there were two clinical visits when in truth there was only one clinical visit). In addition, Elmhurst Hospital Center's Ophthalmology Clinic bills many patients' eye dilations as a separate clinical visit in addition to the patient's clinical visit on the same day. This results in a false billing of two ophthalmology clinical visits even though in truth there was only one ophthalmology clinical visit.

91. The improperly billed ancillary services and eye dilations billed as clinical visits for both facilities total 3,380 in one year.

**E. Illicit Billing at Elmhurst Hospital Center's Rehabilitation Clinics**

92. At Elmhurst Hospital Center and Queens Hospital Center Rehabilitation, NY-HHC utilized unlicensed Technicians and Patient Care Associates to assist or provide care in the Inpatient Rehabilitation Patient Units and Physical Therapy and Occupation Therapy Clinics instead of licensed Physical Therapy Assistants and/or Occupation Therapy Assistants. Unless a properly licensed individual gives the care to the patient, it is improper for the facility to bill and receive payment from the third party carrier, and the patient's medical record is not properly documented unless the entry is made by a licensed person.

93. The above-described treatment and billing practice was performed throughout all of the NY-HHC facilities. NY-HHC knowingly failed to report the improper billings to Medicare and Medicaid, and has not provided any reimbursements to these fiscal intermediaries.

**F. Community Health Care Conversion Demonstration Project (a/k/a: "CHP")**

94. In 1997, the US-HHS (*i.e.*, the United States Department of Health and Human Services) approved New York State's Section 1115 Medicaid demonstration titled "The Partnership Plan." This plan enrolled 2.4 million eligible New Yorkers in managed care plans.

95. The Partnership Plan includes help for "safety net" hospitals that served the Medicaid population to assist these hospitals in making a successful transition to managed care.

96. In or about June 2005, Plaintiff-Relator, Litman decided to audit the expenditures related to applications for and expenditure of CHP funds (*i.e.*, the Community Health Care Conversion Demonstration Project; see footnote 1, *infra*).<sup>2</sup>

97. Under this component (*i.e.*, CHP) of New York's broader Medicaid reform demonstration, two hundred fifty million dollars (\$250 million) was available each year for five years (a total of \$1.25 billion) to help with workforce restructuring and other changes such as expansion of facilities needed to provide the basic care necessary for a smooth transition to managed care.

98. Funds are distributed among qualified hospitals through a weighted formula that gives more CHP funds to institutions with the most Medicaid and uninsured patients.

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<sup>2</sup> "CHP" means the Community Health Care Conversion Demonstration Project (CHP). Under this component of New York's broader Medicaid reform demonstration, two hundred fifty million dollars (\$250 million) was available each year for five years to help with work force restructuring and other changes such as expansion of facilities needed to provide basic care necessary for a smooth transition to managed care.

99. Each qualifying hospital submits to New York State, a plan for how the institution will use funds from this project (CHP) to restructure its work force and make other changes to adapt to a managed care environment.

100. In effect, the Queens Health Network as well as other NY-HHC facilities used these funds for normal operational expenses. Certain Queens Health Network internal guidelines were not followed, which increased the Community Health Care Conversion Demonstration expenditures.

101. In addition, as discussed in Complaint ¶'s 71-73, *supra*, the funds allocated to NY-HHC were higher because Queens Health Network's patient financial classifications were false: (i) no Outpatient financial classification is revised by NY-HHC after it determines a patient has third party coverage and/or is self-pay; and (ii) the money which outside collection agencies (to whom inpatient self-pay accounts receivable had been referred by NY-HHC) collected from inpatients and remitted to NY-HHC, purposefully was ignored by Defendants. Payments received from outside collection agencies for referred ISP-PAR (*i.e.*, inpatient self-pay accounts receivable) were not reclassified to their proper financial classification.

102. These improper practices by Defendants enabled NY-HHC to obtain excessive CHP funds to which NY-HHC clearly was not entitled.

103. Based on these findings and the fact that other NY-HHC health networks follow similar protocols and procedures, Plaintiff-Relator, Litman reasonably concluded the same errors (*i.e.*, improper use of CHP funds, which resulted in NY-HHC submitting false claims to the federal government) exist in each facility operated by NY-HHC in its seven regional networks.

104. Plaintiff-Relator, Litman initiated an audit of the Elmhurst Hospital Center and Queens Hospital Center CHP program. He ended the audit after being informed by the afore-described Adam Gordon that Constantino (who then was Elmhurst Hospital Center's Chief

Operating Officer) did not look favorably on his (*i.e.*, Litman's) audit of the CHP program. Subsequently, Plaintiff-Relator, Litman was relieved of his position as Regional Associate Executive Director/Audit and Compliance and reassigned to a new position: Queen Hospital Center's Associate Executive Director/Materials Management (this matter is further discussed in Complaint, Section IV, *infra*).

105. During the period of time in which Plaintiff-Relator, Litman conducted this audit, he started to review the following CHP programs at NY-HHC:

- Elmhurst Hospital Center's and Queens Hospital Center's Education Upgrade Project,
- Elmhurst Hospital Center's Learning Center,
- Elmhurst Hospital Center's and Queens Hospital Center's Patient Shutter,
- Elmhurst Hospital Center's Sunnyside and Corona Facility Practices.

106. Plaintiff-Relator, Litman discovered that both Elmhurst Hospital Center and Queens Hospital Center were violating Queens Health Network guidelines, federal and state regulations for the above projects.

107. Plaintiff-Relator, Litman uncovered that the majority of employees applying for funds in the Education Upgrade Project did not meet the revised QHN HR Policy No. 29, Education Assistant Program's guidelines. The QHN HR Policy No. 29, Education Assistant Program stated that each employee had to pay 20% of the tuition cost and repay the tuition cost for any grade failures. Elmhurst Hospital Center and Queens Hospital Center did not mandate that its employees pay their 20% share of tuition. Thus, the hospitals incurred unnecessary and unauthorized expenses, respectively, of \$139,093 (the 20% staff co-pay required by employees of Elmhurst Hospital Center) and \$37,894 (the 20% staff co-pay required by employees of Queens Hospital Center), which was a misuse of federal funds. Based on these facts, Plaintiff-

Relator, Litman concluded that the remaining expenditures of \$556,371 for Elmhurst Hospital Center (the 80% applicable to this hospital) and \$151,577 for Queens Hospital Center (the 80% applicable to this hospital) should not have been charged to this federally subsidized program since the network guidelines were not satisfied.

108. Plaintiff-Relator, Litman discovered that certain employees' salaries and fringe benefits were directly charged to the Learning Center Project although the employees' hours spent working on the project ranged from zero to sixty-two percent. The Learning Center Project was charged \$206,469 of Elmhurst Hospital Center operational personnel services expenses.

109. Plaintiff-Relator, Litman uncovered the fact that Elmhurst Hospital Center and Queens Hospital Center charged operational expenses for the services of drivers who drove vehicles in the Patient Shuttle Project, related to the CHP program. The exclusive purpose of the CHP Patient Shuttle Project was to transfer patients between both hospital facilities. However, for the period of time from January 2005 through June 2005, only twenty-five percent (25%) of shuttle trips were for patients, while seventy-five percent (75%) were for transporting NY-HHC employees between Elmhurst Hospital Center and Queens Hospital Center. These employees should have used public transportation, car service or their own personal vehicles. The cost of employees using public transportation, car service or their own personal vehicles was a hospital reimbursable expense to be paid out of the hospitals' operational funds. By permitting employees to use the CHP patient shuttle for work related transportation, NY-HHC exploited CHP funds. The cost of any drivers' services for the CHP patient shuttle in excess of 25% should have been considered operational expenses and not charged to the CHP Patient Shuttle Project.

110. Plaintiff-Relator, Litman could not determine the total sum of money devoted to driver's operational personnel services charged to this project because he was compelled to conclude the audit (as is discussed in Section IV of this Complaint, *infra*, titled: "Substantive

Allegations Regarding the NY-HHC's retaliation against Plaintiff-Relator, Litman").

111. Plaintiff-Relator, Litman discovered the Sunnyside and Corona Facility Practices Projects had serious deficiencies. Elmhurst Hospital Center's Operational Certificates for the Sunnyside and Corona Facility Practices indicated that pediatric service was available at these offsite facilities although, in truth, pediatric service had been discontinued at both facilities.

112. Plaintiff-Relator, Litman promptly informed NY-HHC administrative personnel that he had discovered this deficiency in the Operational Certificates. However, despite the information provided by Plaintiff-Relator, Litman in reporting this serious error and the need for corrective action, NY-HHC subsequently took no action to inform the New York State Department of Health or to request revised Operational Certificates.

113. Plaintiff-Relator, Litman discovered that private physicians had rented space in the Sunnyside and Corona Facility to treat pediatric patients, and that the space within the NY-HHC facilities occupied by the private practices of these physicians was not distinct from the hospitals' offsite clinics - including open doorways and common entrance space - which was in clear violation of Medicaid guidelines. Plaintiff-Relator, Litman also discovered that the private practices of these physicians were sharing Elmhurst Hospital Center's personnel and systems.

114. These actions by NY-HHC, Elmhurst Hospital Center and the private physicians violated Medicaid regulations. Any "reimbursements" received by the private physicians with the assistance of NY-HHC for treating pediatric patients should be repaid to Medicaid.

**G. Other Fraudulent Transactions**

115. In a 2005 audit, Plaintiff-Relator, Litman uncovered the fact that Herman Smith, Associate Executive Director/Human Resources for Queens Health Network, had used NY-HHC operational funds to pay for his own personal education (to obtain a Masters of Business

Administration degree) in the sum of \$54,798 without proper authority or approval and without the requisite documentation.

116. In this audit report, Plaintiff-Relator, Litman informed Queens Health Network's Chief Financial Officer, Julius Wool, concerning the negative findings and the fact that the Network had substantial exposure resulting from the improper use of funds by Herman Smith.

117. Plaintiff-Relator, Litman started a separate investigation based on an anonymous complaint left on his phone voice mail which alleged that certain employees of Elmhurst Hospital Center were not paying for parking their own personal vehicles in the parking facility managed by an outside vendor, Central Parking System. Plaintiff-Relator, Litman ultimately discovered two NY-HHC managers (Wayne Zimmerman, NY-HHC administrator responsible for the parking garage at Elmhurst Medical Center, and Bob Becker) had not paid fees for their personal vehicles, and based on this determination Plaintiff-Relator, Litman verbally and in writing notified Constantino, Chief Operating Officer for Elmhurst Hospital Center of the gross misconduct. Constantino later stated he questioned Zimmerman and Becker concerning the matter, and they presented documents as proof they paid for the parking. However, Plaintiff-Relator, Litman's subsequent analysis revealed the "supporting" documents were fabricated subsequent to the date on which the charges of wrongdoing were first raised (*i.e.*, hand-written cash receipts out of sequence and backdated).

118. Plaintiff-Relator, Litman promptly informed Constantino that Zimmerman and Becker's documents were fabricated, and there was no credible evidence in their favor. However, Litman's report and conclusions were ignored by Constantino, and no action was taken against Zimmerman or Becker. In fact, Zimmerman subsequently was promoted. It was well known that Zimmerman and Becker had a pre-existing close relationship with Constantino. This in effect was a "cover-up" of serious financial improprieties in which a hospital Chief Operating



Officer protected two managers who reported to him.

119. Regarding Herman Smith's misuse of Elmhurst Hospital Center's operational funds for his own personal education, Plaintiff-Relator, Litman on multiple occasions met with NY-HHC OIG investigators to discuss the audit and negative findings. The HHC-OIG was intended to be an independent arm of NY-HHC. However, the HHC-OIG took no action -- there has been no reimbursement by Herman Smith and he remains employed at NY-HHC in the same position.

120. Discussions with members of the HHC-OIG solidified Plaintiff-Relator, Littman's concerns that his efforts to identify and investigate issues where NY-HHC had exposure for fraud, waste and abuse, were not being taken seriously within NY-HHC because there was no resolution to most issues raised in his reports of gross misconduct delivered to the HHC-OIG.

121. During these discussions -- of gross misconduct by NY-HHC personnel reported by Plaintiff-Relator, Litman -- Norman Dion, NY-HHC-Inspector General, informed him that he has whistleblower protection, is protected from retaliation by NY-HHC and cannot be removed from his auditing and compliance position without cause. Contrary to Mr. Dion's representation, the NY-HHC subsequently retaliated against Plaintiff-Relator, Litman and removed him from his auditing and compliance position (discussed in Complaint Section IV, *infra*).

### **III. SUBSTANTIVE ALLEGATIONS REGARDING NY-HHC's COMPLIANCE FAILURES**

#### **The NY-HHC Compliance Program Was Defective in Design and Implementation**

122. The US-HHS (*i.e.*, United States Department of Health and Human Services) consistently provides written guidelines and updates for hospital providers to maintain a *bona fide* compliance program.

123. The US-HHS Office of Inspector General (“US-HHS-OIG”) issued the Publication of the US-HSS-OIG Compliance Guidance for Hospitals in 1998. While the guidance provided by the US-HSS-OIG is voluntary in nature, the components of this guidance are frequently included in reviews by government regulators or healthcare oversight organizations. At a minimum, comprehensive compliance programs should include seven elements:

- i. The development and distribution of written standards of conduct, as well as written policies and procedures that promote the hospital’s commitment to compliance (e.g., by including adherence to compliance as an element in evaluating managers and employees) and that address specific areas of potential fraud, such as claims development and submission processes, code gaming, and financial relationships with physicians and other health care professionals.
- ii. The designation of a chief compliance officer and other appropriate bodies (e.g., a corporate compliance committee) charged with the responsibility of operating and monitoring the compliance program and who report directly to the CEO and governing body.
- iii. The development and implementation of regular, effective education and training programs for all affected employees.
- iv. The maintenance of a process, such as a hotline, to receive complaints, and the adoption of procedures to protect the anonymity of complainants and to protect whistleblowers from retaliation;
- v. The development of a system to respond to allegations of improper/illegal activities and the enforcement if of appropriate disciplinary action against

- employees who have violated internal compliance policies, applicable statutes, regulations or Federal health care program requirements.
- vi. The use of audits and/or other evaluation techniques to monitor compliance and assist in the reduction of identified problem area; and
  - vii. The investigation and remediation of identified systemic problems and the development of policies addressing the non-employment or retention of sanctioned individuals.

Source: Federal Register/Vol. 63 No. 35 Monday February 23, 1998.

124. Guidance from the US-HSS-OIG firmly sets forth specific guidance for establishment of Compliance Programs in hospital settings. This guidance, as discussed above, makes clear there is an expectation of affirmative action by medical care facilities to provide training, education, programs, maintain an open line of communication for reporting issues and concerns, including the use of a “hotline.” It has become an industry practice to maintain a log of activity and follow-up from hotline and other sources of complaints and concerns.

125. Further, the United States Sentencing Commission (“USSC”) promulgated and published Organizations Guidelines in 1995 and updated and revised this guidance in 2007, setting forth expectations for United States Organizations and Corporations. In Chapter 8 of the 2005 Federal Sentencing Guidelines, the USSC describes Compliance Programs by outlining seven key criteria for effective programs, as below:

### **2005 Federal Sentencing Guidelines**

#### **Chapter 8 - PART B - Remediating harm from criminal conduct, and effective compliance and ethics program**

##### **§8B2.1. Effective Compliance and Ethics Program**

- (a) To have an effective compliance and ethics program, for purposes of subsection (f) of §8C2.5 (Culpability Score) and subsection (c)(1) of

§8D1.4 (Recommended Conditions of Probation - Organizations), an organization shall—

- (1) exercise due diligence to prevent and detect criminal conduct; and
- (2) otherwise promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law.

Such compliance and ethics program shall be reasonably designed, implemented, and enforced so that the program is generally effective in preventing and detecting criminal conduct. The failure to prevent or detect the instant offense does not necessarily mean that the program is not generally effective in preventing and detecting criminal conduct.

(b) Due diligence and the promotion of an organizational culture that encourages ethical conduct and a commitment to compliance with the law within the meaning of subsection (a) minimally require the following:

- (1) The organization shall establish standards and procedures to prevent and detect criminal conduct.
- (2)
  - (A) The organization's governing authority shall be knowledgeable about the content and operation of the compliance and ethics program and shall exercise reasonable oversight with respect to the implementation and effectiveness of the compliance and ethics program.
  - (B) High-level personnel of the organization shall ensure that the organization has an effective compliance and ethics program, as described in this guideline. Specific individual(s) within high-level personnel shall be assigned overall responsibility for the compliance and ethics program.
  - (C) Specific individual(s) within the organization shall be delegated day-to-day operational responsibility for the compliance and ethics program. Individual(s) with operational responsibility shall report periodically to high-level personnel and, as appropriate, to the governing authority, or an appropriate subgroup of the governing authority, on the effectiveness of the compliance and ethics program. To carry out such operational responsibility, such individual(s) shall be given adequate resources, appropriate authority, and direct access to the

governing authority or an appropriate subgroup of the governing authority.

(3) The organization shall use reasonable efforts not to include within the substantial authority personnel of the organization any individual whom the organization knew, or should have known through the exercise of due diligence, has engaged in illegal activities or other conduct inconsistent with an effective compliance and ethics program.

(4)

(A) The organization shall take reasonable steps to communicate periodically and in a practical manner its standards and procedures, and other aspects of the compliance and ethics program, to the individuals referred to in subdivision (B) by conducting effective training programs and otherwise disseminating information appropriate to such individuals' respective roles and responsibilities.

(B) The individuals referred to in subdivision (A) are the members of the governing authority, high-level personnel, substantial authority personnel, the organization's employees, and, as appropriate, the organization's agents.

(5) The organization shall take reasonable steps—

(A) to ensure that the organization's compliance and ethics program is followed, including monitoring and auditing to detect criminal conduct;

(B) to evaluate periodically the effectiveness of the organization's compliance and ethics program; and

(C) to have and publicize a system, which may include mechanisms that allow for anonymity or confidentiality, whereby the organization's employees and agents may report or seek guidance regarding potential or actual criminal conduct without fear of retaliation.

(6) The organization's compliance and ethics program shall be promoted and enforced consistently throughout the organization through (A) appropriate incentives to perform in accordance with the compliance and ethics program; and (B) appropriate disciplinary measures for engaging in criminal conduct and for failing to take reasonable steps to prevent or detect criminal conduct.

(7) After criminal conduct has been detected, the organization shall take reasonable steps to respond appropriately to the criminal conduct and to prevent further similar criminal conduct, including making any necessary modifications to the organization's compliance and ethics program.

(c) In implementing subsection (b), the organization shall periodically assess the risk of criminal conduct and shall take appropriate steps to design, implement, or modify each requirement set forth in subsection (b) to reduce the risk of criminal conduct identified through this process.

126. Similar to the earlier guidance provided to hospital organizations from the US-HHS-OIG, these elements of the United States Sentencing Guidelines include:

- Oversight by high level personnel;
- Due care in delegating substantial discretionary authority;
- Effective communication to all levels of employees;
- Reasonable steps to achieve compliance, which include systems for monitoring, auditing, and reporting suspected wrongdoing without fear of reprisal;
- Consistent enforcement of compliance standards including disciplinary mechanisms;
- Reasonable steps to respond to and prevent further similar offense upon detection of a violation.

Source: <http://www.uscc.gov/corp/ORGOVERVIEW.pdf>

127. At a number of levels, NY-HHC failed to meet expectations or responsibilities for "good citizenship" in the service of those in need of medical care in New York City. Importantly, NY-HHC failed to maintain proper logs to record complaints from staff, patients, patient families, vendors and other persons. In the Compliance field, it is appropriate to log complaints, assign follow-up to staff members, log findings and/or any action recommended and taken following a

thorough investigation. This log is generally made available for review by auditors and regulators to understand and track the response and action of management in compliance matters.

128. The Deficit Reduction Act (DRA) of 2005 requires enhanced attention to Medicaid Program Fraud. Several elements focus on the requirement for healthcare entities.

129. Section 6032 of the DRA of 2005 (DRA) became effective on January 1, 2007, requiring large health care organizations (receiving five million dollars or more in annual Medicaid reimbursement) to inform employees about certain fraud and abuse laws and about the whistleblower provisions in those laws. These organizations are required to adopt written policies for all employees, contractors, and agents that address the following three areas:

- a. Provision of detailed information about the False Claims Act and comparable state anti-fraud statutes, including whistleblower provisions in those laws;
- b. Inclusion of detailed descriptions regarding the company's policies and procedures for preventing fraud and abuse;
- c. Employee handbooks must describe the rights of employees to be protected as whistleblowers and must restate the company's policies concerning false claims laws and the company's internal process for preventing fraud and abuse.

130. Generally, the policies mandated by DRA § 6032 must be in writing and must be "detailed" and "specific." As a practical matter, organizations generally incorporate the policies mandated by § 6032 into existing corporate, compliance, and/or Code of Conduct policies in the same format and style as existing policies and they can be communicated the same way. Every large healthcare entity should develop a written policy that identifies:

- a. the federal False Claims Act;
- b. state criminal and civil false claim or false statement laws;
- c. the whistleblower protections in the federal False Claims Act;

d. any whistleblower protections under state false claim laws.

131. It is expected that these policies include statements pertaining to the role of such laws in preventing and deterring fraud, waste, and abuse. The DRA makes compliance with §6032 a condition of receiving Medicaid payment, and failure to meet the requirements could result in the forfeiture of all Medicaid payments during the period of noncompliance.

132. Clearly, this recent law (DRA) reiterates and retrenches the concerns of Congress to reduce the instances of fraud, waste and abuse in federal health care programs. In addition, the concerns of the USSC are made clear in the guidance to organizations and entities, including those engaged in the provision of health care treatment and services.

133. NY-HHC established a corporation-wide Compliance Program. However, it was defective in design and execution.

134. During Plaintiff-Relator, Litman's tenure as Regional Associate Executive Director/Audit and Compliance, the Central Office Chief Compliance Officer was located in New York County. Plaintiff-Relator, Litman and other Network Compliance Officers ("NCO's") met quarterly at NY-HHC Central Office to discuss work plan facilities issues.

135. Generally, NCO's by practice worked separate from the top compliance officer - the Central Office Chief Compliance Officer - and instead reported to a business officer - the Network Senior Vice President. This is why each NCO routed his or her reports, memos and documentation to the local Network Senior Vice President. However, there was an inherent substantial conflict of interest in NY-HHC's developing and following this practice, by which compliance issues generally were reported solely to business officers.

136. If good compliance practice had been followed by NY-HHC (which it knowingly failed to do), the NCO's would have reported solely to the top compliance officer - the Central Office Chief Compliance Officer - who would have reported to the NY-HHC Board of Directors,



who then would had made certain that corrective action was taken by business officers to cure the noncompliance.

137. Each network has a separate Compliance Committee that usually met monthly to discuss a US-HHS workplan and areas to be audited due to possible compliance issues. The Central Office Chief Compliance Officer usually attends the monthly meetings of the Network Compliance Committee. The Queens Health Network Compliance Committee was not chaired by the Compliance Officer, but by a financial representative such as Deputy Executive Director. This constituted a conflict of interest and a manifest failure of accepted compliance practice.

138. NCO's worked independently on specific compliance complaints that were routed through the Network Senior Vice President, and NY-HHC general compliance issues that were reported to the Network Compliance Committee. The NCO's retain reports and other related memos and documentation.

139. NY-HHC installed a "Hotline" for staff, patients, vendors and other interested persons to report any issues which concerned them to NY-HHC management. This "Hotline" was advertised as an outlet for parties to lodge complaints or bring attention to issues or concerns within the health care enterprise. This communications and reporting channel was intended to allow anonymous reporting.

140. The Chief Compliance Officer reviewed all calls and made a determination whether to refer a complaint to a NCO. However, if a matter was assigned to a NCO by the Chief Compliance Officer, the NCO was not obliged or required subsequently to report back the findings of the hotline call allegation(s) to the Chief Compliance Officer.

141. The NY-HHC compliance program had major deficiencies and one glaring deficiency was the policy of individual hospital Chief Compliance Officer's not sending certain compliance findings and recommendations to the top compliance officer within all of NY-HHC

-- the NY-HHC Corporate Chief Compliance Officer (also known as "Central Office Chief Compliance Officer"). Without coordination and documentation of compliance officer actions and findings concerning cases, investigations and inquiries, the Central Office had no documentation concerning these investigations, which is in contravention with established protocols and expectations in the compliance field.

142. During many respective conversations in or about the year 2001, in which Stan Brezinsky, the Central Office Chief Compliance Officer, and Plaintiff-Relator, Litman and other NY-HHC employees participated (*i.e.*, face-to-face meetings and telephone conferences), Mr. Brezinsky unequivocally stated his position as Central Office Chief Compliance Officer was in reality one without power or authority and without the independence necessary to perform the duties and exercise proper oversight and good business practice. As a result, the Central Office Chief Compliance Officer was precluded, by NY-HHC's own flawed internal practices, from satisfying the duties and responsibilities of compliance professionals.

143. In addition, Plaintiff-Relator Litman personally heard Mr. Brezinsky make the same statement to all of the other persons who attended the NY-HHC Central Office Compliance Committee meetings, which were held usually quarterly. Those meetings were attended by the respective compliance officers from each NY-HHC network.

144. Individual Network Compliance Officers also were without proper independence, authority and autonomy. In conversations with the Network Chief Compliance Officer to whom he reported, Plaintiff-Relator, Litman was told the entire compliance program was not supported by NY-HHC executives, thus the Chief Compliance Officer position and corporate and facility compliance program were ineffective. These substantially adverse circumstances clearly did not satisfy the criterion for a proper compliance program.

145. The role of Plaintiff-Relator, Litman as a compliance officer within NY-HHC was purposefully marginalized by his superiors.

146. The so-called “system of compliance” at NY-HHC was clearly too decentralized and without proper oversight. NY-HHC also failed to maintain proper record keeping practices.

147. In a proper system of compliance, the top compliance officer and his or her assistants, in order to remain independent, should not report to the chief executive officer, the chief financial officer, or one of their assistants. Instead, the top compliance officer should report directly to the Board of Directors.

148. The recent actions of the federal government in holding Boards of Directors accountable reinforce the conclusion that the only appropriate persons to whom a chief compliance officer should report are the members of the Board of Directors.

149. However, NY-HHC purposefully chose not to follow proper compliance procedure, and instead compelled its compliance officers to report to business officers whose departments were the subject of the compliance audits.

**IV. SUBSTANTIVE ALLEGATIONS  
REGARDING THE NY-HHC’S RETALIATION  
AGAINST PLAINTIFF-RELATOR, LITMAN**

150. In October 2005, NY-HHC suddenly removed Plaintiff-Relator, Litman from his audit and compliance responsibilities by relieving him of his position as Regional Associate Executive Director/Audits and Compliance and reassigning him to the position of Queens Hospital Center’s Associate Executive Director/Materials Management. Litman was compelled to accept this new position because the Elmhurst Hospital Center’s Executive Director informed him that the only position available to him at the Elmhurst Hospital Center was in Facilities Management and the position was not full-time but a part-time position.

151. The reassignment of Plaintiff-Relator, Litman out of his position as Queens

Health Network Associate Executive Director/Audit and Compliance position, where he worked for 8 years, was a calculated move to relieve him of auditor and compliance functions. NY-HHC officials who compelled his reassignment to a position with no audit or compliance function wanted to stop his audits, his uncovering of illegal acts and wrongdoings by NY-HHC, and his efforts to assure compliance with federal and state regulations and NY-HHC guidelines. The reassignment prevented Plaintiff-Relator, Litman from continuing his efforts to make certain that undeserved funds received by NY-HHC were returned to the Medicaid and Medicare programs.

152. However, subsequent to his removal from auditing and compliance duties, Plaintiff-Relator, Litman continued to maintain relationships with his former colleagues in the audit, compliance and medical staffs.

153. The arbitrary reassignment of Plaintiff-Relator, Litman to a new position in which he no longer would conduct audits and compliance reviews was not requested by him, and was inappropriate under the circumstances, for at least three different reasons:

- a. First, the reassignment had the effect of obstructing ongoing investigations.
- b. Second, the reassignment was inconsistent with Plaintiff-Relator, Litman's education and training which were concentrated in the fields of finance, auditing and compliance. In addition to substantial education and training in finance, auditing and compliance, he also had vast hands-on experience during many years of service as a veteran professional healthcare auditor and compliance officer. His professional memberships were concentrated in the finance, auditing and compliance. Those specialties were at the heart of the position he was forced to relinquish (audit and compliance), but NOT at the heart of the new position he was compelled to assume (materials management).

- c. Third, not only was the Queens Hospital Center's materials management position which Plaintiff-Relator, Litman was compelled to accept as his new assignment, a job unrelated to his extensive education, training and years of experience in finance, auditing and compliance positions, the new position would require distinct education and training in different fields.

154. As a direct result of the arbitrary reassignment, Plaintiff-Relator, Litman was relieved of his oversight responsibilities and unable to continue to assist NY-HHC in audits and compliance efforts to protect patients and assure quality care from health care providers.

155. The shift of responsibilities for Plaintiff-Relator, Litman from audit and compliance concerning programs, policy review, personnel and medical practices, to overseeing inanimate objects, in effect was a professional neutering of Plaintiff-Relator, Litman imposed by NY-HHC in order to stop his inquiries, investigations and reports.

156. Because Plaintiff-Relator, Litman was concerned he might suffer additional retaliation due to the fact that the two employees accused of theft of services related to parking facilities were personal friends of an upper level NY-HHC supervisor, Plaintiff-Relator, Litman contacted the HHC-OIG. Plaintiff-Relator, Litman presented his report and supporting documentation to the HHC-OIG Investigators.

157. Subsequently, certain Central Parking System managers informed Plaintiff-Relator, Litman that they had met with HHC-OIG Investigators to discuss these events. The Central Parking System managers reported their own company had disciplined the Parking Garage Manager who permitted these NY-HHC managers to fail to pay for parking services. However, the Central Parking System managers stated they were concerned that the NY-HHC managers at Elmhurst Hospital Center never were held accountable for their theft of services.

158. During the third quarter of 2005, Plaintiff-Relator, Litman met with HHC-OIG staff (*i.e.*, the NY-HHC Inspector General and First Deputy Inspector General) to discuss prior reports and other events. During the meeting, Litman explained that Elmhurst Hospital Center's Executive Director had relieved him of his auditing and compliance functions, and, he was being transferred out of his job as Network Auditor and Compliance Officer. The NY-HHC Inspector General and First Deputy Inspector General each stated this reassignment of employment positions was inappropriate and possibly illegal as the reassignment appeared to be obvious retaliation for the acts of Plaintiff-Relator, Litman in reporting wrongdoing by NY-HHC employees. In almost all instances, NY-HHC never properly responded to Plaintiff-Relator, Litman's identification of issues that needed to be corrected or remedied.

159. In addition, the Inspector General and the First Deputy Inspector General explicitly stated their belief that Plaintiff-Relator, Litman had the basis for a lawsuit against the NY-HHC because he had whistleblower protection. However, the HHC-OIG never took any other steps to protect Plaintiff-Relator, Litman.

160. On information and belief, each of the named Defendants, who was a board member, officer or key executive of NY-HHC during the relevant events, participated in the misconduct of NY-HHHC and other Defendants which violated the False Claims Act.

## V.

### FIRST COUNT

#### **False Claims in Violation of 31 U.S.C. §§ 3729(a)(1), (a)(2), and (a)(7), Against All Defendants**

161. Plaintiff-Relator, Litman repeats and realleges all of the allegations contained in Complaint ¶s 1-160, *supra*, as if they were fully set forth herein.

162. Defendants knowingly presented, or caused to be presented, to the United States by false claim for payment or approval; knowingly made, or caused to be made or used, a false

record or statement to get a false or fraudulent claim paid or approved by the United States; and knowingly made, used, or caused to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money to the United States.

163. Each Defendant is liable under the Federal False Claims Act, including the following Sections thereof: 31 U.S.C. §§ 3729(a)(1), (a)(2), and (a)(7).

## VI.

### SECOND COUNT

#### **Conspiracy to Submit False Claims in Violation of 31 U.S.C. § 3729(a)(3), Against All Defendants**

164. Plaintiff-Relator, Litman repeats and realleges all of the allegations contained in Complaint ¶'s 1-160, *supra*, as if they were fully set forth herein.

165. Defendants combined, conspired, and agreed together to default the United States by knowingly submitting false claims to the United States for the purpose of getting the false and fraudulent claims paid or allowed and committed the other overt acts in furtherance of that conspiracy, all in violation of 31 U.S.C. § 3729(a)(3), causing damage to the United States.

## VII.

### THIRD COUNT

#### **Retaliation in Violation of 31 U.S.C. § 3730(11) Against Defendant NY-HHC**

166. Plaintiff-Relator, Litman repeats and realleges all of the allegations contained in Complaint ¶'s 1-160, *supra*, as if they were fully set forth herein.

167. By their conduct, Defendants demoted, threatened, harassed and discriminated against Plaintiff-Relator, Litman in the terms and conditions of employment because of lawful acts done by Plaintiff-Relator, Litman on behalf of himself and the United States in furtherance of this action, causing damage to Plaintiff-Relator, Litman compensable pursuant to the Act.

168. Each Defendant is liable under the Federal False Claims Act, including the following section thereof: 31 U.S.C. § 3730(11).

### VIII.

#### PRAYER FOR RELIEF

WHEREFORE, the Plaintiff-Relator, Litman respectfully requests this Court shall enter judgment in favor of the United States and Plaintiff-Relator-Litman, as the case may be, against each of the Defendants jointly and severally, and the judgment shall include the following relief:

(a) an award in favor of the United States of damages in the amount of three times the actual damages sustained by the United States because of the false claims and fraud alleged in this Complaint, as provided by the Civil False Claims Act, 31 U.S.C. § 3729, *et seq.*;

(b) civil penalties of \$11,000 for each and every false claim that defendants presented to the United States;

(c) both pre-judgment and post-judgment interest, along with reasonable attorneys' fees, costs, and expenses;

(d) a permanent injunctive relief to prevent any recurrence of the violations of the False Claims Act for which redress is sought in this Complaint;

(e) the maximum amount which is allowed to be awarded to the Plaintiff-Relator pursuant to the False Claims Act;

(f) for the Third Count, Plaintiff-Relator, Litman shall obtain all relief which is needed to make him whole, including, but not limited to, reinstatement to a full time position, two times his back pay as an employee in a full time position, and other compensatory damages sustained as a result of defendants' harassment and retaliation; and

(g) an award in favor of the United States and in favor of Plaintiff-Relator, Litman as the case may be, of such additional relief and further relief which the Court deems to



be just and proper under the circumstances.

**IX.**

**DEMAND FOR JURY TRIAL**


Plaintiff-Relator, Litman, on behalf of himself and the United States, demands a jury trial on all claims alleged in this Complaint.

Dated: New York, New York  
November 6, 2007

Respectfully submitted,

*Attorneys for Plaintiff-Relator,  
Martin F. Litman*

KUCKER & BRUH, LLP  
747 Third Avenue, 12<sup>th</sup> Floor  
New York, New York 10017  
Telephone: (212) 869-5030

By:   
William D. Hummell, Esq.  
(WDH - 7071)

## Appendix "A"

The NY-HHC facilities are organized into seven (7) internal divisions known as regional health networks, which collectively include a total of eleven acute care facilities, four skilled nursing facilities, six large diagnostic and treatment centers, and eighty community based clinics:

1. **South Manhattan Health Network**, which includes:
  - a. **Bellevue Hospital Center** (acute care facility);  
-----
  - b. **Gouverneur Healthcare Services** (diagnostic and treatment center);  
-----
  - c. **Coler-Goldwater Specialty Hospital and Nursing Facility** (nursing home);
  
2. **Generations Plus Northern Manhattan Health Network**, which includes:
  - a. **Lincoln Medical and Mental Health Center** (acute care facility);
  - b. **Harlem Hospital Center** (acute care facility);
  - c. **Metropolitan Hospital Center** (acute care facility);  
-----
  - d. **Renaissance Healthcare Network Diagnostic & Treatment Center** (diagnostic and treatment center);
  - f. **Morrisania Diagnostic Treatment Center** (diagnostic and treatment center);
  - f. **Segundo Ruiz Belvis Diagnostic Treatment Center** (diagnostic and treatment center);
  
3. **North Bronx Health Network**, which includes:
  - c. **Jacobi Medical Center** (acute care facility);
  - d. **North Central Bronx Hospital** (acute care facility);
  
4. **Queens Health Network**, which includes:
  - a. **Elmhurst Hospital Center** (acute care facility);
  - b. **Queens Hospital Center** (acute care facility);

5. **North Brooklyn Healthcare Network**, which includes:
  - a. **Woodhull Medical and Mental Health Center** (acute care facility);  
-----
  - e. **Cumberland Diagnostic Treatment Center** (diagnostic and treatment center);
  
6. **Central Brooklyn Family Health Network**, which includes:
  - c. **Kings County Hospital Center** (acute care facility);  
-----
  - b. **East New York Diagnostic & Treatment Center** (diagnostic and treatment center);  
-----
  - c. **Dr. Susan Smith McKinney Nursing and Rehabilitation Center** (nursing home);
  
7. **Southern Brooklyn and Staten Island Health Network**, which includes:
  - a. **Coney Island Hospital** (acute care facility); and  
-----
  - b. **Sea View Hospital Rehabilitation Center & Home** (nursing home).

## Appendix B

### Document List

Documents and records maintained by NY-HHC as internal business records will substantiate Plaintiff-Relator's allegations. These business records documents should include the following:

- Schedule from patient account system list of indigent/self-pay patients
- Documentation of funds drawn from NY State Charity Pool
- Hotline log
- Patient's medical records ("PMR")
- Proposed medical plan of action ("MPOA") for individual patients
- Inpatient and outpatient accounts receivables. For each patient account the following items are contained:
  1. Charges- - Procedure and/or ancillary charges, room rates operating room costs, pharmacy medication costs etc.
  2. Gross receivable – Total charges
  3. Allowance – Amount written off, which is the difference between gross and net receivables
  4. Net accounts receivable – Amount due from third party insurer
  5. For outpatient receivables, the allowance and net receivable is not indicated in the unit payment which is received
- The active and inactive file is maintained in each facility

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA Ex rel.  
MARTIN F. LITMAN,

Plaintiff,

- against -

NEW YORK CITY HEALTH AND HOSPITALS CORPORATION  
BELLEVUE HOSPITAL CENTER, HARLEM HOSPITAL CENTER,  
QUEENS HOSPITAL CENTER, ELMHURST HOSPITAL CENTER,  
LINCOLN MEDICAL AND MENTAL HEALTH CENTER, KINGS  
COUNTY HOSPITAL CENTER, METROPOLITAN HOSPITAL  
CENTER, WOODHULL MEDICAL AND MENTAL HEALTH  
CENTER, NORTH CENTRAL BRONX HOSPITAL, CONEY  
ISLAND HOSPITAL, JACOBI MEDICAL CENTER,  
LOUIS R. MARCOS, BENJAMIN K. CHU, ALAN D. AVILES,  
CHARLYNN GOINS, EDWIN MENDEZ-SANTIAGO,  
JOSEPHINE BOLUS, MARCIA R. BROWN, ROBERT DOAR,  
THOMAS R. FRIEDEN, LINDA I. GIBBS, JOHN R. MAESE,  
CECILIA E. NORAT, DANIEL D. RICCIARDI, BERNARD  
ROSEN, LLOYD I. SEDERER, DIANE LACEY WINLEY,  
EMILY A. YOUSOUF, PETE VELEZ, ANN MARIE  
SULLIVAN, CHRIS CONSTANTINO, ANTONIO MARTIN,  
et al.,

Defendants.

**AFFIRMATION  
OF SERVICE  
OF DISCLOSURE  
ON FEDERAL  
GOVERNMENT  
PRIOR TO  
FILING COMPLAINT**

**QUI- TAM LAWSUIT**

(PURSUANT TO  
31 U.S.C. § 3730(b))

**FILED UNDER SEAL**

(PURSUANT TO  
31 U.S.C. § 3730(b)(2))

AFFIRMATION OF SERVICE OF WRITTEN DISCLOSURE  
ON FEDERAL GOVERNMENT PRIOR TO FILING COMPLAINT,  
IN COMPLIANCE WITH 31 U.S.C. § 3730(b)(1)

**WILLIAM D. HUMMELL, ESQ.**, pursuant to 28 U.S.C. §1746, subscribes and affirms  
the following is true under penalty of perjury:

1. I am a member of the bar of this court, and a partner in Kucker & Bruh, LLP  
("K&B"), attorneys for the plaintiff-relator Martin F. Litman in the above-entitled Qui Tam civil  
action, pursuant to the federal False Claims Act (31 U.S.C. §3729, *et seq.*), in which the plaintiff

is proceeding pursuant to authority granted in 31 U.S.C. §3730(b). I have personal knowledge of the relevant facts based on my having reviewed the court papers and participated in the relevant events.

2. In compliance with 31 U.S.C. §3730(b)(1), prior to filing the civil complaint and accompanying Rule 7.1 Statement under seal as provided by 31 U.S.C. §3730(b)(2), on behalf of the plaintiff-relator, I personally served a copy of the complaint and written disclosure of substantially all of the material evidence and information possessed by the plaintiff-relator on the federal government.

Dated: New York, New York  
November 7, 2007



William D. Hummell, Esq. (WH 7071)

**U.S. District Court  
District of South Carolina (Beaufort)  
CIVIL DOCKET FOR CASE #: 9:05-cv-02533-PMD**

USA v. Hilton Head Medical Center and Clinics et al  
Assigned to: Honorable Patrick Michael Duffy  
Case in other court: 07-01521  
Fourth Circuit, 7-1485  
7-1666  
Cause: 31:3729 False Claims Act

Date Filed: 09/01/2005  
Date Terminated: 04/25/2007  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**USA**

represented by **Andrew D Gowdown**  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Hilton Head Medical Center and Clinics**  
*TERMINATED: 11/06/2006*

**Defendant**

**Hilton Head Health System LP**

represented by **E Douglas Pratt-Thomas**  
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 404-881-7000  
 Email: bill.jordan@alston.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Tenet Healthcare Corp**  
*formerly known as*  
 National Medical Enterprises  
*formerly known as*  
 American Medical International Inc

represented by **E Douglas Pratt-Thomas**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Brian R Stimson**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**William H Jordan**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Tenet South Carolina Inc**  
*TERMINATED: 11/06/2006*

**Defendant**

**Tenet Healthsystem Holdings Inc**  
*TERMINATED: 11/06/2006*

**Defendant**

**Tenet Healthsystem Hilton Head Inc**  
*TERMINATED: 11/06/2006*

**Defendant**

**Tenet Physician Services Hilton Head Inc**

represented by **E Douglas Pratt-Thomas**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Brian R Stimson**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**William H Jordan**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Hilton Head Medical Group Cardiology  
 LLC**

represented by **E Douglas Pratt-Thomas**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Brian R Stimson**

**Date Discrepancy Cases 437**

(See above for address)  
**ATTORNEY TO BE NOTICED**

**William H Jordan**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**AMISUB Hilton Head Inc**  
*TERMINATED: 11/06/2006*

**Defendant**

**AMISUB Development of South Carolina Inc**  
*TERMINATED: 11/06/2006*

**Defendant**

**James Douglas Johnston**  
*MD, individually and as a member of the Medical Staff*

represented by **Hutson Sanford Davis , Jr**  
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**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/01/2005	<a href="#">1</a>	COMPLAINT against all defendants ( Filing fee \$ 250 receipt number 300010974.) Service due by 12/30/2005, filed by USA.(eric, ) (Entered: 09/02/2005)
12/15/2005	<a href="#">5</a>	Letter from Jonathan S. Gasser (cper, ) (Entered: 12/15/2005)
07/20/2006	<a href="#">6</a>	DECLARATIONbyUSA <i>Notice of Election to Decline Intervention.</i> (Aldrich, Jennifer) (Entered: 07/20/2006)
07/25/2006	<a href="#">7</a>	Order that the complaint be unsealed and served upon the defendant and that the seal be lifted as to all other matters occurring in this action. Further details set forth in order. Signed by Judge Patrick Michael Duffy on 7/24/06. (cper, ) (Entered: 07/25/2006)
11/06/2006	<a href="#">8</a>	NOTICE of Voluntary Dismissal of certain defendants without prejudice by USA (Gowdown, Andrew) (Entered: 11/06/2006)
11/16/2006	<a href="#">9</a>	MOTION for Leave to Effect Service <i>on Defendant James Douglas Johnston by Court-Directed Alternate Process</i> by USA.Response to Motion due by 12/4/2006 (Attachments: #

**Date Discrepancy Cases 438**

		<a href="#">1</a> Exhibit 1: Order of Temporary Suspension 7-31-01# <a href="#">2</a> Exhibit 2: Complaint# <a href="#">3</a> Exhibit 3: Order of Temporary Suspension 5-24-04# <a href="#">4</a> Exhibit 4: Final Order# <a href="#">5</a> Exhibit 5: Order of Indefinite Suspension# <a href="#">6</a> Exhibit 6: Judgment in a Criminal Case# <a href="#">7</a> Proposed Order Granting Leave to Effect Service on Defendant James Douglas Johnston by Alternative Process)Proposed order is being emailed to chambers with copy to opposing counsel(Gowdown, Andrew) (Entered: 11/16/2006)
11/20/2006	<a href="#">10</a>	ACCEPTANCE OF SERVICE OF COMPLAINT by USA. Tenet Physician Services Hilton Head Inc served on 11/20/2006, answer due 12/11/2006; Hilton Head Medical Group Cardiology LLC served on 11/20/2006, answer due 12/11/2006; Hilton Head Health System LP served on 11/20/2006, answer due 12/11/2006; Tenet Healthcare Corp served on 11/20/2006, answer due 12/11/2006. (Gowdown, Andrew) (Entered: 11/20/2006)
12/05/2006	<a href="#">11</a>	MOTION to Appear Pro Hac Vice by Andrew M. Beato ( Filing fee \$ 250 receipt number 821982) by USA.Response to Motion due by 12/26/2006 (Attachments: # <a href="#">1</a> Certificate of Good Standing)Proposed order is being emailed to chambers with copy to opposing counsel(Rosen, Richard) (Entered: 12/05/2006)
12/05/2006	<a href="#">12</a>	MOTION to Appear Pro Hac Vice by Robert F. Muse ( Filing fee \$ 250 receipt number 822013) by USA.Response to Motion due by 12/26/2006 (Attachments: # <a href="#">1</a> Certificate of Good Standing)Proposed order is being emailed to chambers with copy to opposing counsel(Rosen, Richard) (Entered: 12/05/2006)
12/05/2006	<a href="#">13</a>	MOTION to Appear Pro Hac Vice by Gerard E. Mitchell ( Filing fee \$ 250 receipt number 822027) by USA.Response to Motion due by 12/26/2006 (Attachments: # <a href="#">1</a> Certificate of Good Standing)Proposed order is being emailed to chambers with copy to opposing counsel(Rosen, Richard) (Entered: 12/05/2006)
12/05/2006	<a href="#">14</a>	ORDER granting <a href="#">11</a> Motion to Appear Pro Hac Vice by Andrew M. Beato, Esquire; granting <a href="#">12</a> Motion to Appear Pro Hac Vice by Robert F. Muse, Jr., Esquire; and granting <a href="#">13</a> Motion to Appear Pro Hac Vice by Gerard E. Mitchell, Esquire. Signed by Judge Patrick Michael Duffy on 12/5/06.(chub, ) (Entered: 12/05/2006)
12/05/2006	<a href="#">15</a>	ORDER granting <a href="#">9</a> Motion for Leave to effect service on defendant James Douglas Johnson by alternate process. Signed by Judge Patrick Michael Duffy on 12/5/06.(chub, ) (Entered: 12/05/2006)
12/06/2006	<a href="#">17</a>	Summons Issued (Restricted Access) as to James Douglas Johnston. (cper, ) (Entered: 12/06/2006)
12/08/2006	<a href="#">19</a>	CONSENT ORDER allowing Defendants Hilton Head Health System, L.P.; Tenet Healthcare Corporation f/k/a National Medical Enterprises and American Medical International; Tenet Physician Services - Hilton Head, Inc.; and Hilton Head Medical Group - Cardiology, L.L.C. an extention until 12/22/2006 to file a Motion to Dismiss; and further allowing Plaintiff an extension until 1/22/2007 to file a Memorandum in opposition to said motion. Signed by Judge Patrick Michael Duffy on 12/8/06. (chub, ) (Entered: 12/08/2006)
12/08/2006	<a href="#">21</a>	NOTICE of Appearance by E Douglas Pratt-Thomas on behalf of Tenet Physician Services Hilton Head Inc, Hilton Head Medical Group Cardiology LLC, Hilton Head Health System LP, Tenet Healthcare Corp (Pratt-Thomas, E) Modified filing date on 12/12/2006 (cper, ). (Entered: 12/11/2006)
12/11/2006	<a href="#">20</a>	Deficiency Memo for the Notice of Appearance # 18. See attached Deficiency Memo. Any response due is based on the filing date of the original document. Docket Correction due 12/12/2006. (cper, ) (Entered: 12/11/2006)
12/11/2006	<a href="#">22</a>	SUMMONS Returned Executed by USA. James Douglas Johnston served on 12/7/2006,

**Date Discrepancy Cases 439**

		answer due 12/27/2006. (Attachments: # <a href="#">1</a> Affidavit of Service with USPS return receipt attached)(Gowdown, Andrew) Modified Service and Answer Due Date on 12/11/2006 (cper, ). (Entered: 12/11/2006)
12/11/2006		DOCKET ANNOTATION - NO Correction by attorney required -Modified Service and Answer Due Date for Entry <a href="#">22</a> . James Douglas Johnston served on 12/7/2006, answer due 12/27/2006. (cper, ) (Entered: 12/11/2006)
12/12/2006		ENTRY 18 DELETED re <a href="#">20</a> Deficiency Memo. Corrected Filing Document Number: <a href="#">21</a> Modified filing date to that of original filing: 12/8/06 (cper, ) (Entered: 12/12/2006)
12/20/2006	<a href="#">23</a>	MOTION to Appear Pro Hac Vice by William H. Jordan ( Filing fee \$ 250 receipt number 840211) by Tenet Physician Services Hilton Head Inc, Hilton Head Medical Group Cardiology LLC, Hilton Head Health System LP, Tenet Healthcare Corp.Response to Motion due by 1/8/2007 (Attachments: # <a href="#">1</a> Affidavit Application & Affidavit for Pro Hac Vice Admission)Proposed order is being emailed to chambers with copy to opposing counsel(Pratt-Thomas, E) (Entered: 12/20/2006)
12/21/2006	<a href="#">24</a>	ORDER granting <a href="#">23</a> Motion to Appear Pro Hac Vice by William H. Jordan, Esquire. Signed by Judge Patrick Michael Duffy on 12/21/06.(chub, ) (Entered: 12/21/2006)
12/21/2006	<a href="#">25</a>	MOTION to Appear Pro Hac Vice by Brian R. Stimson ( Filing fee \$ 250 receipt number 841399) by Tenet Physician Services Hilton Head Inc, Hilton Head Medical Group Cardiology LLC, Hilton Head Health System LP, Tenet Healthcare Corp.Response to Motion due by 1/8/2007 (Attachments: # <a href="#">1</a> Affidavit & Application for Admission Pro Hac Vice)Proposed order is being emailed to chambers with copy to opposing counsel(Pratt-Thomas, E) (Entered: 12/21/2006)
12/22/2006	<a href="#">26</a>	MOTION to Dismiss by Tenet Physician Services Hilton Head Inc, Hilton Head Medical Group Cardiology LLC, Hilton Head Health System LP, Tenet Healthcare Corp.Response to Motion due by 1/11/2007 (Attachments: # <a href="#">1</a> Memo in Support # <a href="#">2</a> Exhibit Exh 1 - "Suit Alleges Medicare Defrauded"# <a href="#">3</a> Exhibit Exh 2 - Consent Order# <a href="#">4</a> Exhibit Exh 3 - 2004-2005 State Health Plan# <a href="#">5</a> Exhibit Exh 4 - "Debate Exists Over Where to Allow Cardiac Caths"# <a href="#">6</a> Exhibit Exh 5 - 1999 SC State Health Plan# <a href="#">7</a> Exhibit Exh 6 - Leeds Declaration# <a href="#">8</a> Exhibit Exh 7 - "Heart Problems"# <a href="#">9</a> Exhibit Exh 8 - "Statistics Inconsistent on Heart Procedure"# <a href="#">10</a> Exhibit Exh 9 - "Patients Urged to Contact Doctors"# <a href="#">11</a> Exhibit Exh 10 - "Patients Must Be Told About Rules Violations"# <a href="#">12</a> Exhibit Exh 11 - "DHEC Reviews Hospital Decision"# <a href="#">13</a> Exhibit Exh 12 - PAMI Study# <a href="#">14</a> Exhibit Exh 13(a) - unpublished cases# <a href="#">15</a> Exhibit Exh 13(b) - unpublished cases# <a href="#">16</a> Exhibit Exh 13(c) - unpublished cases)No proposed order(Pratt-Thomas, E) (Entered: 12/22/2006)
12/27/2006	<a href="#">27</a>	NOTICE of Appearance by Hutson Sanford Davis, Jr on behalf of James Douglas Johnston (Davis, Hutson) (Entered: 12/27/2006)
12/27/2006	<a href="#">28</a>	CONSENT ORDER extending deadline for defendant Johnson to file a responsive pleading until 1/16/2007. Signed by Judge Patrick Michael Duffy on 12/27/06. (chub, ) (Entered: 12/27/2006)
12/27/2006	<a href="#">29</a>	ORDER granting <a href="#">25</a> Motion to Appear Pro Hac Vice by Brian R. Stimson, Esquire. Signed by Judge Patrick Michael Duffy on 12/27/06.(chub, ) (Entered: 12/27/2006)
01/12/2007	<a href="#">30</a>	MOTION to Dismiss <i>Plaintiffs' Complaint</i> by James Douglas Johnston.Response to Motion due by 2/1/2007 No proposed order(Melling, Andrew) (Entered: 01/12/2007)
01/22/2007	<a href="#">31</a>	RESPONSE in Opposition re <a href="#">30</a> MOTION to Dismiss <i>Plaintiffs' Complaint</i> , <a href="#">26</a> MOTION to Dismiss Response filed by USA.Reply to Response to Motion due by 2/1/2007 (Attachments: # <a href="#">1</a> Exhibit 1:Final Order dated 8/10/05# <a href="#">2</a> Exhibit 2: Indictment and Guilty Plea# <a href="#">3</a> Exhibit 3: Letter dated 9/13/05# <a href="#">4</a> Exhibit 4: Complaint dated 2/8/06# <a href="#">5</a> Exhibit 5:

**Date Discrepancy Cases 440**

		Order Denying Motion to Dismiss dated 10/2/06# <a href="#">6</a> Exhibit 6: 6: S.C. Health Plans for 1996 and 1997 (part 1 of 2)# <a href="#">7</a> Exhibit 6: S.C. Health Plans for 1996 and 1997 (part 2 of 2)# <a href="#">8</a> Summons 7: AHA Journal Article (part 1 of 3)# <a href="#">9</a> Exhibit 7: AHA Journal Article (part2 of 3)# <a href="#">10</a> Exhibit 7: AHA Journal Article (part 3 of 3)# <a href="#">11</a> Exhibit 8: Settlement dated 6/29/94# <a href="#">12</a> Exhibit 9: Lowman Declaration (part 1 of 3)# <a href="#">13</a> Exhibit 9: Lowman Declaration (part 2 of 3)# <a href="#">14</a> Exhibit 9: Lowman Declaration (part 3 of 3)# <a href="#">15</a> Exhibit 10: Settlement Agreement dated 8/4/03# <a href="#">16</a> Exhibit 11: Press Release dated 6/29/06# <a href="#">17</a> Exhibit 12: Order of Temporary Suspension dated 7/31/02# <a href="#">18</a> Exhibit 13: Complaint dated 4/25/02# <a href="#">19</a> Exhibit 14: Order of Indefinite Suspension dated 10/5/05# <a href="#">20</a> Exhibit 15: Judgment in a Criminal Case dated 12/16/05# <a href="#">21</a> Exhibit 16: Letter dated 9/6/00# <a href="#">22</a> Exhibit 17: Consent Order and Agreement dated 2/2/01# <a href="#">23</a> Exhibit 18: Decision in State of Illinois v. University of Chicago Hospitals dated 10/6/06# <a href="#">24</a> Exhibit 19: Senate Report dated 7/28/86 (part 1 of 2)# <a href="#">25</a> Exhibit 19: Senate Report dated 7/28/86 (part 2 of 2)) (Gowdown, Andrew) (Entered: 01/22/2007)
02/01/2007	<a href="#">32</a>	RESPONSE in Support re <a href="#">26</a> MOTION to Dismiss Response filed by Tenet Physician Services Hilton Head Inc, Hilton Head Medical Group Cardiology LLC, Hilton Head Health System LP, Tenet Healthcare Corp. (Attachments: # <a href="#">1</a> Exhibit A)(Pratt-Thomas, E) (Entered: 02/01/2007)
02/01/2007	<a href="#">33</a>	RESPONSE in Support re <a href="#">30</a> MOTION to Dismiss <i>Plaintiffs' Complaint Reply Memorandum in Support</i> Response filed by James Douglas Johnston. (Melling, Andrew) (Entered: 02/01/2007)
03/29/2007	34	ORAL ORDER of protection for Andrew D. Gowdown, Esquire for May 7-11, 2007. Signed by Judge Patrick Michael Duffy on 3/29/07. (chub, ) (Entered: 03/29/2007)
04/24/2007	<a href="#">35</a>	ORDER granting <a href="#">26</a> Motion to Dismiss; granting <a href="#">30</a> Motion to Dismiss. Signed by Judge Patrick Michael Duffy on 4/24/07.(asmi, ) Replaced Order on 4/25/2007 (cper, ). (Entered: 04/24/2007)
04/25/2007		DOCKET ANNOTATION - Order <a href="#">35</a> was replaced by the clerk with permission from chambers. (cper, ) (Entered: 04/25/2007)
04/25/2007	<a href="#">36</a>	SUMMARY JUDGMENT in favor of Defendants Hilton Head Health System, L.P., Tenet Healthcare Corporation, Tenet Physician Services - Hilton Head, Inc., Hilton Head Medical Group - Cardiology, L.L.C. and Defendant James Douglas Johnston against United States of America ex rel. Bruce G. Lowman, M.D., Plaintiff. (cper, ) (Entered: 04/25/2007)
05/22/2007	<a href="#">37</a>	NOTICE OF APPEAL re <a href="#">37</a> summary judgment in favor of defendants, Filing fee \$ 455, receipt number 1023092. The Docketing Statement form, Transcript Order form and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov (Gowdown, Andrew) (Entered: 05/22/2007)
05/23/2007	<a href="#">38</a>	Transmittal Sheet for Notice of Appeal to USCA re <a href="#">37</a> Notice of Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (jwol, ) (Entered: 05/23/2007)
06/04/2007	<a href="#">40</a>	NOTICE OF CROSS APPEAL as to <a href="#">35</a> Order on Motion to Dismiss, by Tenet Physician Services Hilton Head Inc, Hilton Head Medical Group Cardiology LLC, Hilton Head Health System LP, Tenet Healthcare Corp. Filing fee \$ 455, receipt number 1035902. The Docketing Statement form, Transcript Order form, and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov (Pratt-Thomas, E) (Entered: 06/04/2007)
06/04/2007	<a href="#">41</a>	Transmittal Sheet for Notice of Appeal to USCA re <a href="#">40</a> Notice of Cross Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the

**Date Discrepancy Cases 441**

		certified list in lieu of the record and/or the certified copy of the docket entries. (jwol, ) (Entered: 06/04/2007)
06/14/2007	<a href="#">43</a>	NOTICE OF CROSS APPEAL by James Douglas Johnston. Filing fee \$ 455, receipt number 1051200. The Docketing Statement form, Transcript Order form, and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov (Melling, Andrew) (Entered: 06/14/2007)
06/15/2007	<a href="#">44</a>	Transmittal Sheet for Notice of Appeal to USCA re <a href="#">43</a> Notice of Cross Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (jwol, ) (Entered: 06/15/2007)
06/15/2007		ENTRY DELETED: entry # 44 deficiency memo, deleted due to clerk's error. (jwol,) (Entered: 06/15/2007)
06/26/2007	<a href="#">45</a>	CERTIFICATE OF CLERK that record on appeal is complete and available for transmission to Court of Appeals upon request re <a href="#">43</a> Notice of Cross Appeal, <a href="#">40</a> Notice of Cross Appeal, <a href="#">37</a> Notice of Appeal, (jwol, ) (Entered: 06/26/2007)
06/27/2007	<a href="#">46</a>	MOTION for Extension of Time <i>for Filing Notice of Appeal</i> by James Douglas Johnston. Response to Motion due by 7/16/2007 No proposed order(Melling, Andrew) (Entered: 06/27/2007)
07/05/2007	<a href="#">47</a>	ORDER granting <a href="#">46</a> Motion for Extension of Time to file Notice of Appeal. Signed by Judge Patrick Michael Duffy on 7/5/07.(chub, ) (Entered: 07/05/2007)
07/18/2007	<a href="#">48</a>	ORDER of USCA consolidating the appeals as to <a href="#">43</a> Notice of Cross Appeal, filed by James Douglas Johnston, <a href="#">40</a> Notice of Cross Appeal, filed by Hilton Head Medical Group Cardiology LLC, Tenet Healthcare Corp, Tenet Physician Services Hilton Head Inc, Hilton Head Health System LP, <a href="#">37</a> Notice of Appeal, filed by USA (Lead Case 07-1485) (ltap, ) (Entered: 07/18/2007)
01/07/2009	50	Appeal Remark re <a href="#">37</a> Notice of Appeal, <a href="#">43</a> Notice of Cross Appeal, <a href="#">40</a> Notice of Cross Appeal, : per Case Manger on 12/29/08, there is a petition for rehearing pending in this matter. (ltap, ) (Entered: 01/07/2009)
01/07/2009	<a href="#">51</a>	DISPOSITION ORDER of USCA as to <a href="#">43</a> Notice of Cross Appeal, filed by James Douglas Johnston, <a href="#">40</a> Notice of Cross Appeal, filed by Hilton Head Medical Group Cardiology LLC, Tenet Healthcare Corp, Tenet Physician Services Hilton Head Inc, Hilton Head Health System LP, <a href="#">37</a> Notice of Appeal, filed by USA. The judgment of the district court is affirmed. (ltap, ) (Entered: 01/07/2009)
01/20/2009	<a href="#">52</a>	DISPOSITION ORDER of USCA denying the petition for rehearing en banc as to <a href="#">43</a> Notice of Cross Appeal, filed by James Douglas Johnston, <a href="#">40</a> Notice of Cross Appeal, filed by Hilton Head Medical Group Cardiology LLC, Tenet Healthcare Corp, Tenet Physician Services Hilton Head Inc, Hilton Head Health System LP, <a href="#">37</a> Notice of Appeal, filed by USA (sshe, ) (Entered: 01/20/2009)
01/28/2009	<a href="#">53</a>	USCA JUDGMENT affirming the USDC judgment as to <a href="#">43</a> Notice of Cross Appeal, filed by James Douglas Johnston, <a href="#">40</a> Notice of Cross Appeal, filed by Hilton Head Medical Group Cardiology LLC, Tenet Healthcare Corp, Tenet Physician Services Hilton Head Inc, Hilton Head Health System LP, <a href="#">37</a> Notice of Appeal, filed by USA. This judgment shall take effect upon issuance of USCA mandate. (sshe, ) (Entered: 01/28/2009)
01/28/2009	<a href="#">54</a>	USCA MANDATE constitutes the USCA judgment, entered 11/18/08, and takes effect this date as to <a href="#">43</a> Notice of Cross Appeal, filed by James Douglas Johnston, <a href="#">40</a> Notice of Cross Appeal, filed by Hilton Head Medical Group Cardiology LLC, Tenet Healthcare Corp,

**Date Discrepancy Cases 442**

Tenet Physician Services Hilton Head Inc, Hilton Head Health System LP, [37](#) Notice of Appeal, filed by USA (sshe, ) (Entered: 01/28/2009)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/23/2019 11:47:04			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	9:05-cv-02533-PMD
<b>Billable Pages:</b>	8	<b>Cost:</b>	0.80

**United States District Court  
Middle District of Pennsylvania (Harrisburg)  
CIVIL DOCKET FOR CASE #: 1:05-cv-00133-SHR**

United States of America et al v. Capital Area Intermediate Unit et al  
Assigned to: Honorable Sylvia H. Rambo  
Case in other court: Third Circuit, 09-03207  
Cause: 31:3729 False Claims Act  
Date Filed: 01/19/2005  
Date Terminated: 06/11/2009  
Jury Demand: Both  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**  
*ex rel.*

represented by **Stephen R. Cerutti , II**  
United States Attorney's Office  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Gloria Lytle**

represented by **Gloria Lytle**  
PRO SE  
**Regina D. Poserina**  
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**TERMINATED: 01/26/2010**  
**LEAD ATTORNEY**  
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**Plaintiff**

**Roger Morrison**

represented by **Roger Morrison**  
PRO SE  
**Regina D. Poserina**  
(See above for address)  
**TERMINATED: 01/26/2010**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Lytle Transportation**

represented by **Lytle Transportation**  
PRO SE  
**Regina D. Poserina**  
(See above for address)  
**TERMINATED: 01/26/2010**  
**LEAD ATTORNEY**  
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**Plaintiff**

**Morrison and Sons Transportation, Inc.**

represented by **Morrison and Sons Transportation, Inc.**  
PRO SE



**Regina D. Poserina**  
(See above for address)  
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*LEAD ATTORNEY*  
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**Plaintiff**

**Gloria Lytle**

represented by **Gloria Lytle**  
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**Regina D. Poserina**  
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**Plaintiff**

**Lytle Transportation**

represented by **Lytle Transportation**  
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PRO SE

**Regina D. Poserina**  
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**Plaintiff**

**Roger Morrison**

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PRO SE

**Regina D. Poserina**  
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**Plaintiff**

**Morrison and Sons Transportation, Inc.**

represented by **Morrison and Sons Transportation, Inc.**  
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PRO SE

**Regina D. Poserina**  
(See above for address)  
*TERMINATED: 01/26/2010*  
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V.

**Defendant**

**Capital Area Intermediate Unit**

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**Defendant**

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**Stephanie E. DiVittore**  
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**Defendant**

**Mark Bauer, Ph.D.**

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**James Edward Ellison**  
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**Stephanie E. DiVittore**  
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**Defendant**

**Scott Downey**

represented by **Dean F. Piermattei**  
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**James Edward Ellison**  
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**Stephanie E. DiVittore**  
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**Defendant**

**Deanna Rose**  
*TERMINATED: 12/03/2007*

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**Stephanie E. DiVittore**  
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**Defendant**

**Lorin Stough**  
*TERMINATED: 12/03/2007*

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**Defendant**

**Stough Transportation**  
*TERMINATED: 12/03/2007*

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**Defendant**

**George Brubaker**  
*TERMINATED: 12/03/2007*

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**Defendant**

**The Estate of George Brubaker**  
*TERMINATED: 09/16/2009*

represented by **Edwin A.D. Schwartz**  
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**Kevin M. French**  
(See above for address)

**Defendant**

**Hartman, Underhill and Brubaker**  
*TERMINATED: 09/16/2009*

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**Kevin M. French**  
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**Defendant**

**Phillip Steinhour**

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**James Edward Ellison**  
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**Stephanie E. DiVittore**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Board of Directors of the Capital Area  
Intermediate Unit**

represented by **Dean F. Piermattei**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
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*LEAD ATTORNEY*  
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**Stephanie E. DiVittore**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Jill Williamson**  
*In her individual capacity*

represented by **Dean F. Piermattei**  
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**James Edward Ellison**  
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**Stephanie E. DiVittore**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Arland Wagonhurst**  
*In his individual capacity*

represented by **Dean F. Piermattei**  
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*ATTORNEY TO BE NOTICED*

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**Stephanie E. DiVittore**  
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**Defendant**

**Michael Mausner**  
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**Stephanie E. DiVittore**  
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**Defendant**

**Karen Christie**  
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represented by **Dean F. Piermattei**  
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**Stephanie E. DiVittore**  
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**Defendant**

represented by

**Bonnie Goble**  
*In her individual capacity*

**Dean F. Piermattei**  
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**Stephanie E. DiVittore**  
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**Defendant**

**Angela McMaster**  
*In her individual capacity*

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**James Edward Ellison**  
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**Stephanie E. DiVittore**  
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**Defendant**

**Sheri T Mater**  
*In her individual capacity*

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**James Edward Ellison**  
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**Stephanie E. DiVittore**  
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**Defendant**

**Gary Shade**  
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**Defendant**

**Danielle Hairston–Green**  
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**Stephanie E. DiVittore**  
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**Defendant**

**Annie Guenin**  
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**Stephanie E. DiVittore**  
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**Defendant**

**Susan Komlenic**  
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**Stephanie E. DiVittore**  
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**Defendant**

**Mark D Rothermal**  
*In his individual capacity*

represented by **Dean F. Piermattei**  
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**James Edward Ellison**  
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**Stephanie E. DiVittore**  
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ATTORNEY TO BE NOTICED

**Defendant**

**Joy McCreary**  
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**James Edward Ellison**  
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**Stephanie E. DiVittore**  
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*LEAD ATTORNEY*  
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**Defendant**

**Dr. William Gould**  
*In his individual capacity*

represented by **Dean F. Piermattei**  
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**James Edward Ellison**  
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**Stephanie E. DiVittore**  
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*LEAD ATTORNEY*  
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**Defendant**

**Brian R Cooper**  
*In his individual capacity*

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**James Edward Ellison**  
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**Stephanie E. DiVittore**  
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*LEAD ATTORNEY*  
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**Defendant**

**Linda T Butler**  
*In her individual capacity*

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**Stephanie E. DiVittore**



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**Defendant**

**Jr. John Forney**  
*In his individual capacity*

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**Stephanie E. DiVittore**  
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**Defendant**

**Howard Dougherty**  
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**Defendant**

**Jean Rice**  
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**Stephanie E. DiVittore**  
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**Defendant**

**Richard Fry**  
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**Defendant**

**Steven Dart**

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**Stephanie E. DiVittore**  
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**Defendant**

**Camp Hill School District**  
*Jill Williamson, representative*

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**James Edward Ellison**  
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**Stephanie E. DiVittore**  
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**Defendant**

**Carlisle School District**  
*Arland Wagonhurst, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Central Dauphin School District**  
*Michael Mausner, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Cumberland Valley School District**  
*Karen Christie, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Derry Township School District**  
*Bonnie Goble, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**East Pennsboro School District**  
*Angela McMaster, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Greenwood School District**  
*Sheri T. Matter, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Halifax Area School District**  
*Gary Shade, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Harrisburg Area School District**  
*Danielle Hairston–Green, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Lower Dauphin School District**  
*Ann Guenin, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Mechanicsburg Area School District**  
*Susan Komlenic, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

**James Edward Ellison**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Stephanie E. DiVittore**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Millersburg Area School District**  
*Mark D. Rothermal, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**James Edward Ellison**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Stephanie E. DiVittore**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Newport School District**  
*Kermit Harry, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**James Edward Ellison**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Stephanie E. DiVittore**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Northern York School District**  
*Joy McCreary, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**James Edward Ellison**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Stephanie E. DiVittore**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

represented by

**Shippensburg Area School District**  
*Dr. William Gould, representative*

**Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Steelton–Highspire School District**  
*Brian R. Cooper, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Susquenita School District**  
*Donna Lee Clendenin, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Susquehanna Township School District**  
*Linda T. Butler, representative*

represented by **Dean F. Piermattei**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Edward Ellison**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephanie E. DiVittore**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Upper Dauphin School District**  
*John R. Forney, Jr., representative*

represented by **Dean F. Piermattei**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**James Edward Ellison**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Stephanie E. DiVittore**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**West Shore School District**  
*Howard Dougherty, representative*

represented by **Dean F. Piermattei**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**James Edward Ellison**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Stephanie E. DiVittore**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**West Perry School District**  
*Jean Rice, representative*

represented by **Dean F. Piermattei**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**James Edward Ellison**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Stephanie E. DiVittore**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/19/2005	<u>1</u>	COMPLAINT – N/C to cnsl.; jury trial demanded. ( Filing fee \$150, Receipt Number 333 100019) (Attachments: # <u>1</u> Civil Cover Sheet)(jc) (Entered: 01/19/2005)
10/22/2007	<u>20</u>	NOTICE OF ELECTION to decline intervention by plaintiff United States of America and c of s. (Attachments: # <u>1</u> Proposed Order)(jc) (Entered: 10/23/2007)
10/23/2007	<u>21</u>	ORDER approving the Notice <u>20</u> filed by United States of America. 1. The complaint to be unsealed and served upon the dfts by the relator. 2. All other contents of the court's file in this action remain under seal and not be made public or served upon the dft, except for this order and the gvt's notice of election to decline intervention, which the relator will serve upon the dfts only after service of the complaint; 3. The seal be lifted as to all other matters occurring in this action after the date of this order. 4. The

		parties shall serve all pleading and motions filed in this action, including supporting memoranda, upon the US, as provided for in 31 USC 3730(c)(3). 5. All orders of this court shall be sent to the US, and that 6. Should the relator or the dfts propose that this action be dismissed, settled, or otherwise discontinued, the court will solicit the written consent of the US before ruling or grantin its approval.Signed by Judge Sylvia H. Rambo on 10/23/07. (ma, ) (Entered: 10/23/2007)
10/24/2007		Summons Issued as to all defendants and provided to Attorney with top page of complaint and service package for service on Defendant(s). (ma, ) (Entered: 10/24/2007)
11/30/2007	<u>22</u>	MOTION to Amend/Correct <i>The Complaint</i> by Gloria Lytle. (Attachments: # <u>1</u> Exhibit(s) Redlined Original Complaint# <u>2</u> Exhibit(s) Proposed First Amended Complaint# <u>3</u> Proposed Order Proposed Order, Motion to Amend Complaint)(Poserina, Regina) (Entered: 11/30/2007)
12/03/2007		COUNSEL is advised that document 22 filed 11/30/07 is to be refiled. The proposed order is to be attached to the motion. The brief in support is to be docketed as a separate document using the event BRIEF IN SUPPORT located under RESPONSES/REPLIES. (jc) (Entered: 12/03/2007)
12/03/2007	<u>23</u>	ORDER granting Motion to Amend complaint <u>22</u> . The amended complaitn attached to their motion is accepted for filing.Signed by Judge Sylvia H. Rambo on 12/03/07 (ma, ) (Entered: 12/03/2007)
12/03/2007		COUNSEL is advised to disregard the docket annotation informing them to refile their motion to amend/correct the complaint. <u>22</u> (jc) (Entered: 12/03/2007)
12/03/2007	<u>24</u>	AMENDED COMPLAINT against The Estate of George Brubaker, Hartman, Underhill and Brubaker, Phillip Steinhour, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston-Green, Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, MILLERSBURG AREA SCHOOL DISTRICT, Newport School District, Northern York School District, Shippensburg Area School District, Steelton-Highspire School District, Susquenita School District, Susquehanna Township School District, Upper Dauphin School District, West Shore School District, West Perry School District, Scott Downey, Capital Area Intermediate Unit, Glenn Zehner, PhD, Mark Bauer, PhD, filed by Lytle Transportation, Morrison and Sons Transportation, Inc., Gloria Lytle, Roger Morrison. Jury Trial Demand(ma, ) (Entered: 12/03/2007)
12/03/2007		Summons Issued as to all defendants and provided to Attorney (via US Mail) with (1) copy of the amended complaint, (1) set of service documents and (50) copies of the summons for service on Defendant(s). (ma, ) (Entered: 12/03/2007)
01/28/2008	<u>25</u>	NOTICE of Appearance by James Edward Ellison on behalf of Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton-Highspire School District, Susquenita School District, Susquehanna Township School District, Upper Dauphin School District, West Shore School District, West Perry School District, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston-Green, Mark Bauer, PhD (Ellison, James) (Entered: 01/28/2008)



01/28/2008	<u>26</u>	NOTICE of Appearance by Dean F. Piermattei on behalf of Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton-Highspire School District, Susquenita School District, Susquehanna Township School District, Upper Dauphin School District, West Shore School District, West Perry School District, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston-Green, Mark Bauer, PhD (Piermattei, Dean) (Entered: 01/28/2008)
01/28/2008	<u>27</u>	NOTICE of Appearance by Stephanie E. DiVittore on behalf of Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton-Highspire School District, Susquenita School District, Susquehanna Township School District, Upper Dauphin School District, West Shore School District, West Perry School District, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston-Green, Mark Bauer, PhD (DiVittore, Stephanie) (Entered: 01/28/2008)
01/28/2008	<u>29</u>	WAIVER OF SERVICE Returned by Gloria Lytle. Hartman, Underhill and Brubaker waiver sent on 12/7/2007, answer due 2/5/2008. (Attachments: # <u>1</u> Exhibit(s) Attorney Signature)(Poserina, Regina) (Entered: 01/28/2008)
01/28/2008		Document 28 (Entry of Appearance) deleted. Document was filed in the wrong case. (jc) (Entered: 01/28/2008)
01/28/2008	<u>30</u>	NOTICE of Appearance by Edwin A.D. Schwartz on behalf of The Estate of George Brubaker, Hartman, Underhill and Brubaker (Schwartz, Edwin) (Entered: 01/28/2008)
01/28/2008	<u>31</u>	WAIVER OF SERVICE Returned by Gloria Lytle. The Estate of George Brubaker waiver sent on 1/2/2008, answer due 3/3/2008. (Poserina, Regina) (Entered: 01/28/2008)
01/28/2008	<u>32</u>	WAIVER OF SERVICE Returned by Gloria Lytle. Upper Dauphin School District waiver sent on 12/7/2007, answer due 2/5/2008; West Shore School District waiver sent on 12/7/2007, answer due 2/5/2008; West Perry School District waiver sent on 12/7/2007, answer due 2/5/2008; Glenn Zehner, PhD waiver sent on 12/7/2007, answer due 2/5/2008; Jill Williamson waiver sent on 12/7/2007, answer due 2/5/2008; Arland Wagonhurst waiver sent on 12/7/2007, answer due 2/5/2008. (Poserina, Regina) (Entered: 01/28/2008)
01/28/2008	<u>33</u>	WAIVER OF SERVICE Returned by Gloria Lytle. Annie Guenin waiver sent on 12/7/2007, answer due 2/5/2008; William Gould waiver sent on 12/7/2007, answer due 2/5/2008; Brian R Cooper waiver sent on 12/7/2007, answer due 2/5/2008; Linda T Butler waiver sent on 12/7/2007, answer due 2/5/2008; John Forney waiver sent on 12/7/2007, answer due 2/5/2008; Howard Dougherty waiver sent on 12/7/2007, answer due 2/5/2008; Scott Downey waiver sent on 12/7/2007, answer due 2/5/2008; Richard Fry waiver sent on 12/7/2007, answer due 2/5/2008; Steven Dart waiver sent on 12/7/2007, answer due 2/5/2008; Camp Hill School District waiver sent on 12/7/2007, answer due 2/5/2008; Carlisle School District waiver sent on 12/7/2007, answer due 2/5/2008; Central Dauphin School District waiver sent on 12/7/2007, answer due 2/5/2008; Cumberland Valley School District waiver sent on 12/7/2007, answer due

		2/5/2008; Derry Township School District waiver sent on 12/7/2007, answer due 2/5/2008; East Pennsboro School District waiver sent on 12/7/2007, answer due 2/5/2008; Greenwood School District waiver sent on 12/7/2007, answer due 2/5/2008; Halifax Area School District waiver sent on 12/7/2007, answer due 2/5/2008; Harrisburg Area School District waiver sent on 12/7/2007, answer due 2/5/2008; Capital Area Intermediate Unit waiver sent on 12/7/2007, answer due 2/5/2008; Board of Directors of the Capital Area Intermediate Unit waiver sent on 12/7/2007, answer due 2/5/2008; Karen Christie waiver sent on 12/7/2007, answer due 2/5/2008; Bonnie Goble waiver sent on 12/7/2007, answer due 2/5/2008; Danielle Hairston-Green waiver sent on 12/7/2007, answer due 2/5/2008; Mark Bauer, PhD waiver sent on 12/7/2007, answer due 2/5/2008. (Poserina, Regina) (Entered: 01/28/2008)
01/28/2008	<u>34</u>	WAIVER OF SERVICE Returned by Gloria Lytle. Susan Komlenic waiver sent on 12/7/2007, answer due 2/5/2008; Lower Dauphin School District waiver sent on 12/7/2007, answer due 2/5/2008. (Poserina, Regina) (Entered: 01/28/2008)
01/28/2008	<u>35</u>	WAIVER OF SERVICE Returned by Gloria Lytle. Joy McCreary waiver sent on 12/7/2007, answer due 2/5/2008; Mechanicsburg Area School District waiver sent on 12/7/2007, answer due 2/5/2008; Millersburg Area School District waiver sent on 12/7/2007, answer due 2/5/2008; Michael Mausner waiver sent on 12/7/2007, answer due 2/5/2008; Angela McMaster waiver sent on 12/7/2007, answer due 2/5/2008; Sheri T Mater waiver sent on 12/7/2007, answer due 2/5/2008. (Poserina, Regina) (Entered: 01/28/2008)
01/28/2008	<u>36</u>	WAIVER OF SERVICE Returned by Gloria Lytle. Mark D Rothermal waiver sent on 12/7/2007, answer due 2/5/2008; Jean Rice waiver sent on 12/7/2007, answer due 2/5/2008; Newport School District waiver sent on 12/7/2007, answer due 2/5/2008; Northern York School District waiver sent on 12/7/2007, answer due 2/5/2008; Shippensburg Area School District waiver sent on 12/7/2007, answer due 2/5/2008; Steelton-Highspire School District waiver sent on 12/7/2007, answer due 2/5/2008; Susquenita School District waiver sent on 12/7/2007, answer due 2/5/2008; Susquehanna Township School District waiver sent on 12/7/2007, answer due 2/5/2008; Phillip Steinhour waiver sent on 12/7/2007, answer due 2/5/2008; Gary Shade waiver sent on 12/7/2007, answer due 2/5/2008. (Poserina, Regina) (Entered: 01/28/2008)
01/28/2008	<u>37</u>	Consent MOTION for Extension of Time to File Answer re <u>24</u> Amended Complaint,,,,, by Gloria Lytle. (Attachments: # <u>1</u> Proposed Order Proposed Order granting extension of time within which to reply to Amended Complaint)(Poserina, Regina) (Entered: 01/28/2008)
01/29/2008	<u>38</u>	ORDER granting <u>37</u> Motion for Extension of Time to Answer. Dfts time within which to reply to the Pltfs Complaint is ext'd to 3/1/08.Signed by Honorable Sylvia H. Rambo on 1/29/08 (ma, ) (Entered: 01/29/2008)
02/14/2008	<u>39</u>	NOTICE of Hearing: A Case Management Conference has been set for 3/25/2008 @ 9:30 AM before Honorable Sylvia H. Rambo.This conference is by phone with the call to be initiated by the pltfs. A joint case mgmnt plan is to be file by 3/18/08. (ma, ) (Entered: 02/14/2008)
02/29/2008	<u>40</u>	MOTION to Dismiss <i>First Amended Complaint</i> by George Brubaker, Hartman, Underhill and Brubaker. (Attachments: # <u>1</u> Proposed Order)(Schwartz, Edwin) (Entered: 02/29/2008)
02/29/2008	<u>41</u>	BRIEF IN SUPPORT re <u>40</u> MOTION to Dismiss <i>First Amended Complaint</i> filed by George Brubaker, Hartman, Underhill and Brubaker.(Schwartz, Edwin) (Entered: 02/29/2008)
03/03/2008	<u>42</u>	MOTION to Dismiss <i>Amended Complaint</i> by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton-Highspire School

		District, Susquenita School District, Susquehanna Township School District, Upper Dauphin School District, West Shore School District, West Perry School District, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston-Green, Mark Bauer, PhD. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit(s) Certificate of Non-Concurrence)(DiVittore, Stephanie) Modified on 3/20/2008 (am). (Entered: 03/03/2008)
03/19/2008	<u>43</u>	MOTION to Exceed Page Limitation by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton-Highspire School District, Susquenita School District, Susquehanna Township School District, Upper Dauphin School District, West Shore School District, West Perry School District, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston-Green, Mark Bauer, PhD. (Attachments: # <u>1</u> Proposed Order)(DiVittore, Stephanie) (Entered: 03/19/2008)
03/20/2008	<u>44</u>	CASE MANAGEMENT PLAN <i>Joint</i> by Gloria Lytle, Lytle Transportation. (Poserina, Regina) (Entered: 03/20/2008)
03/20/2008	<u>45</u>	ORDER – IT IS THEREFORE ORDERED THAT: 1. The mtn. to dismiss filed by the CAIU & School District defts. is deemed w/drawn <u>42</u> pur. to MD LR 7.5. 2. Defts.' mtn. to exceed the pg. limitation <u>43</u> is deemed as moot. 3. The CAIU & School District defts. shall file an answer to the complt. w/in 20 days of this order. Signed by Honorable Sylvia H. Rambo on 3/20/08.(am) (Entered: 03/20/2008)
03/20/2008	<u>46</u>	ORDER – IT IS HEREBY ORDERED THAT: 1. The order issued in this date in this case <u>45</u> deeming CAIU & School District defts.' mtn. to dismiss <u>42</u> as w/drawn & dir. the filing of an answer w/in 20 days is STRICKEN & the mtn. to dismiss is reinstated. 2. The CAIU & School District defts.' mtn. to ext. the pg. lim. of their br. in sup. of their mtn. to dismiss is GRANTED. <u>43</u> 3. All counsel are adv. that the ddls. sug. by the MD of PA ECF system contains a discl. as to certain br(s) & counsel are adv. that the responsibility for determining the ddls. is placed on counsel. Signed by Honorable Sylvia H. Rambo on 3/20/08. (am) (Entered: 03/20/2008)
03/20/2008	<u>47</u>	BRIEF IN SUPPORT re <u>42</u> MOTION to Dismiss <i>Amended Complaint</i> filed by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton-Highspire School District, Susquenita School District, Susquehanna Township School District, Upper Dauphin School District, West Shore School District, West Perry School District, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston-Green, Mark Bauer, PhD.(DiVittore, Stephanie) (Entered: 03/20/2008)
03/20/2008	<u>48</u>	BRIEF IN OPPOSITION re <u>40</u> MOTION to Dismiss <i>First Amended Complaint</i> filed by Gloria Lytle, Lytle Transportation, Roger Morrison, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Brief in Support Thereof)(Poserina, Regina) (Entered: 03/20/2008)

03/21/2008	<u>49</u>	REPLY BRIEF re <u>40</u> MOTION to Dismiss <i>First Amended Complaint</i> filed by The Estate of George Brubaker, Hartman, Underhill and Brubaker.(Schwartz, Edwin) (Entered: 03/21/2008)
04/01/2008	<u>51</u>	BRIEF IN OPPOSITION re <u>42</u> MOTION to Dismiss <i>Amended Complaint</i> filed by Gloria Lytle, Lytle Transportation. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Brief in Support of Response)(Poserina, Regina) (Entered: 04/01/2008)
04/15/2008	<u>52</u>	REPLY BRIEF re <u>42</u> MOTION to Dismiss <i>Amended Complaint</i> filed by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton–Highspire School District, Susquenita School District, Susquehanna Township School District, Upper Dauphin School District, West Shore School District, West Perry School District, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Gary Shade, Danielle Hairston–Green, Mark Bauer, PhD.(DiVittore, Stephanie) (Entered: 04/15/2008)
07/14/2008	<u>53</u>	MEMORANDUM AND ORDER : 1) Disposition of the pending motions to dismiss are stayed.2) All case management deadlines are stayed.3) All Plaintiffs and the CAIU shall engage in discovery regarding thequestion of whether Gloria Lytle and Roger Morrison were employees of the CAIUor were independent contractors. Discovery on this issue shall conclude no laterthan August 25, 2008.4) Upon close of discovery, and no later than September 8, 2008,Plaintiffs Lytle and Morrison and the CAIU are permitted, if they choose, to filemotions for summary judgment and supporting briefs on the single question of theemployment status of Lytle and Morrison. They shall abide by all Federal Rules ofCivil Procedure and the Local Rules of the Middle District of Pennsylvania in so filing. The briefing schedule after the initial motion shall follow the timeprescription set forth in the Local Rules.45) Should the parties elect not to file the dispositive motion set forthabove, or upon disposition of any motion filed, this court will evaluate the remainingclaims in the pending motions to dismiss and issue a new case management order.Signed by Honorable Sylvia H. Rambo on 7/14/08. (ma, ) (Entered: 07/14/2008)
07/15/2008	<u>54</u>	Joint MOTION for Extension of Time to Time For Discovery And Motion Filing Regarding Order Of July 14, 2008 by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Proposed Order)(Poserina, Regina) (Entered: 07/15/2008)
07/16/2008	<u>55</u>	ORDER granting Motion to Extend Time <u>54</u> : 1) Discovery regarding the question of whether Gloria Lytle and RogerMorrison were employees of the CAIU or were independent contractors shallconclude no later than September 2, 2008.2) Motions for summary judgment and supporting briefs on the singlequestion of the employment status of Lytle and Morrison shall be filed no later thanSeptember 22, 2008.3) All other provisions of the July 14, 2008 order remain in effect.Signed by Honorable Sylvia H. Rambo on 7/16/08 (ma, ) (Entered: 07/16/2008)
08/29/2008	<u>56</u>	Joint MOTION for Extension of Time to Complete Discovery by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Proposed Order)(Poserina, Regina) (Entered: 08/29/2008)
09/02/2008	<u>57</u>	ORDER: 1. This Courts Order of July 16, 2008 <u>55</u> , is amended as follows:A. The discovery deadline, contained at Page 3, paragraph 3, is amendedto reflect a discovery deadline of October 2, 2008.B. The Motion deadline, contained at Page 3, paragraph 4, is amended toreflect a deadline for the submission of Motions of October 22, 2008. Signed by Honorable Sylvia H. Rambo on 9/2/08. (ma, ) (Entered: 09/02/2008)
09/02/2008		COUNSEL IS ADVISED to file a Certificate of Service and a Certificate of Concurrence/Non–Concurrence to Doc. No. 56. (dc) (Entered: 09/02/2008)

09/11/2008		Docket Annotation – Pursuant to TC from Cnsl Documents # 58 and #59 – Withdraw of Atty Appearance and Notice of Appearance are deleted as unnecessary. (kjn ) (Entered: 09/11/2008)
09/12/2008		COUNSEL is advised that document 58 (Motion) filed 9/11/08 is to be refiled using the event CERTIFICATE located under OTHER DOCUMENTS. (jc) (Entered: 09/12/2008)
09/18/2008	<u>59</u>	CERTIFICATE of Certificate of Service, Notice of Consent by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc. re <u>56</u> Joint MOTION for Extension of Time to Complete Discovery. (Poserina, Regina) (Entered: 09/18/2008)
09/26/2008		Document 58 filed 9/11/08 deleted and replaced by document 59 filed 9/18/08. (jc) (Entered: 09/26/2008)
10/20/2008	<u>60</u>	Unopposed MOTION to Exceed Page Limitation by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Deanna Rose, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton–Highspire School District, Susquenita School District, Susquehanna Township School District, Lorin Stough, Upper Dauphin School District, West Shore School District, West Perry School District, Stough Transportation, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston–Green, Mark Bauer, PhD. (Attachments: # <u>1</u> Proposed Order)(DiVittore, Stephanie) (Entered: 10/20/2008)
10/20/2008	<u>61</u>	ORDER granting Capital Area Intermediate Unit and School District Defendants Motion for Leave to File Excess Pages <u>60</u> . Said Defendants may file a Brief in support of their Motion for Summary Judgment not to exceed forty (40) pages.Signed by Honorable Sylvia H. Rambo on 10/20/08 (ma, ) (Entered: 10/20/2008)
10/22/2008	<u>62</u>	MOTION to Dismiss ( <i>Renewed</i> ) by The Estate of George Brubaker and Hartman, Underhill and Brubaker. (Attachments: # <u>1</u> Proposed Order)(Schwartz, Edwin) Modified on 11/13/2008 (jc). (Entered: 10/22/2008)
10/22/2008	<u>63</u>	BRIEF IN SUPPORT re <u>62</u> MOTION to Dismiss ( <i>Renewed</i> ) filed by George Brubaker, The Estate of George Brubaker, Hartman, Underhill and Brubaker.(Schwartz, Edwin) (Entered: 10/22/2008)
10/22/2008	<u>64</u>	MOTION for Summary Judgment by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Deanna Rose, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton–Highspire School District, Susquenita School District, Susquehanna Township School District, Lorin Stough, Upper Dauphin School District, West Shore School District, West Perry School District, Stough Transportation, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston–Green, Mark Bauer, PhD. (Attachments: # <u>1</u> Proposed Order)(DiVittore, Stephanie) (Entered: 10/22/2008)
10/22/2008	<u>65</u>	STATEMENT OF FACTS re <u>64</u> MOTION for Summary Judgment filed by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R

		Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Deanna Rose, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton–Highspire School District, Susquenita School District, Susquehanna Township School District, Lorin Stough, Upper Dauphin School District, West Shore School District, West Perry School District, Stough Transportation, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston–Green, Mark Bauer, PhD. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s), # <u>3</u> Exhibit(s), # <u>4</u> Exhibit(s), # <u>5</u> Exhibit(s), # <u>6</u> Exhibit(s))(DiVittore, Stephanie) (Entered: 10/22/2008)
10/22/2008	<u>66</u>	BRIEF IN SUPPORT re <u>64</u> MOTION for Summary Judgment filed by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Deanna Rose, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton–Highspire School District, Susquenita School District, Susquehanna Township School District, Lorin Stough, Upper Dauphin School District, West Shore School District, West Perry School District, Stough Transportation, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston–Green, Mark Bauer, PhD.(DiVittore, Stephanie) (Entered: 10/22/2008)
10/22/2008	<u>67</u>	MOTION for Summary Judgment by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Proposed Order)(Poserina, Regina) (Entered: 10/22/2008)
10/23/2008		COUNSEL is advised that Document 62 filed 10/22/08 does not contain a Certificate of Concurrence or Nonconcurrence. Please docket using the event CERTIFICATE located under OTHER DOCUMENTS. (jc) (Entered: 10/23/2008)
10/23/2008	<u>68</u>	CERTIFICATE of Concurrence/Non–Concurrence by The Estate of George Brubaker, Hartman, Underhill and Brubaker re <u>62</u> MOTION to Dismiss ( <i>Renewed</i> ). (Schwartz, Edwin) (Entered: 10/23/2008)
10/23/2008	<u>69</u>	ORDER: Pltfs supporting documentation in support of their motion for summary judgment <u>64</u> shall be filed no later than October 31, 2008. Signed by Honorable Sylvia H. Rambo on 10/23/08. (ma, ) (Entered: 10/23/2008)
10/29/2008	<u>70</u>	MOTION to Exceed Page Limitation by Gloria Lytle, Roger Morrison. (Attachments: # <u>1</u> Proposed Order)(Poserina, Regina) (Entered: 10/29/2008)
10/29/2008	<u>71</u>	ORDER granting pltfs' mtn for Leave to File Excess Pages <u>70</u> . Pltfs BrSup of their Mtn for Summary Judgment, may be no more than (40) pages.Signed by Honorable Sylvia H. Rambo on 10/29/08 (ma, ) (Additional attachment(s) added on 10/29/2008: # <u>1</u> Main Document) (ma, ). (Entered: 10/29/2008)
10/31/2008	<u>73</u>	MOTION for Summary Judgment <i>Errata Sheet</i> by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc..(Poserina, Regina) (Entered: 10/31/2008)
11/03/2008		COUNSEL is advised that Documents 72 and 73 filed 10/31/08 are to be redocketed. Document 72 is to be redocketed using the event BRIEF IN SUPPORT located under RESPONSES/REPLIES. The STATEMENT OF UNDISPUTED FACTS that WAS contained in the brief in support is to be docketed as a separate document using the

		event STATEMENT OF FACTS located under OTHER ANSWERS/RESPONSE TO HABEAS PETITION. Document 73 filed 10/31/08 is to be redocketed using the event DOCUMENT FILED located under OTHER DOCUMENTS. (jc) (Entered: 11/03/2008)
11/03/2008	<u>74</u>	BRIEF IN SUPPORT re <u>67</u> MOTION for Summary Judgment, <i>Errata Sheet</i> filed by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Exhibit(s) Exhibit 2, # <u>2</u> Exhibit(s) A and B, # <u>3</u> Exhibit(s) E, F and G, # <u>4</u> Exhibit(s) H and I, # <u>5</u> Exhibit(s) J through P, # <u>6</u> Exhibit(s) Q through W, # <u>7</u> Exhibit(s) X through EE, # <u>8</u> Exhibit(s) FF and GG, # <u>9</u> Errata regarding Exhibit 3)(Poserina, Regina) Modified on 11/4/2008 (jc, ). (Entered: 11/03/2008)
11/03/2008	<u>75</u>	STATEMENT OF FACTS re <u>74</u> Brief in Support,, by Roger Morrison, Gloria Lytle, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Poserina, Regina) Modified on 11/4/2008 (jc, ). (Entered: 11/03/2008)
11/04/2008		Document 72 filed 10/31/08 deleted and replaced by Documents 74 & 75 filed 11/3/08. (jc) (Entered: 11/04/2008)
11/05/2008	<u>76</u>	EXHIBIT 3 by plaintiffs to their <u>74</u> Brief in Support of their mtn for S/J. (Attachments: # <u>1</u> Part 2, # <u>2</u> Part 3, # <u>3</u> Part 4)(jc) (Entered: 11/05/2008)
11/05/2008	<u>77</u>	BRIEF IN OPPOSITION re <u>64</u> MOTION for Summary Judgment filed by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc..(Poserina, Regina) (Entered: 11/05/2008)
11/05/2008	<u>78</u>	RESPONSE by Gloria Lytle, Lytle Transportation, Roger Morrison, Morrison and Sons Transportation, Inc. to <u>64</u> MOTION for Summary Judgment, <u>77</u> Brief in Opposition. (Attachments: # <u>1</u> Proposed Order)(Poserina, Regina) (Entered: 11/05/2008)
11/05/2008	<u>79</u>	ANSWER TO STATEMENT OF FACTS re <u>77</u> Brief in Opposition, <u>65</u> Statement of Facts,,,,, filed by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Exhibit(s) Lytle Response Exhibits A through D)(Poserina, Regina) (Entered: 11/05/2008)
11/05/2008	<u>80</u>	RESPONSE by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc. to <u>62</u> MOTION to Dismiss ( <i>Renewed</i> ). (Attachments: # <u>1</u> Proposed Order)(Poserina, Regina) (Entered: 11/05/2008)
11/05/2008	<u>81</u>	BRIEF IN OPPOSITION re <u>62</u> MOTION to Dismiss ( <i>Renewed</i> ) filed by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc..(Poserina, Regina) (Entered: 11/05/2008)
11/12/2008	<u>82</u>	Praecipe to Withdraw Documents <i>62 and 63</i> . (Schwartz, Edwin) (Entered: 11/12/2008)
11/21/2008	<u>83</u>	MOTION to Strike <i>the Affidavits of Gloria Lytle &amp; Roger Morrison</i> by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Deanna Rose, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton–Highspire School District, Susquenita School District, Susquehanna Township School District, Lorin Stough, Upper Dauphin School District, West Shore School District, West Perry School District, Stough Transportation, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston–Green, Mark Bauer, PhD. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Proposed Order)(DiVittore, Stephanie) (Entered: 11/21/2008)
11/21/2008	<u>84</u>	BRIEF IN SUPPORT re <u>83</u> MOTION to Strike <i>the Affidavits of Gloria Lytle &amp; Roger Morrison</i> filed by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty,

		Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Deanna Rose, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton–Highspire School District, Susquenita School District, Susquehanna Township School District, Lorin Stough, Upper Dauphin School District, West Shore School District, West Perry School District, Stough Transportation, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston–Green, Mark Bauer, PhD.(DiVittore, Stephanie) (Entered: 11/21/2008)
11/21/2008	<u>85</u>	BRIEF IN OPPOSITION re <u>67</u> MOTION for Summary Judgment of <i>Plaintiffs'</i> filed by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Deanna Rose, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton–Highspire School District, Susquenita School District, Susquehanna Township School District, Lorin Stough, Upper Dauphin School District, West Shore School District, West Perry School District, Stough Transportation, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston–Green, Mark Bauer, PhD.(Ellison, James) (Entered: 11/21/2008)
11/21/2008	<u>86</u>	CAIU & School District Defendants' Counter Statement of Facts. (Attachments: # <u>1</u> Exhibit(s) Exhibit A, # <u>2</u> Exhibit(s) Exhibit B)(Ellison, James) (Entered: 11/21/2008)
11/23/2008	<u>87</u>	REPLY BRIEF re <u>64</u> MOTION for Summary Judgment filed by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Deanna Rose, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton–Highspire School District, Susquenita School District, Susquehanna Township School District, Lorin Stough, Upper Dauphin School District, West Shore School District, West Perry School District, Stough Transportation, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston–Green, Mark Bauer, PhD.(DiVittore, Stephanie) (Entered: 11/23/2008)
12/02/2008	<u>88</u>	REPLY BRIEF re <u>67</u> MOTION for Summary Judgment filed by Lytle Transportation, Roger Morrison, Gloria Lytle, Morrison and Sons Transportation, Inc..(Poserina, Regina) (Entered: 12/02/2008)
12/06/2008	<u>89</u>	BRIEF IN OPPOSITION re <u>83</u> MOTION to Strike <i>the Affidavits of Gloria Lytle &amp; Roger Morrison</i> filed by Roger Morrison, Gloria Lytle, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit(s))(Poserina, Regina) (Entered: 12/06/2008)
12/22/2008	<u>90</u>	REPLY BRIEF re <u>83</u> MOTION to Strike <i>the Affidavits of Gloria Lytle &amp; Roger Morrison</i> filed by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty,



		Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Deanna Rose, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton–Highspire School District, Susquenita School District, Susquehanna Township School District, Lorin Stough, Upper Dauphin School District, West Shore School District, West Perry School District, Stough Transportation, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston–Green, Mark Bauer, PhD.(DiVittore, Stephanie) (Entered: 12/22/2008)
12/22/2008	<u>91</u>	MOTION for Sanctions <i>Under Rule 11(c) and Rule 37(c)</i> by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Proposed Order)(Poserina, Regina) (Entered: 12/22/2008)
12/22/2008	<u>92</u>	BRIEF IN SUPPORT re <u>91</u> MOTION for Sanctions <i>Under Rule 11(c) and Rule 37(c)</i> filed by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s), # <u>3</u> Exhibit(s), # <u>4</u> Exhibit(s), # <u>5</u> Exhibit(s))(Poserina, Regina) (Entered: 12/22/2008)
12/23/2008		COUNSEL is advised to file a Certificate of Concurrency or Nonconcurrency to their Motion for Sanctions filed 12/22/08 <u>91</u> using the event CERTIFICATE located under OTHER DOCUMENTS. (jc) (Entered: 12/23/2008)
12/29/2008	<u>93</u>	CERTIFICATE of Nonconcurrency by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc. re <u>92</u> Brief in Support, <u>91</u> MOTION for Sanctions <i>Under Rule 11(c) and Rule 37(c)</i> . (Poserina, Regina) (Entered: 12/29/2008)
01/09/2009	<u>94</u>	MEMORANDUM AND ORDER denying Motion to Strike <u>83</u> the affidavits of Goria Lytle and Roger Morrison.Signed by Honorable Sylvia H. Rambo on 1/9/09 (ma, ) (Entered: 01/09/2009)
01/09/2009	<u>95</u>	BRIEF IN OPPOSITION re <u>91</u> MOTION for Sanctions <i>Under Rule 11(c) and Rule 37(c)</i> filed by Annie Guenin, Susan Komlenic, Mark D Rothermal, Joy McCreary, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Jean Rice, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Deanna Rose, Harrisburg Area School District, Lower Dauphin School District, Mechanicsburg Area School District, Millersburg Area School District, Newport School District, Northern York School District, Shippensburg Area School District, Steelton–Highspire School District, Susquenita School District, Susquehanna Township School District, Lorin Stough, Upper Dauphin School District, West Shore School District, West Perry School District, Stough Transportation, Capital Area Intermediate Unit, Phillip Steinhour, Glenn Zehner, PhD, Board of Directors of the Capital Area Intermediate Unit, Jill Williamson, Arland Wagonhurst, Michael Mausner, Karen Christie, Bonnie Goble, Angela McMaster, Sheri T Mater, Gary Shade, Danielle Hairston–Green, Mark Bauer, PhD. (Attachments: # <u>1</u> Exhibit(s), # <u>2</u> Exhibit(s), # <u>3</u> Exhibit(s), # <u>4</u> Exhibit(s), # <u>5</u> Exhibit(s))(DiVittore, Stephanie) (Entered: 01/09/2009)
01/28/2009	<u>96</u>	REPLY BRIEF re <u>91</u> MOTION for Sanctions <i>Under Rule 11(c) and Rule 37(c)</i> filed by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Exhibit(s) Exhibit A)(Poserina, Regina) (Entered: 01/28/2009)
02/13/2009	<u>97</u>	MEMORANDUM AND ORDER denying pltf's Motion for Sanctions <u>91</u> Signed by Honorable Sylvia H. Rambo on 2/13/09 (ma, ) (Entered: 02/13/2009)
03/19/2009	<u>99</u>	ORDER – As a result of a conference call held March 17, 2009, concerning a subpoena issued by Plaintiffs on Defendants in February 2009, IT IS HEREBY ORDERED THAT the subpoena is quashed except for the request for a copy of a letter

		and/or copy of a certificate of insurance (umbrella policy) allegedly issued by Enders Insurance Company, covering transportation contractors for Shippensburg School District.Signed by Honorable Sylvia H. Rambo on 3/18/09. (pw, ) (Entered: 03/19/2009)
03/25/2009	<u>100</u>	MOTION for Leave to File <i>Supplemental Memorandum, and Document</i> , by Roger Morrison, Gloria Lytle, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Supplement, # <u>2</u> Exhibit(s), # <u>3</u> Proposed Order)(Poserina, Regina) (Entered: 03/25/2009)
03/27/2009	<u>101</u>	ORDER – Pltfs shall have until 4/8/09 to file a brsupp of their mnt for leave to file after–discovered document <u>100</u> . Dfts shall respond in accordancewith the ddls set forth by the local rules.Signed by Honorable Sylvia H. Rambo on 3/27/09. (ma, ) (Entered: 03/27/2009)
04/08/2009	<u>103</u>	MEMORANDUM OF LAW by Roger Morrison, Gloria Lytle, Lytle Transportation, Morrison and Sons Transportation, Inc. re <u>100</u> MOTION for Leave to File <i>Supplemental Memorandum, and Document</i> ,, <u>101</u> Order, Set Motion and R&R Dealines/Hearings. (Attachments: # <u>1</u> Exhibit(s))(Poserina, Regina) (Entered: 04/08/2009)
04/10/2009		Document 102 filed 4/6/09 deleted and replaced with Document 103 filed 4/8/09. Document 103 is to be REFILED using the event BRIEF IN SUPPORT located under RESPONSES/REPLIES (BRIEFS). (jc) (Entered: 04/10/2009)
04/27/2009	<u>104</u>	BRIEF IN OPPOSITION re <u>100</u> MOTION for Leave to File <i>Supplemental Memorandum, and Document</i> , filed by Annie Guenin, Susan Komlenic, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Harrisburg Area School District, Lower Dauphin School District, George Brubaker, Capital Area Intermediate Unit, Hartman, Underhill and Brubaker, Board of Directors of the Capital Area Intermediate Unit, Karen Christie, Bonnie Goble, Danielle Hairston–Green, Mark Bauer, PhD.(Piermattei, Dean) (Entered: 04/27/2009)
04/28/2009	<u>105</u>	ORDER: 1) granting pltf's Motion for Leave to File later discovered document and supplemental memorandum of law <u>100</u> . 2) No later than 5/13/09, Dft shall file an affidavit from Donald Enders to explain the coverage of this insurance certificate.3) The briefs and related documents filed in this after discovereddocument issue will be considered in addressing the pending motion for summaryjudgment.Signed by Honorable Sylvia H. Rambo on 4/28/09 (ma, ) (Entered: 04/28/2009)
05/13/2009	<u>106</u>	AFFIDAVIT re <u>105</u> Order on Motion for Leave to File, filed by Annie Guenin, Susan Komlenic, William Gould, Brian R Cooper, Linda T Butler, John Forney, Howard Dougherty, Scott Downey, Richard Fry, Steven Dart, Camp Hill School District, Carlisle School District, Central Dauphin School District, Cumberland Valley School District, Derry Township School District, East Pennsboro School District, Greenwood School District, Halifax Area School District, Harrisburg Area School District, Lower Dauphin School District, George Brubaker, Capital Area Intermediate Unit, Hartman, Underhill and Brubaker, Board of Directors of the Capital Area Intermediate Unit, Karen Christie, Bonnie Goble, Danielle Hairston–Green, Mark Bauer, PhD of Affiant Donald E. Enders, Jr.. (Piermattei, Dean) (Entered: 05/13/2009)
05/30/2009	<u>107</u>	MOTION to Strike <u>106</u> Affidavit,,, of <i>David Enders</i> , by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Brief in support, # <u>2</u> Proposed Order, # <u>3</u> Certificate of Service)(Poserina, Regina) (Entered: 05/30/2009)
06/01/2009		COUNSEL is advised that the brief contained in Document 107 filed 5/30/09 is to be REDOCKETED as a separate document using the event BRIEF IN SUPPORT located under RESPONSES/REPLIES (BRIEFS). (jc) (Entered: 06/01/2009)
06/01/2009	<u>108</u>	BRIEF IN SUPPORT re <u>107</u> MOTION to Strike <u>106</u> Affidavit,,, of <i>David Enders</i> , MOTION to Strike <u>106</u> Affidavit,,, of <i>David Enders</i> , filed by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc..(Poserina,

		Regina) (Entered: 06/01/2009)
06/11/2009	<u>109</u>	MEMORANDUM AND ORDER: (1) Dfts mtn for summary judgment (Doc. <u>64</u> ) is GRANTED;(2) Pltfs mtn for summary judgment (Doc. <u>67</u> ) is DENIED;(3) The clerk of court is directed to grant judgment for Dfts and against Pltfs Gloria Lytle and Roger Morrison solely on the issue of whether Pltfs Lytle and Morrison were employees or independent contractors of Dft Capital Area Intermediate Unit. The court finds that Pltfs Gloria Lytle and Roger Morrison were independent contractors of Dft Capital Area Intermediate Unit and, therefore, do not have standing to pursue any claims under the False Claims Act, 31 U.S.C. §3730(h) against the Capital Area Intermediate Unit;(4) Since no federal subject matter jurisdiction is present, the court will dismiss Pltfs state law claims Counts III through VIII without prejudice to Pltfs to renew those claims in an appropriate state court proceeding;(5) The mtns to dismiss Pltfs Amended Complaint (Docs. <u>40</u> & <u>42</u> ) are denied as MOOT;(6) Pltfs mtn to strike the affidavit of Donald Enders (Doc. <u>107</u> is DENIED, and;(7) The clerk of court is directed to close this case. Signed by Honorable Sylvia H. Rambo on 6/11/09 (ma, ) (Entered: 06/11/2009)
06/11/2009	<u>110</u>	JUDGMENT in favor of dfts against Gloria Lytle, Roger Morrison Signed by Honorable Sylvia H. Rambo on 6/11/09. (ma, ) (Entered: 06/11/2009)
06/24/2009	<u>111</u>	MOTION for Reconsideration re <u>110</u> Judgment, <u>109</u> Order on Motion to Dismiss,, Order on Motion for Summary Judgment,, Order on Motion to Strike,,,,,,,,,,,,,,,,,,,,, by Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc.. (Attachments: # <u>1</u> Proposed Order)(Poserina, Regina) (Entered: 06/24/2009)
06/30/2009	<u>112</u>	ORDER deeming pltfs' Motion for Reconsideration <u>111</u> withdrawn Signed by Honorable Sylvia H. Rambo on 6/30/09 (ma, ) (Entered: 06/30/2009)
07/13/2009	<u>113</u>	NOTICE of Appearance by Kevin M. French on behalf of The Estate of George Brubaker, Hartman, Underhill and Brubaker (French, Kevin) (Entered: 07/13/2009)
07/13/2009	<u>114</u>	MOTION for Sanctions Pursuant to 28 U.S.C. Section 1927 by The Estate of George Brubaker, Hartman, Underhill and Brubaker.(French, Kevin) (Entered: 07/13/2009)
07/14/2009		SPECIAL ADMISSION FORM SENT to Kevin M. French. (jc) (Entered: 07/14/2009)
07/14/2009	<u>119</u>	NOTICE OF APPEAL in NON-PRISONER Case as to Memorandum and Order <u>109</u> and Judgment <u>110</u> filed 6/11/09 by plaintiffs. Filing Fee and Docket Fee NOT PAID. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (Attachments: # <u>1</u> USCA Letter)(jc) (Entered: 07/27/2009)
07/15/2009	<u>115</u>	ORDER: The parties shall adhere to the following briefing schedule re. dfts' MOTION for Sanctions <u>114</u> : (1) Defendants The Estate of George Brubaker and Hartman Underhill & Brubaker shall file their brief in support by no later than July 23, 2009; (2) Plaintiffs brief in opposition shall be filed within fifteen days of service of Defendants brief in support; and, (3) a reply brief may be filed within ten days of service of Plaintiffs brief in opposition. Signed by Honorable Sylvia H. Rambo on 7/15/09. (ma, ) (Entered: 07/15/2009)
07/23/2009	<u>116</u>	USCA LETTER TO DISTRICT COURT CLERK re: forwarding Notice of Appeal on behalf of Plaintiffs, Gloria Lytle, Roger Morrison, Lytle Transportation, and Morrison and Sons Transportation, Inc. to District Court. (Attachments: # <u>1</u> clerk letter)(Davis, Laura) (Entered: 07/23/2009)
07/23/2009	<u>117</u>	CERTIFICATE of Counsel re <u>114</u> MOTION for Sanctions Pursuant to 28 U.S.C. Section 1927 by Kevin M. French on behalf of The Estate of George Brubaker, Hartman, Underhill and Brubaker (French, Kevin) (Entered: 07/23/2009)
07/23/2009	<u>118</u>	BRIEF IN SUPPORT re <u>114</u> MOTION for Sanctions Pursuant to 28 U.S.C. Section 1927 filed by The Estate of George Brubaker, Hartman, Underhill and Brubaker.(French, Kevin) (Entered: 07/23/2009)
07/27/2009		TPO (TRANSCRIPT PURCHASE ORDER) SENT to Regina D. Poserina. <u>119</u> (jc) (Entered: 07/27/2009)

07/28/2009	<u>120</u>	TRANSCRIPT PURCHASE ORDER filed by Regina D. Poserina, Esquire stating that a transcript is not necessary for purposes of appeal.(jc) (Entered: 07/29/2009)
07/28/2009	<u>121</u>	USCA Appeal Fees received \$ 455, receipt number 111006222 re: <u>119</u> Notice of Appeal filed by plaintiffs. (jc) (Entered: 07/29/2009)
08/04/2009	<u>122</u>	USCA Case Number 09-3207 for <u>119</u> Notice of Appeal, filed by Morrison and Sons Transportation, Inc., Roger Morrison, Gloria Lytle, United States of America, Lytle Transportation. USCA Case Manager Pamela Batts (DOCUMENT IS RESTRICTED AND CAN ONLY BE VIEWED BY COURT STAFF). (Batts, Pam) (Entered: 08/04/2009)
08/06/2009	<u>123</u>	STIPULATION re <u>114</u> MOTION for Sanctions Pursuant to 28 U.S.C. Section 1927, <u>118</u> Brief in Support, <u>115</u> Order, Set Motion and R&R Dealines/Hearings,,,, To Extend Time for Response by George Brubaker, Gloria Lytle, Roger Morrison, Lytle Transportation, Morrison and Sons Transportation, Inc., Hartman, Underhill and Brubaker. (Attachments: # <u>1</u> Proposed Stipulated Order)(Poserina, Regina) (Entered: 08/06/2009)
08/07/2009	<u>124</u>	ORDER: The Pltfs and Dfts Hartman Underhill & Brubaker LLP and The Estate of George Brubakers Stipulation <u>123</u> is entered on the record; and thePltfs have until 8/21/09, to respond to the Dfts Mtn for Sanctions <u>114</u> .Signed by Honorable Sylvia H. Rambo on 8/7/09. (ma, ) (Entered: 08/07/2009)
08/18/2009	<u>125</u>	MOTION for Extension of Time to for Plaintiffs' Response to Defendants' Motion for Sanctions by George Brubaker, Hartman, Underhill and Brubaker.(French, Kevin) (Entered: 08/18/2009)
08/18/2009	<u>126</u>	ORDER Upon consideration of the mtn of defts, Hartman Underhill & Brubaker LLP and the Estate of George Brubaker, to extend time for pltfs' response to defts' mtn for sanctions, and pltfs' concurrence therein, it is hereby ordered that the mtn is granted: Plaintiffs shall have until 9/4/09, to respond to defts' mtn for sanctions. <u>125</u> Signed by Honorable Sylvia H. Rambo on 8/18/09 (jc) (Entered: 08/18/2009)
08/19/2009		DOCKET ANNOTATION: For future reference, proposed orders should be included as attachments to the motion and not as a cover page. (dc) (Entered: 08/19/2009)
09/15/2009	<u>127</u>	NOTICE of Voluntary Dismissal by George Brubaker, The Estate of George Brubaker, Hartman, Underhill and Brubaker (Attachments: # <u>1</u> Proposed Stipulated Order)(Schwartz, Edwin) (Entered: 09/15/2009)
09/16/2009	<u>128</u>	ORDER approving the Notice of Voluntary Dismissal <u>127</u> . Dfts Hartman, Underhill and Brubaker and The Estate of George Brubaker terminated.Signed by Honorable Sylvia H. Rambo on 9/16/09. (ma, ) (Entered: 09/16/2009)
01/26/2010	<u>129</u>	WITHDRAWAL OF ATTORNEY APPEARANCE – Attorney Regina D. Poserina terminated on behalf of Lytle, Morrison, Lytle Transportation, Morrison and Sons Transportation. (Poserina, Regina) (Entered: 01/26/2010)
09/14/2010	<u>130</u>	JUDGMENT of USCA Affirming(certified copy) as to <u>119</u> Notice of Appeal, filed by Morrison and Sons Transportation, Inc., Roger Morrison, Gloria Lytle, United States of America, Lytle Transportation (Batts, Pam) (Entered: 09/14/2010)
10/06/2010	<u>131</u>	MANDATE of USCA as to <u>119</u> Notice of Appeal, filed by Morrison and Sons Transportation, Inc., Roger Morrison, Gloria Lytle, United States of America, Lytle Transportation (Attachments: # <u>1</u> mandate letter, # <u>2</u> opinion)(Harris, Tricia) (Entered: 10/06/2010)

**U.S. District Court  
District of New Jersey [LIVE] (Newark)  
CIVIL DOCKET FOR CASE #: 2:07-cv-02981-WJM-MF**

MAILLY et al v. HEALTHSOUTH HOLDINGS, INC. et al  
Assigned to: Judge William J. Martini  
Referred to: Magistrate Judge Mark Falk  
Cause: 31:3729 False Claims Act

Date Filed: 06/27/2007  
Date Terminated: 01/15/2010  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**UNITED STATES OF AMERICA**  
*ex rel. KEN MAILLY and BARRY INGLETT*

represented by **DAVID S. BARMAK**  
LAW OFFICES OF DAVID S. BARMAK,  
LLC  
29 Emmons Drive  
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Princeton, NJ 08540  
609-454-5351  
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Email: david@barmak.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**HEALTHSOUTH HOLDINGS, INC.**

represented by **ELIZABETH SEYLE FENTON**  
Chamberlain Hrdlicka  
300 Conshohocken State Rd.  
Suite 570  
W. Conshohocken, PA 19428  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**SELECT MEDICAL  
REHABILITATION, INC.**

represented by **ELIZABETH SEYLE FENTON**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**HUDSON HEIGHTS PHYSICAL  
THERAPY, INC.**

represented by **ELIZABETH SEYLE FENTON**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****KESSLER INSTITUTE, INC.**represented by **ELIZABETH SEYLE FENTON**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Defendant****ABC CORPORATIONS***(fictional names of business entities not yet identified)*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/27/2007	<a href="#">1</a>	COMPLAINT against HEALTHSOUTH HOLDINGS, INC., SELECT MEDICAL REHABILITATION, INC., HUDSON HEIGHTS PHYSICAL THERAPY, INC., KESSLER INSTITUTE, INC. ( Filing fee \$ 350 receipt number 345990.) JURY DEMAND, filed by KEN MAILLY, BARRY INGLETT. (Attachments: # <a href="#">1</a> Cover Letter) (ld, ) (Entered: 06/28/2007)
10/30/2007		***Civil Case Terminated. (sr, ) (Entered: 10/30/2007)
05/15/2008	<a href="#">5</a>	NOTICE of Election to Decline Intervention submitted on behalf pf UNITED STATES OF AMERICA (Attachments: # <a href="#">1</a> p/o)(sr, ) (Entered: 05/16/2008)
05/22/2008	<a href="#">6</a>	ORDER unsealing the complt., the United States' Notice of Election and this Order. All other contents shall remain under seal. The Clerk is directed to reopen the action, & the seal shall be lifted as to all other matters occurring in this action after the date of this Order; etc. Signed by Judge William J. Martini on 5/19/08. (sr, ) (Entered: 05/22/2008)
06/16/2009	<a href="#">7</a>	MOTION to Dismiss by HEALTHSOUTH HOLDINGS, INC., SELECT MEDICAL REHABILITATION, INC., HUDSON HEIGHTS PHYSICAL THERAPY, INC., KESSLER INSTITUTE, INC.. Responses due by 7/6/2009 (Attachments: # <a href="#">1</a> Brief, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Certificate of Service, # <a href="#">7</a> Text of Proposed Order)(FENTON, ELIZABETH) (Entered: 06/16/2009)
06/17/2009		Set Deadline as to <a href="#">7</a> MOTION to Dismiss. Motion set for 7/20/2009 before Judge William J. Martini. The motion will be decided on the papers. No appearances required unless notified by the court. (sr, ) (Entered: 06/17/2009)
07/14/2009	<a href="#">8</a>	Cross MOTION serve complaint beyond permitted time re <a href="#">7</a> MOTION to Dismiss by UNITED STATES OF AMERICA. (BARMAK, DAVID) (Entered: 07/14/2009)
07/15/2009		Set Deadline as to <a href="#">8</a> Cross MOTION serve complaint beyond permitted time re <a href="#">7</a> MOTION to Dismiss, <a href="#">7</a> MOTION to Dismiss. Motion set for 8/17/2009 before Judge William J. Martini. The motion will be decided on the papers. No appearances required unless notified by the court. (sr, ) (Entered: 07/15/2009)
07/16/2009	<a href="#">9</a>	RESPONSE in Opposition re <a href="#">8</a> Cross MOTION serve complaint beyond permitted time re <a href="#">7</a> MOTION to Dismiss filed by HEALTHSOUTH HOLDINGS, INC., SELECT MEDICAL REHABILITATION, INC., HUDSON HEIGHTS PHYSICAL THERAPY, INC., KESSLER INSTITUTE, INC.. (Attachments: # <a href="#">1</a> Text of Proposed Order, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C)(FENTON, ELIZABETH) (Entered: 07/16/2009)
01/15/2010	<a href="#">10</a>	LETTER OPINION re <a href="#">7</a> MOTION to Dismiss filed by HEALTHSOUTH HOLDINGS, INC., et al <a href="#">8</a> Cross MOTION serve complaint beyond permitted time re <a href="#">7</a> MOTION to

		Dismiss filed by UNITED STATES OF AMERICA. Signed by Judge William J. Martini on 1/14/10. (gh, ) (Entered: 01/15/2010)
01/15/2010	<a href="#">11</a>	ORDER granting <a href="#">7</a> Motion to Dismiss ***CIVIL CASE TERMINATED; denying <a href="#">8</a> Motion to serve beyond the time permitted. Signed by Judge William J. Martini on 1/14/10. (gh, ) (Entered: 01/15/2010)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/23/2019 14:17:14			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:07-cv-02981-WJM-MF Start date: 1/1/1970 End date: 1/23/2019
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

**U.S. District Court  
District of New Jersey [LIVE] (Newark)  
CIVIL DOCKET FOR CASE #: 2:09-cv-00483-WJM-MF**

MAILLY et al v. HEALTHSOUTH HOLDINGS, INC. et al  
Assigned to: Judge William J. Martini  
Referred to: Magistrate Judge Mark Falk  
Cause: 31:3729 False Claims Act

Date Filed: 02/03/2009  
Date Terminated: 01/15/2010  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**KEN MAILLY**  
*ex rel. UNITED STATES OF AMERICA*

represented by **DAVID S. BARMAK**  
LAW OFFICES OF DAVID S. BARMAK,  
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29 Emmons Drive  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**BARRY INGLETT**  
*ex rel. UNITED STATES OF AMERICA*

represented by **DAVID S. BARMAK**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**HEALTHSOUTH HOLDINGS, INC.**

represented by **ELIZABETH SEYLE FENTON**  
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6107722340  
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Email: bfenton@chamberlainlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**SELECT MEDICAL  
REHABILITATION, INC.**

represented by **ELIZABETH SEYLE FENTON**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*



**Defendant**

**HUDSON HEIGHTS PHYSICAL  
THERAPY, INC.**

represented by **ELIZABETH SEYLE FENTON**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**KESSLER INSTITUTE, INC.**

represented by **ELIZABETH SEYLE FENTON**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**ABC CORPORATIONS**

*(fictitious names of business entities not yet  
identified)*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/03/2009	<a href="#">1</a>	COMPLAINT against HEALTHSOUTH HOLDINGS, INC., SELECT MEDICAL REHABILITATION, INC., HUDSON HEIGHTS PHYSICAL THERAPY, INC., KESSLER INSTITUTE, INC., ABC CORPORATIONS ( Filing fee \$ 350 receipt number 355377.) Jury demand, None., filed by KEN MAILLY, BARRY INGLETT. (No Summons Submitted) (ld, ) (Additional attachment(s) added on 2/4/2009: # <a href="#">1</a> Cover Letter) (ld, ). (Entered: 02/04/2009)
06/16/2009	<a href="#">2</a>	MOTION to Dismiss by HEALTHSOUTH HOLDINGS, INC., SELECT MEDICAL REHABILITATION, INC., HUDSON HEIGHTS PHYSICAL THERAPY, INC., KESSLER INSTITUTE, INC.. Responses due by 7/6/2009 (Attachments: # <a href="#">1</a> Brief In Support of Motion, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Text of Proposed Order, # <a href="#">6</a> Certificate of Service)(FENTON, ELIZABETH) (Entered: 06/16/2009)
06/16/2009		Set Deadlines as to <a href="#">2</a> MOTION to Dismiss. Motion set for 7/20/2009 before Judge William J. Martini. The motion will be decided on the papers. No appearances required unless notified by the court. (dc, ) (Entered: 06/19/2009)
01/15/2010	<a href="#">3</a>	LETTER OPINION re <a href="#">2</a> MOTION to Dismiss filed by HEALTHSOUTH HOLDINGS, INC., et al. Signed by Judge William J. Martini on 1/14/10. (gh, ) (Entered: 01/15/2010)
01/15/2010	<a href="#">4</a>	ORDER granting <a href="#">2</a> Motion to Dismiss ***CIVIL CASE TERMINATED. Signed by Judge William J. Martini on 1/14/10. (gh, ) (Entered: 01/15/2010)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/23/2019 14:19:10			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:09-cv-00483-WJM-MF Start date: 1/1/1970 End date: 1/23/2019
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

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**U.S. District Court  
District of New Jersey [LIVE] (Newark)  
CIVIL DOCKET FOR CASE #: 2:10-cv-00956-JLL-CCC**

MAILLY et al v. HEALTHSOUTH HOLDINGS, INC. et al  
Assigned to: Judge Jose L. Linares  
Referred to: Magistrate Judge C. C. Cecchi  
Cause: 31:3729 False Claims Act

Date Filed: 02/24/2010  
Date Terminated: 03/05/2010  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**KEN MAILLY**

represented by **DAVID S. BARMAK**  
LAW OFFICES OF DAVID S. BARMAK,  
LLC  
29 Emmons Drive  
Suite A-20  
Princeton, NJ 08540  
609-454-5351  
Fax: 609-454-5361  
Email: david@barmak.com  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**BARRY INGLETT**

represented by **DAVID S. BARMAK**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**UNITED STATES OF AMERICA**  
*ex rel.*

represented by **ANTHONY J. LABRUNA , JR.**  
US ATTORNEY'S OFFICE  
970 BROAD STREET  
SUITE 700  
NEWARK, NJ 07102  
(973) 645-2926  
Email: anthony.labruna@usdoj.gov  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**HEALTHSOUTH HOLDINGS, INC.**

**Defendant**

**SELECT MEDICAL  
REHABILITATION, INC.**

**Defendant**

**HUDSON HEIGHTS PHYSICAL  
THERAPY, INC.**

**Defendant**

**KESSLER INSTITUTE, INC.**

**Defendant**

**ABC CORPORATIONS**

*(fictional names of business entities not yet identified)*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/24/2010	<a href="#">1</a>	COMPLAINT against ABC CORPORATIONS, HEALTHSOUTH HOLDINGS, INC., HUDSON HEIGHTS PHYSICAL THERAPY, INC., KESSLER INSTITUTE, INC., SELECT MEDICAL REHABILITATION, INC. ( Filing fee \$ 350 receipt number 2966435.) No Summons Attached., filed by KEN MAILLY, BARRY INGLETT and UNITED STATES OF AMERICA, ex rel.. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(dr, ) (Entered: 02/25/2010)
03/04/2010	<a href="#">2</a>	NOTICE of Voluntary Dismissal by BARRY INGLETT, KEN MAILLY, UNITED STATES OF AMERICA (BARMAK, DAVID) (Entered: 03/04/2010)
03/05/2010		***Civil Case Terminated. (DD, ) (Entered: 03/05/2010)
03/05/2010	<a href="#">3</a>	ORDER VOLUNTARILY DISMISSING action w/out prejudice.. Signed by Judge Jose L. Linares on 3/5/10. (DD, ) (Entered: 03/05/2010)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/23/2019 14:18:22			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:10-cv-00956-JLL-CCC Start date: 1/1/1970 End date: 1/23/2019
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:04-cv-21917-CMA**

Makro Capital of, et al v. UBS AG, et al  
Assigned to: Judge Cecilia M. Altonaga  
Referred to: Magistrate Judge Andrea M. Simonton  
Demand: \$0  
Case in other court: 06-13687-II  
Cause: 28:1332 Diversity-Breach of Contract

Date Filed: 07/29/2004  
Date Terminated: 06/29/2006  
Jury Demand: Plaintiff  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Diversity

**Plaintiff**

**Makro Capital of America, Inc.**

represented by **Abbey L. Kaplan**  
Kluger Kaplan Silverman Katzen & Levine,  
P.L.  
Miami Center  
201 S Biscayne Boulevard  
27th Floor  
Miami, FL 33131-8424  
305-379-9000  
Fax: 379-3428  
Email: akaplan@klugerkaplan.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Alexander Reus**  
Becker & Poliakoff  
5201 Blue Lagoon Drive  
Suite 100  
Miami, FL 33126  
305-260-1027  
Fax: 262-4504  
*TERMINATED: 11/29/2004*  
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*ATTORNEY TO BE NOTICED*

**Allan Bennett Kaiser**  
Allan B Kaiser PLLC  
111 NE 1st Street  
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Miami, FL 33132  
305-858-6070  
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*TERMINATED: 01/05/2005*  
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*ATTORNEY TO BE NOTICED*

**Steve I. Silverman**  
Kluger Kaplan Silverman Katzen & Levine,

**Date Discrepancy Cases 481**

PL  
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 Suite 1700  
 Miami, FL 33131-8424  
 305-379-9000  
 Fax: 379-3428  
 Email: ssilverman@klugerkaplan.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**United States**

represented by **Abbey L. Kaplan**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Steve I. Silverman**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**UBS AG**

*other*

United States

*also known as*

Union Bank of Switzerland

*also known as*

UBS (USA) Inc.

*also known as*

UBS Paine Webber

represented by **Amber Wessels**  
 Clifford Chance  
 31 West 52nd Street  
 New York, NY 10019-6131  
 212-878-8000  
 Fax: 878-8375  
*TERMINATED: 04/21/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Gregory J. Trask**  
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 305-350-5100  
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 212-878-8000  
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**Peter W. Homer**  
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**Thomas Teige Carroll**  
Clifford Chance  
31 West 52nd Street  
New York, NY 10019-6131  
212-878-8000  
Fax: 878-8375  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**United States**

*TERMINATED: 04/11/2005*

represented by **Marlene Rodriguez**  
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99 NE 4 Street  
Suite 300  
Miami, FL 33132  
305-961-9206  
Fax: 530-7139  
Email: marlene.rodriguez@usdoj.gov  
*TERMINATED: 04/11/2005  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Matthew Lepore**  
United States Department of Justice  
Civil Division  
PO Box 883  
Ben Franklin Station  
Washington, DC 20044  
202-514-3770  
Fax: 318-7601  
*TERMINATED: 04/11/2005  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/29/2004	<a href="#">1</a>	COMPLAINT filed; FILING FEE \$150.00 RECEIPT # 905514 ; Magistrate Judge Ted E Bandstra (Former Deputy Clerk) (Entered: 07/30/2004)
07/29/2004	<a href="#">2</a>	SUMMONS(ES) issued for UBS AG (Former Deputy Clerk) (Entered: 07/30/2004)

**Date Discrepancy Cases 483**

07/29/2004	<a href="#">3</a>	SUMMONS(ES) issued for UBS AG (UBS USA Inc) (Former Deputy Clerk) (Entered: 07/30/2004)
07/29/2004	<a href="#">4</a>	SUMMONS(ES) issued for United States (Former Deputy Clerk) (Entered: 07/30/2004)
11/24/2004	<a href="#">5</a>	EMERGENCY MOTION by Makro Capital of (Attorney Allan Bennett Kaiser) to extend time for service or process (tb, Deputy Clerk) (Entered: 11/29/2004)
11/24/2004	<a href="#">6</a>	ORDER granting [5-1] motion to extend time for service or process ( Signed by Judge Cecilia M. Altonaga on 11/24/04) [EOD Date: 11/29/04] (tb, Deputy Clerk) (Entered: 11/29/2004)
11/24/2004	<a href="#">7</a>	MOTION by Makro Capital of to extend time for service or process (tb, Deputy Clerk) (Entered: 11/29/2004)
11/29/2004	<a href="#">8</a>	NOTICE of withdrawal an substitution of counsel by Makro Capital of (tb, Deputy Clerk) (Entered: 12/01/2004)
11/29/2004	<a href="#">9</a>	MOTION by Makro Capital of for Global Expansion Group to withdraw as attorney (tb, Deputy Clerk) (Entered: 12/01/2004)
11/30/2004	<a href="#">10</a>	ORDER granting [9-1] motion for Global Expansion Group to withdraw as attorney ( Signed by Judge Cecilia M. Altonaga on 11/30/04) [EOD Date: 12/1/04] (bb, Deputy Clerk) (Entered: 12/01/2004)
12/13/2004	<a href="#">11</a>	MOTION by Makro Capital of for Diaz & Kaiser, LLP to withdraw as attorney (tb, Deputy Clerk) (Entered: 12/14/2004)
12/13/2004	<a href="#">12</a>	ORDER denying [11-1] motion for Diaz & Kaiser, LLP to withdraw as attorney ( Signed by Judge Cecilia M. Altonaga on 12/13/04) [EOD Date: 12/16/04] (tb, Deputy Clerk) (Entered: 12/16/2004)
01/05/2005	<a href="#">13</a>	MOTION for Allan B. Kaiser to withdraw as attorney (Former Deputy Clerk) (Entered: 01/06/2005)
01/05/2005	<a href="#">14</a>	ORDER granting [13-1] motion for Allan B. Kaiser to withdraw as attorney ( Signed by Judge Cecilia M. Altonaga on 1/5/05) [EOD Date: 1/6/05] (Former Deputy Clerk) (Entered: 01/06/2005)
01/14/2005	<a href="#">15</a>	ORDER granting plaintiff's time to hire counsel ( Signed by Judge Cecilia M. Altonaga on 1/14/05) [EOD Date: 1/18/05] (tb, Deputy Clerk) (Entered: 01/18/2005)
01/18/2005	<a href="#">16</a>	NOTICE of attorney appearance for Makro Capital of by Abbey L. Kaplan, Steve I. Silverman (ra, Deputy Clerk) (Entered: 01/19/2005)
01/19/2005	<a href="#">17</a>	ORDER set Scheduling meeting report and certificate of interested parties due for 2/10/05 ( Signed by Judge Cecilia M. Altonaga on 1/19/05) [EOD Date: 1/20/05] (tb, Deputy Clerk) (Entered: 01/20/2005)
01/21/2005	<a href="#">18</a>	MOTION with memorandum in support by Makro Capital of to extend time to effect service of process on defendants (tb, Deputy Clerk) (Entered: 01/24/2005)
01/24/2005	<a href="#">19</a>	ORDER granting [18-1] motion to extend time to effect service of process on defendants ( Signed by Judge Cecilia M. Altonaga on 1/24/05) [EOD Date: 1/25/05] (tb, Deputy Clerk) (Entered: 01/25/2005)
01/26/2005	<a href="#">20</a>	SUMMONS(ES) issued for United States (tb, Deputy Clerk) (Entered: 01/28/2005)
01/26/2005	<a href="#">21</a>	SUMMONS(ES) issued for UBS AG (tb, Deputy Clerk) (Entered: 01/28/2005)
01/26/2005	<a href="#">22</a>	SUMMONS(ES) issued for UBS (USA), Inc. (tb, Deputy Clerk) (Entered: 01/28/2005)

**Date Discrepancy Cases 484**



01/26/2005	<a href="#">23</a>	SUMMONS(ES) issued for UBS PaineWebber (tb, Deputy Clerk) (Entered: 01/28/2005)
02/07/2005	<a href="#">24</a>	RETURN OF SERVICE executed for United States on 1/31/05 Answer due on 2/22/05 for United States (bb, Deputy Clerk) (Entered: 02/08/2005)
02/10/2005	<a href="#">25</a>	Certificate of interested persons and corporate disclosure statement by Makro Capital of (bb, Deputy Clerk) (Entered: 02/10/2005)
02/10/2005	<a href="#">26</a>	JOINT MOTION by Makro Capital of, UBS AG to extend time to comply with order requiring scheduling report and for UBS AG to file certificate of interested parties (tb, Deputy Clerk) (Entered: 02/11/2005)
02/11/2005	<a href="#">27</a>	RETURN OF SERVICE executed for UBS AG on 1/28/05 Answer due on 2/17/05 for UBS AG (gz, Deputy Clerk) (Entered: 02/14/2005)
02/11/2005	<a href="#">28</a>	RETURN OF SERVICE executed for United States on 1/28/05 Answer due on 2/17/05 for United States (gz, Deputy Clerk) (Entered: 02/14/2005)
02/14/2005	<a href="#">29</a>	MOTION by UBS AG (Attorney Peter W. Homer, Gregory J. Trask) for leave to file enlarged memorandum of law in support of motion to dismiss (dg, Deputy Clerk) (Entered: 02/14/2005)
02/14/2005	<a href="#">30</a>	ORDER granting [29-1] motion for leave to file enlarged memorandum of law in support of motion to dismiss ( Signed by Judge Cecilia M. Altonaga on 02/14/05) [EOD Date: 2/15/05] (bb, Deputy Clerk) (Entered: 02/15/2005)
02/14/2005	<a href="#">31</a>	ORDER granting [26-1] joint motion to extend time to comply with order requiring scheduling report and for UBS AG to file certificate of interested parties ( Signed by Judge Cecilia M. Altonaga on 02/14/05) [EOD Date: 2/15/05] (bb, Deputy Clerk) (Entered: 02/15/2005)
02/16/2005	<a href="#">35</a>	Certificate of Interested persons and Corporate disclosure statement by UBS AG (lk, Deputy Clerk) (Entered: 02/18/2005)
02/17/2005	<a href="#">32</a>	MOTION by UBS AG to dismiss complaint (lk, Deputy Clerk) (Entered: 02/18/2005)
02/17/2005	<a href="#">33</a>	MEMORANDUM by UBS AG in support of [32-1] motion to dismiss complaint (lk, Deputy Clerk) (Entered: 02/18/2005)
02/17/2005	<a href="#">34</a>	NOTICE of filing Declaration of Thomas Teige Carroll by UBS AG Re: [32-1] motion to dismiss complaint (lk, Deputy Clerk) (Entered: 02/18/2005)
02/17/2005	<a href="#">36</a>	MOTION by UBS AG for James Weidner, Thomas Teige Carroll and Amber Wessels to appear pro hac vice (lk, Deputy Clerk) (Entered: 02/18/2005)
02/17/2005		Filing Fee Paid; FILING FEE \$ 75.00,\$75.00,\$75.00 RECEIPT # 915700 (lk, Deputy Clerk) (Entered: 02/18/2005)
02/17/2005	<a href="#">37</a>	REQUEST by UBS AG (Attorney James Weidner, Thomas Carroll) for Hearing on [32-1] motion to dismiss complaint (lk, Deputy Clerk) (Entered: 02/18/2005)
02/17/2005	<a href="#">38</a>	Letter sent to: James Weidner and Thomas Carro Re: Admissions. Mailing date: 2/17/05 (lk, Deputy Clerk) (Entered: 02/22/2005)
02/25/2005	<a href="#">39</a>	ORDER granting [36-1] motion for James Weidner, Thomas Teige Carroll and Amber Wessels to appear pro hac vice ( Signed by Judge Cecilia M. Altonaga on 2/25/05) [EOD Date: 2/28/05] (ct, Deputy Clerk) (Entered: 02/28/2005)
03/01/2005	<a href="#">40</a>	ORDER setting oral argument; Motion hearing before Judge Cecilia M. Altonaga set for 8:30 4/7/05 for [32-1] motion to dismiss complaint ( Signed by Judge Cecilia M. Altonaga on 03/01/05) [EOD Date: 3/2/05] (bb, Deputy Clerk) (Entered: 03/02/2005)

**Date Discrepancy Cases 485**

03/03/2005	<a href="#">41</a>	RESPONSE by UBS AG in opposition to plaintiff's motion for 30 day enlargement of time to respond to motion to dismiss (tb, Deputy Clerk) (Entered: 03/04/2005)
03/03/2005	<a href="#">41</a>	RESPONSE by UBS AG in opposition to request for case management conference (tb, Deputy Clerk) (Entered: 03/04/2005)
03/03/2005	<a href="#">42</a>	MOTION with memorandum in support by Makro Capital of to extend time to respond to defendant UBS AG's motion to dismiss , and for case management conference (bb, Deputy Clerk) (Entered: 03/04/2005)
03/04/2005	<a href="#">43</a>	ORDER granting in part [42-1] motion to extend time to respond to defendant UBS AG's motion to dismiss, granting in part [42-2] motion for case management conference ( Signed by Judge Cecilia M. Altonaga on 3/4/05) [EOD Date: 3/7/05] (hd, Deputy Clerk) (Entered: 03/07/2005)
03/17/2005	<a href="#">44</a>	ORDER set answer due for 5/16/05 for United States ( Signed by Judge Cecilia M. Altonaga on 3/17/05) [EOD Date: 3/18/05] (tb, Deputy Clerk) (Entered: 03/18/2005)
03/17/2005	<a href="#">45</a>	UNOPPOSED MOTION by United States to extend time to respond to complaint (tb, Deputy Clerk) (Entered: 03/18/2005)
03/24/2005	<a href="#">46</a>	MEMORANDUM by Makro Capital of in opposition to [32-1] motion to dismiss complaint (tb, Deputy Clerk) (Entered: 03/25/2005)
03/31/2005	<a href="#">47</a>	REPLY MEMORANDUM by UBS AG in support of [32-1] motion to dismiss complaint (tb, Deputy Clerk) (Entered: 03/31/2005)
03/31/2005	<a href="#">48</a>	JOINT MOTION by Makro Capital of, UBS AG, United States to extend time to comply with order requiring scheduling report (tb, Deputy Clerk) (Entered: 04/01/2005)
04/01/2005	<a href="#">49</a>	ORDER granting [48-1] joint motion to extend time to comply with order requiring scheduling report reset Scheduling meeting report due for 5/31/05 ( Signed by Judge Cecilia M. Altonaga on 04/01/05) [EOD Date: 4/4/05] (tb, Deputy Clerk) (Entered: 04/04/2005)
04/06/2005	<a href="#">50</a>	NOTICE of filing page 23 to exhibit E of the declaration of Thomas Teige Carroll by UBS AG (tb, Deputy Clerk) (Entered: 04/07/2005)
04/07/2005	<a href="#">51</a>	Minutes of oral argument on motion to dismiss held before Judge Cecilia M. Altonaga on 4/7/05; Court Reporter Name or Tape #: Barbara Medina (tb, Deputy Clerk) (Entered: 04/08/2005)
04/07/2005		Motion hearing re: [32-1] motion to dismiss complaint (tb, Deputy Clerk) (Entered: 04/08/2005)
04/07/2005	<a href="#">52</a>	NOTICE of filing proposed order by United States (bb, Deputy Clerk) (Entered: 04/08/2005)
04/11/2005	<a href="#">53</a>	ORDER dismissing plaintiff's claims against United States of America ( Signed by Judge Cecilia M. Altonaga on 4/8/05) [EOD Date: 4/13/05] (tb, Deputy Clerk) (Entered: 04/13/2005)
05/09/2005	<a href="#">54</a>	JOINT MOTION by Makro Capital of, UBS AG to extend time to file joint scheduling report (tb, Deputy Clerk) (Entered: 05/10/2005)
05/11/2005	<a href="#">55</a>	ORDER granting [54-1] joint motion to extend time to file joint scheduling report ( Signed by Judge Cecilia M. Altonaga on 5/11/05) [EOD Date: 5/12/05] (tb, Deputy Clerk) (Entered: 05/12/2005)
05/18/2005	<a href="#">56</a>	ORDER granting [32-1] motion to dismiss complaint dismissing without prejudice (

**Date Discrepancy Cases 486**

		Signed by Judge Cecilia M. Altonaga on 5/18/05) [EOD Date: 5/19/05] (tb, Deputy Clerk) (Entered: 05/19/2005)
06/20/2005	<a href="#">57</a>	AGREED MOTION by Makro Capital of to extend time to file Amended Complaint (wc, Deputy Clerk) (Entered: 06/20/2005)
06/20/2005	<a href="#">58</a>	AGREED MOTION by Makro Capital of to extend time to file amended complaint (tb, Deputy Clerk) (Entered: 06/22/2005)
06/21/2005	<a href="#">59</a>	ORDER granting [57-1] motion to extend time to file Amended Complaint, granting [58-1] motion to extend time to file amended complaint ( Signed by Judge Cecilia M. Altonaga on y) [EOD Date: 6/22/05] (tb, Deputy Clerk) (Entered: 06/22/2005)
06/27/2005	60	SEALED DOCUMENT placed in vault (yc, Deputy Clerk) (Entered: 07/06/2005)
06/27/2005	<a href="#">61</a>	AMENDED COMPLAINT by Makro Capital of, United States , (Answer due 7/7/05 for UBS AG ) amending [1-1] complaint (tb, Deputy Clerk) (Entered: 03/14/2006)
07/01/2005	62	SEALED DOCUMENT placed in vault (yc, Deputy Clerk) Modified on 07/06/2005 (Entered: 07/06/2005)
08/25/2005	63	SEALED DOCUMENT placed in vault (tb, Deputy Clerk) (Entered: 08/29/2005)
08/30/2005	64	SEALED DOCUMENT placed in vault (tb, Deputy Clerk) (Entered: 08/31/2005)
10/05/2005	<a href="#">65</a>	NOTICE of charging lien against plaintiff by Diaz & Kaiser, LLP (tb, Deputy Clerk) (Entered: 10/06/2005)
11/28/2005	66	SEALED DOCUMENT placed in vault (tb, Deputy Clerk) (Entered: 11/29/2005)
12/01/2005	67	SEALED DOCUMENT placed in vault (tb, Deputy Clerk) (Entered: 12/02/2005)
01/27/2006	68	SEALED DOCUMENT placed in vault (wc, Deputy Clerk) (Entered: 01/30/2006)
01/27/2006	69	SEALED DOCUMENT placed in vault (sk, Deputy Clerk) (Entered: 01/31/2006)
02/28/2006	70	SEALED DOCUMENT placed in vault (tb, Deputy Clerk) (Entered: 03/01/2006)
03/02/2006	<a href="#">71</a>	ORDER that the relator's Amended Complaint be unsealed and served upon the defendant within 20 days of the date of this order ( Signed by Judge Cecilia M. Altonaga on 3/2/06) [EOD Date: 3/3/06] (tb, Deputy Clerk) (Entered: 03/03/2006)
03/22/2006	<a href="#">72</a>	NOTICE of serving plaintiff's amended complaint by Makro Capital of (tb, Deputy Clerk) (Entered: 03/23/2006)
03/30/2006	<a href="#">73</a>	UNOPPOSED MOTION by UBS AG to extend time to respond to amended complaint (mh, Deputy Clerk) (Entered: 03/31/2006)
03/31/2006	<a href="#">74</a>	ORDER granting [73-1] motion to extend time to respond to amended complaint reset answer due for 4/19/06 for UBS AG ( Signed by Judge Cecilia M. Altonaga on 3/30/06) [EOD Date: 4/3/06] (tb, Deputy Clerk) (Entered: 04/03/2006)
04/18/2006	<a href="#">75</a>	ORDER requiring Scheduling meeting report and certificates of interested parties due for 5/10/06 ( Signed by Judge Cecilia M. Altonaga on 04/18/06) [EOD Date: 4/19/06] (bb, Deputy Clerk) (Entered: 04/19/2006)
04/18/2006	<a href="#">76</a>	MOTION by Ludwig Koch to intervene , and to transfer the action (bb, Deputy Clerk) (Entered: 04/19/2006)
04/18/2006	<a href="#">77</a>	MEMORANDUM by Ludwig Koch in support of [76-1] motion to intervene, [76-2] motion to transfer the action (bb, Deputy Clerk) (Entered: 04/19/2006)
04/19/2006	<a href="#">78</a>	MOTION with memorandum in support by UBS AG for an Order setting supplemental

Date Discrepancy Cases 487

		briefing schedule (bb, Deputy Clerk) (Entered: 04/20/2006)
04/19/2006	<a href="#">79</a>	MOTION with memorandum in support by UBS AG to dismiss the amended complaint (bb, Deputy Clerk) (Entered: 04/20/2006)
04/19/2006	<a href="#">80</a>	NOTICE of Filing Declaration (attached) Of Thomas Teige Carroll In Support Of Defendant UBS AG's Motion To Dismiss The Amended Complaint by UBS AG (mh, Deputy Clerk) (Entered: 04/20/2006)
04/20/2006	<a href="#">81</a>	NOTICE of Change of Attorney and Request that Clerk Update Faxback Service List by UBS AG (nt, Deputy Clerk) (Entered: 04/21/2006)
04/28/2006	<a href="#">82</a>	MEMORANDUM by UBS AG in opposition to [76-1] motion to intervene, [76-2] motion to transfer the action (bb, Deputy Clerk) (Entered: 04/28/2006)
05/03/2006	<a href="#">83</a>	UNOPPOSED MOTION by Makro Capital of to extend time to respond to intervener's motion to transfer and consolidate proceedings (tb, Deputy Clerk) (Entered: 05/05/2006)
05/04/2006	<a href="#">84</a>	ORDER granting [83-1] motion to extend time to respond to intervener's motion to transfer and consolidate proceedings ( Signed by Judge Cecilia M. Altonaga on 5/4/06) [EOD Date: 5/5/06] (tb, Deputy Clerk) (Entered: 05/05/2006)
05/08/2006	<a href="#">85</a>	UNOPPOSED MOTION by Makro Capital of, United States to extend time to respond to motion to dismiss (ra, Deputy Clerk) (Entered: 05/09/2006)
05/08/2006	<a href="#">86</a>	RESPONSE by Makro Capital of to [79-1] motion to dismiss the amended complaint (dg, Deputy Clerk) (Entered: 05/09/2006)
05/08/2006	<a href="#">88</a>	MEMORANDUM by Makro Capital of in opposition to Koch's [76-1] motion to intervene, [76-2] motion to transfer and consolidate the action (sk, Deputy Clerk) (Entered: 05/10/2006)
05/08/2006	<a href="#">88</a>	ALERNATIVE MOTION by Makro Capital of (Attorney ) to transfer case , and to consolidate cases (sk, Deputy Clerk) (Entered: 05/10/2006)
05/09/2006	<a href="#">87</a>	NOTICE of erroneous filing by Makro Capital of (dg, Deputy Clerk) (Entered: 05/09/2006)
05/09/2006	<a href="#">89</a>	NOTICE of updating certificate of service information by United States (bb, Deputy Clerk) (Entered: 05/10/2006)
05/10/2006	<a href="#">90</a>	Certification of interested parties and corporate disclosure statement by UBS AG (tb, Deputy Clerk) (Entered: 05/11/2006)
05/10/2006	<a href="#">91</a>	JOINT MOTION by UBS AG, Makro Capital of to extend time to file joint scheduling report (tb, Deputy Clerk) (Entered: 05/11/2006)
05/10/2006	<a href="#">92</a>	ORDER granting [85-1] motion to extend time to respond to motion to dismiss Response to motion reset to 5/15/06 for [79-1] motion to dismiss the amended complaint ( Signed by Judge Cecilia M. Altonaga on 5/10/06) [EOD Date: 5/11/06] (tb, Deputy Clerk) (Entered: 05/11/2006)
05/15/2006	<a href="#">93</a>	UNOPPOSED MOTION by Makro Capital of to extend time to respond to defendant's motion to dismiss (tb, Deputy Clerk) (Entered: 05/16/2006)
05/16/2006	<a href="#">94</a>	ORDER granting [93-1] motion to extend time to respond to defendant's motion to dismiss ( Signed by Judge Cecilia M. Altonaga on 5/16/06) [EOD Date: 5/17/06] (tb, Deputy Clerk) (Entered: 05/17/2006)
05/16/2006	<a href="#">95</a>	ORDER granting [91-1] joint motion to extend time to file joint scheduling report ( Signed by Judge Cecilia M. Altonaga on 5/16/06) [EOD Date: 5/17/06] (tb, Deputy

**Date Discrepancy Cases 488**

		Clerk) (Entered: 05/17/2006)
05/18/2006	<a href="#">96</a>	MOTION by United States for Hearing on oral arguments [79-1] motion to dismiss the amended complaint (tb, Deputy Clerk) (Entered: 05/19/2006)
05/18/2006	<a href="#">97</a>	MEMORANDUM of law by Makro Capital in response to defendant's motion to dismiss (tb, Deputy Clerk) (Entered: 05/19/2006)
05/19/2006	<a href="#">98</a>	MOTION by Ludwig Koch to extend time to respond to plaintiff's alternative motion to transfer and consolidate proceedings (tb, Deputy Clerk) (Entered: 05/22/2006)
05/24/2006	<a href="#">99</a>	ORDER denying as moot [98-1] motion to extend time to respond to plaintiff's alternative motion to transfer and consolidate proceedings ( Signed by Judge Cecilia M. Altonaga on 5/24/06) [EOD Date: 5/25/06] (bb, Deputy Clerk) (Entered: 05/25/2006)
05/24/2006	<a href="#">100</a>	ORDER denying [76-1] motion to intervene, denying [76-2] motion to transfer the action denying [88-1] motion to transfer case, denying [88-2] motion to consolidate cases granting in part [78-1] motion for an Order setting supplemental briefing schedule ( Signed by Judge Cecilia M. Altonaga on 5/24/06) [EOD Date: 5/25/06] (tb, Deputy Clerk) (Entered: 05/25/2006)
05/26/2006	<a href="#">101</a>	REPLY MEMORANDUM by UBS AG to response to [79-1] motion to dismiss the amended complaint (gp, Deputy Clerk) (Entered: 05/31/2006)
06/02/2006	<a href="#">102</a>	ORDER oral argument before Judge Cecilia M. Altonaga set for 8:30 6/21/06 for [79-1] motion to dismiss the amended complaint granting [96-1] motion for Hearing on oral arguments [79-1] motion to dismiss the amended complaint ( Signed by Judge Cecilia M. Altonaga on 6/2/06) [EOD Date: 6/5/06] (hd, Deputy Clerk) (Entered: 06/05/2006)
06/20/2006	<a href="#">104</a>	NOTICE OF APPEAL by Ludwig Koch of [100-1] order EOD Date: 5/25/06; Filing Fee: \$ 455.00; Receipt #: 942397 Copies to USCA and Counsel of Record. (hh, Deputy Clerk) (Entered: 06/27/2006)
06/21/2006		Oral argument re: [79-1] motion to dismiss the amended complaint Motion hearing held (hd, Deputy Clerk) (Entered: 06/22/2006)
06/21/2006	<a href="#">103</a>	Minutes of oral argument re: [79-1] motion to dismiss the amended complaint held before Judge Cecilia M. Altonaga on 6/21/06; Court Reporter Name or Tape #: Barbara Medina (hd, Deputy Clerk) (Entered: 06/22/2006)
06/22/2006	<a href="#">105</a>	NOTICE of filing supplemental authority, by UBS AG (Former Deputy Clerk) (Entered: 06/27/2006)
06/27/2006		Certified copies of Notice of Appeal, Docket, and Order under appeal to USCA: [104-1] appeal by Ludwig Koch (hh, Deputy Clerk) (Entered: 06/27/2006)
06/27/2006	<a href="#">107</a>	MOTION by Makro Capital of (Attorney ) to strike [105-1] notice ,and alternative motion for leave to file incorporated response to notice of supplemental authority (Former Deputy Clerk) (Entered: 06/29/2006)
06/28/2006	<a href="#">106</a>	ORDER granting [79-1] motion to dismiss the amended complaint; case closed ( Signed by Judge Cecilia M. Altonaga on 6/28/06) [EOD Date: 6/29/06] (hd, Deputy Clerk) (Entered: 06/29/2006)
06/28/2006	<a href="#">108</a>	RESPONSE by UBS AG in opposition to [107-1] motion to strike [105-1] notice of filing supplemental authority (Former Deputy Clerk) (Entered: 06/29/2006)
06/29/2006		CASE CLOSED. Case and Motions no longer referred to Magistrate. (hd, Deputy Clerk) (Entered: 06/29/2006)
06/29/2006	<a href="#">109</a>	ORDER granting [79-1] motion to dismiss the amended complaint; case closed ( Signed

Date Discrepancy Cases 489

		by Judge Cecilia M. Altonaga on 6/29/06) [EOD Date: 7/3/06] (hd, Deputy Clerk) (Entered: 07/03/2006)
07/12/2006	<a href="#">110</a>	NOTICE of Receipt of Notice of Appeal Transmittal Letter from USCA on 7/3/06 as to Ludwig Koch Re: [104-1] appeal USCA NUMBER: 06-13687-II (hh, Deputy Clerk) (Entered: 07/12/2006)
07/12/2006	<a href="#">111</a>	MOTION by Makro Capital for reconsideration of [106-1] order granting [79-1] motion to dismiss the amended complaint (hd, Deputy Clerk) (Entered: 07/13/2006)
07/14/2006	<a href="#">115</a>	RESPONSE by UBS AG to [111-1] motion for reconsideration of [106-1] order granting [79-1] motion to dismiss the amended complaint (kw, Deputy Clerk) (Entered: 07/19/2006)
07/17/2006	<a href="#">112</a>	NOTICE of Change of Firm Name by Makro Capital of, Diaz Reus Rolff, etc (hd, Deputy Clerk) (Entered: 07/18/2006)
07/17/2006	<a href="#">113</a>	NOTICE by Makro Capital of of change of Michael Diaz as attorney of record (hd, Deputy Clerk) (Entered: 07/18/2006)
07/17/2006	<a href="#">114</a>	ORDER re: [111-1] motion for reconsideration of [106-1] order granting [79-1] motion to dismiss the amended complaint ( Signed by Judge Cecilia M. Altonaga on 7/17/06) [EOD Date: 7/18/06] (hd, Deputy Clerk) (Entered: 07/18/2006)
07/24/2006	<a href="#">116</a>	UNOPPOSED MOTION by Makro Capital of to extend time to reply to defendants opposition to Makro's motion for reconsideration or rehearing of 6/28/06 order granting defendants motion to dismiss amended complaint (rb, Deputy Clerk) (Entered: 07/27/2006)
07/27/2006	<a href="#">117</a>	RESPONSE by Makro Capital of, United States in support of [111-1] motion for reconsideration of [106-1] order granting [79-1] motion to dismiss the amended complaint (rb, Deputy Clerk) (Entered: 07/31/2006)
07/31/2006	<a href="#">118</a>	NOTICE of Withdrawal as Interested Party by Diaz Reus Rolff, etc (nt, Deputy Clerk) (Entered: 08/02/2006)
07/31/2006	<a href="#">118</a>	MOTION by Diaz Reus Rolff to be removed from service list (nt, Deputy Clerk) (Entered: 08/02/2006)
08/01/2006	<a href="#">119</a>	ORDER granting [116-1] motion to extend time to reply to defendants opposition to Makro's motion for reconsideration or rehearing of 6/28/06 order granting defendants motion to dismiss amended complaint ( Signed by Judge Cecilia M. Altonaga on 8/1/06) [EOD Date: 8/2/06] (hd, Deputy Clerk) (Entered: 08/02/2006)
08/02/2006	<a href="#">120</a>	MOTION by UBS AG for leave to file breif sur-reply in response to plaintiffs reply in support of its motion for reconsideration or rehearing (rb, Deputy Clerk) (Entered: 08/03/2006)
08/07/2006	<a href="#">121</a>	SUR-RESPONSE by Makro Capital of to [111-1] motion for reconsideration of [106-1] order granting [79-1] motion to dismiss the amended complaint (sk, Deputy Clerk) (Entered: 08/08/2006)
08/08/2006	<a href="#">122</a>	MOTION by Makro Capital of (Attorney ) for leave to file brief sur response (cj, Deputy Clerk) (Entered: 08/08/2006)
08/08/2006	<a href="#">123</a>	MOTION by Makro Capital of (Attorney ) for leave to file to file brief (cj, Deputy Clerk) (Entered: 08/08/2006)
08/08/2006	<a href="#">124</a>	ORDER granting [120-1] motion for leave to file breif sur-reply in response to plaintiffs reply in support of its motion for reconsideration or rehearing ( Signed by Judge Cecilia

**Date Discrepancy Cases 490**

		M. Altonaga on 08/08/06) [EOD Date: 8/9/06] (bb, Deputy Clerk) (Entered: 08/09/2006)
08/09/2006	<a href="#">125</a>	RESPONSE by UBS AG to [111-1] motion for reconsideration of [106-1] order granting [79-1] motion to dismiss the amended complaint (cj, Deputy Clerk) (Entered: 08/09/2006)
08/09/2006	<a href="#">126</a>	ORDER granting [123-1] motion for leave to file to file brief, granting [122-1] motion for leave to file brief sur response ( Signed by Judge Cecilia M. Altonaga on 8/9/06) [EOD Date: 8/10/06] (hd, Deputy Clerk) (Entered: 08/10/2006)
10/18/2006	<a href="#">127</a>	ORDER denying <a href="#">111</a> Motion for Reconsideration. Signed by Judge Cecilia M. Altonaga on 10/18/06. (lc2) (Entered: 10/18/2006)
11/16/2006	<a href="#">128</a>	NOTICE OF APPEAL as to <a href="#">127</a> EOD Date 10/18/06 Order on Motion for Reconsideration, <a href="#">106</a> EOD Date 6/29/06 Order by Makro Capital of America, Inc., United States. Filing fee \$ 455.00, receipt number 949889. Copies to USCA and Counsel of Record (hh) Modified on 11/20/2006 (hh). (Entered: 11/17/2006)
11/17/2006		Certified Copies of Notice of Appeal and Docket Sheet to US Court of Appeals re <a href="#">128</a> Notice of Appeal, (hh) (Entered: 11/17/2006)
11/20/2006	129	Notice of Docket Correction: File Date re <a href="#">128</a> Notice of Appeal, filed by United States,, Makro Capital of America, Inc., (hh) (Entered: 11/20/2006)
11/30/2006	<a href="#">130</a>	TRANSCRIPT INFORMATION FORM by Makro Capital of America, Inc., United States re: Trial 6/21/06 <a href="#">128</a> Notice of Appeal received on 11/30/06,. Email sent to Court Reporter Coordinator. (hh) (Entered: 12/05/2006)
11/30/2006	<a href="#">131</a>	ACKNOWLEDGEMENT OF TRANSCRIPT INFORMATION FORM REQUEST as to Makro Capital of America, Inc., United States re: [128-1] appeal for proceedings held on 6/21/06 Transcript due on: 11/30/06; Court Reporter name: Barbara Medina (hh) (Entered: 12/05/2006)
11/30/2006	<a href="#">132</a>	TRANSCRIPT INFORMATION FORM by Makro Capital of America, Inc., United States re: [128-1] appeal done on 11/30/06 from Court Reporter proceedings held on 6/21/06 (hh) (Entered: 12/05/2006)
11/30/2006	<a href="#">133</a>	TRANSCRIPT of Trial Proceedings held on 6/21/06 before Judge Ceclia M. Altonaga. Pages 1-33 re: [128-1] appeal Court Reporter: Barbara Medina.. (hh) (Entered: 12/05/2006)
12/12/2006	<a href="#">134</a>	NOTICE OF RECEIPT of Notice of Appeal Transmittal Letter from USCA on 11/27/06 as to Makro Capital Of America Re: [128-1] appeal USCA number 06-16162-I (hh) (Entered: 12/12/2006)
03/22/2007		Notice of Undeliverable Mail re 129 Notice of Docket Correction US Mail returned for: Lead Attorney, terminated 11/29/2004, return to sender, same address on file, need updated address for Alexander Reus (wpb2) (Entered: 03/22/2007)
03/27/2007	<a href="#">135</a>	ORDER of DISMISSAL from USCA pursuant to appellant's motion to dismiss this appeal with prejudice, due to settlement, with the parties bearing their own costs, and fees, is GRANTED as to <a href="#">104</a> Notice of Appeal filed by Ludwig Koch, USCA# 06-13687-II. Copy to Judge. (nc) (Entered: 03/28/2007)
08/21/2007	<a href="#">136</a>	Letter from Marisa Tinkler Mendez (cw) (Entered: 08/21/2007)
10/31/2007	<a href="#">137</a>	CERTIFICATE of Readiness transmitted to USCA re <a href="#">128</a> Notice of Appeal, filed by United States,, Makro Capital of America, Inc., (hh) (Entered: 10/31/2007)
10/31/2007	<a href="#">138</a>	Certified and Transmitted Record on Appeal to US Court of Appeals Consisting of (3) Volumes of Pleadings, (1) Volume of Transcript, (1) Accordian Folder and (1)Sealed

**Date Discrepancy Cases 491**

		Envelope containing DE# 66,68-70 re <a href="#">128</a> Notice of Appeal, (hh) (Entered: 10/31/2007)
11/09/2007	<a href="#">139</a>	ACKNOWLEDGEMENT OF RECEIPT FROM USCA re <a href="#">128</a> Notice of Appeal, receipt of: COR/ROA date received by USCA 11/2/07 USCA number 06-16162-II (hh) (Entered: 11/13/2007)
11/03/2008	<a href="#">140</a>	MANDATE of USCA (certified copy) affirming judgment/order of the district court as to <a href="#">128</a> Notice of Appeal, filed by United States, Makro Capital of America, Inc. ; Date Issued: 10/29/08 ; USCA Case Number: 06-16162-BB (hh) (Entered: 11/04/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 10:07:35			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:04-cv-21917-CMA
<b>Billable Pages:</b>	9	<b>Cost:</b>	0.90



**U.S. District Court  
Eastern District of Louisiana (New Orleans)  
CIVIL DOCKET FOR CASE #: 2:03-cv-03395-JCZ-DEK**

Marcy v. Rowan Companies Inc, et al  
Assigned to: Judge Jay C Zainey  
Referred to: Magistrate Judge Daniel E. Knowles, III  
Demand: \$0  
Case in other court: 5th Circuit, 06-31238  
Cause: 31:3729 False Claims Act

Date Filed: 12/02/2003  
Date Terminated: 08/21/2006  
Jury Demand: None  
Nature of Suit: 893 Environmental Matters  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Robert Daniel Marcy**  
*on behalf of the United States of America,  
c/o James Letten & John Ashcroft*

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**Date Discrepancy Cases 493**

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V.

**Defendant**

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**Defendant**

**Newfield Exploration Gulf Coast, Inc.**  
*formerly known as*  
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**Defendant**

**Newfield Exploration Company**

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(See above for address)

**Defendant**

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**Movant****United States of America**

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/02/2003	<a href="#">2</a>	COMPLAINT against all defendants (Filing fee \$ 150.) filed by Robert Daniel Marcy.(car, ) (Entered: 11/15/2005)
08/12/2005	<a href="#">7</a>	Notice of election to decline intervention by United States of America & ORDER granting same by Judge Zainey Signed 8/15/05 (car, ) (Entered: 11/15/2005)
08/12/2005	8	TEXT ORDER granting <a href="#">7</a> Notice of election to decline intervention . Signed by Judge Jay C. Zainey on 8/15/05. (car, ) (Entered: 11/15/2005)
01/06/2006	<a href="#">9</a>	MOTION to Dismiss Case by Remington Oil and Gas Corporation. Motion Hearing set for 1/25/2006 09:00 AM before Judge Jay C. Zainey. (blg, ) (Entered: 01/06/2006)
01/06/2006	<a href="#">10</a>	Request for Oral Argument by Remington Oil and Gas Corporation regarding <a href="#">9</a> MOTION to Dismiss Case. (blg, ) (Entered: 01/06/2006)
01/06/2006	<a href="#">11</a>	Statement of Corporate Disclosure by Remington Oil and Gas Corporation. (blg, ) (Entered: 01/06/2006)
01/06/2006	<a href="#">12</a>	MOTION to Dismiss Case by Rowan Companies, Inc. Motion Hearing set for 1/25/2006 09:00 AM before Judge Jay C. Zainey. (blg, ) (Entered: 01/06/2006)
01/06/2006	<a href="#">13</a>	Request for Oral Argument by Rowan Companies, Inc. regarding <a href="#">12</a> MOTION to Dismiss Case. (blg, ) (Entered: 01/06/2006)
01/06/2006	<a href="#">14</a>	MOTION to Dismiss Parties Newfield Exploration Gulf Coast, Inc., Newfield Exploration Company by Newfield Exploration Gulf Coast, Inc., Newfield Exploration Company. Motion Hearing set for 1/25/2006 09:00 AM before Judge Jay C. Zainey. (gec, ) (Entered: 01/10/2006)
01/06/2006	<a href="#">17</a>	MOTION for Dennis N. Ryan & Mark A. Shoffner to Appear Pro Hac Vice (Filing fee \$10.00.) by Remington Oil and Gas Corporation. (gbw, ) (Entered: 01/26/2006)
01/13/2006	<a href="#">15</a>	MOTION to Continue oral argument & consideration of the three pending motions to dismiss by Remington Oil and Gas Corporation. (gbw, ) (Entered: 01/23/2006)
01/19/2006	<a href="#">18</a>	ORDER granting Remington Oil & Gas Corporation's <a href="#">17</a> Motion for Dennis N. Ryan & Mark A. Shoffner to Appear Pro Hac Vice. Signed by Judge Jay C. Zainey on 1/19/06. (gbw, ) Modified on 1/26/2006 (gbw, ). (Entered: 01/26/2006)

**Date Discrepancy Cases 496**

01/20/2006	<a href="#">16</a>	ORDER granting Remington's <a href="#">15</a> MOTION to continue oral argument & consideration of the three pending motions <a href="#">12</a> <a href="#">14</a> <a href="#">9</a> to dismiss. Motion Hearing continued to 3/22/2006 09:00 AM with oral argument before Judge Jay C. Zainey.. Signed by Judge Jay C. Zainey on 1/17/06.(gbw, ) (Entered: 01/23/2006)
01/27/2006	<a href="#">19</a>	Statement of Corporate Disclosure by Rowan Companies, Inc.. (gec, ) (Entered: 01/30/2006)
01/27/2006	<a href="#">20</a>	MOTION for Steven L. Roberts & Matthew H. Kirtland to Appear Pro Hac Vice (Filing fee \$10.) by Rowan Companies, Inc.. (gbw, ) (Entered: 02/02/2006)
02/01/2006	<a href="#">21</a>	ORDER granting <a href="#">20</a> Rowan Companies, Inc.'s Motion to Appear Pro Hac Vice as to Matthew H. Kirtland, Steven Lynn Roberts. . Signed by Judge Jay C. Zainey on 1/31/06. (gbw, ) (Entered: 02/02/2006)
02/27/2006	<a href="#">22</a>	MEMO OF LAW filed by Robert Daniel Marcy in opposition to defendants' <a href="#">14</a> <a href="#">12</a> <a href="#">9</a> MOTION to Dismiss pursuant to Rules 12(b)(6) & 9(b). (gbw, ) (Entered: 03/02/2006)
02/27/2006	<a href="#">23</a>	FIRST AMENDED COMPLAINT. No new parties added.(gbw, ) (Entered: 03/02/2006)
03/13/2006	<a href="#">25</a>	MOTION for Robert Marc Turkewitz & Matthew Thiesing to Appear Pro Hac Vice (Filing fee \$10.) by Robert Daniel Marcy. (gbw, ) (Entered: 03/23/2006)
03/14/2006	<a href="#">24</a>	ORDER that oral argument on <a href="#">14</a> MOTION to Dismiss filed by Newfield Exploration Company, Newfield Exploration Gulf Coast, Inc., <a href="#">9</a> MOTION to Dismiss filed by Remington Oil and Gas Corporation and <a href="#">12</a> MOTION to Dismiss filed by Rowan Companies, Inc. set for 3/22/06 at 9:00 AM is cancelled. Signed by Judge Jay C. Zainey. (gbw, ) (Entered: 03/16/2006)
03/20/2006	<a href="#">26</a>	ORDER granting <a href="#">25</a> Plaintiff's Motion to Appear Pro Hac Vice as to Matthew Thiesing, Robert M. Turkewitz. . Signed by Judge Jay C. Zainey on 3/30/06. (gbw, ) (Entered: 03/23/2006)
03/22/2006	<a href="#">27</a>	MOTION for Leave to File reply memo in support of its motion to dismiss by Rowan Companies, Inc.. (gbw, ) (Entered: 03/24/2006)
03/23/2006	<a href="#">28</a>	ORDER granting <a href="#">27</a> Defendant's Motion for Leave to File reply memo in support of its motion to dismiss. Signed by Judge Jay C. Zainey on 3/23/06. (gbw, ) (Entered: 03/24/2006)
03/23/2006	<a href="#">29</a>	REPLY in Support filed by Rowan Companies, Inc. of <a href="#">12</a> MOTION to Dismiss Complaint & memo in support of supplemental motion to dismiss first amended complaint. (gbw, ) (Entered: 03/24/2006)
04/17/2006	<a href="#">30</a>	MOTION for Leave to File response to defendants' reply to plaintiff's opposition to defendants' motion to dismiss by Robert Daniel Marcy. (gbw, ) (Entered: 04/20/2006)
04/19/2006	<a href="#">31</a>	ORDER granting <a href="#">30</a> Plaintiff's Motion for Leave to File response to defendants' reply to plaintiff's opposition to motion to dismiss. Signed by Judge Jay C. Zainey on 4/18/06. (gbw, ) (Entered: 04/20/2006)
04/19/2006	<a href="#">32</a>	Response filed by Robert Daniel Marcy to defendant Rowan's reply in support of <a href="#">12</a> MOTION to Dismiss Case & memo in support of supplemental motion to dismiss. (gbw, ) (Entered: 04/20/2006)
07/11/2006	<a href="#">33</a>	First Supplemental Statement of Corporate Disclosure by Remington Oil and Gas Corporation identifying Helix Energy Solutions Group, Inc. as Corporate Parent. (cms, ) (Entered: 07/14/2006)
08/17/2006	<a href="#">34</a>	ORDER granting <a href="#">9</a> <a href="#">12</a> <a href="#">14</a> Motions to Dismiss . Signed by Judge Jay C. Zainey on 8/16/06.

**Date Discrepancy Cases 497**

		(tbl, ) (Entered: 08/18/2006)
08/21/2006	<a href="#">35</a>	JUDGMENT in favor of defendants, Rowan Companies, Inc., Newfield Exploration Gulf Coast, Inc., Newfield Exploration Company and Remington Oil and Gas Corporation and against plaintiff/relator Robert Daniel Marcy. Signed by Judge Jay C. Zainey on 8/21/06. (blg, ) (Entered: 08/21/2006)
09/01/2006	<a href="#">36</a>	MOTION to Reconsider re <a href="#">34</a> Order on Motion to Dismiss Case and MOTION to Amend <a href="#">2</a> Complaint by Robert Daniel Marcy. Motion Hearing set for 9/20/2006 09:00 AM before Judge Jay C. Zainey. (Attachments: # <a href="#">1</a> Memorandum in Support # <a href="#">2</a> Proposed Order # <a href="#">3</a> Notice of Hearing)(gbw, ) (Entered: 09/12/2006)
09/12/2006	<a href="#">37</a>	RESPONSE to Motion filed by Rowan Companies, Inc. re <a href="#">36</a> MOTION to Amend/Correct <a href="#">2</a> Complaint MOTION for Reconsideration re <a href="#">34</a> Order on Motion to Dismiss Case.(cms, ) (Entered: 09/14/2006)
09/12/2006	<a href="#">38</a>	RESPONSE to Motion filed by Remington Oil and Gas Corporation re <a href="#">36</a> MOTION to Amend/Correct <a href="#">2</a> Complaint MOTION for Reconsideration re <a href="#">34</a> Order on Motion to Dismiss Case. (cms, ) (Entered: 09/15/2006)
09/15/2006	<a href="#">39</a>	EXPARTE/CONSENT MOTION to Appear Pro Hac Vice as to David B. Marvel (Filing fee \$5.) by Robert Daniel Marcy. (gec, ) (Entered: 09/20/2006)
09/18/2006	<a href="#">40</a>	ORDER granting <a href="#">39</a> Motion to Appear Pro Hac Vice as to David B. Marvel. Signed by Judge Jay C. Zainey on 9/18/06. (gec, ) (Entered: 09/20/2006)
09/19/2006	<a href="#">41</a>	Request/Statement of Oral Argument by Robert Daniel Marcy regarding <a href="#">36</a> MOTION to Reconsider Order on Motion to Dismiss Case. (gec, ) (Entered: 09/20/2006)
10/03/2006	<a href="#">42</a>	ORDER denying <a href="#">36</a> Plaintiff's Motion to Reconsider and denying <a href="#">36</a> Motion for leave to amend the first amended complaint. Plaintiff's <a href="#">41</a> request for oral argument is denied.. Signed by Judge Jay C. Zainey on 10/2/06. (gbw, ) (Entered: 10/04/2006)
11/01/2006	<a href="#">43</a>	NOTICE OF APPEAL by Robert Daniel Marcy as to <a href="#">35</a> Judgment and <a href="#">42</a> Order on Motion for Reconsideration. Filing fee \$ 455. (gbw, ) Modified on 11/3/2006 (gbw, ). (Entered: 11/02/2006)
11/14/2006	<a href="#">44</a>	APPEAL TRANSCRIPT REQUEST by Robert Daniel Marcy re <a href="#">43</a> Notice of Appeal. (No hearings, transcript unnecessary for appeal purposes) (gbw, ) (Entered: 11/24/2006)
12/15/2006	<a href="#">45</a>	Certified and Transmitted Electronic Copy of Record on Appeal to US Court of Appeals re <a href="#">43</a> Notice of Appeal. USCA Case Number 06-31238. (gbw, ) (Entered: 12/18/2006)
03/27/2008	<a href="#">48</a>	USCA JUDGMENT issued as mandate on 3/27/08 as to <a href="#">43</a> Notice of Appeal filed by Robert Daniel Marcy. USCA judge name: Barksdale, Dennis and Southwick. (Attachments: # <a href="#">1</a> Opinion)(gbw, ) (Entered: 03/28/2008)
03/27/2008	<a href="#">49</a>	Appeal Record Returned (original exhibits and/or non-electronic documents) from U.S. Court of Appeals: <a href="#">43</a> Notice of Appeal (gbw, ) (Entered: 03/28/2008)

<b>PACER Service Center</b>			
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02/04/2019 09:20:51			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search</b>	2:03-cv-03395-JCZ-
<b>Date Discrepancy Cases 498</b>			

		<b>Criteria:</b>	DEK
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50

**Live Database**

**U.S. District Court – Eastern District of Tennessee (Knoxville)  
CIVIL DOCKET FOR CASE #: 3:04-cv-00415-TAV-CCS**

Marlar v. BWXT Y-12 LLC  
Assigned to: Chief District Judge Thomas A Varlan  
Referred to: Magistrate Judge C Clifford Shirley, Jr  
Case in other court: 6th Circuit Court of Appeals, 07-06051  
Cause: 31:3729 False Claims Act

Date Filed: 09/08/2004  
Date Terminated: 09/02/2009  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Claudia Marlar**

represented by **Donald K Vowell**  
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V.

**Defendant**

**BWXT Y-12 LLC**

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**Interested Party**

**United States of America**

represented by **Elizabeth S Tonkin aka Former AUSA**  
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Office of U S Attorney  
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(865) 545-4167  
*ATTORNEY TO BE NOTICED*

V.

**Movant**

**United States of America**  
*TERMINATED: 08/15/2006*

represented by **Elizabeth S Tonkin aka Former AUSA**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
09/08/2004	<u>1</u>	COMPLAINT against deflt Sealed (Filing fee \$ 150.) filed by pltf Sealed.(AYB) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 09/08/2004)
09/08/2004		Filing fee: \$ 150, receipt number 36115 (AYB) (Entered: 09/08/2004)
09/08/2004		Summons Issued as to U.S. Attorney and U.S. Attorney General (AYB) (Entered: 09/08/2004)
09/08/2004	<u>2</u>	MOTION to Seal by pltf Sealed. (AYB) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 09/08/2004)
09/08/2004	<u>3</u>	SUMMONS Returned Executed by pltf Sealed. (AYB) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 09/08/2004)
09/10/2004	<u>4</u>	ORDER granting <u>2</u> Motion to Seal . Signed by Judge Thomas A Varlan. (DHJ) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 09/10/2004)
10/08/2004	<u>5</u>	SUMMONS Returned Executed by Pla. Deflt served on 9/9/2004, answer due 11/8/2004. (DHJ) Modified on 10/8/2004 to delete pdf (DHJ) Additional attachment(s) added on 10/13/2004 (DHJ, ). (Entered: 10/08/2004)
11/08/2004	<u>6</u>	MOTION for Extension of Time by Plaintiff. (DHJ) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 11/09/2004)
11/15/2004	<u>7</u>	ORDER Signed by Judge Thomas A Varlan (FILED UNDER SEAL) (DHJ) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 11/15/2004)
04/27/2005	<u>8</u>	MOTION for Extension of Time by plaintiff Sealed. (AYB) (Entered: 04/28/2005)
04/29/2005	<u>9</u>	ORDER filed under seal granting <u>8</u> Motion for Extension of Time to File up to and including 11/7/05. Signed by Judge Thomas A Varlan on 4/29/05. (DCP) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 04/29/2005)
11/04/2005		MOTION for Extension of Time by plaintiff. (DHJ) Modified on 11/7/2005--doct re-entered as doct <u>10</u> as system did not assign it a document number (DHJ). (Entered: 11/07/2005)
11/04/2005	<u>10</u>	MOTION for Extension of Time by Plaintiff Sealed. (DHJ) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 11/07/2005)
11/08/2005	<u>11</u>	ORDER granting <u>10</u> Motion for Extension of Time to File . Signed by Judge Thomas A Varlan on 11/8/05. (DHJ) (Entered: 11/08/2005)
01/31/2006	<u>12</u>	MOTION for Extension of Time to Notify Court of Election by Sealed. (ANB) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 02/01/2006)
02/06/2006	<u>13</u>	SEALED ORDER granting Sealed <u>12</u> Motion for Extension of Time to Notify Court of Election up to and including 5/8/06. Signed by Judge Thomas A Varlan on 2/6/06. (ANB) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 02/06/2006)
05/08/2006	<u>14</u>	SEALED MOTION for Extension of Time to Notify Court of Election. (ANB) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 05/09/2006)
05/08/2006	<u>15</u>	SEALED DECLARATION in Support re <u>14</u> MOTION for Extension of Time to Notify Court of Election. (ANB) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 05/09/2006)
05/11/2006	<u>16</u>	SEALED ORDER granting <u>14</u> Motion for Extension of Time to Notify Court of Election. Signed by Judge Thomas A Varlan on 5/11/06. (ANB) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 05/11/2006)
06/30/2006	<u>17</u>	NOTICE OF ELECTION TO DECLINE INTERVENTION. (ANB) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 07/05/2006)
07/18/2006	<u>18</u>	SEALED ORDER Signed by Judge Thomas A Varlan on 7/18/06. (ANB) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 07/18/2006)

08/07/2006	<u>19</u>	RESPONSE TO ORDER TO SHOW CAUSE by Government Sealed. (ANB) Additional attachment(s) added on 8/15/2006 (ANB, ). (Entered: 08/08/2006)
08/15/2006	<u>20</u>	ORDER, in light of the government's election not to intervene in this action, the Clerk is directed to unseal this case and the plaintiff may proceed with service of process on the defendant.Signed by Judge Thomas A Varlan on 8/15/06. (ANB) (Entered: 08/15/2006)
10/16/2006		Summons Issued as to BWXT Y-12 LLC. (RLK) (Entered: 10/17/2006)
10/24/2006	<u>21</u>	SUMMONS Returned Executed by Claudia Marlal. BWXT Y-12 LLC served on 10/24/2006. (ANB) (Entered: 10/24/2006)
11/10/2006	<u>22</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by BWXT Y-12 LLC. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Burgin, John) (Entered: 11/10/2006)
11/10/2006	<u>23</u>	Certificate of Corporate Interest byBWXT Y-12 LLC. (Burgin, John) (Entered: 11/10/2006)
11/14/2006	<u>24</u>	ORDER granting dft's <u>22</u> Motion for Extension of Time to Answer until and including 1/19/07. Signed by Judge Thomas A Varlan on 11/14/06. (ANB) (Entered: 11/14/2006)
12/04/2006	<u>25</u>	MOTION for Leave to Appear Pro Hac Vice for <i>Whitaker, Walton, Rich &amp; Bouche</i> by BWXT Y-12 LLC. (Attachments: # <u>1</u> Affidavit Rich Aff & Cert of Good Standing# <u>2</u> Exhibit Bouche Aff & Cert of Good Standing# <u>3</u> Affidavit Walton Aff & Cert of Good Standing# <u>4</u> Affidavit Whitaker Aff & Cert of Good Standing# <u>5</u> Text of Proposed Order Proposed Order) (Burgin, John) (Entered: 12/04/2006)
12/05/2006		RECEIPT #K3003940 in the amount of \$240 for pro hac vice fees of attorneys Whitaker, Walton, Rich, and Bouche. (AYB) (Entered: 12/05/2006)
12/05/2006	<u>26</u>	ORDER granting <u>25</u> Motion for Leave for Glenn Whitaker, Victor Walton, Jr., Michael Rich and Noel Bouche to Appear Pro Hac Vice. Signed by Judge Thomas A Varlan on 12/5/06. (JAN, ) (Entered: 12/05/2006)
01/19/2007	<u>27</u>	MOTION to Dismiss by BWXT Y-12 LLC. (Burgin, John) (Entered: 01/19/2007)
01/19/2007	<u>28</u>	MOTION for Leave to File Excess Pages by BWXT Y-12 LLC. (Attachments: # <u>1</u> Exhibit BWXT Y-12 Brief in Support of Motion to Dismiss)(Burgin, John) (Entered: 01/19/2007)
01/22/2007	<u>29</u>	(Case at Issue) NOTICE of Availability of Magistrate Judge Consent Form. (ANB) (Entered: 01/22/2007)
01/25/2007	<u>30</u>	ORDER granting dft's <u>28</u> Motion for Leave to File Extended Brief in Support of Motion to Dismiss. Signed by Judge Thomas A Varlan on 1/25/07. (ANB) (Entered: 01/25/2007)
01/25/2007	<u>31</u>	MEMORANDUM in Support of Motion re <u>27</u> MOTION to Dismiss filed by BWXT Y-12 LLC. (Burgin, John) (Entered: 01/25/2007)
01/26/2007	<u>32</u>	Test docket entry to confirm delivery of NEF (LAK) (Entered: 01/26/2007)
02/01/2007	<u>33</u>	First MOTION for Extension of Time to File Response to Defendant's <u>27</u> Motion to Dismiss by Claudia Marlal. (Zuker, Ronald) Modified text on 2/1/2007 (ANB). (Entered: 02/01/2007)
02/01/2007	<u>34</u>	Amicus Curiae APPEARANCE entered by Elizabeth S Tonkin on behalf of United States of America. (Tonkin, Elizabeth) (Entered: 02/01/2007)
02/06/2007	<u>35</u>	ORDER granting plaintiff's <u>33</u> Motion for Extension of Time to File Response re <u>27</u> MOTION to Dismiss until and including 3/6/07. Signed by Judge Thomas A Varlan on 2/6/07. (ANB) (Entered: 02/06/2007)
02/26/2007	<u>36</u>	RESPONSE to Motion re <u>27</u> MOTION to Dismiss filed by Claudia Marlal. (Zuker, Ronald) (Entered: 02/26/2007)

03/02/2007	<u>37</u>	MOTION for Extension of Time to File Reply by BWXT Y-12 LLC. (Burgin, John) Modified text on 3/2/2007 (ADA). (Entered: 03/02/2007)
03/05/2007	<u>38</u>	ORDER granting <u>37</u> defendant's Motion for an Extension of Time up to and including March 22, 2007, to file a reply to the plaintiff's response to defendant's motion to dismiss. Signed by Judge Thomas A Varlan on March 5, 2007. (AYB) (Entered: 03/05/2007)
03/22/2007	<u>39</u>	Second MOTION for Extension of Time to File Reply to Plaintiff's Response to Defendant's Motion to Dismiss by BWXT Y-12 LLC. (Burgin, John) Modified text on 3/23/2007 (ANB). (Entered: 03/22/2007)
03/28/2007	<u>40</u>	ORDER granting dft's <u>39</u> Motion for Extension of Time to File Reply re <u>27</u> MOTION to Dismiss up to and including 4/6/07. Signed by Judge Thomas A Varlan on 3/28/07. (ANB) (Entered: 03/28/2007)
04/06/2007	<u>41</u>	MOTION for Extension of Time to File Reply to <u>27</u> MOTION to Dismiss by BWXT Y-12 LLC. (Burgin, John) Modified on 4/9/2007 to add docket relationship (ANB). (Entered: 04/06/2007)
04/10/2007	<u>42</u>	ORDER granting dft's <u>41</u> Motion for Extension of Time to File Reply re <u>27</u> MOTION to Dismiss until and including 4/23/07. Signed by Judge Thomas A Varlan on 4/10/07. (ANB) (Entered: 04/10/2007)
04/12/2007	<u>43</u>	AMENDED ORDER re <u>42</u> ORDER granting dft's <u>41</u> Motion for Extension of Time to File Reply re <u>27</u> MOTION to Dismiss until and including 4/23/07. Signed by Judge Thomas A Varlan on 4/12/07. (ANB) (Entered: 04/12/2007)
04/23/2007	<u>44</u>	REPLY to Response to Motion re <u>27</u> MOTION to Dismiss filed by BWXT Y-12 LLC. (Burgin, John) (Entered: 04/23/2007)
08/06/2007	<u>45</u>	MEMORANDUM AND OPINION as set forth in following order. Signed by Judge Thomas A Varlan on 8/6/07. (ANB) (Entered: 08/06/2007)
08/06/2007	<u>46</u>	ORDER granting defendant's <u>27</u> Motion to Dismiss and this action is hereby DISMISSED. Signed by Judge Thomas A Varlan on 8/6/07. (ANB) (Entered: 08/06/2007)
08/16/2007	<u>47</u>	NOTICE OF APPEAL of Order <u>46</u> granting Motion to Dismiss by Claudia Marlar. Filing fee \$ 455, receipt number 790282. (Zuker, Ronald) Modified text on 8/17/2007 (ANB). (Entered: 08/16/2007)
11/30/2007		USCA Case Number 07-6051 for <u>47</u> Notice of Appeal filed by Claudia Marlar. Diane Schnur, Case Manager (JAN, ) (Entered: 11/30/2007)
05/15/2008	<u>48</u>	Informational Copy of judgment from USCA affirming in part, reversing in part, and remanding this case for further proceedings consistent with the opinion of this Court re: <u>47</u> Notice of Appeal. (AYB) (Entered: 05/16/2008)
06/16/2008	<u>49</u>	MANDATE of USCA as to <u>47</u> Notice of Appeal filed by Claudia Marlar. (AYB) (Entered: 06/17/2008)
06/23/2008	<u>50</u>	SCHEDULING ORDER: Jury Trial set for 5/18/2009 at 9:00 AM and Final Pretrial Conference set for 5/11/2009 at 3:00 PM in Courtroom 3C - Knoxville before District Judge Thomas A Varlan. Signed by District Judge Thomas A Varlan on June 23, 2008. (AYB) (Entered: 06/23/2008)
06/23/2008	<u>51</u>	MOTION for Extension of Time to File Answer by BWXT Y-12 LLC. (Burgin, John) (Entered: 06/23/2008)
06/30/2008	<u>52</u>	ORDER granting <u>51</u> defendant's Motion for Extension of Time. Defendant shall have up to and including July 2, 2008, to file a responsive pleading to the complaint. Signed by District Judge Thomas A Varlan on June 30, 2008. (AYB) (Entered: 06/30/2008)
07/02/2008		NOTICE of Hearing: Final Pretrial Conference reset for 9/3/2009 at 1:00 PM (continued from 5/11/09) and Jury Trial reset for 9/14/2009 at 9:00 AM (continued from 5/18/09) in Courtroom 3C - Knoxville before District Judge Thomas A Varlan. All unexpired deadlines set forth in the Scheduling Order <u>50</u> shall be applied as calculated from the new trial date. (AYB) (Entered: 07/02/2008)

07/02/2008	<u>53</u>	ANSWER to <u>1</u> Complaint by BWXT Y-12 LLC.(Burgin, John) (Entered: 07/02/2008)
07/03/2008	<u>54</u>	REPORT of Rule 26(f) Planning Meeting. (Burgin, John) (Entered: 07/03/2008)
07/11/2008	<u>55</u>	NOTICE of Appearance by Kenneth M Brown on behalf of BWXT Y-12 LLC (Brown, Kenneth) (Entered: 07/11/2008)
07/23/2008	<u>56</u>	MOTION to Withdraw <i>Glenn V. Whitaker, Victor A. Walton, Jr., Noel J. Bouche and Michael L Rich</i> as Attorneys by BWXT Y-12 LLC. (Burgin, John) Modified text on 7/24/2008 (AYB). (Entered: 07/23/2008)
07/24/2008	<u>57</u>	ORDER granting <u>56</u> Motion to Withdraw as Attorney. Attorney Victor A. Walton, Jr; Glenn V Whitaker; Noel J. Bouche and Michael L Rich terminated. Signed by District Judge Thomas A Varlan on 07/24/2008. (KMK) (Entered: 07/24/2008)
10/24/2008	<u>58</u>	AGREED PROTECTIVE ORDER. Signed by District Judge Thomas A Varlan on 10/24/08. (ANB) (Entered: 10/24/2008)
05/15/2009	<u>59</u>	MOTION for Summary Judgment by BWXT Y-12 LLC. (Burgin, John) (Additional attachment(s) added on 5/20/2009: # <u>1</u> Sealed Exhibit Part 1, # <u>2</u> Sealed Exhibit Part 2, # <u>3</u> Sealed Exhibit Part 3) (ANB, ). Modified on 5/20/2009 to place exhibits under seal per Order <u>63</u> (ANB). (Entered: 05/15/2009)
05/15/2009	<u>60</u>	MOTION for Leave to File Excess Pages <i>for Brief in Support of its Motion for Summary Judgment</i> by BWXT Y-12 LLC. (Attachments: # <u>1</u> Exhibit Proposed Extended Brief)(Burgin, John) (Entered: 05/15/2009)
05/15/2009	<u>61</u>	MOTION to Seal <i>Documents in Support of Motion for Summary Judgment</i> by BWXT Y-12 LLC. (Burgin, John) (Entered: 05/15/2009)
05/20/2009	<u>62</u>	ORDER granting Defendant's <u>60</u> Motion for Leave to File Excess Pages to the extent that the summary judgment brief should not exceed 46 pages. Additionally, Plaintiff shall be granted leave to file a responsive brief of no more than 46 pages. Signed by District Judge Thomas A Varlan on 5/20/09. (ANB) (Entered: 05/20/2009)
05/20/2009	<u>63</u>	ORDER granting Defendant's <u>61</u> Motion to File Documents Under Seal. The Clerk is DIRECTED to file the previously submitted exhibits under seal. Following final disposition of this action, these sealed exhibits shall be returned to defendant 30 days after the final disposition of this action, including any direct appeal. Signed by District Judge Thomas A Varlan on 5/20/09. (Exhibits placed under seal and attached to the Motion for Summary Judgment <u>59</u> ) (ANB) (Entered: 05/20/2009)
05/21/2009	<u>64</u>	MEMORANDUM in Support of Motion re <u>59</u> MOTION for Summary Judgment filed by BWXT Y-12 LLC. (Attachments: # <u>1</u> Burgin Dec. and Exhibits, # <u>2</u> Johnson Dec. and Exhibit 1, # <u>3</u> Neubauer Declaration, # <u>4</u> Nobles Dec.and Exhibits, # <u>5</u> Reed Dec. and Exhibits 1-4, # <u>6</u> Reed Dec. and Exhibits 5-7, # <u>7</u> Roberts Dec. and Exhibits, # <u>8</u> Underwood Dec. and Exhibits, # <u>9</u> Weaver Dec. and Exhibits, # <u>10</u> Marlar Deposition and Exhibits, # <u>11</u> Nobles Deposition and Exhibits, # <u>12</u> Reed Deposition and Exhibits, # <u>13</u> Roberts Deposition and Exhibits, # <u>14</u> Underwood Deposition, # <u>15</u> Warwick Deposition, # <u>16</u> Weaver Deposition and Exhibits, # <u>17</u> Wehrly Deposition and Exhibits)(Burgin, John) (Entered: 05/21/2009)
05/28/2009	<u>65</u>	Joint MOTION To Set a Stipulated Briefing Schedule re <u>50</u> Scheduling Order by BWXT Y-12 LLC. (Burgin, John) Modified text on 5/29/2009 (ANB). (Entered: 05/28/2009)
06/01/2009	<u>66</u>	ORDER Approving Stipulated Briefing Schedule whereby Plaintiff shall file her response to the motion for summary judgment on or before June 12, 2009. Defendant shall file any reply to the plaintiff's response on or before June 25, 2009. Signed by District Judge Thomas A Varlan on June 1, 2009. (AYB) (Entered: 06/01/2009)
06/11/2009	<u>67</u>	RESPONSE in Opposition re <u>59</u> MOTION for Summary Judgment filed by Claudia Marlar. (Attachments: # <u>1</u> Exhibit Marlar Depo and Ex, # <u>2</u> Exhibit Reed Depo and Ex)(Zuker, Ronald) (Entered: 06/11/2009)
06/25/2009	<u>68</u>	REPLY to Response to Motion re <u>59</u> MOTION for Summary Judgment filed by BWXT Y-12 LLC. (Burgin, John) Modified on 6/25/2009 to remove pdf - filed without attachments; refiled as <u>69</u> (ANB). (Entered: 06/25/2009)

06/25/2009	<u>69</u>	REPLY to Response to Motion re <u>59</u> MOTION for Summary Judgment filed by BWXT Y-12 LLC. (Attachments: # <u>1</u> Appendix to Reply Brief)(Burgin, John) (Entered: 06/25/2009)
07/23/2009	<u>70</u>	MEMORANDUM AND ORDER denying Defendant BWXT Y-12, LLC's <u>59</u> Motion for Summary Judgment. Signed by District Judge Thomas A Varlan on 7/23/09. (ANB) (Entered: 07/23/2009)
07/27/2009	<u>71</u>	WITNESS LIST by Claudia Marlar. (Zuker, Ronald) (Entered: 07/27/2009)
07/31/2009	<u>72</u>	WITNESS LIST by BWXT Y-12 LLC. (Burgin, John) (Entered: 07/31/2009)
08/03/2009	<u>73</u>	NOTICE of Appearance by John E Winters on behalf of BWXT Y-12 LLC (Winters, John) (Entered: 08/03/2009)
08/13/2009	<u>74</u>	NOTICE of Settlement without the assistance of mediation or arbitration by Jack Burgin, counsel for defendant per call to Chambers. (ANB) (Entered: 08/13/2009)
09/01/2009	<u>75</u>	STIPULATION of Dismissal case by BWXT Y-12 LLC. (Burgin, John) (Entered: 09/01/2009)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA ex rel.        )  
CLAUDIA MARLAR; and                        )  
CLAUDIA MARLAR,                            )  
  )  
    Plaintiffs,                                )  
  )  
    v.    )  
  )  
BWXT Y-12, L.L.C.                            )  
  )  
    Defendant.                                )

Civ. No. 3:04-cv-415  
Varlan/Shirley

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STIPULATION OF DISMISSAL

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Plaintiff and the Defendant hereby stipulate that all remaining claims  
against the defendant be and hereby are dismissed with prejudice.

Respectfully submitted this 1st day of September 2009.

/s/ Ronald J. Zuker  
Vaughn & Zuker  
112 Durwood Drive  
Knoxville, TN 37922  
Attorneys for Plaintiff

/s/ John C. Burgin, Jr.  
Kramer Rayson LLP  
P. O. 629  
Knoxville, TN 37901-0629  
Attorneys for Defendant

**U.S. District Court**  
**Western District of Tennessee (Memphis)**  
**CIVIL DOCKET FOR CASE #: 2:09-cv-02794-JPM-dkv**

United States of America, Ex Rel. et al v.  
Frayser-Millington-North Shelby Mental Health Center, Inc.  
Assigned to: Judge Jon Phipps McCalla  
Referred to: Chief Magistrate Judge Diane K. Vescovo  
Cause: 31:3729 False Claims Act

Date Filed: 12/09/2009  
Date Terminated: 02/09/2011  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America, Ex Rel.**

represented by **Kevin Patrick Whitmore**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Tanya McKinnie-Cobb**  
*relator*

represented by **Andrew R. Carr , Jr.**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Tennessee, State of**

represented by **Andrew R. Carr , Jr.**  
(See above for address)  
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**Benjamin Arthur Whitehouse**  
JOHNSON LAW FIRM  
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**ATTORNEY TO BE NOTICED**

**Tim Edwards**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Timothy Phillip Harlan**  
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 Nashville, TN 37202  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Frayser-Millington-North Shelby  
 Mental Health Center, Inc.**

Date Filed	#	Docket Text
12/09/2009	<u>1</u>	COMPLAINT against Frayser-Millington-North Shelby Mental Health Center, Inc., filed by Tanya McKinnie-Cobb. (Attachments: # <u>1</u> Exhibit email, # <u>2</u> Exhibit Case mgmt monthly productivity report, # <u>3</u> Civil Cover Sheet, # <u>4</u> judicial assignment card)(jae) (Entered: 12/10/2009)
12/10/2009	<u>2</u>	Case initiation fee: PAID \$ 350, receipt number M121604 (vjm) (Entered: 12/10/2009)
02/03/2010	<u>3</u>	AMENDED COMPLAINT <i>AND DEMAND FOR A JURY TRIAL</i> against Frayser-Millington-North Shelby Mental Health Center, Inc., filed by Tanya McKinnie-Cobb, Tennessee State of. (Edwards, Tim) Modified on 2/3/2010 to add party name. (ehg). (Entered: 02/03/2010)
02/09/2010	<u>4</u>	MOTION to Extend Deadline <i>proposed order submitted</i> by Tennessee, State of. (Whitehouse, Benjamin) (Entered: 02/09/2010)
02/11/2010	<u>5</u>	ORDER GRANTING Motion to Extend Deadline. Signed by Chief Judge Jon Phipps McCalla on 2/11/10. (McCalla, Jon) Modified on 2/12/2010 (ehg). (Entered: 02/11/2010)
02/11/2010	<u>6</u>	ORDER GRANTING <u>4</u> unopposed Motion for Co-Extensive Seal and Election Periods. Signed by Chief Judge Jon Phipps McCalla on 2/11/10. (McCalla, Jon) Modified on 2/12/2010 (ehg). (Entered: 02/11/2010)
08/09/2010	<u>7</u>	NOTICE of Appearance by Kevin Patrick Whitmore on behalf of United States of America, Ex Rel. (Whitmore, Kevin) (Entered: 08/09/2010)
08/09/2010	<u>8</u>	Sealed Document. (Attachments: # <u>1</u> Memorandum)(Whitmore, Kevin) (Entered: 08/09/2010)
08/11/2010	<u>9</u>	ORDER. Signed by Chief Judge Jon Phipps McCalla on 8/11/10. (McCalla, Jon) (Entered: 08/11/2010)
08/25/2010	<u>10</u>	NOTICE of Appearance by William W. Siler on behalf of United States of America, Ex Rel. (Siler, William) (Entered: 08/25/2010)

02/01/2011	<u>11</u>	NOTICE of Appearance by Timothy Phillip Harlan on behalf of Tennessee, State of (Harlan, Timothy) (Entered: 02/01/2011)
02/07/2011	<u>12</u>	NOTICE by United States of America, Ex Rel. <i>Declining to Intervene</i> (Siler, William) (Entered: 02/07/2011)
02/08/2011	<u>14</u>	NOTICE by Tennessee, State of <i>Election to Decline Intervention and Consent to Dismissal</i> (Harlan, Timothy) (Entered: 02/08/2011)
02/09/2011	<u>15</u>	Sealed Document. (Edwards, Tim) (Entered: 02/09/2011)
02/09/2011	<u>16</u>	SEALED ORDER of Dismissal. Signed by Chief Judge Jon Phipps McCalla on 2/9/11. (McCalla, Jon) (Entered: 02/09/2011)
02/09/2011	<u>17</u>	SEALED JUDGMENT. Signed by Chief Judge Jon Phipps McCalla on 2/9/11. (McCalla, Jon) (Entered: 02/09/2011)
08/05/2013	<u>18</u>	MOTION to Unseal Case ( <i>proposed order submitted</i> ) by United States of America, Ex Rel.. (Siler, William) (Entered: 08/05/2013)
08/05/2013	<u>19</u>	ORDER granting <u>18</u> Motion to Unseal Case. Signed by Chief Judge Jon Phipps McCalla on 08/05/2013. (McCalla, Jon) (Entered: 08/05/2013)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES and STATE OF	)	
TENNESSEE <i>ex rel.</i> TANYA	)	
MCKINNIE-COBB,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:09-cv-02794-JPM-dkv
	)	***SEALED***
FRAYSER-MILLINGTON-NORTH	)	
SHELBY COUNTY MENTAL HEALTH	)	
CENTER, INC.,	)	
	)	
Defendant.	)	

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**ORDER OF DISMISSAL**

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Pursuant to Plaintiff/Relator's Stipulation of Dismissal (D.E. 15), the United States' Notice of Election to Decline Intervention and Notice of Consent to Voluntary Dismissal by the Relator (D.E. 12), and the State of Tennessee's Notice of Election to Decline Intervention and Consent to Dismissal (D.E. 14),

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that in accordance with Plaintiff/Relator's Stipulation of Dismissal this cause of action be and hereby is dismissed.

**IT IS SO ORDERED**, this 9th day of February, 2011.

/s/ JON PHIPPS McCALLA  
CHIEF UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES and STATE OF	)	
TENNESSEE <i>ex rel.</i> TANYA	)	
MCKINNIE-COBB,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:09-cv-02794-JPM-dkv
	)	***SEALED***
FRAYSER-MILLINGTON-NORTH	)	
SHELBY COUNTY MENTAL HEALTH	)	
CENTER, INC.,	)	
	)	
Defendant.	)	

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JUDGMENT

**JUDGMENT BY COURT.** This action having come before the Court on the Plaintiff/Relator's Stipulation of Dismissal (D.E. 15), filed February 9, 2011,

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that, in accordance with Order of Dismissal (D.E. 16), all claims by the Plaintiff/Relator against Defendant are DISMISSED.

**IT IS SO ORDERED,** this 9th day of February, 2011.

/s/ JON PHIPPS McCALLA  
CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE

United States and State of Tennessee *ex rel.* Tanya McKinnie-Cobb,  
Plaintiff,

v.

Civil No. 09-2794-dkv

Frayser-Millington-North Shelby County Mental  
Health Center, Inc.,  
Defendant.

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STIPULATION OF DISMISSAL

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Comes now plaintiff/relator, Tanya McKinnie-Cobb, by and through her undersigned counsel, and files this her stipulation of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(ii). Title 31 U.S.C. § 3730(b)(1) provides that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." The United States and the State of Tennessee have consented to dismissal for the reason that their investigation of the matters alleged failed to substantiate actionable claims of sufficient merit to outweigh the risks of litigation.

Respectfully submitted,

**BATEMAN GIBSON, L.L.C.**

/s/Andrew R. Carr, Jr.  
Andrew R. Carr, Jr. #5628  
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(901) 843-2470

GLASSMAN, EDWARDS, WADE,  
And WYATT, P.C.

/s/Tim Edwards

Tim Edwards #5353  
Edwin Wallis III #23950  
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(901) 527-4673

Attorneys for Relator  
Tanya McKinnie-Cobb

CERTIFICATE OF SERVICE

I, Andrew R. Carr, Jr., counsel for plaintiff/relator, certify that the foregoing has been electronically filed on this date. I further certify that a true and correct copy of the foregoing has been sent by regular mail to

Timothy P. Harlan  
Assistant Attorney General  
Law Enforcement and Special Prosecutions  
Tennessee Attorney General's Office  
425 Fifth Avenue North  
Nashville, Tennessee 37243

William W. Siler (BPR #7194)  
Assistant United States Attorney  
167 North Main Street, Suite 800  
Memphis, Tennessee 38103

s/ Andrew R. Carr, Jr.  
Attorney for plaintiff/relator

February 9, 2011

**U.S. District Court  
California Northern District (San Jose)  
CIVIL DOCKET FOR CASE #: 5:06-cv-03881-RMW**

United States of America, ex rel Scarlett McMasters v. Northrop  
Grumman Ship Systems, Inc. et al  
Assigned to: Hon. Ronald M. Whyte  
Referred to: Hon. Richard Seeborg  
Cause: 31:3729 False Claims Act

Date Filed: 06/21/2006  
Date Terminated: 03/08/2007  
Jury Demand: Plaintiff  
Nature of Suit: 190 Contract: Other  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Scarlett McMasters**

represented by **Scarlett McMasters**  
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PRO SE

**William Fenton Sink**

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*TERMINATED: 09/22/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Northrop Grumman Ship Systems, Inc.**

represented by **Brad Dennis Brian**  
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**Joseph Scott Klapach**

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**Date Discrepancy Cases 515**

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808-529-7300  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Phil Lovelien**

*TERMINATED: 10/10/2006*

represented by **Brad Dennis Brian**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joseph Scott Klapach**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Richard St. John**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert G. Klein**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/21/2006	1	Case transferred in from District of Hawaii, Honolulu; Case Number 1:05-cv-00433-HG-BMK. Original sealed case file, certified copy of transfer order and docket sheet received. Filed by United States of America. (dhmS, ) (Filed on 6/21/2006) (Entered: 06/27/2006)
06/21/2006	<a href="#">2</a>	ADR SCHEDULING ORDER: Case Management Statement due by 9/15/2006. Case Management Conference set for 9/22/2006 10:30 AM. (Standing Order attached) (dhmS, ) (Filed on 6/21/2006) Additional attachment(s) added on 8/8/2006 (dhm, COURT STAFF). (Entered: 06/27/2006)

**Date Discrepancy Cases 516**



07/11/2006	<a href="#">3</a>	ADMINISTRATIVE ORDER: Pursuant to Judge Gillmor's 12/5/2005 order, the following documents are to be unsealed: the complaint (Hawaiian docket no. 1); the United States notice of election to decline intervention (Hawaiian docket no. 8); and Judge Gillmor's 12/5/2005 order and all subsequent filings (Hawaiian docket nos. 10 and thereafter, and Californian docket nos. 1 and thereafter). All filings in this action made after the transfer here are presumptively public; any subsequent requests to file documents under seal shall conform with Civil L.R. 79-5. This case shall be included in the court's electronic filing program.. Signed by Judge Ronald M. Whyte on 7/8/2006. (dhmS, ) (Filed on 7/11/2006) Additional attachment(s) added on 8/8/2006 (dhm, COURT STAFF). (Entered: 07/13/2006)
07/28/2006	<a href="#">4</a>	NOTICE by Northrop Grumman Ship Systems, Inc. <i>of hearing date on defendants' fully briefed motion to dismiss complaint under rules 12(B)(6) and 9(B)</i> (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B# <a href="#">3</a> Exhibit C)(Brian, Brad) (Filed on 7/28/2006) (Entered: 07/28/2006)
07/28/2006	<a href="#">5</a>	CERTIFICATE OF SERVICE by Northrop Grumman Ship Systems, Inc. re <a href="#">4</a> Notice (Other), Notice (Other) <i>of hearing date on Defendants' fully briefed motion to dismiss complaint under Rules 12(B) and 9(B)</i> (Brian, Brad) (Filed on 7/28/2006) (Entered: 07/28/2006)
07/28/2006	<a href="#">6</a>	MOTION WITH MEMORANDUM IN SUPPORT to Withdraw as Counsel for Plaintiff filed by United States of America. (dhm, COURT STAFF) (Filed on 7/28/2006) (Entered: 07/31/2006)
08/07/2006	<a href="#">7</a>	ORDER Regarding Motion to Withdraw as Counsel. Signed by Judge Ronald M. Whyte on 8/7/2006. (rmwlc1, COURT STAFF) (Filed on 8/7/2006) (Entered: 08/07/2006)
08/23/2006	<a href="#">8</a>	Statement of Non-Opposition <i>to Motion to Withdraw</i> filed by Phil Lovelien, Northrop Grumman Ship Systems, Inc.. (Brian, Brad) (Filed on 8/23/2006) (Entered: 08/23/2006)
09/05/2006	<a href="#">9</a>	ORDER by Judge Ronald M. Whyte Conditionally Granting <a href="#">6</a> Motion to Withdraw as Attorney. (rmwlc1, COURT STAFF) (Filed on 9/5/2006) (Entered: 09/05/2006)
09/15/2006	<a href="#">10</a>	CASE MANAGEMENT STATEMENT filed by Phil Lovelien, Northrop Grumman Ship Systems, Inc.. (Brian, Brad) (Filed on 9/15/2006) (Entered: 09/15/2006)
09/15/2006	<a href="#">11</a>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Brian, Brad) (Filed on 9/15/2006) (Entered: 09/15/2006)
09/15/2006	<a href="#">12</a>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) (Brian, Brad) (Filed on 9/15/2006) (Entered: 09/15/2006)
09/19/2006	<a href="#">13</a>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Brian, Brad) (Filed on 9/19/2006) (Entered: 09/19/2006)
09/22/2006	<a href="#">15</a>	Minute Entry: Motion Hearing held on 9/22/2006 before Ronald M. Whyte (Date Filed: 9/22/2006) re Defendant's Motion to Dismiss. (Court Reporter Lee-Anne Shortridge.) (jg, COURT STAFF) (Date Filed: 9/22/2006) (Entered: 10/20/2006)
10/10/2006	<a href="#">14</a>	ORDER re <a href="#">4</a> Granting Defendants' Motion to Dismiss. Signed by Judge Ronald M. Whyte on 10/6/2006. (rmwlc1, COURT STAFF) (Filed on 10/10/2006) (Entered: 10/10/2006)
11/06/2006	<a href="#">16</a>	NOTICE by Scarlett McMasters <i>UNITED STATES' POSITION REGARDING DISMISSAL</i> (Winslow, Sara) (Filed on 11/6/2006) (Entered: 11/06/2006)
11/20/2006	<a href="#">17</a>	ORDER Regarding United States' Position on Dismissal. Signed by Judge Ronald M. Whyte on 11/17/06. (rmwlc1, COURT STAFF) (Filed on 11/20/2006) (Entered: 11/20/2006)

**Date Discrepancy Cases 517**

11/22/2006	<a href="#">18</a>	CASE MANAGEMENT STATEMENT filed by Northrop Grumman Ship Systems, Inc.. (Brian, Brad) (Filed on 11/22/2006) (Entered: 11/22/2006)
11/30/2006	<a href="#">19</a>	NOTICE by Northrop Grumman Ship Systems, Inc. <i>Regarding Filing of Exhibit in Connection with Case Management Conference and Defendant's Separate Case Management Conference Statement</i> (Bern, Martin) (Filed on 11/30/2006) (Entered: 11/30/2006)
12/01/2006	<a href="#">20</a>	Minute Entry: Initial Case Management Conference held on 12/1/2006 before Ronald M. Whyte (Date Filed: 12/1/2006). (Court Reporter Not Reported.) (jg, COURT STAFF) (Date Filed: 12/1/2006) (Entered: 12/05/2006)
12/04/2006	22	MOTION to Withdraw as Counsel for Plaintiff Without Filing an Amended Complaint as Set Out in This Court's Order Conditionally Granting Motion to Withdraw as Counsel Filed on 9/5/2006; Memorandum in Support of Motion; Declaration of william Fenton Sink; Declaration of Andrea R. Sink; Exhibits 1-5; Notice of Hearing and Certificate of Service filed by Scarlett McMasters. (dhm, COURT STAFF) (Filed on 12/4/2006) (Entered: 12/08/2006)
12/07/2006	<a href="#">21</a>	Proposed Order <i>To Show Cause Re Dismissal With Prejudice</i> by Northrop Grumman Ship Systems, Inc.. (Brian, Brad) (Filed on 12/7/2006) (Entered: 12/07/2006)
12/08/2006	<a href="#">23</a>	ORDER TO SHOW CAUSE RE: Dismissal with Prejudice. Order to Show Cause Hearing set for 1/26/2007 09:00 AM before Honorable Ronald M. Whyte. Signed by Judge Ronald M. Whyte on 12/8/06. (cm, COURT STAFF) (Filed on 12/8/2006) (Entered: 12/08/2006)
01/02/2007	<a href="#">24</a>	ORDER by Judge Ronald M. Whyte Granting 22 Motion by William Fenton Sink to Withdraw as Attorney. (rmwlc1, COURT STAFF) (Filed on 1/2/2007) (Entered: 01/02/2007)
01/03/2007	25	Declaration of William Fenton Sink re 6 Motion to Withdraw as Counsel for Plaintiff United States of America, ex rel Scarlett McMasters Without Filing an Amended Complaint as set out in the Court Order Conditionally Granting Motion to Withdraw as Counsel filed on 9/5/2006 and Request for Advice filed by Scarlett McMasters. (dhm, COURT STAFF) (Filed on 1/3/2007) (Entered: 01/05/2007)
01/25/2007	<a href="#">26</a>	ORDER Continuing Order to Show Cause Hearing. Signed by Judge Ronald M. Whyte on 1/25/07. (rmwlc1, COURT STAFF) (Filed on 1/25/2007) (Entered: 01/25/2007)
02/23/2007	<a href="#">28</a>	Minute Entry: Show Cause Hearing (Date Filed: 2/23/2007). (Court Reporter Lee-Anne Shortridge.) (jg, COURT STAFF) (Date Filed: 2/23/2007) (Entered: 04/05/2007)
02/28/2007	<a href="#">27</a>	ORDER Dismissing McMasters' Action with Prejudice. Signed by Judge Ronald M. Whyte on 2/27/2007. (rmwlc1, COURT STAFF) (Filed on 2/28/2007) (Entered: 02/28/2007)
10/22/2007		FILE LOCATED AT FEDERAL RECORDS CENTER (FRC) San Bruno, CA. Accession #:021-07-0061; Location #: 735524; Box #: 174. (pmc, COURT STAFF) (Filed on 10/22/2007) (Entered: 10/22/2007)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 11:08:18			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search:</b>	5:06-cv-03881-

**Date Discrepancy Cases 518**

		<b>Criteria:</b>	RMW
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.40

**U.S. District Court  
District of Hawaii (Hawaii)  
CIVIL DOCKET FOR CASE #: 1:05-cv-00433-HG-BMK**

United States of Ame v. Northrop Grumman Shi, et al  
Assigned to: JUDGE HELEN GILLMOR  
Referred to: Judge BARRY M. KURREN  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 07/12/2005  
Date Terminated: 06/09/2006  
Jury Demand: Plaintiff  
Nature of Suit: 190 Contract: Other  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**  
*Scarlett McMasters, ex rel*

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V.

**Defendant**

**Northrop Grumman Ship Systems, Inc.**

represented by **Brad D. Brian**  
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**Date Discrepancy Cases 520**

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**Defendant**

**Phil Lovelien**

represented by **Brad D. Brian**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joseph S. Klapach**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Richard St. John**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert G. Klein**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/12/2005	1	COMPLAINT [UNSEALED] for damages and demand for jury trial; summons (issued) (lmg) Modified on 12/20/2005-unsealing complaint pursuant to docket entry <a href="#">10</a> (bbb, ). (Entered: 07/15/2005)
07/12/2005	2	ORDER by Judge David A. Ezra rule 16 scheduling conference set for 9:00 10/3/05 before Mag Judge Barry M. Kurren (sealed) (Entered: 07/15/2005)
07/12/2005	3	EX PARTE APPLICATION to file under seal plaintiff's complaint for damages; [proposed] order granting ex parte application to file under seal plaintiff's complaint for damages [1-1] (sealed) (Entered: 07/15/2005)
07/12/2005		FILING FEE PAID in the amount of \$ 250.00, receipt # 230321 (sealed) (Entered: 07/15/2005)

**Date Discrepancy Cases 521**

07/15/2005	4	ORDER granting ex parte application to file under seal plaintiff's complaint for damages - by Judge Helen Gillmor re [1-1], granting order [3-1] (cc: party of record) (sealed) (Entered: 07/15/2005)
09/22/2005	5	Plaintiff's SCHEDULING CONFERENCE STATEMENT; certificate of service (sealed) (Entered: 09/23/2005)
09/30/2005	6	EO : Continued rule 16 scheduling conference from 10/03/05 9:00 AM to 9:00 AM 12/5/05 before Mag Judge Barry M. Kurren ; Eunice from USA to notify parties ( Ct Rptr : ) JUDGE Mag Judge Barry M. Kurren (sealed) (Entered: 10/04/2005)
11/21/2005	7	EO: Rule 16 Scheduling Conference set for 12-5-05 @ 9 a.m. is moved to 2:30 p.m. the same day before BMK. William Sink notified. rule 16 conference set for 2:30 12/5/05 before Mag Judge Barry M. Kurren ( ) JUDGE Mag Judge Barry M. Kurren (sealed) (Entered: 11/25/2005)
12/05/2005	8	The Government's NOTICE of election to decline to intervene [SEALED] (bbb, ) Modified on 12/20/2005-unsealing document pursuant to docket entry <a href="#">10 [UNSEALED]</a> (bbb, ). (Entered: 12/05/2005)
12/05/2005	9	EP: Minute Entry - Rule 16 Scheduling Conference set for 3/7/2006 09:00 AM before JUDGE BARRY M KURREN. - Rule 16 Scheduling Conference continued to 3-7-06 @ 9 a.m., BMK.The USA has indicated that it will not intervene.The case is now unsealed.Complaint to be served within 45 days.(FTR-Ctrm C6 2:36-2:40.) (bbb, ) (Entered: 12/12/2005)
12/08/2005	<a href="#">10</a>	ORDER <a href="#">[UNSEALED]</a> re 1 Complaint, 8 Notice (Other) filed by United States of America. Signed by Judge HELEN GILLMOR on 12/06/2005. (bbb, ) Modified on 12/20/2005-this order unsealing documents <a href="#">10</a> , 8 & 1 (bbb, ). Additional attachment(s) added on 6/30/2006 (bbb, ). (Entered: 12/20/2005)
02/13/2006	11	EO: Rule 16 Scheduling Conference continued from 3/7/2006 to 4/17/2006 at 9:00 a.m. before JUDGE BARRY M. KURREN. Scheduling Conference Statements due 4/10/2006. William Sink to notify parties. (Judge BARRY M. KURREN )(rwy, ) (Entered: 02/13/2006)
03/02/2006	<a href="#">15</a>	SUMMONS Returned Executed by United States of America. Northrop Grumman Ship Systems, Inc. served on 2/15/2006, answer due 3/7/2006. (bbb, ) (Entered: 03/07/2006)
03/03/2006	<a href="#">13</a>	Filing fee: \$ 225.00, receipt number 234104 for PRO HAC VICE for attorney Joseph Klapach. (bbb, ) Additional attachment(s) added on 3/6/2006 (bbb, ). (Entered: 03/06/2006)
03/03/2006	<a href="#">14</a>	Filing fee: \$ 225.00, receipt number 234103 for PRO HAC VICE for attorney Brad D. Brian. (bbb, ) Additional attachment(s) added on 3/6/2006 (bbb, ). (Entered: 03/06/2006)
03/06/2006	<a href="#">12</a>	Filing fee: \$ 225.00, receipt number 234105 for PRO HAC VICE for Attorney Richard St. John. (bbb, ) Additional attachment(s) added on 3/6/2006 (bbb, ). (Entered: 03/06/2006)
03/06/2006	<a href="#">16</a>	APPLICATION FOR PERMISSION for Joseph S. Klapach to appear PRO HAC VICE; # <a href="#">1</a> declaration of Robert G. Klein;# <a href="#">2</a> Exhibit A;# <a href="#">3</a> declaration of Joseph S. Klapach;# <a href="#">4</a> order granting application of Joseph S. Klapach# <a href="#">5</a> certificate of service . <a href="#">13</a> Filing Fee Received. Signed by Judge BARRY M. KURREN on 03/03/2006. (bbb, ) (Entered: 03/07/2006)
03/06/2006	<a href="#">17</a>	APPLICATION FOR PERMISSION for Richard St. John to appear PRO HAC VICE; # <a href="#">1</a> declaration of Robert G. Klein;# <a href="#">2</a> Exhibit A;# <a href="#">3</a> declaration of Richard St. John;# <a href="#">4</a> order granting application of Richard St. John;# <a href="#">5</a> certificate of service. <a href="#">12</a> Filing Fee Received. Signed by Judge BARRY M. KURREN on 03/03/2006.(bbb, ) (Entered: 03/07/2006)

**Date Discrepancy Cases 522**

03/06/2006	<a href="#">18</a>	APPLICATION FOR PERMISSION for Brad D. Brian to appear PRO HAC VICE; # <a href="#">1</a> declaration of Robert G. Klein;# <a href="#">2</a> Exhibit A;# <a href="#">3</a> declaration of Brad D. Brian;# <a href="#">4</a> order granting application of Brad D. Brian;# <a href="#">5</a> certificate of service. <a href="#">14</a> Filing Fee Received. Signed by Judge BARRY M. KURREN on 03/03/2006. (bbb, ) (Entered: 03/07/2006)
03/07/2006	<a href="#">19</a>	Notice of hearing motion; Defendants Northrop Grumman Ship Systems, Inc., Phil Lovlien's MOTION TO DISMISS COMPLAINT UNDER FEDERAL RULES OF CIVIL PROCEDURE 12(B)(6) AND 9(B) FILED ON JULY 12, 2005; # <a href="#">1</a> Memorandum in support of motion to dismiss complaint under Federal Rules of Civil Procedure 12(B)(6) and 9(B) filed on July 12, 2005;# <a href="#">2</a> certificate of service. (cc: HG) (bbb, ) (Entered: 03/08/2006)
03/07/2006	<a href="#">20</a>	Notice of hearing motion; Defendants Northrop Grumman Ship Systems, Inc., Phil Lovlien's MOTION TRANSFER CASE TO THE NORTHERN DISTRICT OF CALIFORNIA Under 28 U.S.C. section 1404(a); # <a href="#">1</a> Memorandum in support of motion to transfer case to the Northern District of California under 28 U.S.C. section 1404(a);# <a href="#">2</a> declaration of Robert G. Klein;# <a href="#">3</a> Exhibit A;# <a href="#">4</a> Exhibit B;# <a href="#">5</a> certificate of service. (cc: HG) (bbb, ) (Entered: 03/08/2006)
03/09/2006	21	NOTICE of Hearing on Motion <a href="#">19</a> MOTION to Dismiss, <a href="#">20</a> MOTION to Change Venue: Motion Hearing set for 4/17/2006 09:45 AM in Aha Nonoi before JUDGE HELEN GILLMOR. (dhh) (Entered: 03/09/2006)
03/17/2006	<a href="#">22</a>	SUBMISSION OF ORIGINAL # <a href="#">1</a> Declaration of Phil Lovlien in support of motion to transfer case under 28 U.S.C. section 1404;# <a href="#">2</a> certificate of service for <a href="#">20</a> MOTION to Change Venue.(bbb, ) (Entered: 03/20/2006)
03/17/2006	<a href="#">23</a>	SUBMISSION OF ORIGINAL# <a href="#">1</a> Declaration of Joseph Pommier in support of motion to transfer case under 28 U.S.C. section 1404;# <a href="#">2</a> certificate of service re 21 Notice of Hearing on Motion.(bbb, ) (Entered: 03/20/2006)
04/06/2006	<a href="#">24</a>	STIPULATION to continue hearing on Defendants' <a href="#">20</a> motion to transfer AND <a href="#">19</a> motion to dismiss complaint and ORDER; Set Deadlines/Hearing as to <a href="#">19</a> MOTION to Dismiss, <a href="#">20</a> MOTION to Change Venue - Motion Hearing set for 5/15/2006 09:00 AM before JUDGE HELEN GILLMOR. Signed by Judge HELEN GILLMOR on April 6, 2006. (bbb, ) (Entered: 04/07/2006)
04/10/2006	25	EO: Rule 16 Scheduling Conference continued from 4/17/06 to 09:00AM on 7/20/2006 before JUDGE BARRY M. KURREN at the agreement of the parties. Scheduling Conference Statements due 7/17/2006. (Judge BARRY M. KURRE)(rwy) (Entered: 04/10/2006)
04/12/2006	<a href="#">26</a>	Plaintiff United States of America's MEMORANDUM in Opposition to Defendants' Northrop Grumman Ship Systems, Inc. and Phil Lovlien's <a href="#">20</a> MOTION TO TRANSFER CASE to the Northern District of California under 28 U.S.C. ? 1404(a) filed March 7, 2006; certificate of service. (cc: HG) (bbb, ) (Entered: 04/14/2006)
04/12/2006	<a href="#">27</a>	Defendants Amended NOTICE of Hearing on Motion <a href="#">20</a> MOTION TO TRANSFER CASE to the Northern District of California.; Motion Hearing set for 5/15/2006 09:00 AM before JUDGE HELEN GILLMOR. (cc: HG) (bbb, ) (Entered: 04/14/2006)
04/12/2006	<a href="#">28</a>	Defendants Amended NOTICE of Hearing on Motion <a href="#">19</a> MOTION TO DISMISS COMPLAINT; Motion Hearing set for 5/15/2006 09:00 AM before JUDGE HELEN GILLMOR. (cc: HG) (bbb, ) (Entered: 04/14/2006)
04/18/2006	<a href="#">29</a>	Plaintiff United States of America's MEMORANDUM IN OPPOSITION to Defendants Northrop Grumman Sip Systems, Inc. and Phil Lovlien's <a href="#">19</a> MOTION to Dismiss

**Date Discrepancy Cases 523**

		complaint under Federal Rules of Civil Procedure 12(b)(6) and 9(b) filed March 7, 2006; certificate of service. (cc: HG) (bbb, ) (Entered: 04/19/2006)
04/25/2006	30	E.O: Set Deadlines/Hearing as to <a href="#">19</a> MOTION to Dismiss, <a href="#">20</a> MOTION to Change Venue:. Motion Hearing is continued from May 15, 2006 to 5/30/2006 09:00 AM before JUDGE HELEN GILLMOR. (dhh) (Entered: 04/25/2006)
04/25/2006		COURT'S CERTIFICATE of Service - a copy of NEF has been served by First Class Mail to the addresses of record on 4/25/2006 to: William Fenton Sink. Registered Participants of CM/ECF received the document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). (dhh) (Entered: 04/25/2006)
04/25/2006	31	E.O.: Set Deadlines/Hearing as to <a href="#">19</a> MOTION to Dismiss, <a href="#">20</a> MOTION to Change Venue:. Motion Hearing is continued from 5/30/2006 to 6/5/2006 09:00 AM before JUDGE HELEN GILLMOR. (dhh) (Entered: 04/25/2006)
05/25/2006	<a href="#">32</a>	Defendants Northrop Grumman Ship Systems, Inc. and Phil Lovelien's REPLY IN SUPPORT of Defendant's <a href="#">20</a> Motion Transfer Case to the Northern District of California under 28 U.S.C. Section 1404; # <a href="#">1</a> Declaration of Robert G. Klein;# <a href="#">2</a> Exhibit A;# <a href="#">3</a> and certificate of service. (cc: HG) (bbb, ) (Entered: 05/26/2006)
05/25/2006	<a href="#">33</a>	Defendants Northrop Grumman Ship Systems, Inc. and Phil Lovelien's MEMORANDUM IN SUPPORT <a href="#">19</a> Motion to Dismiss Complaint under Federal Rules of Civil Procedure 12(b)(6) and 9(b); # <a href="#">1</a> and certificate of service. (cc: HG) (bbb, ) (Entered: 05/26/2006)
06/05/2006	<a href="#">34</a>	EP: Motions terminated: <a href="#">20</a> MOTION to Change Venue filed by Northrop Grumman Ship Systems, Inc., Phil Lovelien,. Hearing held on 6/5/2006. The (20) Motion to Transfer Case to the Northern District of California is GRANTED. The (19) Motion to Dismiss shall be transferred to the Northern District of California. A written order will issue. (Court Reporter Stephen Platt.) (Judge HELEN GILLMOR )(dhh) (Entered: 06/05/2006)
06/05/2006		COURT'S CERTIFICATE of Service - a copy of NEF has been served by First Class Mail to the addresses of record on 6/5/2006 on: William Fenton Sink. Registered Participants of CM/ECF received the document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). (dhh) (Entered: 06/05/2006)
06/09/2006	<a href="#">35</a>	ORDER Granting Defendants' <a href="#">20</a> Motion to Change Venue and Transferring Entire Case, Including Motion to Dismiss, To the Northern District of California under 28 U.S.C. section 1404(a): <u>CONCLUSION</u> For the foregoing reasons, (1) Defendants Northrop Grumman Ship Systems, Inc. and Phil Lovlien's Motion to Transfer Case to the Northern District of California Under 28 U.S.C. section 1404(a) is GRANTED. (2) The Clerk is DIRECTED to transfer the entire case, including the pending motion to dismiss, to the Northern District of California and to close this case. IT IS SO ORDERED. Signed by Judge HELEN GILLMOR on June 8, 2006. (bbb, ) (Entered: 06/09/2006)
06/09/2006		COURT'S CERTIFICATE of Service - a copy of <a href="#">35</a> "ORDER Granting Defendants' Motion to Change Venue and Transferring Entire Case, Including Motion to Dismiss, To the Northern District of California under 28 U.S.C. section 1404(a) " has been served by First Class Mail to the addresses of record on 06/09/2006. Registered Participants of CM/ECF received the document Electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). (bbb, ) (Entered: 06/09/2006)
06/15/2006	<a href="#">36</a>	EO: re <a href="#">35</a> Order,., MINUTE ORDER issued 6/15/2006 directing the Clerk to transfer the case to the San Jose Division of the United States District Court for the Northern District of California because the case arises in Santa Clara County, California. (Judge HELEN GILLMOR )(dhh, ) (Entered: 06/15/2006)
06/15/2006		COURT'S CERTIFICATE of Service - a copy of NEF re Minute Order directing Clerk to

**Date Discrepancy Cases 524**



		transfer the case to the San Jose Division of the U.S.D.C. for the N.D. of CA., <a href="#">36</a> Link, has been served by First Class Mail to the addresses of record on 6/15/2006 to: WILLIAM FENTON SINK. Registered Participants of CM/ECF received the document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). (dhh) (Entered: 06/15/2006)
06/19/2006	<a href="#">38</a>	Letter from USDC Hawaii to the Northern District of California, San Jose re: Transfer of Case pursuant to <a href="#">35</a> Order. (bbb, ) (Entered: 06/19/2006)
06/19/2006	<a href="#">39</a>	LETTER from USDC Clerk's Office regarding transfer of entire case to the Northern District of California, San Jose Division. (Attachments: # <a href="#">1</a> FedEx Pick-up Confirmation Notices) (bbb, ) (Entered: 06/20/2006)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 09:05:27			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:05-cv-00433-HG-BMK
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50

**U.S. District Court – District of Colorado  
District of Colorado (Denver)  
CIVIL DOCKET FOR CASE #: 1:04-cv-00716-WDM-OES**

USA, et al v. Kinder Morgan Co2 Co, et al  
Assigned to: Judge Walker D. Miller  
Referred to: Magistrate Judge O. Edward Schlatter  
Demand: \$0  
Cause: 31:3729 – False Claims Act — Liability

Date Filed: 04/09/2004  
Date Terminated: 11/21/2005  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**USA**

represented by **Stephen D. Taylor**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Colorado, State of**

represented by **Robert Bryan Perry**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Montezuma County, Board of County  
Commissioners**

represented by **Robert Bryan Perry**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Gerald O. Bailey**

represented by **Robert Bryan Perry**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**W.L. Gray & Co.**

represented by **Robert Bryan Perry**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Harry Ptasynski**

represented by

**Robert Bryan Perry**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Kinder Morgan Co2 Company, L.P.**  
*a Texas limited partnership*

represented by **Andrew McCollam , III**  
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*ATTORNEY TO BE NOTICED*

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*ATTORNEY TO BE NOTICED*

**Defendant**

**Richard Timothy Bradley**

represented by **Andrew McCollam , III**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
04/09/2004	<u>1</u>	COMPLAINT (Summons(es) issued) (bpm) (Entered: 04/12/2004)
04/09/2004	<u>2</u>	Cover Page (STATEMENT) by plaintiff re: complaint [1–1] (bpm) (Document under SEAL and placed with SEALED Documents)(Modified on 4/18/2005, document is under seal) (gmssl, ). Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 04/12/2004)
04/09/2004		FILING FEE PAID: on 4/9/04 in the amount of \$ 150, receipt # 251063. (bpm) (Entered: 04/12/2004)
05/04/2004	<u>3</u>	RETURN OF SERVICE of Summons and Complaint upon on 4/16/04 by leaving with: certified mail to Attorney General (dlb) (Document under SEAL and placed with SEALED Documents)(Modified on 4/18/2005, document is under seal) (gmssl, ). Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 05/05/2004)
05/04/2004	<u>4</u>	RETURN OF SERVICE of Summons and Complaint upon on 4/19/04 by leaving with: certified mail to Attorney General (dlb) (Document under SEAL and placed with SEALED Documents)(Modified on 4/18/2005, document is under seal) (gmssl, ). Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 05/05/2004)

06/08/2004	<u>5</u>	Ex parte MOTION by plaintiff USA to extend time to consider its election to intervene (Document under SEAL and placed with SEALED Documents)(dlb) (Modified on 4/18/2005, document is under seal)(gmssl, ). Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 06/09/2004)
06/14/2004	<u>6</u>	ORDER by Judge Walker D. Miller denying motion to extend time to consider its election to intervene, Government to show cause by 6/25/04 [5-1]. (cc: all counsel) ; entry date : 6/15/04 (dlb) (Document under SEAL and placed with SEALED Documents)(Modified on 4/18/2005, document under seal) (gmssl, ). Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 06/15/2004)
06/26/2004	<u>7</u>	RESPONSE by plaintiff USA to ex parte order dated 6/14/04 [6-1] (dlb) (Document under SEAL and placed with SEALED Documents)(Modified on 4/18/2005, document under seal) (gmssl, ). (Additional attachment(s) added on 2/13/2018: # <u>1</u> Proposed Order (PDF Only)) Modified on 2/13/2018 to add the documents to the original entry and to note that the documents are no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 06/28/2004)
06/28/2004	<u>8</u>	ORDER by Judge Walker D. Miller regarding [1-1] complaint case shall remain sealed to 8/27/04; USA shall file, under seal, a notice whether or not it intervenes or a req for further extension (cc: all counsel) ; entry date : 6/29/04 (dlb) (Document under SEAL and placed with SEALED Documents)(Modified on 4/18/2005, document under seal) (gmssl, ). Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 06/29/2004)
08/26/2004	<u>9</u>	Ex parte MOTION by plaintiff USA to enlarge time to consider its election to intervene (dlb) (Document under SEAL and placed with SEALED Documents) (Modified on 4/18/2005, document under seal) (gmssl, ). (Additional attachment(s) added on 2/13/2018: # <u>1</u> Proposed Order (PDF Only)) Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 08/27/2004)
08/30/2004	<u>10</u>	ORDER by Judge Walker D. Miller granting motion to enlarge time to consider its election to intervene in the relators' complaint [9-1] (cc: all counsel) ; entry date : 8/31/04 (dlb) (Document under SEAL and placed with SEALED Documents) (Text Modified on 4/18/2005, document under seal) (gmssl, ). Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 08/31/2004)
10/26/2004	<u>11</u>	Ex parte MOTION by plaintiff USA to extend time to consider election to intervene (dlb) (Document under SEAL and placed with SEALED Documents)(Modified on 4/18/2005, document under seal) (gmssl, ). (Additional attachment(s) added on 2/13/2018: # <u>1</u> Proposed Order (PDF Only)) Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 10/27/2004)
10/28/2004	<u>12</u>	ORDER by Judge Walker D. Miller granting motion to extend time to consider election to intervene [11-1] regarding [1-1] complaint (cc: all counsel) ; entry date : 10/28/04 (dlb) (Document under SEAL and placed with SEALED Documents)(Modified on 4/18/2005, document under seal) (gmssl, ). Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 10/28/2004)
12/21/2004	<u>13</u>	Ex Parte MOTION to Enlarge the time to consider its election to intervene by Plaintiff USA. (gmssl, )(Document under SEAL and placed with SEALED Documents) (Modified on 4/18/2005, document under seal) (gmssl, ). Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 12/27/2004)
12/27/2004	<u>14</u>	ORDER granting Ex Parte <u>13</u> Motion to Extend period within which US may decide to intervene. Complaint to remain under seal. Signed by Judge Walker D. Miller on 12/23/04. (gmssl, ) (Document under SEAL and placed with SEALED Documents)(Modified on 4/18/2005, document under seal) (gmssl, ). Modified on 2/13/2018 to add the document to the original entry and to note that the document is no

		longer available in paper format in the Clerk's Office (agarc, ). (Entered: 12/29/2004)
02/04/2005	15	First AMENDED COMPLAINT against Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley , filed by plaintiffs.(gmssl, ) (Entered: 02/04/2005)
03/28/2005	<u>16</u>	Ex Parte MOTION For Enlargement of Time to Consider its Election to Intervene by Plaintiff USA. (gmssl, )(Document under SEAL and placed with SEALED Documents) (Modified on 4/18/2005, document under seal) (gmssl, ). Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 03/29/2005)
03/30/2005	<u>17</u>	Ex Parte ORDER granting US' <u>16</u> Motion for Extension of Time to file notice of whether or not it intends to intervene. Signed by Judge Walker D. Miller on 3/30/05. (gmssl, ) (Document under SEAL and placed with SEALED Documents)(Modified on 4/18/2005, document under seal) (gmssl, ). Modified on 2/13/2018 to add the document to the original entry and to note that the document is no longer available in paper format in the Clerk's Office (agarc, ). (Entered: 04/01/2005)
04/12/2005	18	NOTICE of Non-Intervention by USA re 1 Complaint (gmssl, ) (Entered: 04/12/2005)
04/14/2005	19	ORDER. The US having declined to intervene, the complaint is unsealed and is to be served upon defendant by relator. All other contents of court file to remain under seal, except for this order and US's Notice of Non-Intervention, which relator will serve on dft after service of complaint. The seal is lifted as to all other matters occurring after the date of this order. U.S. to be served with all pleadings, motions, orders, etc. Should relator or dft propose action be dismissed, settled, etc, court will solicit written consent of US before ruling. Signed by Judge Walker D. Miller on 4/14/05. (gmssl, ) (Entered: 04/18/2005)
04/19/2005	20	MOTION to Transfer Case to Houston, Texas by Plaintiff Gerald O. Bailey. (dlb, ) (Entered: 04/21/2005)
04/19/2005	21	Objections (RESPONSE) to 20 MOTION to Transfer Case to Houston, Texas by Plaintiff Gerald O. Bailey filed by Plaintiffs W.L. Gray & Co., Harry Ptasysnki and joined by Gerald O. Bailey. (dlb, ) (Entered: 04/21/2005)
05/13/2005	22	SUMMONS Returned Executed by all plaintiffs. Kinder Morgan Co2 Company, L.P. served on 4/27/2005, answer due 5/17/2005. (dlb, ) (Entered: 05/16/2005)
05/13/2005	23	SUMMONS Returned Executed by all plaintiffs. Richard Timothy Bradley served on 5/2/2005, answer due 5/23/2005. (dlb, ) (Entered: 05/16/2005)
05/16/2005	24	MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley. (dlb, ) (Entered: 05/17/2005)
05/16/2005	25	Exhibits to 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley. (dlb, ) (Entered: 05/17/2005)
05/16/2005	26	MOTION For Extension of Time for 20 days [6/6/05] to file add'l authority and evidence in support of 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley. (dlb, ) (Entered: 05/17/2005)
05/18/2005	27	MINUTE ORDER granting 26 MOTION For Extension of Time for 20 days [6/6/05] to file add'l authority and evidence in support of 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley by Judge Walker D. Miller on 5/18/05. (dlb, ) (Entered: 05/19/2005)

06/03/2005	28	Pla's RESPONSE to Motion re 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley.(dlb, ) (Entered: 06/06/2005)
06/03/2005	29	Pla's RESPONSE to 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley. (dlb, ) (Entered: 06/06/2005)
06/06/2005	30	BRIEF in Support re 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley. *large document (dlb, ) (Entered: 06/07/2005)
06/09/2005	31	CERTIFICATE OF COMPLIANCE with Court Order regarding status of Judge Lynn N. Hughes issued 6/7/05 by Plaintiff Gerald O. Bailey. (dlb, ) (Entered: 06/10/2005)
06/16/2005	32	Dfts' REPLY to Plas' Response to 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley. (dlb, ) (Entered: 06/16/2005)
06/16/2005	33	Exhibits to 32 Dfts' REPLY to Plas' Response to 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley. (dlb, ) (Entered: 06/16/2005)
06/17/2005	34	Plas' RESPONSE to Dfts' Brief in support of their motion to dismiss plas' quitam claims re: 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley. (dlb, ) (Entered: 06/17/2005)
07/25/2005	<u>35</u>	MOTION for Preliminary Injunction by Plaintiffs USA, Colorado, State of, Montezuma County, Board of County Commissioners, Gerald O. Bailey, W.L. Gray & Co., Harry Ptasynski. (Attachments: # <u>1</u> Exhibit 11 label# <u>2</u> Exhibit 11# <u>3</u> Exhibit 12 label# <u>4</u> # <u>5</u> label# <u>6</u> Exhibit 13# <u>7</u> Exhibit 14 label# <u>8</u> Exhibit 14# <u>9</u> Exhibit 15 label# <u>10</u> Exhibit 15# <u>11</u> Proposed Order)(Perry, Robert) (Entered: 07/25/2005)
08/15/2005	<u>36</u>	RESPONSE to Motion re <u>35</u> MOTION for Preliminary Injunction <i>and Application for Preliminary Injunction</i> filed by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley. (Attachments: # <u>1</u> Exhibit List of Exhibits & Exhibit N# <u>2</u> Exhibit Exhibit O# <u>3</u> Exhibit Exhibit P# <u>4</u> Exhibit Exhibit Q# <u>5</u> Exhibit Exhibit R)(Dye, Phillip) (Modified on 8/16/2005 to clarify entry)(dlb, ). (Entered: 08/15/2005)
08/23/2005	<u>37</u>	REPLY to Response to Motion re <u>35</u> MOTION for Preliminary Injunction filed by Plaintiffs USA, Colorado, State of, Montezuma County, Board of County Commissioners, Gerald O. Bailey, W.L. Gray & Co., Harry Ptasynski. (Attachments: # <u>1</u> Exhibit Exhibit 16)(Perry, Robert) (Entered: 08/23/2005)
08/23/2005	<u>38</u>	MOTION to Seal Document by Plaintiffs USA, Colorado, State of, Montezuma County, Board of County Commissioners, Gerald O. Bailey, W.L. Gray & Co., Harry Ptasynski. (Attachments: # <u>1</u> Proposed Order (PDF Only) Proposed Order)(Perry, Robert) (Entered: 08/23/2005)
08/23/2005	<u>39</u>	SEALED DOCUMENT by Plaintiffs USA, Colorado, State of, Montezuma County, Board of County Commissioners, Gerald O. Bailey, W.L. Gray & Co., Harry Ptasynski. (Attachments: # <u>1</u> Exhibit Certificate of Service)(Perry, Robert) (Entered: 08/23/2005)

08/23/2005	<u>40</u>	Exhibit 17 to <u>37</u> REPLY to Response to Motion re <u>35</u> MOTION for Preliminary Injunction filed by plaintiffs. [Public Entry for SEALED DOCUMENT #39 – Text Only Entry – No Document Attached].(dlb, ) (Entered: 08/24/2005)
09/02/2005	<u>41</u>	MOTION for Sanctions by Defendant Kinder Morgan Co2 Company, L.P.. (Attachments: # <u>1</u> Affidavit Declaration of Andrew McCollam III# <u>2</u> Affidavit Declaration of Kathleen Spangler)(Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>42</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibits to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Attachments: # <u>1</u> Exhibit Vol 3, Sections 3 & \$(Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>43</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibits to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>44</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibits to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>45</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibits to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>46</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>47</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>48</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>49</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>50</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>51</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>52</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>53</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>54</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>55</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>56</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>57</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>58</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>59</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>60</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>61</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/02/2005	<u>62</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)

09/02/2005	<u>63</u>	SUPPLEMENT/AMENDMENT to <u>41</u> MOTION for Sanctions <i>Exhibit to Motion</i> by Defendant Kinder Morgan Co2 Company, L.P.. (Dye, Phillip) (Entered: 09/02/2005)
09/06/2005	<u>64</u>	ORDER REFERRING CASE to Magistrate Judge O. Edward Schlatter by Judge Miller. (wdmsec, ) (Entered: 09/06/2005)
09/06/2005	<u>65</u>	MEMORANDUM referring to Magistrate Judge Schlatter : <u>38</u> MOTION to Seal Document filed by USA,, Colorado, State of,, Gerald O. Bailey,, Montezuma County, Board of County Commissioners,, W.L. Gray & Co.,, Harry Ptasynski,, <u>41</u> MOTION for Sanctions filed by Kinder Morgan Co2 Company, L.P., by Judge Walker D. Miller on 9/6/05. (Text Only Entry – No Document Attached)(wdmsec, ) (Entered: 09/06/2005)
09/07/2005	<u>66</u>	MINUTE ORDER for Scheduling/Planning Conference set for 12/12/2005 09:00 AM in Courtroom A 601 before Magistrate Judge O. Edward Schlatter. Signed by Magistrate Judge O. Edward Schlatter on 9/7/05. (dlb, ) (Entered: 09/07/2005)
09/07/2005	<u>67</u>	MINUTE ORDER granting <u>38</u> MOTION to Seal Document by Plaintiffs USA by Magistrate Judge O. Edward Schlatter on 9/7/05. (dlb, ) (Entered: 09/07/2005)
09/09/2005	<u>68</u>	MINUTE ORDER: Status Hearing (Conference) (in person or by telephone) set for 10/3/2005 02:30 PM in Courtroom A 902 before Judge Walker D. Miller by Judge Walker D. Miller on 9/9/05. (dlb, ) (Modified on 9/22/2005 to correct typo) (dlb, ). (Entered: 09/09/2005)
09/20/2005	<u>69</u>	RESPONSE to Motion re <u>41</u> MOTION for Sanctions filed by Plaintiffs USA, Colorado, State of, Montezuma County, Board of County Commissioners, Gerald O. Bailey, W.L. Gray & Co., Harry Ptasynski. (Attachments: # <u>1</u> Exhibit Exhibits 18 &19)(Perry, Robert) (Entered: 09/20/2005)
09/20/2005	<u>70</u>	RESPONSE: <i>Pla's Proposal for Priority of Decision Making on Pending Motions</i> by Plaintiffs USA, Colorado, State of, Montezuma County, Board of County Commissioners, Gerald O. Bailey, W.L. Gray & Co., Harry Ptasynski. (Perry, Robert) (Modified on 9/22/2005 to clarify entry) (dlb, ). (Entered: 09/20/2005)
09/21/2005	<u>71</u>	Dfts' STATEMENT of Position in Response to Minute Order of 9/9/05 by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley. (Dye, Phillip) (Modified on 9/22/2005 to clarify entry) (dlb, ). (Entered: 09/21/2005)
09/21/2005	<u>72</u>	MINUTE ORDER Setting Hearing on Motion <u>41</u> MOTION for Sanctions by Defendant. Motion Hearing set for 10/19/2005 03:30 PM in Courtroom A 502 before Magistrate Judge O. Edward Schlatter by Magistrate Judge O. Edward Schlatter on 9/21/05. (dlb, ) (Entered: 09/21/2005)
09/26/2005	<u>73</u>	MINUTE ORDER resetting Status Conference (in person or by telephone) is reset for 10/6/2005 11:00 AM in Courtroom A 902 before Judge Walker D. Miller by Judge Walker D. Miller on 9/26/05. (dlb, ) (Entered: 09/26/2005)
10/06/2005	<u>74</u>	Minute Entry for proceedings held before Judge Walker D. Miller : Status Conference held on 10/6/2005. ORDERED: The Court will confer with Judge Hughes of the USDC for Southern District of Texas and will advise counsel how it will proceed and will address pending motions. (Court Reporter Janet Coppock.) (dlb, ) (Entered: 10/13/2005)
10/19/2005	<u>75</u>	MINUTE ORDER: vacating Motion Hearing set for 10/19/2005 by Magistrate Judge O. Edward Schlatter on 10/19/05. (dlb, ) (Entered: 10/19/2005)
11/10/2005	<u>76</u>	NOTICE re <u>66</u> Order, Set/Reset Hearings <i>Filing Proposed Scheduling Order</i> by Plaintiffs USA, Colorado, State of, Montezuma County, Board of County Commissioners, Gerald O. Bailey, W.L. Gray & Co., Harry Ptasynski (Attachments: # <u>1</u> Exhibit # <u>2</u> Proposed Document # <u>3</u> Exhibit)(Perry, Robert) (Entered: 11/10/2005)
11/17/2005	<u>77</u>	TRANSCRIPT of Hearing on Motion held on October 6, 2005 before Judge Walker D. Miller. Prepared by: Janet M. Coppock. Pages: 1 – 18. (certified copy) Text Only Entry – Available in paper format at the Clerk's Office (dlb, ) (Entered: 11/18/2005)
11/21/2005	<u>78</u>	ORDER: 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to



		Rule 12(f) by Defendants is granted in part and denied in part. The Clerk of this court is directed to transfer this action to the Southern District of Texas with the suggestion that this case is related to Civil Action H-05-1029 pending. 20 MOTION to Transfer Case to Houston, Texas by Plaintiff is denied as moot. Signed by Judge Walker D. Miller on 11/21/05. (dlb, ) (Entered: 11/21/2005)
11/23/2005	<u>79</u>	Transmittal of Documents to USDC for the District of Texas. (dlb, ) (Entered: 11/23/2005)
11/23/2005	<u>80</u>	MOTION to Alter or Amend Findings and Order <u>78</u> ORDER: 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants is granted in part and denied in part. The Clerk of this court is directed to transfer this action to the Southern District of Texas with the suggestion that this case is related to Civil Action H-05-1029 pending. 20 MOTION to Transfer Case to Houston, Texas by Plaintiff is denied as moot by Plaintiffs USA, Colorado, State of, Montezuma County, Board of County Commissioners, Gerald O. Bailey, W.L. Gray & Co., Harry Ptasynski. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit # <u>6</u> Proposed Order (PDF Only))(Perry, Robert) (Modified on 11/23/2005 to clarify entry) (dlb, ). (Entered: 11/23/2005)
11/25/2005	<u>81</u>	MOTION to Stay re <u>78</u> ORDER: 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants is granted in part and denied in part. The Clerk of this court is directed to transfer this action to the Southern District of Texas with the suggestion that this case is related to Civil Action H-05-1029 pending. 20 MOTION to Transfer Case to Houston, Texas by Plaintiff is denied as moot by Plaintiffs USA, Colorado, State of, Montezuma County, Board of County Commissioners, Gerald O. Bailey, W.L. Gray & Co., Harry Ptasynski. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Perry, Robert) (Modified on 11/28/2005 to clarify entry) (dlb, ). (Entered: 11/25/2005)
11/29/2005	<u>82</u>	RESPONSE to Motion re <u>80</u> MOTION to Alter or Amend Findings and Order <u>78</u> ORDER: 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants is granted in part and denied in part. The Clerk of this court is directed to transfer this action to the Southern District of Texas with the suggestion that this case is related to Civil Action H-05-1029 pending. 20 MOTION to Transfer Case to Houston, Texas by Plaintiff is denied as moot by Plaintiffs filed by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley. (Dye, Phillip) (Modified on 11/30/2005 to clarify entry) (dlb, ). (Entered: 11/29/2005)
11/29/2005	<u>83</u>	RESPONSE to Motion re <u>81</u> MOTION to Stay re <u>78</u> MOTION to Stay re <u>78</u> ORDER: 24 MOTION to Dismiss, Transfer or MOTION to Stay pursuant to the "First-To-File" Rule; motion to dismiss pursuant to Rule 12(b)(1); and MOTION for More Definite Statement pursuant to Rule 12(e); and MOTION to Strike pursuant to Rule 12(f) by Defendants is granted in part and denied in part. The Clerk of this court is directed to transfer this action to the Southern District of Texas with the suggestion that this case is related to Civil Action H-05-1029 pending. 20 MOTION to Transfer Case to Houston, Texas by Plaintiff is denied as moot by Plaintiffs filed by Defendants Kinder Morgan Co2 Company, L.P., Richard Timothy Bradley. (Dye, Phillip) (Modified on 11/30/2005 to clarify entry) (dlb, ). (Entered: 11/29/2005)
12/01/2005	<u>84</u>	Letter from USCA to Mr. Perry advising the petition for writ of mandamus has been filed (Case no. 05-1528) (gms, ) (Entered: 12/02/2005)
12/05/2005	<u>87</u>	USCA ORDER dated 12/1/05 grantig temporary stay restraining the effective date of the USDC's transfer order that was entered 11/21/05 until further order from the USCA. (djs, ) (Entered: 12/07/2005)
12/06/2005	<u>85</u>	Certified Return Receipt (AFFIDAVIT/RETURN of Service) upon USDC for the District of Houston Texas on 11/28/05 (dlb, ) (Entered: 12/06/2005)

12/06/2005	<u>86</u>	USCA ORDER dated 12/5/05 stating both parties at to file their supplemental briefs by noon on Monday 12/12/05 and are limited to 10 pages each. (djs, ) (Entered: 12/07/2005)
12/19/2005	<u>88</u>	USCA ORDER dated 12/19/05 dissolving the temporary stay and temporary injunction entered earlier in this case. The petition for writ of mandamus is dismissed and the petition for emergency stay is denied. (djs, ) (Entered: 12/20/2005)
12/20/2005	<u>89</u>	ORDER denying <u>80</u> MOTION to Alter or Amend Findings and Order re: <u>78</u> ORDER and <u>81</u> MOTION to Stay re <u>78</u> ORDER are denied. Signed by Judge Walker D. Miller on 12/20/05. (dlb, ) (Entered: 12/21/2005)
03/23/2006	<u>90</u>	LETTER re: Writ of Certioari was filed in this case on 3/13/06 and assigned Supreme Court case no. 05-1179. (USCA case no. 05-1528) (djs, ) (Entered: 03/24/2006)

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:04-cv-01832-AHM-RNB**

United States of America et al v. City of Long Beach et al  
Assigned to: Judge A. Howard Matz  
Referred to: Magistrate Judge Robert N. Block  
Case in other court: 9th CCA, 07-55808  
Cause: 31:3729 False Claims Act

Date Filed: 03/18/2004  
Date Terminated: 03/09/2007  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**  
*ex rel*  
*also known as*  
Seal 1

represented by **Ronald A Zumbrun**  
Zumbrun Law Firm  
3800 Watt Avenue, Suite 101  
Sacramento, CA 95821  
916-486-5900  
*TERMINATED: 09/17/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of California**  
*ex rel*  
*also known as*  
Seal 2

represented by **Ronald A Zumbrun**  
(See above for address)  
*TERMINATED: 09/17/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**California State Lands Commission**  
*ex rel*  
*also known as*  
Seal 3

represented by **David A Ringnell**  
AUSA - Office of US Attorney  
Civil Division  
300 N Los Angeles St, Ste 7516  
Los Angeles, CA 90012  
213-894-3994  
Email: usacac.civil@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Ronald A Zumbrun**  
(See above for address)  
*TERMINATED: 09/17/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Stanley D Mosler**  
*an individual*  
*also known as*  
Seal 4

represented by **Stanley D Mosler**  
29457 Indian Valley Road  
Unit D  
Rancho Palo Verdes, CA 90275

**Date Discrepancy Cases 535**

310-544-1629  
PRO SE

**Ronald A Zumbrun**  
(See above for address)  
*TERMINATED: 09/17/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**City of Long Beach**  
*a municipal corporation*  
*also known as*  
Seal A

represented by **Elizabeth P Beazley**  
Keesal Young & Logan  
400 Oceangate  
P O Box 1730  
Long Beach, CA 90801-1730  
562-436-2000  
Email: elizabeth.beazley@kyl.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**City of Long Beach Harbor Department**  
*also known as*  
Seal B

represented by **Elizabeth P Beazley**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Port of Long Beach**  
*also known as*  
Seal C

**Defendant**

**Long Beach Board of Harbor Commissioners**  
*also known as*  
Seal D

represented by **Elizabeth P Beazley**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Union Pacific Corporation**  
*also known as*  
Seal E

represented by **David S Steefel**  
Holme Roberts & Owen  
1700 Lincoln Street, Suite 4100  
Denver, CO 80203-4541  
303-861-7000  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John R Shiner**  
Holme Roberts & Owen LLP  
800 West Olympic Boulevard, 4th Floor  
Los Angeles, CA 90015  
213-572-4300  
Fax: 213-572-4400

Email: John.Shiner@hro.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James J Dragna**  
Morgan, Lewis & Bockius LLP  
355 South Grand Avenue, Suite 4400  
Los Angeles, CA 90071-3106  
213-680-6436  
Fax: 213-680-6499  
Email: jim.dragna@morganlewis.com  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Union Pacific Railroad Company**  
*also known as*  
Seal F

represented by **David S Steefel**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John R Shiner**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James J Dragna**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Union Pacific Energy Company**  
*also known as*  
Seal G

represented by **James J Dragna**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Union Pacific Land Resources Corporation**  
*also known as*  
Seal H

represented by **James J Dragna**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Union Pacific Resources Company**  
*also known as*  
Seal I  
*also known as*  
Union Pacific Resources Group  
Incorporated  
*also known as*  
RME Holding Company

represented by **James J Dragna**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**John Calhoun**  
*an individual*

**Defendant**

**Robert Shannon, -**  
*an individual*

**Defendant**

**Anadarko Petroleum Corporation**

represented by **James J Dragna**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/18/2004	1	COMPLAINT against defendants Seal A, Seal B, Seal C, Seal D, Seal E, Seal F, Seal G, Seal H.(Filing fee \$ 150.) Jury Demanded. , filed by plaintiffs Seal 1, Seal 2, Seal 3, Seal 4.(rrey, ) (Entered: 03/25/2004)
09/17/2004	6	NOTICE of Election to Decline Intervention filed by Plaintiff Seal 1.; Lodged Proposed Order. (ir ) (Entered: 09/22/2004)
09/21/2004	<a href="#">7</a>	ORDER by Judge A. Howard Matz: United States having declined to intervene in this action and the State of California having declined to intervene in this action, Court rules as follows: Complaint shall be unsealed and served upon defendants by the relator. All other contents of the Courts file in this action shall remain under seal and not be made public or served upon any defendants except for this Order, and the Governments Notice of Election to Decline Intervention which the relator will serve upon defendants after service of the complaint. Seal shall be lifted as to all other matters occurring in this action after the date of this Order. Parties shall serve all pleadings and motions filed in this action. Parties shall also serve the State of California with copies of all pleadings and papers filed in the action. United States may order any deposition transcripts and is entitled to intervene in this action. All Orders of this Court shall be sent to the United States and the State of California. Case unsealed. (ir) (Entered: 09/22/2004)
09/24/2004	8	REQUEST to Partially Stay Order filed by Plaintiff Stanley D Mosler. Lodged Order. (ir ) (Entered: 09/28/2004)
09/24/2004	9	DECLARATION of Ronald A Zumbrun in support of Relators Request to partially stay order 8 filed by Plaintiff Stanley D Mosler. (ir ) (Entered: 09/28/2004)
09/24/2004	10	DECLARATION OF SERVICE filed by Plaintiff Stanley D Mosler of Relators Request to Partially stay ordre 8 , Declaration of Ronald A Zumbrun in support 9 was served on 9/24/04. (ir ) (Entered: 09/28/2004)
09/28/2004	<a href="#">11</a>	ORDER by Judge A. Howard Matz: DENIED Relators Request to Partially Stay Order 8 . (ir) (Entered: 09/29/2004)
09/28/2004		PLACED IN FILE - NOT USED re [PROPOSED] Order, lodged 9/24/04 submitted by Plaintiff and Relator Stanley D Mosler. (ir ) (Entered: 09/29/2004)
01/10/2005	13	REQUEST to extend time for service. filed by plaintiff and relator United States of America. Lodged ORDER. (yc, ) (Entered: 01/12/2005)
01/10/2005	14	DECLARATION of Ronald A Zumbrun in support of re REQUEST for Extension of Time to File 13 filed by plaintiff and relator California State Lands Commission. (yc, ) (Entered: 01/12/2005)
01/10/2005	15	DECLARATION of service 13 filed by Plaintiff California State Lands Commission. (yc, ) (Entered: 01/12/2005)

**Date Discrepancy Cases 538**

01/11/2005	<a href="#">16</a>	ORDER by Judge A. Howard Matz, extending time for service. The term for service upon defendants is extended to 4/4/2005.(yc, ) (Entered: 01/13/2005)
03/29/2005	18	RELATOR'S further request to Extend time for service filed by plaintiff and relator, United States of America, State of California, California State Lands Commission. Lodged proposed order. (sv) (Entered: 04/06/2005)
03/29/2005	19	DECLARATION of Ronald A Zumbrun in support of REQUEST for Extension of Time to File 18 filed by plaintiff and relator, United States of America, State of California, California State Lands Commission, Stanley D Mosler. (sv) (Entered: 04/06/2005)
03/29/2005	20	DECLARATION OF SERVICE filed by plaintiff and relator re REQUEST for Extension of Time to File 18 , Declaration (Motion related) 19 , was served on 3/28/05. (sv) (Entered: 04/06/2005)
03/30/2005	<a href="#">17</a>	ORDER by Judge A. Howard Matz,The term for service upon defendants is extended to 6/4/2005(yc, ) (Entered: 03/31/2005)
05/27/2005	23	DECLARATION of service filed by Plaintiff California State Lands Commission. (yc, ) (Entered: 06/01/2005)
05/31/2005	<a href="#">21</a>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge A. Howard Matz ORDERING Substituion of attorney and declaration of service submitted by Plaintiff California State Lands Commission received on 5/27/2005 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(yc, ) (Entered: 06/01/2005)
05/31/2005	<a href="#">22</a>	Substitution of Attorney filed. by plaintiff Stanley D Mosler in place and stead of attorney Ronald A Zumbrun by Judge A. Howard Matz. (yc, ) (Entered: 06/01/2005)
06/02/2005	<a href="#">24</a>	ORDER by Judge A. Howard Matz, The plaintiff nad relator herein having shown good cause, the court rules that the first amended complaint is ordered filed under seal. (yc, ) (Entered: 06/03/2005)
06/02/2005	25	SEALED DOCUMENT filed by Plaintiff California State Lands Commission regarding first amended complaint, (yc, ) Modified on 9/1/2005 (yc, ). Modified on 11/14/2006 (yc, ). See notice of clerical error document number 58. (Entered: 06/03/2005)
06/02/2005	26	APPLICATION for to file Amended Complaint under Seal filed by Plaintiff Stanley D Mosler. Lodged proposed order. (shb, ) (Entered: 06/13/2005)
06/02/2005	27	DECLARATION of Stanley D Moslerin support of APPLICATION to File Amended Complaint Under Seal 26 filed by Plaintiff Stanley D Mosler. (shb, ) (Entered: 06/13/2005)
06/02/2005	28	PROOF OF SERVICE filed by Plaintiff Stanley D Mosler. re APPLICATION to file first amended complaint under seal 26 , Declaration of Stanley Mosler in support of Applicatipon to file first amended complaint under seal[ 27], proposed order and proposed first amended complaint, was served on 6/2/05. (shb, ) (Entered: 06/13/2005)
06/02/2005	59	DUPLICATE ORIGINAL FIRST AMENDED COMPLAINT against defendants John Calhoun, Robert Shannon, Long Beach Board of Harbor Commissioners, Union Pacific Corporation, Union Pacific Railroad Company, Union Pacific Energy Company, Union Pacific Land Resources Corporation, Union Pacific Resources Company, City of Long Beach, City of Long Beach Harbor Department, Port of Long Beach amending Complaint - (Discovery) 1 DEMAND FOR JURY TRIAL,filed by plaintiff Stanley D Mosler (yc, ) (Entered: 11/14/2006)
08/24/2005	29	SEALED DOCUMENT filed by Plaintiff State of California regarding Notice of election, <b>Date Discrepancy Cases 539</b>

		LODGED PROPOSED ORDER (yc, ) (Entered: 08/31/2005)
08/25/2005	30	ORDER by Judge A. Howard Matz,The first amended complaint shall be unsealed and served upon defendant by the relator. All other contents of the court file in this action shall remain under seal and not be made public or served upon any defendants, except for the order and the government notice of election. (see file for details)(yc, ) (Entered: 09/01/2005)
12/01/2005		Summons Issued (yc, ) (Entered: 12/06/2005)
12/01/2005	32	APPLICATION for Extension of Time to serve first amended complaint filed by plaintiff United States of America, State of California, California State Lands Commission, Stanley D Mosler. Lodged PROPOSED ORDER. (yc, ) (Entered: 12/08/2005)
12/01/2005	33	DECLARATION of Stanley D Mosler re APPLICATION for Extension of Time to File 32 filed by plaintiff United States of America, State of California, California State Lands Commission, Stanley D Mosler. (yc, ) (Entered: 12/08/2005)
12/01/2005	34	CERTIFICATE OF SERVICE filed by plaintiffs State of California, California State Lands Commission, Stanley D Mosler, was served on 11/30/2005. (yc, ) (Entered: 12/08/2005)
12/02/2005	<a href="#">31</a>	ORDER by Judge A. Howard Matz, granting extension of time to serve first amended complaint. The term for service upon defendants is extended to 1/30/2006.(yc, ) (Entered: 12/07/2005)
01/10/2006	37	APPLICATION for Extension of Time to Serve First Amended Complaint filed by Plaintiff Stanley D Mosler. (ln, ) (Entered: 01/27/2006)
01/13/2006	<a href="#">35</a>	ORDER by Judge A. Howard Matz,granting extension of time to serve first amended complaint. The term for service upon defendants is extended until 14 days after Judge Otero issues his decision on the motions to dismiss in United States of America ex rel. Stanley D Mosler et al v. City of Los Angeles. If that is not accomplished by 2/27/2006, plaintiff must seek further relief.(yc, ) (Entered: 01/18/2006)
01/25/2006	38	Certificate of Interested Parties filed by Plaintiff Stanley D Mosler. (yc, ) (Entered: 01/30/2006)
01/25/2006	39	APPLICATION to file lodged documents under Seal filed by plaintiff Stanley D Mosler. Lodged ORDER A DOCUMENT BE SEALED W/CRD. (yc, ) (Entered: 01/30/2006)
01/26/2006	<a href="#">36</a>	ORDER by Judge A. Howard Matz, to file lodged document under seal. (1) Proposed [requet to stay order to lift seal and serve first amended complaint (2) proposed]Declaration of Stanley D. Mosler in support of request to stay order to lift seal and serve first amended complaint and (3) Order to stay order to lift seal and serve first amended complaint. (yc, ) (Entered: 01/27/2006)
02/17/2006	<a href="#">43</a>	SEALED DOCUMENT - REQUEST for Extension of Time; ORDER. (jp, ) (eb). (Entered: 02/24/2006)
04/04/2006	<a href="#">45</a>	SEALED DOCUMENT- ORDER (yc, ) (eb). (Entered: 04/06/2006)
04/05/2006	<a href="#">44</a>	SEALED DOCUMENT-NOTICE OF ELECTION [SEALED] (yc, ) (eb). (Entered: 04/06/2006)
05/10/2006	<a href="#">46</a>	MINUTES OF IN CHAMBERS ORDER held before Judge A. Howard Matz : The file in this case lacks the papers that would show it is being timely prosecuted, as reflected below. Accordingly, the Court, on its own motion, hereby orders plaintiff(s) to show cause in writing no later than 5/24/06 why this action should not be dismissed as to all

**Date Discrepancy Cases 540**



		remaining defendants for lack of prosecution. See document for details. Court Reporter: Not Reported. (smo, ) (Entered: 05/10/2006)
05/23/2006	47	APPLICATION to file lodged documents under Seal filed by plaintiff Stanley D Mosler. Lodged PROPOSED ORDER PROPOSED DOCUMENTS UNDERSEAL. (yc, ) (Entered: 05/25/2006)
05/23/2006	48	CERTIFICATE OF SERVICE filed by plaintiff Stanley D Mosler, re APPLICATION to Seal 47 , was served on 5/23/2006. (yc, ) (Entered: 05/25/2006)
06/12/2006	49	ORDER by Judge A. Howard Matz, to file lodged documents under seal. The court rules that the following documents are ordered filed under seal;(a) response to order to show cause re dismissal for lack of prosecution: Declaration of Stanley D. Mosler and (b) proposed order. (yc, ) (Entered: 06/22/2006)
07/10/2006	52	STATUS REPORT filed by Plaintiff Stanley D Mosler. (yc, ) (Entered: 07/13/2006)
08/10/2006	53	STATUS REPORT filed by Plaintiff California State Lands Commission. (yc, ) (Entered: 08/23/2006)
09/13/2006	54	STATUS REPORT filed by Plaintiff Stanley D Mosler. (yc, ) (Entered: 09/20/2006)
10/13/2006	56	STATUS REPORT filed by Plaintiff Stanley D Mosler. (pj, ) (Entered: 10/25/2006)
10/17/2006	<a href="#">55</a>	MINUTES held before Judge A. Howard Matz : Plaintiff Stanley Mosler shall serve the First Amended Complaint upon defendants by not later than 10/30/2006. Unless he has retained counsel to do so, plaintiff may not serve or file any further amended complaint unless he first obtains approval of this court to do so, which will require plaintiff to establish why he should be permitted to proceed. This order is without prejudice to any right to any defendant to seek appropriate relief. Court Reporter: Not Available. (yc, ) (Entered: 10/18/2006)
11/07/2006	89	NOTICE OF JOINDER OF re MOTION for Order for relator STANLEY D.MOSLER and dismiss the first amended complaint 78 filed by Defendants Union Pacific Energy Company, Union Pacific Land Resources Corporation, Anadarko Petroleum Corporation, Union Pacific Resources Company. (yc, ) (Entered: 12/07/2006)
11/09/2006	57	APPLICATION for Relief from default on order; Declaration of Stanley D. Mosler filed by plaintiff Stanley D Mosler. Lodged proposed order. (yc, ) (Entered: 11/14/2006)
11/09/2006	60	PROOF OF SERVICE Executed upon Anadarko Petroleum Corporation served on 11/8/2006, answer due 11/28/2006. The Summons and Complaint were served by personally service, by State statute, upon Margaret Wilson, Authorized to accept. Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 11/14/2006)
11/09/2006	62	PROOF OF SERVICE Executed upon Union Pacific Corporation served on 11/8/2006, answer due 11/28/2006. The Summons and Complaint were served by Substituted, by leaving copies service, by Federal statute, upon Betsy Gassaway. Director of lega. Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 11/16/2006)
11/09/2006	63	PROOF OF SERVICE Executed upon Union Pacific Railroad Company served on 11/8/2006, answer due 11/28/2006. The Summons and Complaint were served by Substituted, by leaving copies service, by Federal statute, upon Betsy Gassaway, Director of legal support. Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 11/16/2006)
11/09/2006	64	PROOF OF SERVICE Executed upon Union Pacific Energy Company served on

**Date Discrepancy Cases 541**

		11/8/2006, answer due 11/28/2006. The Summons and Complaint were served by substituted, by leaving copies service, by federal statute, upon Betsy Gassaway, Director of Legal Support. Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 11/16/2006)
11/09/2006	66	PROOF OF SERVICE Executed upon Union Pacific Land Resources Corporation served on 11/8/2006, answer due 11/28/2006. The Summons and Complaint were served by Substituted service by leavng copies service, by Federal statute, upon Betsy Gossaway, Director of legal support. Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 11/17/2006)
11/09/2006	67	PROOF OF SERVICE Executed upon Union Pacific Resources Company served on 11/8/2006, answer due 11/28/2006. The Summons and Complaint were served by substituted service service, by Federal statute, upon Betsy Gassaway Director If legal. Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 11/17/2006)
11/09/2006	70	upon PROOF OF SERVICE Executed Long Beach Board of Harbor Commissioners served on 11/9/2006, answer due 11/29/2006. The Summons first amended Complaint, order, were served by personal service, by Federal statute, upon Cynthia Stafford. Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 11/22/2006)
11/09/2006	71	PROOF OF SERVICE Executed upon Port of Long Beach served on 11/9/2006, answer due 11/29/2006. The Summons, first amended Complaint were served by Personal service, by federal statute, upon Cynthia Staford. Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 11/22/2006)
11/14/2006	58	NOTICE OF CLERICAL ERROR: Due to clerical error Re: Sealed Document 25 was use as wrong event. should have been docket as FIRST AMENDED COMPLAINT. (yc, ) (Entered: 11/14/2006)
11/14/2006	<a href="#">61</a>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge A. Howard Matz ORDERING proof of Service summons and complaint submitted by Plaintiff California State Lands Commission received on 11/9/2006 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(yc, ) (Entered: 11/16/2006)
11/14/2006	<a href="#">65</a>	ORDER by Judge A. Howard Matz, Granting relief from default for untimely sesrvic on first amended complaint. The first amended complaint having been served upon defendants fro good cuase shown, Plaintiff and relator Stanley D. Mosel is relieved from the default that resulted from the untimely service of the First Amended complaint. (yc, ) (Entered: 11/16/2006)
11/19/2006	68	PROOF OF SERVICE Executed upon City of Long Beach served on 11/8/2006, answer due 11/28/2006. The Summons,first amended Complaint were served by first class mail service, by federal statute, upon Theresa Douglas, Deputy clerk (authorized to accept). Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 11/22/2006)
11/19/2006	69	PROOF OF SERVICE Executed upon City of Long Beach Harbor Department served on 11/9/2006, answer due 11/29/2006. The Summons and Complaint were served by first class mail service, by Federal statute, upon Cynthia Staffor, Assistant Director of administration. Due Dilligence declaration not attached. Original Summons not returned. (yc, ) (Entered: 11/22/2006)
11/21/2006	72	CERTIFICATION AND NOTICE of Interested Parties filed by Defendants Union Pacific Corporation, Union Pacific Railroad Company. (yc, ) (Entered: 11/27/2006)

**Date Discrepancy Cases 542**

11/21/2006	77	APPLICATION of non-resident attorney David S. Steefel to Appear Pro Hac Vice. FEE PAID. filed by defendants Union Pacific Corporation, Union Pacific Railroad Company. Lodged proposed order. (yc, ) (Entered: 12/02/2006)
11/21/2006	78	NOTICE OF MOTION AND MOTION to disqualify relator STANLEY D.MOSLER and dismiss the first amended complaint filed by defendant City of Long Beach. Motion set for hearing on 12/18/2006 at 10:00 AM before Judge A. Howard Matz. Lodged PROPOSED ORDE. (yc, ) (Entered: 12/07/2006)
11/21/2006	79	MEMORANDUM OF POINTS AND AUTHORITIES in Support of MOTION for Order for relator STANLEY D.MOSLER and dismiss the first amended complaint 78 filed by defendant City of Long Beach. (yc, ) (Entered: 12/07/2006)
11/21/2006	80	EX PARTE APPLICATION to extend responsive pleading deadline. filed by Defendant City of Long Beach. Lodged PROPOSED ORDER. (yc, ) (Entered: 12/07/2006)
11/21/2006	81	DECLARATION of Elizabeth P. Beazley in support of EX PARTE APPLICATION for Order for to extend responsive pleading dealine 80 filed by defendant City of Long Beach. (yc, ) (Entered: 12/07/2006)
11/21/2006	82	PROOF OF SERVICE filed by defendant City of Long Beach, re EX PARTE APPLICATION for Order for to extend responsive pleading dealine 80 , was served on 11/21/2006. (yc, ) (Entered: 12/07/2006)
11/21/2006	83	REQUEST FOR JUDICIAL NOTICE re MOTION for Order for relator STANLEY D.MOSLER and dismiss the first amended complaint 78 , EX PARTE APPLICATION for Order for to extend responsive pleading dealine 80 filed by defendant City of Long Beach. (yc, ) (Entered: 12/07/2006)
11/21/2006	84	PROOF OF SERVICE filed by defendants City of Long Beach, re MOTION for Order for relator STANLEY D.MOSLER and dismiss the first amended complaint 78 , was served on 11/21/2006. (yc, ) (Entered: 12/07/2006)
11/21/2006	85	EXPARTE APPLICATION to extend responsive pleading deadline; Memorandum of points and authorities in support. filed by defendants Union Pacific Corporation, Union Pacific Railroad Company. Lodged PROPOSED ORDER. (yc, ) (Entered: 12/07/2006)
11/21/2006	86	MEMORANDUM of points and authorities in Support of EXPARTE APPLICATION for Extension of Time to File 85 filed by defendants Union Pacific Corporation, Union Pacific Railroad Company. (yc, ) (Entered: 12/07/2006)
11/22/2006	<a href="#">73</a>	ORDER by Judge A. Howard Matz, application of non-resident attorney to appear in a apecific case is GRANTED.(yc, ) (Entered: 11/27/2006)
11/22/2006	87	NOTICE OF JOINDER OF re MOTION for Order for relator STANLEY D.MOSLER and dismiss the first amended complaint 78 filed by defendant Anadarko Petroleum Corporation. (yc, ) (Entered: 12/07/2006)
11/22/2006	88	NOTICE OF JOINDER OF re EXPARTE APPLICATION for Extension of Time to File 85 filed by Defendants Anadarko Petroleum Corporation. (yc, ) (Entered: 12/07/2006)
11/27/2006	74	NOTICE of Interested Parties filed by Defendant Anadarko Petroleum Corporation. (yc, ) (Entered: 12/01/2006)
11/27/2006	75	NOTICE of Interested Parties filed by Defendants Union Pacific Corporation, Union Pacific Railroad Company, Union Pacific Energy Company, Union Pacific Land Resources Corporation, Union Pacific Resources Company. (yc, ) (Entered: 12/01/2006)
11/27/2006	90	NOTICE OF JOINDER AD JOINDER re MOTION for Order for relator STANLEY D.MOSLER and dismiss the first amended complaint 78 filed by DEFENDANTS Union

Date Discrepancy Cases 543

		Pacific Corporation, Union Pacific Railroad Company. (yc, ) (Entered: 12/07/2006)
11/27/2006	91	OPPOSITION to EXPARTE APPLICATION for Extension of Time to File 85 , EX PARTE APPLICATION for Order for to extend responsive pleading deadline 80 filed by plaintiff Stanley D Mosler. (yc, ) (Entered: 12/07/2006)
11/27/2006	92	PROOF OF SERVICE filed by plaintiff Stanley D Mosler, re Notice (Other) 6 , was served on 11/27/2006. (yc, ) (Entered: 12/07/2006)
11/29/2006	<a href="#">76</a>	ORDER by Judge A. Howard Matz, All defendants have until 30 days after the court rules on COLB's motion to disqualify to answer, respond or otherwise move in responseto relator's first amended complaint. (yc, ) (Entered: 12/01/2006)
11/29/2006		PLACED IN FILE - NOT USED re [PROPOSED] ORDER granting defendants Union Pacific Corporation and Union Pacific Railroad Companys ex parte application to extend responsive pleading deadline. (et ) (Entered: 12/01/2006)
11/29/2006	93	NOTICE OF JOINDER AND JOINDER re EXPARTE APPLICATION for Extension of Time to File 85 filed by defendants Union Pacific Corporation, Union Pacific Railroad Company. (yc, ) (Entered: 12/07/2006)
12/04/2006	94	OPPOSITION to EXPARTE APPLICATION for Extension of Time to File 85 filed by PLAINTIFF Stanley D Mosler. (yc, ) (Entered: 12/07/2006)
12/04/2006	95	REQUEST FOR JUDICIAL NOTICE re EXPARTE APPLICATION for Extension of Time to File 85 filed by PLAINTIFF Stanley D Mosler. (yc, ) (Entered: 12/07/2006)
12/04/2006	96	COMPENDIUM OF LEGAL AUTHORITIES filed by PLAINTIFF Stanley D Mosler. (yc, ) (Entered: 12/07/2006)
12/04/2006	97	PROOF OF SERVICE filed by plaintiff Stanley D Mosler, re Request for Judicial Notice, Request for Relief 95 , Response in Opposition to Motion 94 , Notice (Other) 96 , was served on 12/4/2006. (yc, ) (Entered: 12/07/2006)
12/11/2006	98	REPLY in support of its MOTION for Order for relator STANLEY D.MOSLER and dismiss the first amended complaint 78 filed by defendants Long Beach Board of Harbor Commissioners, City of Long Beach, City of Long Beach Harbor Department. (yc, ) (Entered: 12/12/2006)
12/11/2006	100	NOTICE OF JOINDER AND JOINDER REPLY IN SUPPORT OF ITS re MOTION for Order for relator STANLEY D.MOSLER and dismiss the first amended complaint 78 filed by defendants Union Pacific Corporation, Union Pacific Railroad Company. (yc, ) (Entered: 01/10/2007)
12/15/2006	<a href="#">99</a>	MINUTES OF IN CHAMBERS ORDER held before Judge A. Howard Matz : On the Court's own motion, the Court hereby takes OFF-CALENDAR and UNDER SUBMISSION Defendant City of Long Beach's Motion to Disqualify Relator and Dismiss the First Amended Complaint 78 . The parties will be notified if a hearing is necessary. Court Reporter: Not Reported. (smo, ) (Entered: 12/15/2006)
01/07/2007		PLACED IN FILE - NOT USED re proposed order submitted by plaintiff Stanley D Mosler. (yc, ) (Entered: 01/22/2007)
01/10/2007	102	NOTICE OF LODGING of civil minutes filed by defendants City of Long Beach. (yc, ) (Entered: 01/18/2007)
01/11/2007	<a href="#">101</a>	MINUTES held before Judge A. Howard Matz :, RE: MOTION for Order for relator STANLEY D.MOSLER and dismiss the first amended complaint 78 is GRANTED, if the substitution of attorney and accompanying declaration are not filed and in compliance

**Date Discrepancy Cases 544**

		with this order by 2/12/2007. No hearing is necessary Fed. R. Civ. P. 78; L.R. 7-15. Court Reporter: Not Reported. (yc, ) (Entered: 01/16/2007)
01/11/2007		PLACED IN FILE - NOT USED re Proposed Order granting defendnt City of Long Beach Motion to Disqualify. Lodged 11/21/2006. (jp) (Entered: 01/25/2007)
01/16/2007	104	REQUEST that Court Defer Decision on defendants Motion to disqualify relator and dismiss the first amended complaint; Declaration of Stanley D Mosler filed by plaintiff Stanley D Mosler. Lodged Proposed Order. (jp) (Entered: 01/25/2007)
01/17/2007	<a href="#">103</a>	MINUTES OF IN CHAMBERS ORDER held before Judge A. Howard Matz : The Court does not intend to grant or honor Plaintiff's 1/16/07 "Request that Court Defer Decision on Defendants' Motion to Disqualify Relator and Dismiss the First Amended Complaint."Court Reporter: Not Reported. (smo, ) (Entered: 01/23/2007)
01/19/2007	105	OBJECTIONS to REQUEST that Court Defer Decision on defendants Motion to disqualify relator and dismiss the first amended complaint 104 filed by defendants Long Beach Board of Harbor Commissioners, City of Long Beach, City of Long Beach Harbor Department, Port of Long Beach. (jj, ) (Entered: 01/30/2007)
01/22/2007	106	NOTICE OF JOINDER AND JOINDER in Objection to REQUEST that Court Defer Decision on defendants Motion to disqualify relator and dismiss the first amended complaint 104 filed by defendants Union Pacific Corporation, Union Pacific Railroad Company. (jj, ) (Entered: 01/30/2007)
02/12/2007	109	REQUEST that the court reconsider and modify its order of 1/11/2007; Declaraton of Stanley D. Mosler. filed by plaintiffs Stanley D Mosler. (yc, ) (Entered: 02/20/2007)
02/13/2007	<a href="#">107</a>	MINUTES held before Judge A. Howard Matz : With these clarifications, relators should file a substitution of attorney by no laer than 3/5/2007. The declaration described in the 1/11/2007 order is unnecessary. (see minutes)Court Reporter: Not Available. (yc, ) (Entered: 02/14/2007)
02/13/2007		PLACED IN FILE - NOT USED re proposed order submitted by plaintiff Stanley D Mosler. (yc, ) (Entered: 02/14/2007)
02/14/2007	110	OBJECTIONS to plaintiff's request that court reconsider and modify its order of 1/11/2007. filed by Defendant City of Long Beach. (yc, ) (Entered: 02/20/2007)
02/15/2007	108	NOTICE of joinder and joinder of Long Beach objection to plaintiffs request that court reconsider and modify its order of 1/11/2007 filed by DEFENDANTS Union Pacific Corporation, Union Pacific Railroad Company. (yc, ) (Entered: 02/20/2007)
02/20/2007	111	REPLY filed by Plaintiff Stanley D Mosler to OPPOSITION to request for Reconsideration 109 (yc, ) (Entered: 02/23/2007)
02/27/2007	113	OBJECTIONS to Plaintiff Reply in support of Request that Court Reconsider and Modify its Order of January 11, 2007 111 filed by Defendant City of Long Beach. (jp) (Entered: 03/14/2007)
02/28/2007	114	NOTICE OF JOINDER AND JOINDER by Defendants Union Pacific Corporation, Union Pacific Railroad Company in Defendant Objections to Plaintiff Reply in support of Request that Court Reconsider and Modify its Order of January 11, 2007 113 . (jp) (Entered: 03/14/2007)
03/05/2007	122	NOTICE OF JOINDER IN CITY OF LONG BEACH'S Opposition to Plaintiff's Request that The Court Reconsider and Modify it's Order of 1/11/07 and Objection to Plaintiff's Reply in Support of filed by Defedandant Union Pacific Energy Company, Union Pacific

**Date Discrepancy Cases 545**

		Land Resources Corporation, Anadarko Petroleum Corporation. (yl, ) (Entered: 04/02/2007)
03/07/2007	<a href="#">112</a>	MINUTES OF IN CHAMBERS ORDER held before Judge A. Howard Matz : RE: MOTION for Order to Disqualify relator STANLEY D.MOSLER and dismiss the first amended complaint 78 On 2/13/07, the Court issued an order clarifying the requirements for Relators prospective new counsel and extending the deadline for Relator to file a Substitution of Attorney until 3/5/07. Despite this additional time, Relator has failed to file a Substitution of Attorney. Thus, for the reasons stated in the Courts 1/11/07 order, the Court GRANTS the Motion to Disqualify Relator and GRANTS the Motion to Dismiss the First Amended Complaint (FAC) without prejudice.Court Reporter: Not present. (bg, ) (Entered: 03/09/2007)
03/09/2007		(MD JS 6. Case Terminated.) See Minute order dated 3/7/07 (document #112). (bg, ) (Entered: 03/15/2007)
03/12/2007	116	PROOF OF SERVICE filed by defendant City of Long Beach, City of Long Beach Harbor Department, regarding minutes dated 3/7/2007 was served on 3/7/2004,. (yc, ) (Entered: 03/23/2007)
03/14/2007	117	REQUEST for entry of Judgment filed by defendants Long Beach Board of Harbor Commissioners, City of Long Beach, City of Long Beach Harbor Department. (yc, ) (Entered: 03/23/2007)
03/15/2007	<a href="#">115</a>	JUDGMENT by Judge A. Howard Matz: The First Amended Complaint is dismissed without prejudice. There is no judgment on the merits. (shb, ) (Entered: 03/19/2007)
03/26/2007	<a href="#">118</a>	ORDER OF DISMISSAL by Judge A. Howard Matz ; IT IS HEREBY ORDERED that: 1.Relator STANLEY D. MOSLER take nothing by way of the first amended complaint. 2. The First Amended Complaint is dismissed without prejudice as to all defendants; and 3. Defendants are allowed to seek of recover costs from relator STANDLEY D. MOSLER pursuant to Federal Rules of Civil Procedure, Rule 54(d)(1).(yc, ) (Entered: 03/28/2007)
03/26/2007	120	OPPOSITION to [proposed]r Order of dismissal ; 78 :Declaration of STanley D. Mosler. filed by plaintiff Stanley D Mosler. (yc, ) (Entered: 03/29/2007)
03/27/2007	<a href="#">119</a>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge A. Howard Matz ORDERING opposition to proposed order submitted by Plaintiff California State Lands Commission received on 3/26/2007 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(yc, ) (Entered: 03/29/2007)
03/28/2007	121	NOTICE or order of dismissal filed by defendant City of Long Beach, Port of Long Beach. (yc, ) (Entered: 03/31/2007)
05/24/2007	<a href="#">123</a>	NOTICE OF APPEAL to 9th CCA filed by Plaintiff Stanley D Mosler. Appeal of Order, <a href="#">118</a> Filed on: 3/26/07; entered on: 3/28/07, In Chambers Order/Directive - no proceeding held, Link Motions to Minutes, <a href="#">112</a> Filed on: 3/7/07; Entered on: 3/9/07, Order <a href="#">115</a> Filed On: 3/15/07; Entered On: 3/19/07; Filing fee \$ 455. Billed. cc: Stanley D. Mosler; Elizabeth P. Beazley; James Dragna; Steven Kaiser, Deputy Attorney General; David A. Ringnell. (car, ) Modified on 5/29/2007 (car, ). (Entered: 05/29/2007)
05/24/2007		Civil Appeals Docketing Statement received from Plaintiff Stanley D Mosler forwarded to 9th CCA. RE: Appeal to 9th Circuit Court of Appeals, <a href="#">123</a> (car, ) (Entered: 05/29/2007)
05/24/2007	124	CERTIFICATE OF SERVICE filed by Plaintiff Stanley D Mosler, re Appeal to 9th Circuit Court of Appeals, <a href="#">123</a> served on 5/24/07. (car, ) (Entered: 05/29/2007)
05/24/2007	<a href="#">126</a>	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: None Requested;

**Date Discrepancy Cases 546**

		Re: Appeal to 9th Circuit Court of Appeals, <a href="#">123</a> (car, ) (Entered: 05/29/2007)
05/24/2007		APPEAL FEE PAID: re Appeal to 9th Circuit Court of Appeals, <a href="#">123</a> as to Plaintiff Stanley D Mosler; Receipt Number: 96299 in the amount of \$455. (car, ) (Entered: 05/30/2007)
05/29/2007		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: Appeal to 9th Circuit Court of Appeals, <a href="#">123</a> (car, ) (Entered: 05/29/2007)
05/29/2007	<a href="#">125</a>	CERTIFICATE OF RECORD Transmitted to USCA re Appeal to 9th Circuit Court of Appeals, <a href="#">123</a> filed by Stanley D Mosler. (car, ) (Entered: 05/29/2007)
06/15/2007	<a href="#">127</a>	NOTIFICATION by Circuit Court of Appellate Docket Number 07-55808, 9th CCA regarding Appeal to 9th Circuit Court of Appeals, <a href="#">123</a> filed by Stanley D Mosler. (car) (Entered: 06/15/2007)
08/21/2007	<a href="#">128</a>	MANDATE of 9th CCA filed as to Appeal to 9th Circuit Court of Appeals, <a href="#">123</a> , CCA # 07-55808. The appeal is DISMISSED for lack of jurisdiction. Mandate received in this district on 8/23/07. (lr) (Entered: 08/24/2007)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 12:05:53			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:04-ev-01832-AHM-RNB End date: 1/28/2019
<b>Billable Pages:</b>	11	<b>Cost:</b>	1.10

CLOSED

**U.S. District Court  
District of South Carolina (Columbia)  
CIVIL DOCKET FOR CASE #: 3:04-cv-22339-CMC**

Motley, et al v. Benedict College, et al  
Assigned to: Honorable Cameron McGowan Currie  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 09/24/2004  
Date Terminated: 09/05/2006  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Milwood Motley**  
*United States of America ex rel Milwood  
Motley PhD*

represented by **Carmen Sessions Scott**  
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**ATTORNEY TO BE NOTICED**

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**TERMINATED: 05/23/2005**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Larry Williams**  
*United States of America ex rel Larry  
Williams, PhD*

represented by **Carmen Sessions Scott**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Frances C Trapp**  
(See above for address)  
**TERMINATED: 05/23/2005**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Victoria Lamonte Eslinger**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**



V.

**Movant**

**United States of America**  
*ex rel*  
 TERMINATED: 04/24/2006

represented by **Frances C Trapp**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

V.

**Defendant**

**Benedict College**

**Defendant**

**David Swinton**  
*David Swinton PhD*

V.

**Interested Party**

**United States of America**

represented by **Frances C Trapp**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/24/2004	<u>1</u>	COMPLAINT filed under seal in camera; FILING FEE \$ 150.00 RECEIPT # 5544 (gpea) Modified on 4/25/2006 to lift restricted access per Order #15(gpea, ). Additional attachment(s) added on 4/25/2006 (document as filed 9/24/04 was scanned) (gpea, ). (Entered: 09/27/2004)
09/24/2004		CASE SEALED (gpea) (Entered: 09/27/2004)
09/24/2004	<u>2</u>	MEMORANDUM by plaintiff Milwood Motley, plaintiff Larry Williams (Disclosure of Material Evidence and Information in Possession of Relators) (gpea) Modified on 4/25/2006 – Restricted Access to PDF maintained per Order #15(gpea, ). Additional attachment(s) added on 4/28/2006 (gpea, ). (Entered: 09/27/2004)
09/24/2004	<u>3</u>	ANSWER to Local Rule 26 Interrogatories by plaintiff Milwood Motley, plaintiff Larry Williams (gpea) Additional attachment(s) added on 4/28/2006 (gpea, ). (Entered: 09/27/2004)
11/03/2004	<u>4</u>	EX PARTE MOTION (Sealed) (sealed) Modified on 4/25/2006 to lift restricted access per Order #15 (gpea, ). Additional attachment(s) added on 4/28/2006 (gpea, ). (Entered: 11/03/2004)
11/12/2004	<u>5</u>	EX PARTE ORDER (Sealed) granting in part, denying in part [4–1] ex parte motion ( signed by Judge Cameron M. Currie ) Upon the closing of the case, the Ex Parte Motion and Order shall be unsealed by the Clerk. (sealed) Modified on 4/25/2006 to lift restricted access per Order #15(gpea, ). Additional attachment(s) added on 4/28/2006 (gpea, ). (Entered: 11/15/2004)
05/23/2005	<u>6</u>	MOTION for Extension of Time <i>To Extend The Seal Period</i> by United States of America. Response to Motion due by 6/10/2005 Proposed Order sent to Judge Chambers email account? Y. (Attachments: # <u>1</u> Exhibit Subpoena Attachment)(Trapp, Frances) (Entered: 05/23/2005)
05/23/2005	<u>7</u>	ORDER granting <u>6</u> Motion for Extension of the Seal Period. Signed by Judge Cameron McGowan Currie on 5/23/05. (gpea, ) (Entered: 05/23/2005)

07/07/2005	<u>8</u>	MOTION Motion for a partial lifting of the seal and memorandum of law by United States of America. Response to Motion due by 7/25/2005 Proposed order is being emailed to chambers with copy to opposing counsel(Trapp, Frances) (Entered: 07/07/2005)
07/07/2005	<u>9</u>	EX PARTE ORDER granting <u>8</u> Motion. Signed by Judge Cameron McGowan Currie on 7/7/05. (gpea, ) Modified on 4/25/2006 to lift restricted access per Order #15 (gpea, ). (Entered: 07/08/2005)
01/27/2006	<u>12</u>	MOTION for Extension of Time <i>to Extend the Seal Period</i> by United States of America. Response to Motion due by 2/14/2006 Proposed order is being emailed to chambers with copy to opposing counsel(Trapp, Frances) (Entered: 01/27/2006)
02/07/2006	<u>13</u>	ORDER granting <u>12</u> Motion for Extension of Time. Signed by Judge Cameron McGowan Currie on 2/7/06.(gpea, ) (Entered: 02/07/2006)
02/07/2006		***DOCUMENT MAILED <u>13</u> Order on Motion for Extension of Time placed in U.S. Mail to Victoria Eslinger, Carmen Scott and placed in US atty box for Fran Trapp (gpea, ) (Entered: 02/07/2006)
04/20/2006	<u>14</u>	REPLY by United States of America <i>The Government's Notice of Election to Decline Intervention</i> . (Trapp, Frances) (Entered: 04/20/2006)
04/24/2006	<u>15</u>	ORDER to Unseal Case. All documents previously under seal shall be unsealed with the exception of Docket No 2. Signed by Judge Cameron McGowan Currie on 4/24/06. (gpea, ) (Entered: 04/25/2006)
09/05/2006	16	ORDER: This action is dismissed without prejudice based on Plaintiffs' failure to serve the action within the allowable time or to report as to the reason for non-service. See Fed. R. Civ. P. 4(m); Local Civil Rule 4.01, DSC. Signed by Judge Cameron McGowan Currie on 9/5/06. (gpea, )There is no document for this entry (Entered: 09/05/2006)
09/05/2006	<u>17</u>	JUDGMENT in favor of Defendants, dismissing this action without prejudice. (gpea, ) (Entered: 09/05/2006)

**U.S. District Court  
Eastern District of Virginia - (Alexandria)  
CIVIL DOCKET FOR CASE #: 1:09-cv-01086-AJT-JFA**

Nathan v. Takeda Pharmaceuticals North America, Inc.  
Assigned to: District Judge Anthony J Trenga  
Referred to: Magistrate Judge John F. Anderson  
Case in other court: 4th Circuit, 11-02077  
Cause: 31:3729 False Claims Act

Date Filed: 09/14/2009  
Date Terminated: 09/06/2011  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Noah Nathan**  
*United States, ex rel*

represented by **Bernard Joseph DiMuro**  
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**Date Discrepancy Cases 551**

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*TERMINATED: 10/29/2009*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Takeda Pharmaceuticals North America, Inc.**

represented by **Susan Rebecca Podolsky**  
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**Defendant**

**Takeda Pharmaceuticals America, Inc.**

represented by **Susan Rebecca Podolsky**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**United States of America**

represented by **Gerard J. Mene**

**Date Discrepancy Cases 552**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**The State of California**

represented by **Carlotta R Hivoral**  
 California Department of Justice  
 Office of Attorney General  
 1455 Frazee Road  
 Suite 315  
 San Diego, CA 92108  
 \*\*NA\*\*  
 619-688-6073  
 Fax: 619-688-4200  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**State of Florida**

represented by **Stephanie A. Morse**  
 Office of the Attorney General  
 Medicaid Fraud Control Unit  
 The Capitol, PL-01  
 Tallahassee, FL 32399  
 \*\*NA\*\*  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Date Discrepancy Cases 553**

**Interested Party**

**The State of Texas**

represented by **Paula C Juba**

Office of the Attorney General  
Civil Medicaid Fraud Division  
P.O. Box 12548  
Austin, TX 78711-2548  
\*\*NA\*\*  
512-936-1446  
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*ATTORNEY TO BE NOTICED*

**Interested Party**

**State of New Mexico**

**Interested Party**

**State of Wisconsin**

**Interested Party**

**State of Rhode Island**

**Interested Party**

**State of New Hampshire**

**Interested Party**

**State of Illinois**

**Interested Party**

**State of Tennessee**

**Interested Party**

**State of Louisiana**

**Interested Party**

**State of North Carolina**

**Interested Party**

**State of Georgia**

**Interested Party**

**State of Hawaii**

**Interested Party**

**State of Indiana**

**Interested Party**

**State of Delaware**

**Interested Party**

**State of Nevada**

**Interested Party**

**Date Discrepancy Cases 554**

**State of Connecticut****Interested Party****State of Michigan****Interested Party****State of Virginia****Interested Party****State of Oklahoma****Interested Party****District of Columbia****Interested Party****State of New York**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/14/2009	<a href="#">38</a>	COMPLAINT against Takeda Pharmaceuticals North America, Inc., filed by Noah Nathan.(klau, ) (Entered: 12/20/2010)
10/29/2009	<a href="#">11</a>	FIRST AMENDED COMPLAINT with Jury Demand against Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc., filed by Noah Nathan.(klau, ) (klau, ). (Entered: 10/29/2009)
01/13/2010	<a href="#">15</a>	SECOND AMENDED COMPLAINT with Jury Demand against Takeda Pharmaceuticals North America, Inc., Takeda Pharmaceuticals America, Inc., filed by Noah Nathan.(klau, ) (klau, ). (Entered: 01/14/2010)
04/06/2010	<a href="#">19</a>	The State of Montana's Notice of Election to Decline Intervention at this Time. (tche) (klau, ). (Entered: 04/07/2010)
04/08/2010	<a href="#">21</a>	ORDERED that: 1. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the state of Montana; 2. Montana may order any deposition transcripts; 3. Montana is entitled to intervene in this action, for good cause, at any time; 4. All orders of this Court shall be sent to the state of Montana, and; 5. If the Relator proposes that this action on behalf of the state of Montana be dismissed, settled or otherwise discontinued, the Court will solicit the written consent of Montana before ruling or granting its approval. Signed by District Judge Anthony J Trenga on 4/8/2010. (tche) (Additional attachment(s) added on 12/20/2010: # <a href="#">1</a> Letter) (klau, ). (Entered: 04/08/2010)
10/04/2010	<a href="#">23</a>	NOTICE of Election to Decline Intervention by State of Florida (klau, ) (klau, ). (Entered: 10/05/2010)
10/07/2010	<a href="#">26</a>	ORDER re <a href="#">23</a> NOTICE filed by State of Florida ORDERED that: 1 The parties shall serve all pleadings, motions and supporting memoranda upon the State of Florida; 2. Florida may order any deposition transcripts; 3. Florida is entitled to intervene in this action, for good cause, at any time; 4. All orders of this Court shall be sent to the State of Florida, and; 5. If the Relator proposes that this action on behalf of the State of Florida be dismissed, settled or otherwise discontinued, the court will solicit the written consent of

**Date Discrepancy Cases 555**

		Florida before ruling or granting its approval. Signed by District Judge Anthony J Trenga on 10/7/10. (klau, ) (klau, ). (Entered: 10/07/2010)
11/08/2010	<a href="#">28</a>	NOTICE of Non-Intervention by The State of Texas (klau, ) (Additional attachment(s) added on 12/20/2010: # <a href="#">1</a> Proposed Order) (klau, ). (Entered: 11/09/2010)
11/15/2010	<a href="#">29</a>	ORDER re <a href="#">28</a> NOTICE of Non-Intervention filed by The State of Texas ORDERED 1. The parties shall serve all pleadings, motions and supporting memoranda upon the State of Texas; 2. The State of Texas may order any deposition transcripts; 3. The State of Texas may intervene in this action, for good cause, at any time; 4. All orders of this Court shall be sent to the State of Texas; and 5. If the Relator proposes that this action on behalf of the State of Texas be dismissed, settled or otherwise discontinued, the Court will solicit the written consent of the State of Texas before ruling or granting its approval. Signed by District Judge Anthony J Trenga on 11/15/10. (klau, ) (klau, ). (Entered: 11/15/2010)
11/22/2010	<a href="#">32</a>	Unopposed Cross MOTION for an Extension of Time to Consider Election to Intervene and Extension of the Seal by Noah Nathan. (klau, ) (Additional attachment(s) added on 12/20/2010: # <a href="#">1</a> Proposed Order) (klau, ). (Entered: 11/23/2010)
12/13/2010	<a href="#">34</a>	UNOPPOSED MOTION to Transfer Case to the USDC for the EDPA by Noah Nathan. (pmil) (Additional attachment(s) added on 12/20/2010: # <a href="#">1</a> Proposed Order, # <a href="#">2</a> Letter) (klau, ). (Entered: 12/14/2010)
12/13/2010	<a href="#">35</a>	MOTION for Extension of Seal by Noah Nathan. (pmil) (Additional attachment(s) added on 12/20/2010: # <a href="#">1</a> Proposed Order, # <a href="#">2</a> Letter) (klau, ). (Entered: 12/14/2010)
12/13/2010	<a href="#">36</a>	NOTICE OF ELECTION TO DECLINE INTERVENTION by The State of California, United States of America, State of New Mexico, State of Wisconsin, State of Rhode Island, State of New Hampshire, State of Illinois, State of Tennessee, State of Louisiana, State of North Carolina, State of Georgia, State of Hawaii, State of Indiana, State of Delaware, State of Nevada, State of Connecticut, State of Michigan, State of Virginia, State of Oklahoma, District of Columbia, State of New York (pmil) (Additional attachment(s) added on 12/20/2010: # <a href="#">1</a> Proposed Order) (klau, ). (Entered: 12/14/2010)
12/17/2010	<a href="#">39</a>	ORDER that the Complaint, and subsequent amended versions thereof, be, and the same hereby are UNSEALED, and the Relator shall serve the same upon the defendants. ORDERED that the following documents be, and the same hereby are, UNSEALED, and the Relator shall serve the same upon defendants upon service of the Complaint: 1. This Order; 2. The Government's Notice of Election to Decline Intervention [Doc. No.36]; 3. The Notice of Non-Intervention by the State of Texas [Doc. No. 28]; 4. This Court's Order regarding The Notice of Non-Intervention by the State of Texas [Doc. No. 29]; 5. The Notice of Election to Decline Intervention by the State of Florida [Doc. No. 23]; 6. This Court's Order regarding The Notice of Election to Decline Intervention by the State of Florida [Doc.No.26]; 7. The State of Montana's Notice of Election to Decline Intervention [Doc. No. 19]; and 8. This Court's Order regarding The State of Montana's Notice of Election to Decline Intervention [Doc.No. 21]. ORDERED that the remainder of the documents presently contained in the Court's file remain UNDER SEAL pending further order of the Court. ORDERED that, unless otherwise ordered by the Court, further filings in this matter shall be filed in the public docket, with service upon all parties and in compliance with this Court's orders regarding service upon third parties that have declined to intervene in this action ---- (see order for details). Signed by District Judge Anthony J Trenga on 12/17/10. (klau, ) (Entered: 12/20/2010)
12/17/2010	<a href="#">40</a>	ORDER denying <a href="#">34</a> Unopposed Motion to Transfer Case; denying <a href="#">35</a> Motion for Extension of Seal, ; denying <a href="#">32</a> Unopposed Motion for Extension of Time to Intervene and Extension of the Seal; ORDERED that Relator's Unopposed Motion for Transfer to the United States District Court for the Eastern District of Pennsylvania and for Extension

**Date Discrepancy Cases 556**



		of Seal [Doc. Nos. 34 & 35] and Relator's Unopposed Cross Motion for an Extension of Time to Consider Election to Intervene and Extension of the Seal [Doc.No.32] be, and the same hereby are, UNSEALED. Signed by District Judge Anthony J Trenga on 12/17/10. (klau, ) (Entered: 12/20/2010)
02/04/2011	<a href="#">41</a>	Subpoena(s) Returned. (Tran, John) (Entered: 02/04/2011)
02/07/2011		Notice of Correction re <a href="#">41</a> Subpoena(s) Returned, An incomplete (missing case number) document was filed. The filing user has been notified to refile the document. (klau, ) (Entered: 02/07/2011)
02/08/2011	<a href="#">42</a>	Joint MOTION for Extension of Time to File Answer <i>and for a Briefing Schedule</i> by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Attachments: # <a href="#">1</a> Proposed Order)(Podolsky, Susan) (Entered: 02/08/2011)
02/08/2011	<a href="#">43</a>	Financial Interest Disclosure Statement (Local Rule 7.1) by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Podolsky, Susan) (Entered: 02/08/2011)
02/08/2011	<a href="#">44</a>	ORDER granting <a href="#">42</a> Joint MOTION for Extension of Time to File Answer <i>and for a Briefing Schedule</i> filed by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc. The parties shall abide by the following briefing schedule with respect to Defendants' Rule 12 response to the Second Amended Complaint: a. Defendants' Rule 12 responses shall be due on March 21, 2011. b. Relator's Opposition brief shall be due on April 14, 2011. c. Defendants' Reply brief shall be due on April 22, 2011. d. Defendants shall notice a hearing on their motions for April 29, 2011. Signed by Magistrate Judge John F. Anderson on 2/8/2011. (klau, ) (Entered: 02/09/2011)
02/14/2011	<a href="#">45</a>	ORDER granting application for William Francis Cavanaugh Jr. to appear Pro hac vice Filing fee paid \$ 50, receipt number 14683019450.. Signed by District Judge Anthony J Trenga on 2/14/2011. (Attachments: # <a href="#">1</a> Receipt, # <a href="#">2</a> Letter)(klau, ) (Entered: 02/15/2011)
02/14/2011	<a href="#">46</a>	ORDER granting application for Christopher Yates Miller to appear Pro hac vice Filing fee paid \$ 50, receipt number 14683019451.. Signed by District Judge Anthony J Trenga on 2/14/2011. (Attachments: # <a href="#">1</a> Receipt, # <a href="#">2</a> Letter)(klau, ) (Entered: 02/15/2011)
03/16/2011	<a href="#">47</a>	Subpoena(s) Returned. (Tran, John) (Entered: 03/16/2011)
03/21/2011	<a href="#">48</a>	MOTION to Dismiss by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Podolsky, Susan) (Entered: 03/21/2011)
03/21/2011	<a href="#">49</a>	Memorandum in Support re <a href="#">48</a> MOTION to Dismiss filed by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Attachments: # <a href="#">1</a> Exhibit Exhibit A, # <a href="#">2</a> Exhibit Exhibit B, # <a href="#">3</a> Exhibit Exhibit C, # <a href="#">4</a> Exhibit Exhibit D)(Podolsky, Susan) (Entered: 03/21/2011)
03/21/2011	<a href="#">50</a>	Notice of Hearing Date set for April 29, 2011 re <a href="#">48</a> MOTION to Dismiss (Podolsky, Susan) (Entered: 03/21/2011)
03/21/2011	<a href="#">51</a>	NOTICE by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc. re <a href="#">48</a> MOTION to Dismiss <i>Defendants' Proposed Order</i> (Podolsky, Susan) (Entered: 03/21/2011)
03/22/2011		Set Deadlines as to <a href="#">48</a> MOTION to Dismiss. Motion Hearing set for 4/29/2011 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. (clar, ) (Entered: 03/22/2011)
03/23/2011		Set Deadlines as to <a href="#">48</a> MOTION to Dismiss. Motion Hearing set for 4/29/2011 10:00 AM

**Date Discrepancy Cases 557**

		in Alexandria Courtroom 701 before District Judge Anthony J Trenga. (clar, ) (Entered: 03/23/2011)
04/01/2011	<a href="#">52</a>	CONSENT ORDER TO SUBSTITUTE COUNSEL FOR RELATOR that the appearance of Bernard J. DiMuro, John M. Tran and the law firm of DiMuroGinsberg, P.C. are hereby stricken from this cause and the appearance of Elaine Charlson Bredehoft, Brittany J. Sakata and the law firm of Charlson Bredehoft Cohen & Brown, P.C. are entered on behalf of the Relator. Signed by District Judge Anthony J Trenga on 4/1/2011. (klau, ) (Additional attachment(s) added on 4/4/2011: # <a href="#">1</a> Letter) (klau, ). (Entered: 04/04/2011)
04/13/2011	<a href="#">53</a>	ORDER granting application for Jennifer Calabrese Bell to appear Pro hac vice Filing fee paid \$ 50, receipt number 14683020829. Signed by District Judge Anthony J Trenga on 4/13/2011. (Attachments: # <a href="#">1</a> Receipt, # <a href="#">2</a> Civil Cover Sheet)(klau, ) (Entered: 04/13/2011)
04/13/2011	<a href="#">54</a>	ORDER granting application for Christopher Alan Macey, Jr. to appear Pro hac vice Filing fee paid \$ 50, receipt number 14683020828. Signed by District Judge Anthony J Trenga on 4/13/11. (Attachments: # <a href="#">1</a> Receipt, # <a href="#">2</a> Letter)(klau, ) (Entered: 04/13/2011)
04/13/2011	<a href="#">55</a>	ORDER granting application for James Alfred Bell, IV to appear Pro hac vice Filing fee paid \$ 50, receipt number 14683020830. Signed by District Judge Anthony J Trenga on 4/13/2011. (Attachments: # <a href="#">1</a> Receipt, # <a href="#">2</a> Letter)(klau, ) (Entered: 04/13/2011)
04/14/2011	<a href="#">56</a>	Memorandum in Opposition re <a href="#">48</a> MOTION to Dismiss filed by Noah Nathan. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit, # <a href="#">5</a> Proposed Order) (Bredehoft, Elaine) <b>per chambers documents removed</b> (Entered: 04/14/2011)
04/19/2011	<a href="#">57</a>	SCHEDULING ORDER: Initial Pretrial Conference set for 5/18/2011 at 11:00 AM before Magistrate Judge John F. Anderson. Final Pretrial Conference set for 9/15/2011 at 10:00 AM before District Judge Anthony J Trenga. Discovery due by 9/9/2011 (see order for details). Signed by District Judge Anthony J Trenga on 4/19/2011. (klau, ) (Additional attachment(s) added on 4/19/2011: # <a href="#">1</a> Magistrate Consent Order, # <a href="#">2</a> Pretrial Notice) (klau, ). (Entered: 04/19/2011)
04/20/2011	<a href="#">58</a>	Emergency MOTION to Seal <i>Relator's Opposition to Motion to Dismiss and Certain Exhibits</i> by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Attachments: # <a href="#">1</a> Proposed Order)(Podolsky, Susan) (Entered: 04/20/2011)
04/20/2011	<a href="#">59</a>	Memorandum in Support re <a href="#">58</a> Emergency MOTION to Seal <i>Relator's Opposition to Motion to Dismiss and Certain Exhibits</i> filed by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit)(Podolsky, Susan) (Entered: 04/20/2011)
04/20/2011	<a href="#">60</a>	Notice of Hearing Date <i>April 22, 2011</i> re <a href="#">58</a> Emergency MOTION to Seal <i>Relator's Opposition to Motion to Dismiss and Certain Exhibits</i> (Podolsky, Susan) (Entered: 04/20/2011)
04/21/2011		Set Deadlines as to <a href="#">58</a> Emergency MOTION to Seal <i>Relator's Opposition to Motion to Dismiss and Certain Exhibits</i> . Motion Hearing set for 4/22/2011 at 10:00 AM in Alexandria Courtroom 501 before Magistrate Judge John F. Anderson. (clar, ) (Entered: 04/21/2011)
04/21/2011		MOTIONS REFERRED to Magistrate Judge: Anderson. <a href="#">58</a> Emergency MOTION to Seal <i>Relator's Opposition to Motion to Dismiss and Certain Exhibits</i> (clar, ) (Entered: 04/21/2011)
04/22/2011	<a href="#">61</a>	Minute Entry for proceedings held before Magistrate Judge John F. Anderson: APPEARANCES: OF COUNSEL FOR THE DEFENDANT. Motion Hearing

**Date Discrepancy Cases 558**

		held on 4/22/2011 re <a href="#">58</a> Emergency MOTION to Seal <i>Relator's Opposition to Motion to Dismiss and Certain Exhibits</i> filed by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. The motions is GRANTED. ORDER TO FOLLOW. (Tape #FTR.) (nbla, ) (Entered: 04/22/2011)
04/22/2011	<a href="#">62</a>	ORDER granting <a href="#">58</a> Motion to Seal. SEE ORDER FOR MORE DETAILS. Signed by Magistrate Judge John F. Anderson on 04/22/2011. (nbla, ) (Entered: 04/22/2011)
04/22/2011	<a href="#">63</a>	REPLY Memorandum of Law in Support of Their re <a href="#">48</a> MOTION to Dismiss filed by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Podolsky, Susan) Modified text on 4/25/2011 (klau, ). (Entered: 04/22/2011)
04/22/2011	<a href="#">64</a>	Redacted Version of Relator's Opposition to Defendants' re <a href="#">48</a> MOTION to Dismiss, filed by defendants Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc. <i>per Sealing Order dated 4/22/2011</i> (Attachments: # <a href="#">1</a> Exhibit A , (2) Exhibit B, # <a href="#">3</a> Exhibit C)(Podolsky, Susan) Modified text on 4/25/2011 <b>received UNDER SEAL version on 4/22/2011, originally filed as dkt. no. 56</b> (klau, ). (Entered: 04/22/2011)
04/25/2011		Notice of Correction re <a href="#">64</a> NOTICE, The filing user selected the wrong event. Notice was selected, and Opposition should have been selected. The docket has been corrected. (klau, ) (Entered: 04/25/2011)
04/29/2011	<a href="#">65</a>	Minute Entry for proceedings held before District Judge Anthony J Trenga: Motion Hearing held on 4/29/2011 re <a href="#">48</a> MOTION to Dismiss filed by Takeda Pharmaceuticals America, Inc.: Appearances of counsel for Pltf and Deft. Motion argued and <b>GRANTED w/ leave to amend</b> . The allegations as set forth in the complaint provide insufficient detail to the Court to make judgments about whether the case can proceed under the theory being promoted. Initial Pretrial Conf previously scheduled before Judge Anderson remains in place. Order to follow. (Court Reporter R. Wilson) (kbro ) (Entered: 04/29/2011)
05/04/2011	<a href="#">66</a>	ORDER entered re: <a href="#">48</a> Takeda's Motion to Dismiss Relator's Second Amended Complaint: IT IS ORDERED that <a href="#">48</a> Takeda's Motion to Dismiss Relator's Second Amended Complaint be, and the same hereby is, <b>GRANTED</b> ; and it is further ORDERED that Relator's cause of action for conspiracy in violation of 31 U.S.C. § 3729(a)(1)(C) be, and the same hereby is, <b>DISMISSED</b> without leave to amend; and it is further ORDERED that the remainder of <a href="#">15</a> Relator's Second Amended Complaint be, and the same hereby is <b>DISMISSED</b> , with leave to file a further revised amended complaint within fourteen (14) days. Signed by District Judge Anthony J Trenga on 05/04/2011. (kbro) (Entered: 05/05/2011)
05/09/2011	<a href="#">67</a>	TRANSCRIPT of proceedings held on April 29, 2011 before Judge Anthony J. Trenga. Court Reporter/Transcriber Renecia Wilson, telephone number, 703-501-1580. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 6/8/2011. Redacted Transcript Deadline set for 7/11/2011. Release of Transcript Restriction set for 8/8/2011. (wilson, renecia) (Main Document 67 replaced on 5/10/2011) (klau, ). (Entered: 05/09/2011)

**Date Discrepancy Cases 559**

05/10/2011		Notice of Correction re <a href="#">67</a> Transcript, The court reporter has been notified. (klau, ) (Entered: 05/10/2011)
05/10/2011	<a href="#">68</a>	Notice of Filing of Official Transcript re <a href="#">67</a> Transcript, (klau, ) (Entered: 05/10/2011)
05/11/2011	<a href="#">69</a>	Rule 26(f) Joint Proposed Discovery Plan by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc., Noah Nathan (Podolsky, Susan) Modified on 5/12/2011 to add party filer(klau, ). (Entered: 05/11/2011)
05/12/2011		Notice of Correction re <a href="#">69</a> Discovery Plan, The text has been modified to reflect the correct party/filer of the document. (klau, ) (Entered: 05/12/2011)
05/12/2011	<a href="#">70</a>	ORDER granting application for Claude Solomon Platton to appear Pro hac vice Filing fee paid \$ 50, receipt number 14683021426. Signed by District Judge Anthony J Trenga on 5/12/2011. (Attachments: # <a href="#">1</a> Receipt)(klau, ) (Entered: 05/12/2011)
05/18/2011	<a href="#">71</a>	Minute Entry for proceedings held before Magistrate Judge John F. Anderson: Initial Pretrial Conference held on 5/18/2011. Appearances; of counsel. Discovery plan is approved in part. ORDER TO FOLLOW. (nbla, ) (Entered: 05/18/2011)
05/18/2011	<a href="#">72</a>	Order Rule 16(b) Scheduling Order - Pursuant to the Rule 16(b) Conference it is ordered that All discovery shall be concluded by September 9, 2011. 2. The Joint discovery plan filed by the parties is approved in part and shall control discovery to the extent of its application unless further modified by the court. SEE ORDER FOR MORE SPECIFIC DETAILS. Signed by Magistrate Judge John F. Anderson on 05/18/2011. (nbla, ) (Entered: 05/18/2011)
05/18/2011	<a href="#">73</a>	THIRD AMENDED COMPLAINT with Jury Demand against Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc., filed by Noah Nathan. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit, # <a href="#">5</a> Exhibit, # <a href="#">6</a> Exhibit, # <a href="#">7</a> Exhibit, # <a href="#">8</a> Exhibit, # <a href="#">9</a> Exhibit, # <a href="#">10</a> Exhibit, # <a href="#">11</a> Exhibit, # <a href="#">12</a> Exhibit, # <a href="#">13</a> Exhibit, # <a href="#">14</a> Exhibit)(Bredchoft, Elaine) Modified on 5/19/2011 <b>received Unredacted Third Amended Complaint, Attachment #73-6, #73-11 UNDER SEAL</b> (klau, ). (Entered: 05/18/2011)
05/27/2011	<a href="#">74</a>	Joint MOTION for Extension of <i>briefing schedule</i> by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Attachments: # <a href="#">1</a> Proposed Order) (Podolsky, Susan) (Entered: 05/27/2011)
06/01/2011	<a href="#">75</a>	ORDER that <a href="#">74</a> Motion for Extension of Time to File is GRANTED and the parties shall abide by the following briefing schedule with respect to Defendants' Rule 12 response to the Third Amended Complaint: a. Defendants' Rule 12 responses shall be due on June 9, 2011. b. Relator's Opposition brief shall be due on June 23, 2011. c. Defendants' Reply brief shall be due on June 30, 2011. d. Defendants shall notice a hearing on their motions for July 8, 2011. Signed by District Judge Anthony J Trenga on 6/1/2011. (klau, ) (Entered: 06/02/2011)
06/09/2011	<a href="#">76</a>	MOTION to Dismiss <i>Relator's Third Amended Complaint</i> by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Attachments: # <a href="#">1</a> Proposed Order)(Podolsky, Susan) (Entered: 06/09/2011)
06/09/2011	<a href="#">77</a>	Notice of Hearing Date set for July 15, 2011 re <a href="#">76</a> MOTION to Dismiss <i>Relator's Third Amended Complaint</i> (Podolsky, Susan) (Entered: 06/09/2011)
06/09/2011	<a href="#">78</a>	Memorandum in Support re <a href="#">76</a> MOTION to Dismiss <i>Relator's Third Amended Complaint Redacted</i> filed by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C (under seal), # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E)(Podolsky, Susan) Modified on 6/9/2011 <b>received Original</b>

### Date Discrepancy Cases 560

		<b>Memorandum in Support together with Exhibit C (UNDER SEAL) (klau, ).</b> (Entered: 06/09/2011)
06/10/2011		Set Deadlines as to <a href="#">76</a> MOTION to Dismiss <i>Relator's Third Amended Complaint</i> . Motion Hearing set for 7/15/2011 at 10:00 AM in Alexandria Courtroom 700 before District Judge Anthony J Trenga. (clar, ) (Entered: 06/10/2011)
06/10/2011	<a href="#">79</a>	Notice of Hearing Date <i>CORRECTED</i> set for July 8, 2011 re <a href="#">76</a> MOTION to Dismiss <i>Relator's Third Amended Complaint</i> (Podolsky, Susan) (Entered: 06/10/2011)
06/13/2011		Reset Deadlines as to <a href="#">76</a> MOTION to Dismiss <i>Relator's Third Amended Complaint</i> . Motion Hearing set for 7/8/2011 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. (clar, ) (Entered: 06/13/2011)
06/14/2011	<a href="#">80</a>	ORDER granting application for Daniel Seth Ruzumna to appear Pro hac vice Filing fee paid \$ 50, receipt number 14683022125. Signed by District Judge Anthony J Trenga on 6/14/2011. (Attachments: # <a href="#">1</a> Receipt)(klau, ) (Entered: 06/15/2011)
06/23/2011	<a href="#">81</a>	Memorandum in Opposition re <a href="#">76</a> MOTION to Dismiss <i>Relator's Third Amended Complaint</i> filed by Noah Nathan. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit) (Bredehoft, Elaine) (Entered: 06/23/2011)
06/24/2011	<a href="#">82</a>	Joint MOTION for Protective Order <i>With Sealing Provision</i> by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Attachments: # <a href="#">1</a> Proposed Order With Sealing Provision)(Podolsky, Susan) (Entered: 06/24/2011)
06/24/2011	<a href="#">83</a>	Notice of Hearing Date set for July 1, 2011 re <a href="#">82</a> Joint MOTION for Protective Order <i>With Sealing Provision</i> (Podolsky, Susan) (Entered: 06/24/2011)
06/24/2011		Set Deadlines as to <a href="#">82</a> Joint MOTION for Protective Order <i>With Sealing Provision</i> . Motion Hearing set for 7/1/2011 at 10:00 AM in Alexandria Courtroom 501 before Magistrate Judge John F. Anderson. (clar, ) (Entered: 06/24/2011)
06/24/2011		MOTIONS REFERRED to Magistrate Judge: Anderson. <a href="#">82</a> Joint MOTION for Protective Order <i>With Sealing Provision</i> (clar, ) (Entered: 06/24/2011)
06/30/2011	<a href="#">84</a>	NOTICE of Filing Revised Protective Order With Sealing Provision by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc. re <a href="#">82</a> Joint MOTION for Protective Order <i>With Sealing Provision</i> (Podolsky, Susan) Modified text on 7/1/2011 (klau, ). (Entered: 06/30/2011)
06/30/2011	<a href="#">85</a>	REPLY Memorandum of Law in Support re <a href="#">76</a> MOTION to Dismiss <i>Relator's Third Amended Complaint</i> filed by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Podolsky, Susan) Modified text on 7/1/2011 (klau, ). (Entered: 06/30/2011)
07/01/2011	<a href="#">86</a>	Minute Entry for proceedings held before Magistrate Judge John F. Anderson: Appearances; of counsel for the defendant. Motion Hearing held on 7/1/2011 re <a href="#">82</a> Joint MOTION for Protective Order <i>With Sealing Provision</i> filed by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc. the motion is GRANTED. ORDER TO FOLLOW. (Tape #fr.) (nbla, ) (Entered: 07/01/2011)
07/01/2011	<a href="#">87</a>	STIPULATED PROTECTIVE ORDER Containing Provision Allowing Certain Materials to be Filed Under Seal Pursuant to Local Civil Rule 5 (see order for details). Signed by Magistrate Judge John F. Anderson on 7/1/2011. (klau, ) (Entered: 07/01/2011)
07/08/2011	<a href="#">88</a>	Minute Entry for proceedings held before District Judge Anthony J Trenga: Motion Hearing held on 7/8/2011 re <a href="#">76</a> MOTION to Dismiss <i>Relator's Third Amended Complaint</i> filed by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North

**Date Discrepancy Cases 561**

		America, Inc.: Appearances of counsel for Pltf and Deft. Motion argued and <b>TAKEN UNDER ADVISEMENT</b> . Order to follow. (Court Reporter R. Montgomery) (kbro) (Entered: 07/08/2011)
07/11/2011	<a href="#">89</a>	ORDER granting application for Sean Henderson Murray to appear Pro hac vice Filing fee paid \$ 50, receipt number 14683022740. Signed by District Judge Anthony J Trenga on 7/11/11. (Attachments: # <a href="#">1</a> Receipt)(klaus, ) (Entered: 07/11/2011)
07/11/2011	<a href="#">90</a>	MOTION for Leave to File <i>Supplemental Authority in Support of Relator's Opposition to Defendants' Motion to Dismiss Relator's Third Amended Complaint</i> by Noah Nathan. (Attachments: # <a href="#">1</a> Supplement)(Sakata, Brittany) (Entered: 07/11/2011)
07/11/2011	<a href="#">91</a>	Notice of Hearing Date set for 07/29/2011 re <a href="#">90</a> MOTION for Leave to File <i>Supplemental Authority in Support of Relator's Opposition to Defendants' Motion to Dismiss Relator's Third Amended Complaint</i> (Sakata, Brittany) (Entered: 07/11/2011)
07/12/2011		Set Deadlines as to <a href="#">90</a> MOTION for Leave to File <i>Supplemental Authority in Support of Relator's Opposition to Defendants' Motion to Dismiss Relator's Third Amended Complaint</i> . Motion Hearing set for 7/29/2011 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. (clar, ) (Entered: 07/12/2011)
07/13/2011	<a href="#">92</a>	RESPONSE to Motion re <a href="#">90</a> MOTION for Leave to File <i>Supplemental Authority in Support of Relator's Opposition to Defendants' Motion to Dismiss Relator's Third Amended Complaint</i> filed by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Podolsky, Susan) (Entered: 07/13/2011)
07/15/2011	<a href="#">93</a>	TRANSCRIPT of proceedings held on 7/8/11 (Defendants' Motion to Dismiss Relator's Third Amended Complaint) before Judge Anthony J. Trenga. Court Reporter/Transcriber Rhonda Montgomery, telephone number 703-299-4599. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/15/2011. Redacted Transcript Deadline set for 9/14/2011. Release of Transcript Restriction set for 10/13/2011.(Montgomery, Rhonda) (Entered: 07/15/2011)
07/15/2011	<a href="#">94</a>	MOTION for Leave to File <i>Reply to Defendants' Response to Relator's Motion for Leave to File Supplemental Authority</i> by Noah Nathan. (Attachments: # <a href="#">1</a> Exhibit)(Sakata, Brittany) (Entered: 07/15/2011)
07/15/2011	<a href="#">95</a>	Notice of Hearing Date re <a href="#">94</a> MOTION for Leave to File <i>Reply to Defendants' Response to Relator's Motion for Leave to File Supplemental Authority</i> (Sakata, Brittany) (Entered: 07/15/2011)
07/15/2011	<a href="#">96</a>	ORDER that Relator's <a href="#">90</a> Motion for Leave to File Supplemental Authority be, and the same hereby is, GRANTED, and the Court will consider the supplemental submission attached to that motion as well as Defendants' Response to Relator's Motion to File Supplemental Authority [Doc. No. 92]. ORDERED that the hearing presently scheduled for July 29, 2011 at 10:00 a.m. be, and the same hereby is, CANCELLED. Signed by District Judge Anthony J Trenga on 7/15/2011. (klaus, ) (Entered: 07/15/2011)
07/18/2011		Set Deadlines as to <a href="#">94</a> MOTION for Leave to File <i>Reply to Defendants' Response to Relator's Motion for Leave to File Supplemental Authority</i> . Motion Hearing set for 7/29/2011 at 10:00 AM in Alexandria Courtroom 501 before Magistrate Judge John F. Anderson. (clar, ) (Entered: 07/18/2011)

**Date Discrepancy Cases 562**

07/18/2011		MOTIONS REFERRED to Magistrate Judge: Anderson. <a href="#">94</a> MOTION for Leave to File <i>Reply to Defendants' Response to Relator's Motion for Leave to File Supplemental Authority</i> (clar, ) (Entered: 07/18/2011)
07/18/2011	<a href="#">97</a>	Notice of Filing of Official Transcript re <a href="#">93</a> Transcript, (klau, ) (Entered: 07/18/2011)
07/20/2011	<a href="#">98</a>	ORDER granting <a href="#">94</a> Motion for Leave to File reply. Relator shall file the reply electronically.. Signed by Magistrate Judge John F. Anderson on 7/20/11. (nmck, ) (Entered: 07/20/2011)
07/20/2011	<a href="#">99</a>	Reply to <a href="#">92</a> Response to Motion, <i>by Relator to File Supplemental Authority (per Judge Anderson's Order of 7/20/11)</i> filed by Noah Nathan. (Sakata, Brittany) (Entered: 07/20/2011)
07/20/2011	<a href="#">100</a>	ORDER that this Court's Scheduling Orders dated April 19, 2011 (Doc. No. 57) and May 18, 2011 (Doc. No. 72), including all discovery deadlines contained therein, be and the same hereby are, SUSPENDED. ORDERED that, unless otherwise agreed to by the parties, all discovery be, and the same hereby is, STAYED, pending further Order of the Court. Signed by District Judge Anthony J Trenga on 7/20/2011. (klau, ) (Entered: 07/21/2011)
07/22/2011	<a href="#">101</a>	MOTION to Strike <i>Certain Portions of Defendants' Filings in Support of Takeda's Motion to Dismiss Relator's Third Amended Complaint</i> by Noah Nathan. (Sakata, Brittany) (Entered: 07/22/2011)
07/22/2011	<a href="#">102</a>	Memorandum in Support re <a href="#">101</a> MOTION to Strike <i>Certain Portions of Defendants' Filings in Support of Takeda's Motion to Dismiss Relator's Third Amended Complaint</i> filed by Noah Nathan. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit)(Sakata, Brittany) (Entered: 07/22/2011)
07/22/2011	<a href="#">103</a>	Notice of Hearing Date set for 07/29/2011 re <a href="#">101</a> MOTION to Strike <i>Certain Portions of Defendants' Filings in Support of Takeda's Motion to Dismiss Relator's Third Amended Complaint</i> (Sakata, Brittany) (Entered: 07/22/2011)
07/22/2011	<a href="#">104</a>	Under Seal Exhibit B in re <a href="#">102</a> Memorandum in Support re 101 Motion to Strike Certain Portions of defts' filings in support of Takeda's motion to dismiss (Attachments: # <a href="#">1</a> Letter Cover)(clar, ) (Entered: 07/25/2011)
07/25/2011		Set Deadlines as to <a href="#">101</a> MOTION to Strike <i>Certain Portions of Defendants' Filings in Support of Takeda's Motion to Dismiss Relator's Third Amended Complaint</i> . Motion Hearing set for 7/29/2011 at 10:00 AM in Alexandria Courtroom 701 before District Judge Anthony J Trenga. (clar, ) (Entered: 07/25/2011)
07/25/2011		Reset Deadlines as to <a href="#">101</a> MOTION to Strike <i>Certain Portions of Defendants' Filings in Support of Takeda's Motion to Dismiss Relator's Third Amended Complaint</i> . Motion Hearing set for 7/29/2011 at 10:00 AM in Alexandria Courtroom 501 before Magistrate Judge John F. Anderson. (clar, ) (Entered: 07/25/2011)
07/25/2011		MOTIONS REFERRED to Magistrate Judge: Anderson. <a href="#">101</a> MOTION to Strike <i>Certain Portions of Defendants' Filings in Support of Takeda's Motion to Dismiss Relator's Third Amended Complaint</i> (clar, ) (Entered: 07/25/2011)
07/26/2011	<a href="#">105</a>	Memorandum in Opposition re <a href="#">101</a> MOTION to Strike <i>Certain Portions of Defendants' Filings in Support of Takeda's Motion to Dismiss Relator's Third Amended Complaint</i> REDACTED filed by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Podolsky, Susan) Modified text on 7/27/2011 (klau, ). (Entered: 07/26/2011)
07/26/2011	<a href="#">106</a>	Sealed Document - Defendants' Opposition to Relator's Motion to Strike re <a href="#">105</a> Response

**Date Discrepancy Cases 563**

		in Opposition to Motion,. (klau, ) (Entered: 07/27/2011)
07/29/2011	<a href="#">107</a>	Minute Entry for proceedings held before Magistrate Judge John F. Anderson: Appearances; of counsel. Motion Hearing held on 7/29/2011 re <a href="#">101</a> MOTION to Strike <i>Certain Portions of Defendants' Filings in Support of Takeda's Motion to Dismiss Relator's Third Amended Complaint</i> filed by Noah Nathan. the motion is ARGUED and DENIED. ORDER TO FOLLOW. (Tape #ftr.) (nbla, ) (Entered: 07/29/2011)
07/29/2011	<a href="#">108</a>	ORDER denying <a href="#">101</a> Motion to Strike. Signed by Magistrate Judge John F. Anderson on 07/29/2011. (nbla, ) (Entered: 07/29/2011)
08/05/2011	<a href="#">109</a>	TRANSCRIPT of proceedings held on 7-29-2011 before Mag. Judge Anderson. Court reporter/transcriber Norman Linnell, telephone number 703-549-4626. Transcript may be viewed at the court public terminal or purchased through the court reporter/transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 9/6/2011. Redacted Transcript Deadline set for 10/5/2011. Release of Transcript Restriction set for 11/3/2011.(linnell, norman) (Entered: 08/05/2011)
08/08/2011	<a href="#">110</a>	Notice of Filing of Official Transcript re <a href="#">109</a> Transcript. (nhall) (Entered: 08/08/2011)
09/06/2011	<a href="#">111</a>	MEMORANDUM OPINION re: <a href="#">76</a> Takeda Pharmaceuticals North America, Inc.'sand Takeda Pharmaceuticals America, Inc.'s (collectively, ""Takeda's") Motion to Dismiss Relator's Third Amended Complaint. Signed by District Judge Anthony J Trenga on 09/06/2011. (kbro) (Entered: 09/06/2011)
09/06/2011	<a href="#">112</a>	ORDER entered re: <a href="#">76</a> Takeda Pharmaceuticals North America, Inc.'sand Takeda Pharmaceuticals America, Inc.'s (collectively, "Takeda's") Motion to Dismiss Relator's Third Amended Complaint: Upon consideration of the Motion, the memoranda and exhibits in support thereof and in opposition thereto, and the arguments of counsel at a hearing on July 8,2011, and for the reasons contained in the accompanying Memorandum Opinion, it is hereby ORDERED that Takeda's Motion to Dismiss Relator's Third Amended Complaint [Doc. No. <a href="#">76</a> ] be, and the same hereby is, <b>GRANTED</b> ; and it is further ORDERED that Counts I and II of Relator's Third Amended Complaint [Doc. No. <a href="#">73</a> ] be, and the same hereby are, <b>DISMISSED</b> without leave to amend; and it is further ORDERED that the remainder of Relator's Third Amended Complaint be, and the same hereby is DISMISSED without prejudice. The Clerk is directed to enter judgment in favor of defendants Takeda Pharmaceuticals North America, Inc. and Takeda Pharmaceuticals America, Inc. as to Counts I and II of Relator's Third Amended Complaint pursuant to Fed. R. Civ. P. 58, and to forward copies of this Order to all counsel of record. Signed by District Judge Anthony J Trenga on 09/06/2011. (kbro) (Entered: 09/06/2011)
09/06/2011	<a href="#">113</a>	JUDGMENT - Pursuant to the order of this Court entered on September 6, 2011, and in accordance with Federal Rule of Civil Procedure 58, JUDGMENT is hereby entered in favor of defendants Takeda Pharmaceuticals North America, Inc. and Takeda Pharmaceuticals America, Inc. as to Counts I and II of Relator's Third Amended Complaint. Signed by District Judge Anthony J Trenga on 09/06/2011. (kbro) (Entered: 09/06/2011)
09/19/2011	<a href="#">114</a>	BILL OF COSTS in the amount of \$1,932.24 for Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Attachments: # <a href="#">1</a> Exhibit Declaration of

**Date Discrepancy Cases 564**



		WF Cavanaugh and supporting documents)(Podolsky, Susan) Modified text on 9/20/2011 (klau, ). (Entered: 09/19/2011)
09/23/2011	<a href="#">115</a>	ORDERED that leave to withdraw is granted, and the appearance of Elaine Charlson Bredehoft, Brittnay J. Sakata and the law firm of Charlson Bredehoft Cohen & Brown are hereby withdrawn and stricken from this cause and the appearance of Christian B. Nagel and the law firm of Fluet Huber & Hoang PLLC are entered on behalf of the Relator. Signed by District Judge Anthony J Trenga on 9/23/2011. (rban, ) (Entered: 09/26/2011)
09/30/2011	<a href="#">116</a>	Opposition to <i>Defendants' Bill of Costs</i> filed by Noah Nathan. (Nagel, Christian) (Entered: 09/30/2011)
10/04/2011	<a href="#">117</a>	NOTICE OF APPEAL as to <a href="#">112</a> Order dated 9/6/2011 and <a href="#">113</a> Judgment dated 9/6/2011 by Noah Nathan. (Nagel, Christian) Modified text on 10/5/2011 (klau, ). (Entered: 10/04/2011)
10/04/2011	<a href="#">119</a>	USCA Appeal Fees received \$ 455 receipt number 14683024627 re <a href="#">117</a> Notice of Appeal filed by Noah Nathan (Attachments: # <a href="#">1</a> Letter)(klau, ) (Entered: 10/05/2011)
10/05/2011	<a href="#">118</a>	Reply to Relator's Opposition to Defendants' <a href="#">114</a> Bill of Costs, filed by Takeda Pharmaceuticals America, Inc., Takeda Pharmaceuticals North America, Inc.. (Attachments: # <a href="#">1</a> Exhibit)(Podolsky, Susan) Modified text on 10/6/2011 (klau, ). (Entered: 10/05/2011)
10/05/2011		Notice of Correction re <a href="#">117</a> Notice of Appeal, The filing user has been notified to file a separate Certificate of Service. (klau, ) (Entered: 10/05/2011)
10/05/2011	<a href="#">120</a>	Transmission of Notice of Appeal to US Court of Appeals re <a href="#">117</a> Notice of Appeal (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (klau, ) (Entered: 10/05/2011)
10/05/2011	<a href="#">121</a>	CERTIFICATE of Service re <a href="#">117</a> Notice of Appeal by Christian B. Nagel on behalf of Noah Nathan (Nagel, Christian) (Entered: 10/05/2011)
10/06/2011		Notice of Correction re <a href="#">121</a> Certificate of Service, An incomplete (missing caption and case number) document was filed. The filing user has been notified to refile the document. (klau, ) (Entered: 10/06/2011)
10/06/2011	<a href="#">122</a>	USCA Case Number 11-2077 4th Circuit, case manager C. Bennett for <a href="#">117</a> Notice of Appeal filed by Noah Nathan. (rban, ) (Entered: 10/06/2011)
10/06/2011	<a href="#">123</a>	CERTIFICATE of Service re <a href="#">117</a> Notice of Appeal by Christian B. Nagel on behalf of Noah Nathan (Nagel, Christian) (Entered: 10/06/2011)
11/09/2011	<a href="#">124</a>	NOTICE OF TAXING OF COSTS re <a href="#">114</a> Bill of Costs - Please take notice that costs will be taxed in the above-styled action on November 16, 2011. Neither the parties nor their attorney shall appear as costs will be taxed on the record. Notice of the items taxed will be provided electronically. Please take further notice that the parties are required to make a good faith effort to narrow the areas of disagreement. If any modification results from this consultation, or the taxing of costs has been resolved, this office must receive a Notice of Withdrawal prior to the date set for the taxation. (kbro) (Entered: 11/09/2011)
11/10/2011		NOTICE re <a href="#">124</a> NOTICE OF TAXING OF COSTS -and- <a href="#">114</a> Bill of Costs - Counsel is to disregard the previous Notice of Taxing of Costs as <a href="#">114</a> Bill of Costs and objections are under advisement by the Court. (kbro) (Entered: 11/10/2011)

**Date Discrepancy Cases 565**

11/30/2011	125	NOTICE re <a href="#">124</a> NOTICE OF TAXING OF COSTS -and- <a href="#">114</a> Bill of Costs - Bill of Costs have been referred to the Clerk per Taxation of Costs Guidelines. (kbro ) (Entered: 11/30/2011)
12/01/2011	<a href="#">126</a>	Costs Taxed in amount of \$1,350.24 against Noah Nathan. (kbro) (Entered: 12/01/2011)
01/11/2013	<a href="#">127</a>	PUBLISHED Opinion of USCA, decided 1/11/2013 re <a href="#">117</a> Notice of Appeal, Affirmed. (rban, ) (Entered: 01/11/2013)
01/11/2013	<a href="#">128</a>	USCA JUDGMENT as to <a href="#">117</a> Notice of Appeal filed by Noah Nathan. In accordance with the decision of this court, the judgment of the district court is affirmed. This judgment shall take effect upon issuance of this court's mandate in accordance with FRAP 41. (rban, ) (Entered: 01/11/2013)
03/05/2013	<a href="#">129</a>	USCA Mandate re <a href="#">117</a> Notice of Appeal, The judgment of this court, entered, takes effect today. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the FRAP(klau, ) (Entered: 03/05/2013)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 15:45:43			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:09-cv-01086-AJT-JFA
<b>Billable Pages:</b>	13	<b>Cost:</b>	1.30

CLOSED

**U.S. District Court  
Eastern District of Virginia – (Alexandria)  
CIVIL DOCKET FOR CASE #: 1:07-cv-00087-CMH-TRJ**

Newton v. HCR Manor Care, Inc.  
Assigned to: District Judge Claude M. Hilton  
Referred to: Magistrate Judge Thomas Rawles Jones, Jr  
Cause: 31:3729 False Claims Act

Date Filed: 01/26/2007  
Date Terminated: 01/17/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Karen Newton**  
*United States, ex rel.*

represented by **Karen Newton**  
PRO SE

**Mary Elizabeth Harkins**  
Framme Law Firm PC  
2812 Emerywood Pkwy  
Suite 220  
Richmond, VA 23294  
804-545-2360  
Fax: 804-545-2361  
Email: [MEHarkins@gmail.com](mailto:MEHarkins@gmail.com)  
*TERMINATED: 06/06/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**HCR Manor Care, Inc.**

**Interested Party**

**United States of America**

represented by **Paula Pugh Newett**  
United States Attorney's Office  
2100 Jamieson Ave  
Alexandria, VA 22314  
(703)299-3700  
Email: [USAVAE.ALX.ECF.CIVIL@usdoj.gov](mailto:USAVAE.ALX.ECF.CIVIL@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/26/2007	1	COMPLAINT filed by Karen Newton against HCR Manor Care, Inc. (Filing fee \$350.00 receipt number 100 192904)(pmil) (Entered: 01/31/2007)
10/19/2007	8	NOTICE OF ELECTION TO DECLINE INTERVENTION by United States of America (pmil) (Entered: 10/25/2007)
10/26/2007	9	ORDER that the Complaint be unsealed and served upon the deft pursuant to the FRCP and the Local Rules of this Court; all other contents of the Court's file in this action (including, but not limited to, any applications filed by the United States for an extension of the sixty-day investigative period or for any other reason, oppositions filed by the US in response to the relators' motions, reply briefs, memoranda, and other supporting documents) shall remain under seal and not be made public or served upon the defts, except for this Order and the United States ' Notice of Election to Decline Intervention; the parties are to serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 USC sect. 3730(c)(3); the Clerk shall send the Govt's counsel all orders issued by the Court in this action; should the relator or the defts propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval; the United States may order any

**Date Discrepancy Cases 567**

		deposition transcripts and is entitled to intervene in this action at any time for good cause. Signed by Judge Claude M. Hilton on 10/26/07. Copies mailed: yes (pmil) (Entered: 10/31/2007)
01/15/2008	10	UNOPPOSED MOTION for Leave to Withdraw as Attorney by Jesselyn Radack and Gerald Gilliard, counsel for Karen Newton. (pmil) (Entered: 01/16/2008)
01/15/2008	11	UNOPPOSED MOTION to Dismiss Without Prejudice by Karen Newton. (pmil) (Entered: 01/16/2008)
01/17/2008		So Ordered: re: 11 UNOPPOSED MOTION to Dismiss filed by Karen Newton. Signed by Judge Claude M. Hilton on 1/17/08. Copies mailed: yes (pmil) (Entered: 01/22/2008)

**U.S. District Court  
Eastern District of Virginia - (Alexandria)  
CIVIL DOCKET FOR CASE #: 1:08-cv-00444-JCC-JFA**

O'Connor v. Prime Care, Urgent and Family Care et al  
Assigned to: District Judge James C. Cacheris  
Referred to: Magistrate Judge John F. Anderson  
Cause: 31:3729 False Claims Act

Date Filed: 05/06/2008  
Date Terminated: 03/16/2009  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Michelle A. O'Connor**  
*United States, ex rel*

represented by **Rebekah A. Miller**  
Ashcraft & Gerel LLP  
2000 L St NW  
Suite 400  
Washington, DC 20036  
(202) 783-6400  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Prime Care, Urgent and Family Care**

**Defendant**

**Michael Goeden**  
*MD*

**Defendant**

**Joseph Marietta**  
*MD, Partner*

**Defendant**

**Clifford Sheets**  
*MD, Partner*

**Interested Party**

**United States**

represented by **Paula Pugh Newett**  
United States Attorney's Office  
2100 Jamieson Ave  
Alexandria, VA 22314  
(703)299-3700  
Email:  
USAVAE.ALX.ECF.CIVIL@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
<b>Date Discrepancy Cases 569</b>		

05/06/2008	<a href="#">1</a>	COMPLAINT against Prime Care, Urgent and Family Care, Michael Goeden, Joseph Marietta, Clifford Sheets ( Filing fee \$ 350 receipt number 100008408.), filed by Michelle A. O'Connor.(nmck, ) (jcor, ). Modified on 10/9/2008 to add pdf per Order dated 10/9/08 (jcor, ). (Entered: 05/08/2008)
10/07/2008	<a href="#">5</a>	NOTICE of Election to Decline Intervention by United States (nmck, ) (jcor, ). Modified on 10/9/2008 to unseal pdf as per Order of 10/9/08 (jcor, ). (Entered: 10/08/2008)
10/09/2008	<a href="#">6</a>	ORDERED the complaint be unsealed and served upon the defendant by the relator; all other contents of the Court's file in this action remain under seal and not be made public or served upon the defendant, except for this Order and the Government's Notice of Election to Decline Intervention, which the relator will serve upon the defendant only after service of the complaint. The seal be lifted as to all other matters occurring in this action after the date of this Order; the parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in U.S.C. 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time. All orders of this Court shall be sent to the United States; and that should the relator or the defendant propose that this action be dismissed, settled or discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval. Signed by District Judge James C. Cacheris on 10/9/08. (jcor, ) (Entered: 10/09/2008)
03/03/2009	<a href="#">7</a>	ORDERED that the plaintiff within 20 days show cause, if any they can, why the action should not be dismissed pursuant to F.R.Civ.P. 4(m). Signed by District Judge James C. Cacheris on 3/3/09. (jcor, ) (Entered: 03/03/2009)
03/13/2009	<a href="#">8</a>	UNDER SEAL MOTION to Dismiss by Michelle A. O'Connor. (rban, ) (Entered: 03/16/2009)
03/13/2009	<a href="#">9</a>	UNDER SEAL Memorandum in Support re <a href="#">8</a> UNDER SEAL MOTION to Dismiss filed by Michelle A. O'Connor. (rban, ) (Entered: 03/16/2009)
03/16/2009	<a href="#">10</a>	UNDER SEAL Consent to Dismissal Without Prejudice by United States. (rban, ) (Entered: 03/16/2009)
03/16/2009	<a href="#">11</a>	UNDER SEAL Consent MOTION to Unseal the Complaint by United States. (rban, ) (Entered: 03/16/2009)
03/16/2009	<a href="#">12</a>	UNDER SEAL ORDER granting <a href="#">8</a> UNDER SEAL Motion to Dismiss. Signed by District Judge James C. Cacheris on 3/16/2009. (rban, ) (Entered: 03/17/2009)
03/16/2009	<a href="#">13</a>	ORDER granting <a href="#">10</a> Motion to Dismiss; granting <a href="#">11</a> Motion to Unseal Document. ORDERED that the action is dismissed without prejudice and the complaint in this case be UNSEALED. Signed by District Judge James C. Cacheris on 3/16/2009. (rban, ) (Entered: 03/17/2009)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 09:44:56			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:08-cv-00444-JCC-JFA
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20
<b>Date Discrepancy Cases 570</b>			

**Date Discrepancy Cases 571**

**U.S. District Court  
 District of Oregon (Eugene (6))  
 CIVIL DOCKET FOR CASE #: 6:04-cv-06340-HO**

Parker v. American Bridge Manufacturing Company  
 Assigned to: Judge Michael R. Hogan  
 Cause: 31:3729 False Claims Act

Date Filed: 09/30/2004  
 Date Terminated: 01/03/2006  
 Jury Demand: Plaintiff  
 Nature of Suit: 890 Other Statutory Actions  
 Jurisdiction: Federal Question

**Plaintiff**

**Michael R. Parker**  
 on behalf of the United States Government

represented by **Phillip C. Gilbert**  
 Attorney at Law  
 103 S.E. 223rd Avenue  
 Suite A  
 Gresham, OR 97030-7481  
 (503) 465-9600  
 Fax: (503) 465-9601  
 Email: [pgilbert@phillipgilbertlaw.com](mailto:pgilbert@phillipgilbertlaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**American Bridge Manufacturing Company**  
 a Delaware Corporation

**Interested Party**

**United States**

represented by **Neil Evans**  
 U.S. Attorney's Office  
 1000 SW 3rd Avenue  
 Suite 600  
 Portland, OR 97204  
 503-727-1000  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/30/2004	<a href="#"><u>1</u></a>	Complaint Filing Fee in amount of \$150 collected. Receipt No. 177419 issued..Filed by Michael R. Parker against American Bridge Manufacturing Company.(sln, ) (Entered: 09/30/2004)
09/30/2004	<a href="#"><u>2</u></a>	Discovery and Pretrial Scheduling Order and Notice of Case Assignment. Discovery to be completed by 1/28/2005. Joint Status Report due by 1/28/2005. Joint Alternate Dispute Resolution Report due by 2/27/2005.Pretrial Order due by 2/27/2005. (sln, ) (Entered: 09/30/2004)

**Date Discrepancy Cases 572**



08/03/2005	<a href="#">13</a>	Notice of Election to decline intervention. Filed by Neil J. Evans appearing on behalf of United States.(sln, ) (Entered: 08/05/2005)
08/03/2005	<a href="#">14</a>	Certificate of Service by United States re Notice <a href="#">13</a> . Filed by United States. (sln, ) (Entered: 08/05/2005)
08/05/2005	<a href="#">15</a>	Order - the complaint be unsealed and served upon the defendant. All other contents of the Court's file in this action remain under seal and not be made public or served upon the defendant, except for this Order and the United States' Notice of Election to Decline Intervention which will be served upon the defendants only after service of the complaint. Signed on 8/5/05 by Judge Michael R Hogan. (sln, ) (Entered: 08/08/2005)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 12:41:15			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	6:04-cv-06340-HO Start date: 1/1/1970 End date: 1/28/2019
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10

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CLOSED,EFILE

**U.S. District Court  
District of Connecticut (New Haven)  
CIVIL DOCKET FOR CASE #: 3:07-cv-01060-AWT**

Pellenberg v. St. Vincent's Medical Center  
Assigned to: Judge Alvin W. Thompson  
Demand: \$20,000,000  
Cause: 31:3729 False Claims Act

Date Filed: 07/12/2007  
Date Terminated: 10/15/2008  
Jury Demand: Plaintiff  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Federal Question

**Plaintiff****Jeffrey Pellenberg**

represented by **Patrick J. Filan**  
Patrick J. Filan, LLC  
1 Eliot Place  
Fairfield, CT 06824  
203-221-8066  
Fax: 203-221-8068  
Email: pfilan@filan-law.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****St. Vincent's Medical Center****Movant****USA**

represented by **Richard M. Molot**  
U.S. Attorney's Office-NH  
157 Church St., 25th Floor  
New Haven, CT 06510  
203-821-3792  
Fax: 203-773-5376  
Email: Richard.Molot2@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/12/2007	<a href="#">1</a>	COMPLAINT against St. Vincent's Medical Center ( Filing fee \$ 350 receipt number B014483), filed by Jeffrey Pellenberg.(S-Grady, B.) (Entered: 07/16/2007)
07/18/2008	<a href="#">18</a>	SEALED MOTION seal attachment by USA. (Attachments: # <a href="#">1</a> Text of Proposed Order, # <a href="#">2</a> Attachment(S-Pesta, J.) (Entered: 07/21/2008)
07/22/2008	19	ORDER: The Government's Sealed Motion <a href="#">18</a> is hereby GRANTED. It is so ordered. Signed by Judge Alvin W. Thompson on 7/22/08. (S-Mueller, J.) (Entered: 07/22/2008)

**Date Discrepancy Cases 574**

07/23/2008	<a href="#">20</a>	ORDER: See for further details. Signed by Judge Alvin W. Thompson on 07/22/08. (S-Grady, B.) (Entered: 07/24/2008)
10/06/2008	<a href="#">21</a>	NOTICE of Voluntary Dismissal by Jeffrey Pellenberg (Filan, Patrick) (Entered: 10/06/2008)
10/15/2008	22	ORDER: The Notice of Voluntary Dismissal Without Prejudice is hereby APPROVED. The clerk shall close this case. It is so ordered. Signed by Judge Alvin W. Thompson on 10/15/08. (St. Amant, B.). (Entered: 10/15/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 16:00:25			
<b>PACER Login:</b>	kk0155	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:07-cv-01060-AWT
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10

**U.S. District Court - District of Colorado**  
**District of Colorado (Denver)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-01460-WDM-MEH**

Pfeifer v. ELA Medical, Inc. et al  
Assigned to: Judge Walker D. Miller  
Referred to: Magistrate Judge Michael E. Hegarty  
Demand: \$9,999,000  
Cause: 31:3729 - False Claims Act -- Liability

Date Filed: 07/11/2007  
Date Terminated: 09/20/2010  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Mary Jo Pfeifer**  
*Relator (United States of America)*

represented by **Brian J. Rayment**  
Kivell Rayment & Francis, P.C.  
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303-861-2800  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**ELA Medical, Inc.**

represented by **Megan M. Menagh**  
Sorin Group USA, Inc.  
North American Legal Affairs

**Date Discrepancy Cases 576**

14401 West 65th Way  
 Arvada, CO 80004  
 303-467-6043  
 Fax: 720-746-6432  
 Email: mmenagh@gmail.com  
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 415-434-4484  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**James Gordon Sawtelle**  
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 Fax: 303-298-0940  
 Email: jsawtelle@shermanhoward.com  
**TERMINATED: 07/20/2010**

**Michael Patrick Matthews**  
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 #2700  
 Tampa, FL 33602-5810  
 813-225-4131  
 Fax: 813-221-4210  
 Email: mmatthews@foley.com

**Nadia G. Malik**  
 Malik Legal Solutions, LLC  
 2015 South Dayton Street  
 Suite 203  
 Denver, CO 80247  
 720-504-0091  
 Email: Nadia.Malik@MalikLS.com

**Defendant**

**Sorin Group USA Inc**  
**TERMINATED: 03/31/2010**

represented by **Megan M. Menagh**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Thomas F. Carlucci**  
 (See above for address)

**Date Discrepancy Cases 577**

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**James Gordon Sawtelle**  
(See above for address)  
*TERMINATED: 07/20/2010*

**Michael Patrick Matthews**  
(See above for address)

**Nadia G. Malik**  
(See above for address)

**Defendant**

**Sorin Group**  
*TERMINATED: 03/31/2010*

represented by **Megan M. Menagh**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Thomas F. Carlucci**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**James Gordon Sawtelle**  
(See above for address)  
*TERMINATED: 07/20/2010*

**Michael Patrick Matthews**  
(See above for address)

**Nadia G. Malik**  
(See above for address)

**Defendant**

**Sorin, S.p.A.**  
*TERMINATED: 03/31/2010*

represented by **Megan M. Menagh**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Thomas F. Carlucci**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**James Gordon Sawtelle**  
(See above for address)  
*TERMINATED: 07/20/2010*

**Michael Patrick Matthews**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Nadia G. Malik**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**A. Thomas Garcia**  
*Dr.*

represented by **James H. Baird**  
Lookout Mountain Legal, LLC  
722 Washington Avenue  
#203  
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Fax: 720-294-1307  
Email: james@lookoutmountainlegal.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Advanced Cardiac Specialists Chartered**

represented by **James H. Baird**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Robert Siegel**  
*Dr.*

represented by **James H. Baird**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Ashkok Garg**  
*Dr.*

represented by **James H. Baird**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Stephen Blumberg**  
*Dr.*

represented by **James H. Baird**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Uri Ben-Zur**  
*Dr.*  
*TERMINATED: 03/31/2010*

represented by **Aaron M. Paul**  
Grand Canyon Trust  
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Email: apaul@grandcanyontrust.org  
*ATTORNEY TO BE NOTICED*

**Michael C. Theis**  
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Fax: 303-899-7333  
Email: michael.theis@hoganlovells.com  
*ATTORNEY TO BE NOTICED*

**Defendant****Mark Seifert***Dr.**TERMINATED: 03/31/2010*represented by **James H. Baird**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****William Stuck***Dr.**TERMINATED: 03/31/2010*represented by **James H. Baird**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****John R. Dylewski***Dr. and Does One Through Twenty**TERMINATED: 03/31/2010*represented by **James H. Baird**

(See above for address)

*ATTORNEY TO BE NOTICED***Interested Party****United States**represented by **Edwin Godley Winstead , Jr.**

U.S. Attorney's Office-Denver

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Suite 1600

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303-454-0100

Fax: 303-454-0404

Email: Edwin.Winstead@usdoj.gov

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Joyce R. Branda**

U.S. Department of Justice-DC-#261

P.O. Box 261

Ben Franklin Station

Washington, DC 20044

202-307-1030

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Andrew Skowronek**

U.S. Department of Justice-DC-#261

P.O. Box 261

Ben Franklin Station

Washington, DC 20044

202-307-1030

*ATTORNEY TO BE NOTICED***Marcy Elizabeth Cook**

U.S. Attorney's Office-Denver

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Fax: 303-454-0404

Email: marcy.cook@usdoj.gov

*ATTORNEY TO BE NOTICED*



Date Filed	#	Docket Text
07/11/2007	<a href="#">1</a>	COMPLAINT, Jury Trial Demanded against A. Thomas Garcia, Advanced Cardiac Specialists Chartered, Robert Siegel, Ashkok Garg, Stephen Blumberg, Uri Ben-Zur, Mark Seifert, William Stuck, John R. Dylewski, ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A. ( Filing fee \$ 350, Receipt Number 2692) Summons issued, filed by Mary Jo Pfeifer. (Attachments: # <a href="#">1</a> Civil Cover Sheet # <a href="#">2</a> Receipt)(gmssl, ) (Entered: 07/12/2007)
05/08/2009	<a href="#">23</a>	Ex Parte Document by Interested Party United States. (Attachments: # <a href="#">1</a> Exparte Attachment)(Winstead, Edwin) (Entered: 05/08/2009)
05/12/2009	<a href="#">24</a>	ORDER, The complaint, the notice of non-intervention and this order are unsealed and to be served upon the defendant by the relator. All other contents of file to remain under seal. Seal lifted as to all other matters occurring in this action after the date of this order. Parties to serve all pleadings, motions and notices of appeal on U.S. All court orders to be sent to the U.S. U.S. to be advised of any proposed dismissal of this action, by Judge Walker D. Miller on 5/12/09. (gmssl, ) (Entered: 05/13/2009)
05/14/2009	<a href="#">25</a>	MINUTE ORDER Scheduling Conference set for 7/20/2009 09:15 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty, by Magistrate Judge Michael E. Hegarty on 5/14/09. (gmssl, ) (Entered: 05/14/2009)
07/10/2009	<a href="#">26</a>	MINUTE ORDER Scheduling Conference set for 7/20/2009 is VACATED and RESET to 7/23/2009 09:00 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty, by Magistrate Judge Michael E. Hegarty on 7/10/2009. (mehcd) (Entered: 07/10/2009)
07/16/2009	<a href="#">27</a>	NOTICE of Entry of Appearance <i>for Defendants ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group and Sorin, SpA.</i> by Nadia G. Malik on behalf of ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A. (Malik, Nadia) (Entered: 07/16/2009)
07/16/2009	<a href="#">28</a>	NOTICE of Entry of Appearance <i>of Megan M. Menagh and Thomas F. Carlucci</i> by Nadia G. Malik on behalf of ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A. (Malik, Nadia) (Entered: 07/16/2009)
07/16/2009	<a href="#">29</a>	Unopposed MOTION to Continue <a href="#">26</a> Scheduling Conference Currently Set for July 23, 2009 by Defendants ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A.. (Attachments: # <a href="#">1</a> Proposed Order (PDF Only))(Malik, Nadia) Modified on 7/17/2009 to create linkage to the Scheduling Conference (sah, ). (Entered: 07/16/2009)
07/16/2009	30	MEMORANDUM regarding <a href="#">29</a> Unopposed MOTION to Continue <i>Scheduling Conference Currently Set for July 23, 2009</i> filed by Sorin Group USA, Inc., Sorin, S.p.A., Sorin Group, ELA Medical, Inc..Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 7/16/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 07/16/2009)
07/16/2009	<a href="#">31</a>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <a href="#">1</a> Complaint, by Defendants ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A.. (Attachments: # <a href="#">1</a> Proposed Order (PDF Only))(Malik, Nadia) (Entered: 07/16/2009)
07/16/2009	<a href="#">32</a>	NOTICE OF CASE ASSOCIATION by Defendants ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A. (Malik, Nadia) (Entered: 07/16/2009)
07/16/2009	33	MEMORANDUM regarding <a href="#">31</a> Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <a href="#">1</a> Complaint, filed by Sorin Group USA, Inc., Sorin, S.p.A., Sorin Group, ELA Medical, Inc..Motions referred to Magistrate Judge Michael E.

**Date Discrepancy Cases 581**

		Hegarty by Judge Walker D. Miller on 7/16/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 07/16/2009)
07/16/2009	<a href="#">34</a>	CORPORATE DISCLOSURE STATEMENT by Defendants ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A... (Malik, Nadia) (Entered: 07/16/2009)
07/17/2009	<a href="#">35</a>	MINUTE ORDER granting <a href="#">29</a> Unopposed Motion to Continue Scheduling Conference. Scheduling Conference reset for 9/9/2009 09:30 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty, by Magistrate Judge Michael E. Hegarty on 7/17/09.(gmssl, ) (Entered: 07/17/2009)
07/17/2009	<a href="#">36</a>	MINUTE ORDER granting <a href="#">31</a> Unopposed Motion for Extension of Time to Answer or Otherwise Respond to <a href="#">1</a> Complaint. ELA Medical, Inc. answer due 8/19/2009; Sorin Group USA, Inc. answer due 8/19/2009; Sorin Group answer due 8/19/2009; Sorin, S.p.A. answer due 8/19/2009, by Magistrate Judge Michael E. Hegarty on 7/17/09.(gmssl, ) (Entered: 07/17/2009)
07/23/2009	<a href="#">37</a>	NOTICE of Entry of Appearance by James H. Baird on behalf of Advanced Cardiac Specialists Chartered (Baird, James) (Entered: 07/23/2009)
07/23/2009	<a href="#">38</a>	CORPORATE DISCLOSURE STATEMENT by Defendant Advanced Cardiac Specialists Chartered.. (Baird, James) (Entered: 07/23/2009)
07/23/2009	<a href="#">39</a>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to <a href="#">1</a> Complaint by Defendant Advanced Cardiac Specialists Chartered. (Baird, James) Modified on 7/24/2009 to add linkage (wjc, ). (Entered: 07/23/2009)
07/23/2009	40	MEMORANDUM regarding <a href="#">39</a> Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to <i>Complaint</i> filed by Advanced Cardiac Specialists Chartered.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 7/23/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 07/23/2009)
07/23/2009	<a href="#">41</a>	MINUTE ORDER granting <a href="#">39</a> Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Relator's Complaint <a href="#">1</a> . Advanced Cardiac Specialists Chartered answer due 8/27/2009. By Magistrate Judge Michael E. Hegarty on 7/23/2009. (mehcd) (Entered: 07/23/2009)
07/28/2009	<a href="#">42</a>	NOTICE of Entry of Appearance by Michael C. Theis on behalf of Uri Ben-Zur (Theis, Michael) (Entered: 07/28/2009)
07/28/2009	<a href="#">43</a>	NOTICE of Entry of Appearance by Aaron M. Paul on behalf of Uri Ben-Zur (Paul, Aaron) (Entered: 07/28/2009)
07/28/2009	<a href="#">44</a>	MOTION for Extension of Time to File Answer or Otherwise Respond to Relator's Complaint <a href="#">1</a> by Defendant Uri Ben-Zur. (Attachments: # <a href="#">1</a> Proposed Order (PDF Only)) (Theis, Michael) Modified on 7/29/2009 to create linkage to the Complaint(sah, ). (Entered: 07/28/2009)
07/29/2009	45	MEMORANDUM regarding <a href="#">44</a> MOTION for Extension of Time to File Answer or Otherwise Respond to <i>Relator's Complaint</i> filed by Uri Ben-Zur.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 7/29/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 07/29/2009)
07/30/2009	<a href="#">46</a>	NOTICE of Entry of Appearance by James H. Baird on behalf of John R. Dylewski (Baird, James) (Entered: 07/30/2009)
07/30/2009	<a href="#">47</a>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to <a href="#">1</a> Complaint by Defendant John R. Dylewski. (Baird, James) Modified on 7/31/2009 to add

**Date Discrepancy Cases 582**

		linkage (wjc, ). (Entered: 07/30/2009)
07/30/2009	<a href="#">48</a>	MINUTE ORDER granting <a href="#">44</a> Unopposed Motion for Extension of Time to Answer or Otherwise Respond to <a href="#">1</a> Relator's Complaint. Uri Ben-Zur answer due 8/31/2009, by Magistrate Judge Michael E. Hegarty on 7/30/09.(gms, ) (Entered: 07/31/2009)
07/31/2009	<a href="#">49</a>	MEMORANDUM regarding <a href="#">47</a> Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to <i>Complaint</i> filed by John R. Dylewski.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 7/31/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 07/31/2009)
07/31/2009	<a href="#">50</a>	MINUTE ORDER granting <a href="#">47</a> Unopposed Motion for Extension of Time to Answer or Otherwise Respond to <a href="#">1</a> Complaint. John R. Dylewski answer due 8/26/2009, by Magistrate Judge Michael E. Hegarty on 7/31/09.(gmssl, ) (Entered: 07/31/2009)
08/17/2009	<a href="#">51</a>	NOTICE of Entry of Appearance by James H. Baird on behalf of Stephen Blumberg (Baird, James) (Entered: 08/17/2009)
08/17/2009	<a href="#">52</a>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <a href="#">1</a> Complaint, by Defendant Stephen Blumberg. (Baird, James) (Entered: 08/17/2009)
08/18/2009	<a href="#">53</a>	MEMORANDUM regarding <a href="#">52</a> Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <a href="#">1</a> Complaint, filed by Stephen Blumberg.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 8/18/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 08/18/2009)
08/18/2009	<a href="#">54</a>	MINUTE ORDER granting <a href="#">52</a> the Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Relator's <a href="#">1</a> Complaint. Defendant Stephen Blumberg's answer due 9/2/2009. By Magistrate Judge Michael E. Hegarty on 8/18/2009. (mehcd) (Entered: 08/18/2009)
08/18/2009	<a href="#">55</a>	SUMMONS Returned Executed by Mary Jo Pfeifer. Uri Ben-Zur served on 7/16/2009, answer due 8/31/2009. (Zboyan, JoAnne) Modified on 8/19/2009 to correct filer (wjc, ). (Entered: 08/18/2009)
08/19/2009	<a href="#">56</a>	Docket Annotation re: <a href="#">55</a> Summons Returned Executed. Modified on 8/19/2009 to correct filer. Text only entry - no document attached. (wjc, ) (Entered: 08/19/2009)
08/19/2009	<a href="#">57</a>	MOTION to Dismiss Relator's <a href="#">1</a> Complaint and Supporting Memorandum of Law by Defendants ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H (Part 1 of 2), # <a href="#">9</a> Exhibit H (Part 2 of 2), # <a href="#">10</a> Exhibit I (Part 1 of 2), # <a href="#">11</a> Exhibit I (Part 2 of 2), # <a href="#">12</a> Exhibit J, # <a href="#">13</a> Exhibit K, # <a href="#">14</a> Exhibit L, # <a href="#">15</a> Exhibit M)(Malik, Nadia) Modified on 8/20/2009 to add linkage (wjc, ). (Entered: 08/19/2009)
08/25/2009	<a href="#">58</a>	MOTION to Continue Scheduling Conference Report Deadline and Conference, by Plaintiff Mary Jo Pfeifer. (Attachments: # <a href="#">1</a> Proposed Order (PDF Only))(Rayment, Brian) Modified on 8/26/2009 to delete linkage and to clarify the text to reflect the actual title of this document (gmssl, ). (Entered: 08/25/2009)
08/25/2009	<a href="#">59</a>	MEMORANDUM regarding <a href="#">58</a> MOTION to Continue Scheduling Conference Report Deadline and Conference, filed by Mary Jo Pfeifer.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 8/25/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) Modified on 8/26/2009 to correct the actual title of the motion being referred. (gmssl, ). (Entered: 08/25/2009)
08/26/2009	<a href="#">60</a>	Docket Annotation re: <a href="#">58</a> MOTION to Amend/Correct/Modify. This docket entry was

**Date Discrepancy Cases 583**

		modified to delete the linkage and to clarify the text to reflect the actual title of this document. 59 Memorandum. This docket entry was modified to correctly reflect the title of the motion being referred. Text only entry - no document attached (gmssl, ) (Entered: 08/26/2009)
08/26/2009	<a href="#">61</a>	NOTICE of Entry of Appearance by James H. Baird on behalf of William Stuck (Baird, James) (Entered: 08/26/2009)
08/26/2009	<a href="#">62</a>	MOTION to Dismiss <i>Complaint, Supporting Memorandum of Law, and Joinder in ELA Defendants' Motion to Dismiss and Supporting Memorandum of Law</i> by Defendants Advanced Cardiac Specialists Chartered, Stephen Blumberg, William Stuck, John R. Dylewski. (Baird, James) (Entered: 08/26/2009)
08/28/2009	<a href="#">63</a>	MINUTE ORDER granting <a href="#">58</a> Relator's Unopposed Motion to Continue Scheduling Conference Report Deadline and Conference. Scheduling Conference set for 9/9/2009 is VACATED and RESET to 10/5/2009 09:30 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. By Magistrate Judge Michael E. Hegarty on 8/28/2009. (mehcd) (Entered: 08/28/2009)
08/28/2009	<a href="#">64</a>	SUMMONS Returned Executed by Mary Jo Pfeifer. John R. Dylewski served on 7/7/2009, answer due 8/26/2009. (Zboyan, JoAnne) (Entered: 08/28/2009)
08/28/2009	<a href="#">65</a>	SUMMONS Returned Executed by Mary Jo Pfeifer. Sorin Group USA, Inc. served on 6/30/2009, answer due 8/19/2009. (Zboyan, JoAnne) (Entered: 08/28/2009)
08/28/2009	<a href="#">66</a>	SUMMONS Returned Executed by Mary Jo Pfeifer. ELA Medical, Inc. served on 6/30/2009, answer due 8/19/2009. (Zboyan, JoAnne) (Entered: 08/28/2009)
08/28/2009	<a href="#">67</a>	SUMMONS Returned Executed by Mary Jo Pfeifer. Stephen Blumberg served on 7/30/2009, answer due 9/2/2009. (Zboyan, JoAnne) (Entered: 08/28/2009)
08/31/2009	<a href="#">68</a>	MOTION to Dismiss by Defendant Uri Ben-Zur. (Attachments: # <a href="#">1</a> Exhibit Tab A)(Theis, Michael) (Entered: 08/31/2009)
08/31/2009	<a href="#">69</a>	NOTICE re <a href="#">68</a> MOTION to Dismiss <i>Request for Judicial Notice in Support of His Motion to Dismiss</i> by Defendant Uri Ben-Zur (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C)(Theis, Michael) (Entered: 08/31/2009)
09/03/2009	<a href="#">70</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">68</a> MOTION to Dismiss, <a href="#">57</a> MOTION to Dismiss <i>Relator's Complaint and Supporting Memorandum of Law</i> , <a href="#">62</a> MOTION to Dismiss <i>Complaint, Supporting Memorandum of Law, and Joinder in ELA Defendants' Motion to Dismiss and Supporting Memorandum of Law</i> by Plaintiff Mary Jo Pfeifer. (Attachments: # <a href="#">1</a> Proposed Order (PDF Only) Proposed Order)(Rayment, Brian) (Entered: 09/03/2009)
09/03/2009	71	MEMORANDUM regarding <a href="#">70</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">68</a> MOTION to Dismiss, <a href="#">57</a> MOTION to Dismiss <i>Relator's Complaint and Supporting Memorandum of Law</i> , <a href="#">62</a> MOTION to Dismiss <i>Complaint, Supporting Memorandum of Law, and Joinder</i> filed by Mary Jo Pfeifer. Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 9/3/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) Modified on 9/4/2009 to delete text generated by the system (gms, ). (Entered: 09/03/2009)
09/04/2009	<a href="#">72</a>	MINUTE ORDER denying without prejudice <a href="#">70</a> the Relator's Motion for Extension of Time to Reply to Defendants' Motions to Dismiss for failure to comply with Fed. R. Civ. P. 5(d)(1) and D.C. Colo. LCivR 10.1J. By Magistrate Judge Michael E. Hegarty on 9/4/2009. (mehcd) (Entered: 09/04/2009)
09/04/2009	<a href="#">73</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">68</a> MOTION to Dismiss,

**Date Discrepancy Cases 584**

		<a href="#">57</a> MOTION to Dismiss <i>Relator's Complaint and Supporting Memorandum of Law</i> , <a href="#">62</a> MOTION to Dismiss <i>Complaint, Supporting Memorandum of Law, and Joinder in ELA Defendants' Motion to Dismiss and Supporting Memorandum of Law</i> by Plaintiff Mary Jo Pfeifer. (Attachments: # <a href="#">1</a> Proposed Order (PDF Only) proposed order)(Rayment, Brian) (Entered: 09/04/2009)
09/08/2009	74	MEMORANDUM regarding <a href="#">73</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">68</a> MOTION to Dismiss, <a href="#">57</a> MOTION to Dismiss <i>Relator's Complaint and Supporting Memorandum of Law</i> , <a href="#">62</a> MOTION to Dismiss <i>Complaint, Supporting Memorandum of Law, and Joinder</i> . Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 9/8/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) Modified on 9/9/2009 to delete duplicate text generated by the system (gms, ). (Entered: 09/08/2009)
09/09/2009	<a href="#">75</a>	MINUTE ORDER granting <a href="#">73</a> Relator's Motion for Extension of Time to Reply [sic] to Defendants' Motion to Dismiss. Relator shall file a response by 9/29/2009. By Magistrate Judge Michael E. Hegarty on 9/9/2009. (mehcd) (Entered: 09/09/2009)
09/09/2009	<a href="#">76</a>	SUMMONS Returned Executed by Mary Jo Pfeifer. Advanced Cardiac Specialists Chartered served on 7/8/2009, answer due 8/27/2009. (Zboyan, JoAnne) Modified on 9/10/2009 to correct the date of service (gms, ). (Entered: 09/09/2009)
09/09/2009	<a href="#">77</a>	SUMMONS Returned Executed by Mary Jo Pfeifer. William Stuck served on 8/20/2009, answer due 9/9/2009. (Zboyan, JoAnne) (Entered: 09/09/2009)
09/10/2009	78	Docket Annotation re: <a href="#">76</a> Summons Returned Executed. This docket entry was modified to correct the date of service. Text only entry - no document attached (gms, ) (Entered: 09/10/2009)
09/11/2009	<a href="#">79</a>	NOTICE of Entry of Appearance by Michael P. Matthews on behalf of ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A. (Matthews, Michael) (Entered: 09/11/2009)
09/28/2009	<a href="#">80</a>	Proposed Scheduling Order by Defendants Advanced Cardiac Specialists Chartered, Stephen Blumberg, Uri Ben-Zur, William Stuck, John R. Dylewski, ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A., Plaintiff Mary Jo Pfeifer. (Rayment, Brian) (Entered: 09/28/2009)
09/28/2009	<a href="#">81</a>	Joint MOTION to Stay of <i>DISCOVERY AND OF ENTRY OF SCHEDULING ORDER AND TO VACATE SCHEDULING CONFERENCE PENDING RULINGS ON DEFENDANTS MOTIONS TO DISMISS</i> by Defendants Advanced Cardiac Specialists Chartered, Stephen Blumberg, Uri Ben-Zur, William Stuck, John R. Dylewski, ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A.. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit, # <a href="#">3</a> Exhibit, # <a href="#">4</a> Exhibit, # <a href="#">5</a> Exhibit, # <a href="#">6</a> Exhibit, # <a href="#">7</a> Exhibit)(Malik, Nadia) (Entered: 09/28/2009)
09/29/2009	82	MEMORANDUM regarding <a href="#">81</a> Joint MOTION to Stay of <i>DISCOVERY AND OF ENTRY OF SCHEDULING ORDER AND TO VACATE SCHEDULING CONFERENCE PENDING RULINGS ON DEFENDANTS MOTIONS TO DISMISS</i> filed by John R. Dylewski, Sorin Group USA, Inc., Sorin, S.p.A., Sorin Group, William Stuck, Stephen Blumberg, Advanced Cardiac Specialists Chartered, Uri Ben-Zur, ELA Medical, Inc..Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 9/29/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 09/29/2009)
09/29/2009	<a href="#">83</a>	MINUTE ORDER re: <a href="#">81</a> Defendants' Joint MOTION for a Stay of Discovery and of Entry of Scheduling Order and to Vacate Scheduling Conference Pending Rulings on Defendants' Motions to Dismiss. The Relator shall respond to the motion by 10/2/2009.

**Date Discrepancy Cases 585**

		The parties shall be prepared to discuss the issues raised in the motion at the Scheduling Conference, by Magistrate Judge Michael E. Hegarty on 9/29/09. (ebs, ) (Entered: 09/29/2009)
09/29/2009	<a href="#">84</a>	BRIEF in Opposition to <a href="#">68</a> MOTION to Dismiss, <a href="#">57</a> MOTION to Dismiss <i>Relator's Complaint and Supporting Memorandum of Law</i> , <a href="#">62</a> MOTION to Dismiss <i>Complaint, Supporting Memorandum of Law, and Joinder in ELA Defendants' Motion to Dismiss and Supporting Memorandum of Law</i> filed by Plaintiff Mary Jo Pfeifer. (Attachments: # <a href="#">1</a> Affidavit Exh 1 - Mary Jo Pfeifer, # <a href="#">2</a> Affidavit Exh 2 Brian J Rayment, # <a href="#">3</a> Exhibit A - Boothe, # <a href="#">4</a> Exhibit B - Grynberg, # <a href="#">5</a> Exhibit C - Maxwell, # <a href="#">6</a> Exhibit D - Lee docket sheet, # <a href="#">7</a> Exhibit E - Ela Mtn Dismiss Lee case, # <a href="#">8</a> Exhibit F - Natural Gas liti) (Rayment, Brian) (Entered: 09/29/2009)
10/02/2009	<a href="#">85</a>	BRIEF in Opposition to <a href="#">81</a> Joint MOTION to Stay of <i>DISCOVERY AND OF ENTRY OF SCHEDULING ORDER AND TO VACATE SCHEDULING CONFERENCE PENDING RULINGS ON DEFENDANTS MOTIONS TO DISMISS</i> filed by Plaintiff Mary Jo Pfeifer. (Rayment, Brian) (Entered: 10/02/2009)
10/02/2009	<a href="#">86</a>	MINUTE ORDER Scheduling Conference set for 10/5/2009 is VACATED and RESET to 10/6/2009 09:30 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. By Magistrate Judge Michael E. Hegarty on 10/2/2009. (mehcd) (Entered: 10/02/2009)
10/05/2009	<a href="#">87</a>	NOTICE of Entry of Appearance by James Gordon Sawtelle on behalf of ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A. (Sawtelle, James) (Entered: 10/05/2009)
10/05/2009	<a href="#">88</a>	Unopposed MOTION for Leave to <i>File Statement of Interest</i> by Interested Party United States. (Attachments: # <a href="#">1</a> Attachment)(Winstead, Edwin) (Entered: 10/05/2009)
10/06/2009	<a href="#">89</a>	Courtroom Minutes/Minute Order for proceedings held before Magistrate Judge Michael E. Hegarty: Scheduling Conference held on 10/6/2009, taking under advisement <a href="#">81</a> Defendants' Joint Motion for Stay of Discovery. Discovery due by 12/31/2010. Dispositive Motions due by 2/14/2011. Final Pretrial Conference set for 5/16/2011 09:30 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. No Settlement Conference set at this time. (Court Reporter FTR - C. Coomes) (mehcd) (Entered: 10/06/2009)
10/06/2009	90	MEMORANDUM regarding <a href="#">88</a> Unopposed MOTION for Leave to <i>File Statement of Interest</i> filed by United States.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 10/6/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 10/06/2009)
10/06/2009	<a href="#">91</a>	MINUTE ORDER granting <a href="#">88</a> the Unopposed Motion for Leave to File Statement of Interest filed by Interested Party United States. The Clerk of the Court is directed to file the Statement of Interest of the United States in Response to Defendant ELA, Inc.'s Motion to Dismiss, found at docket #88-2. By Magistrate Judge Michael E. Hegarty on 10/6/2009. (mehcd) (Entered: 10/07/2009)
10/06/2009	<a href="#">93</a>	Statement of Interest in RESPONSE to <a href="#">57</a> Defendant ELA, Inc.'s MOTION to Dismiss <i>Relator's Complaint and Supporting Memorandum of Law</i> , filed by Interested Party United States. (ebs, ) (Entered: 10/08/2009)
10/07/2009	<a href="#">92</a>	ORDER denying <a href="#">81</a> Defendants' Joint Motion for a Stay of Discovery and of Entry of Scheduling Order and to Vacate Scheduling Conference Pending Rulings on Defendants' Motions to Dismiss, by Magistrate Judge Michael E. Hegarty on 10/7/09.(ebs, ) (Entered: 10/07/2009)
10/13/2009	<a href="#">94</a>	SCHEDULING ORDER: by Magistrate Judge Michael E. Hegarty on 10/13/2009.

**Date Discrepancy Cases 586**

		(mehcd) (Entered: 10/13/2009)
10/14/2009	<a href="#">95</a>	CORRECTED SCHEDULING ORDER: Final Pretrial Conference set for 5/16/2011 09:30 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. By Magistrate Judge Michael E. Hegarty on 10/14/2009. (mehcd) (Entered: 10/14/2009)
10/14/2009	<a href="#">96</a>	MOTION for Extension of Time to <i>Serve Defendants</i> by Plaintiff Mary Jo Pfeifer. (Attachments: # <a href="#">1</a> Exhibit Return of Service on Dr. Seigel)(Rayment, Brian) (Entered: 10/14/2009)
10/14/2009	97	MEMORANDUM regarding <a href="#">96</a> MOTION for Extension of Time to <i>Serve Defendants</i> filed by Mary Jo Pfeifer.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 10/14/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 10/14/2009)
10/14/2009	<a href="#">98</a>	REPLY to Response to <a href="#">68</a> MOTION to Dismiss filed by Defendant Uri Ben-Zur. (Theis, Michael) (Entered: 10/14/2009)
10/15/2009	<a href="#">99</a>	MINUTE ORDER denying without prejudice <a href="#">96</a> Relator's Unopposed Motion to Extend Deadline for Service of Process, by Magistrate Judge Michael E. Hegarty on 10/15/09. (ebs, ) (Entered: 10/16/2009)
10/16/2009	<a href="#">100</a>	Amended MOTION for Extension of Time to <i>Serve Defendants</i> by Plaintiff Mary Jo Pfeifer. (Attachments: # <a href="#">1</a> Exhibit "A", Return of Service, # <a href="#">2</a> Exhibit "B", Return of Service)(Rayment, Brian) (Entered: 10/16/2009)
10/16/2009	101	MEMORANDUM regarding <a href="#">100</a> Amended MOTION for Extension of Time to <i>Serve Defendants</i> filed by Mary Jo Pfeifer.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 10/16/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 10/16/2009)
10/19/2009	<a href="#">102</a>	RESPONSE to <a href="#">100</a> Amended MOTION for Extension of Time to <i>Serve Defendants</i> filed by Defendant Uri Ben-Zur. (Theis, Michael) (Entered: 10/19/2009)
10/19/2009	<a href="#">103</a>	REPLY to Response to <a href="#">57</a> MOTION to Dismiss <i>Relator's Complaint and Supporting Memorandum of Law</i> filed by Defendants ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A.. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9, # <a href="#">10</a> Exhibit 10, # <a href="#">11</a> Exhibit 11)(Sawtelle, James) (Entered: 10/19/2009)
10/19/2009	<a href="#">104</a>	RESPONSE to <a href="#">100</a> Amended MOTION for Extension of Time to <i>Serve Defendants</i> filed by Defendants ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A.. (Sawtelle, James) (Entered: 10/19/2009)
10/19/2009	<a href="#">105</a>	REPLY to Response to <a href="#">62</a> MOTION to Dismiss <i>Complaint, Supporting Memorandum of Law, and Joinder in ELA Defendants' Motion to Dismiss and Supporting Memorandum of Law</i> filed by Defendants Advanced Cardiac Specialists Chartered, Stephen Blumberg, William Stuck, John R. Dylewski. (Baird, James) (Entered: 10/19/2009)
10/22/2009	<a href="#">106</a>	NOTICE re <a href="#">92</a> Order on Motion to Stay, <i>Defendants Objections to Magistrate Judge's Order</i> by Defendants Advanced Cardiac Specialists Chartered, Stephen Blumberg, Uri Ben-Zur, William Stuck, John R. Dylewski, ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F)(Sawtelle, James) (Entered: 10/22/2009)
10/23/2009	107	Docket Annotation re: <a href="#">106</a> Notice. The wrong event was used to docket this Objection to a Magistrate Judge's Order. Counsel has been requested to re-file using the correct event Objection/Appeal of Magistrate Judge Decision to District Court. Text only entry - no document attached (gmssl, ) (Entered: 10/23/2009)

**Date Discrepancy Cases 587**

10/23/2009	<a href="#">108</a>	OBJECTION/Appeal of Magistrate Judge Decision to District Court re <a href="#">92</a> Order on Motion to Stay, by Defendants Advanced Cardiac Specialists Chartered, Stephen Blumberg, Uri Ben-Zur, William Stuck, John R. Dylewski, ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F)(Sawtelle, James) (Entered: 10/23/2009)
10/26/2009	<a href="#">109</a>	NOTICE of Entry of Appearance by James H. Baird on behalf of Mark Seifert (Baird, James) (Entered: 10/26/2009)
10/26/2009	<a href="#">110</a>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to Relator's <a href="#">1</a> Complaint by Defendant Mark Seifert. (Baird, James) Modified on 10/27/2009 to create linkage (ebs, ). (Entered: 10/26/2009)
10/26/2009	111	MEMORANDUM regarding <a href="#">110</a> Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to Relator's Complaint filed by Mark Seifert.Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 10/26/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 10/26/2009)
10/26/2009	<a href="#">112</a>	RESPONSE to <a href="#">93</a> Response to Motion /Statement of Interest of the United States by Defendant Uri Ben-Zur. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F)(Theis, Michael) (Entered: 10/26/2009)
10/27/2009	<a href="#">113</a>	MINUTE ORDER granting <a href="#">110</a> Defendant Mark Seifert's Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Relator's <a href="#">1</a> Complaint. Defendant Mark Seifert's answer due 11/9/2009. By Magistrate Judge Michael E. Hegarty on 10/27/2009. (mehcd) (Entered: 10/27/2009)
11/03/2009	<a href="#">114</a>	RESPONSE to <a href="#">108</a> Objection/Appeal of Magistrate Judge Decision filed by Plaintiff Mary Jo Pfeifer. (Rayment, Brian) (Entered: 11/03/2009)
11/05/2009	<a href="#">115</a>	MOTION to Stay <i>Discovery Pending Ruling on Defendants' Objections to Magistrate Judge's Order on Defendants' Motion to Stay</i> by Defendants Advanced Cardiac Specialists Chartered, Stephen Blumberg, Uri Ben-Zur, Mark Seifert, William Stuck, John R. Dylewski, ELA Medical, Inc., Sorin Group USA, Inc., Sorin Group, Sorin, S.p.A.. (Attachments: # <a href="#">1</a> Exhibit A)(Sawtelle, James) (Entered: 11/05/2009)
11/05/2009	<a href="#">116</a>	MOTION to Dismiss <i>Complaint and Supporting Memorandum of Law</i> by Defendant Mark Seifert. (Baird, James) (Entered: 11/05/2009)
11/09/2009	117	MEMORANDUM regarding <a href="#">115</a> MOTION to Stay <i>Discovery Pending Ruling on Defendants' Objections to Magistrate Judge's Order on Defendants' Motion to Stay</i> filed by John R. Dylewski, Sorin Group USA, Inc., Sorin, S.p.A., Sorin Group, William Stuck, Stephen Blumberg, Mark Seifert, Advanced Cardiac Specialists Chartered, Uri Ben-Zur, ELA Medical, Inc..Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 11/9/09. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 11/09/2009)
11/09/2009	<a href="#">118</a>	MINUTE ORDER Setting Hearing on <a href="#">100</a> Relator's Amended Motion to Extend Deadline for Service of Process and <a href="#">115</a> Defendants' Motion to Stay Discovery Pending Ruling on Defendants' Objections to Magistrate Judge's Order on Defendants' Motion to Stay. Motions Hearing set for 11/16/2009 09:30 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. By Magistrate Judge Michael E. Hegarty on 11/9/2009. (mehcd) (Entered: 11/09/2009)
11/16/2009	<a href="#">119</a>	Courtroom Minutes/Minute Order for proceedings held before Magistrate Judge Michael E. Hegarty: Motion Hearing held on 11/16/2009, granting <a href="#">100</a> Motion for Extension of

**Date Discrepancy Cases 588**



		Time; granting in part and denying in part <a href="#">115</a> Motion to Stay. The deadline for Joinder of Parties/Amendment of Pleadings is extended to 30 days after ruling on the Motion to Dismiss. (Court Reporter FTR - C. Coomes) (mehcd) (Entered: 11/16/2009)
11/23/2009	<a href="#">120</a>	BRIEF in Opposition to <a href="#">116</a> MOTION to Dismiss <i>Complaint and Supporting Memorandum of Law of Defendant Seifert</i> filed by Plaintiff Mary Jo Pfeifer. (Rayment, Brian) (Entered: 11/23/2009)
12/09/2009	<a href="#">121</a>	NOTICE OF CASE ASSOCIATION by Defendant ELA Medical, Inc. (Malik, Nadia) (Entered: 12/09/2009)
12/10/2009	<a href="#">122</a>	REPLY to Response to <a href="#">116</a> MOTION to Dismiss <i>Complaint and Supporting Memorandum of Law</i> filed by Defendant Mark Seifert. (Attachments: # <a href="#">1</a> Exhibit Exhibit A, # <a href="#">2</a> Exhibit Exhibit B Declaration of Mark Seifert)(Baird, James) (Entered: 12/10/2009)
12/14/2009	<a href="#">123</a>	TRANSCRIPT of Motions Hearing held on 11/16/09 before Magistrate Judge Hegarty. Pages: 1-46.  <b>NOTICE - REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal identifiers from the electronic transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at <a href="http://www.cod.uscourts.gov">www.cod.uscourts.gov</a>.</b>  Transcript may only be viewed at the court public terminal or purchased through the Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER. Release of Transcript Restriction set for 3/17/2010. (Avery Woods Reporting, ) (Entered: 12/14/2009)
01/07/2010	<a href="#">124</a>	NOTICE of Entry of Appearance by James H. Baird on behalf of Ashkok Garg (Baird, James) (Entered: 01/07/2010)
01/07/2010	<a href="#">125</a>	MOTION to Dismiss <i>Relator's Complaint and Supporting Memorandum of Law</i> by Defendant Ashkok Garg. (Baird, James) (Entered: 01/07/2010)
01/14/2010	<a href="#">126</a>	WAIVER OF SERVICE Returned Executed by Mary Jo Pfeifer. Ashkok Garg waiver sent on 12/7/2009, answer due 2/5/2010. (Zboyan, JoAnne) Modified on 1/15/2010 to correct the date the waiver was sent and the answer due date (ebs, ). (Entered: 01/14/2010)
01/14/2010	128	Utility Setting/Resetting Deadlines/Hearings, pursuant to the Waiver of Service filed on 1/14/10: Ashkok Garg answer due 2/5/2010. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED (ebs, ) (Entered: 01/15/2010)
01/15/2010	127	Docket Annotation re: <a href="#">126</a> Waiver of Service Executed. This docket entry was modified to correct the date the waiver was sent and the answer due date. Text only entry - no document attached (ebs, ) (Entered: 01/15/2010)
01/17/2010	<a href="#">129</a>	BRIEF in Opposition to <a href="#">125</a> MOTION to Dismiss <i>Relator's Complaint and Supporting Memorandum of Law</i> filed by Plaintiff Mary Jo Pfeifer. (Rayment, Brian) (Entered: 01/17/2010)
01/25/2010	<a href="#">130</a>	NOTICE of Entry of Appearance by James H. Baird on behalf of A. Thomas Garcia (Baird, James) (Entered: 01/25/2010)
01/25/2010	<a href="#">131</a>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to <a href="#">1</a> <i>Complaint</i> by Defendant A. Thomas Garcia. (Baird, James) Modified on 1/26/2010 to create linkage (ebs, ). (Entered: 01/25/2010)

**Date Discrepancy Cases 589**

01/25/2010	<a href="#">132</a>	MEMORANDUM regarding <a href="#">131</a> Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond to <i>Complaint</i> filed by A. Thomas Garcia. Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 1/25/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 01/25/2010)
01/26/2010	<a href="#">133</a>	MINUTE ORDER granting <a href="#">131</a> Defendant A. Thomas Garcia's Unopposed Motion for Extension of Time to Answer or Otherwise Respond to the <a href="#">1</a> Complaint. Defendant Garcia shall file an answer or other response to the Complaint by 2/12/2010. By Magistrate Judge Michael E. Hegarty on 1/26/2010. (mehcd) (Entered: 01/26/2010)
02/10/2010	<a href="#">134</a>	MOTION to Dismiss <i>Complaint and Supporting Memorandum of Law</i> by Defendant A. Thomas Garcia. (Baird, James) (Entered: 02/10/2010)
03/15/2010	<a href="#">135</a>	ORDER TO SHOW CAUSE: Ordered that the Plaintiff show cause in writing by 03/29/10, why Defendant's motion should not be granted and this action should be dismissed as to Defendant Garcia. If no response to this Order is filed by that date, that court may grant the motion without further notice of hearing by Judge Walker D. Miller on 03/15/10. (jjh, ) (Entered: 03/15/2010)
03/17/2010	<a href="#">136</a>	RESPONSE to <a href="#">134</a> MOTION to Dismiss <i>Complaint and Supporting Memorandum of Law</i> filed by Plaintiff Mary Jo Pfeifer. (Rayment, Brian) (Entered: 03/17/2010)
03/17/2010	<a href="#">137</a>	RESPONSE TO ORDER TO SHOW CAUSE re <a href="#">135</a> by Plaintiff Mary Jo Pfeifer. (Rayment, Brian) (Entered: 03/17/2010)
03/30/2010	<a href="#">138</a>	REPLY to Response to <a href="#">134</a> MOTION to Dismiss <i>Complaint and Supporting Memorandum of Law</i> filed by Defendant A. Thomas Garcia. (Baird, James) (Entered: 03/30/2010)
03/31/2010	<a href="#">139</a>	ORDER: Defendants Ela Medical, Inc., Sorin Group USA, Inc., Sorin Group, and Sorin S.p.A.'s Motion to Dismiss Relator's Complaint <a href="#">57</a> , Defendants Advanced Cardiac Specialists Chartered, Dr. Stephen Blumberg, Dr. William Stuck, and Dr. John R. Dylewski's Motion to Dismiss Relator's Complaint <a href="#">62</a> , Defendant Dr. Uri Ben-Zur's Motion to Dismiss <a href="#">68</a> , Dr. Mark Seifert's Motion to Dismiss <a href="#">116</a> , and Dr. Ashkok Garg's Motion to Dismiss <a href="#">125</a> , and Dr. A. Tomas Garcia's Motion to Dismiss <a href="#">134</a> are granted in part and denied in part. Relator Pfeiffers claims, based upon expenses incurred for entertainment and personal and unrelated travel are dismissed with prejudice under the first-to-file bar as to all Defendants. Claims based on training contracts remain pending against Defendants Ela Medical, Inc., Advanced Cardiac Specialists Chartered, Dr. Blumberg, Dr. Garcia, Dr. Seigel, and Dr. Garg. Claims against Defendants Sorin Group USA, Inc., Sorin Group, Sorin S.p.A., Dr. Ben-Zur, Dr. Seifert, Dr. Stuck, and Dr. Dylewski are dismissed without prejudice. Defendants Sorin Group USA, Inc., Sorin Group, Sorin S.p.A., Dr. Ben-Zur, Dr. Seifert, Dr. Stuck, and Dr. Dylewski may have their costs. Defendant Dr. Seiferts Motion to Dismiss as it pertains to insufficient service of process <a href="#">116</a> is denied as moot, by Judge Walker D. Miller on 3/31/10.(ebs, ) (Entered: 03/31/2010)
04/01/2010	<a href="#">140</a>	MINUTE ORDER Status Conference set for 4/8/2010 09:30 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. By Magistrate Judge Michael E. Hegarty on 4/1/2010. (mehcd) (Entered: 04/01/2010)
04/07/2010	<a href="#">141</a>	Joint MOTION to Stay of <i>All Proceedings</i> by Defendants Advanced Cardiac Specialists Chartered, Uri Ben-Zur, Stephen Blumberg, John R. Dylewski, ELA Medical, Inc., A. Thomas Garcia, Ashkok Garg, Mark Seifert, Sorin Group, Sorin Group USA, Inc., Sorin, S.p.A., William Stuck, Plaintiff Mary Jo Pfeifer, Interested Party United States. (Attachments: # <a href="#">1</a> Proposed Order (PDF Only))(Sawtelle, James) (Entered: 04/07/2010)
04/08/2010	<a href="#">142</a>	MEMORANDUM regarding <a href="#">141</a> Joint MOTION to Stay of <i>All Proceedings</i> filed by John

**Date Discrepancy Cases 590**

		R. Dylewski, Sorin Group USA, Inc., A. Thomas Garcia, Sorin, S.p.A., Ashkok Garg, Sorin Group, United States, William Stuck, Mark Seifert, Stephen Blumberg, Uri Ben-Zur, Advanced Cardiac Specialists Chartered, ELA Medical, Inc., Mary Jo Pfeifer. Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 4/8/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 04/08/2010)
04/08/2010	<a href="#">143</a>	Courtroom Minutes/Minute Order for proceedings held before Magistrate Judge Michael E. Hegarty: Status Conference held on 4/8/2010, granting <a href="#">141</a> the Joint Motion for Stay of All Proceedings. Status Conference set for 8/5/2010 09:15 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. Beginning 5/15/2010, counsel shall file confidential letters with the Court regarding settlement negotiations. (Court Reporter FTR - C. Coomes) (mehcd) (Entered: 04/08/2010)
04/12/2010	<a href="#">144</a>	NOTICE of Change of Address <i>for the San Francisco Office of Foley &amp; Lardner LLP</i> by Thomas F. Carlucci (Carlucci, Thomas) (Entered: 04/12/2010)
04/20/2010	<a href="#">145</a>	MINUTE ORDER Status Conference RESET for 8/16/2010 09:15 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty, by Magistrate Judge Michael E. Hegarty on 4/20/2010. (mehcd) (Entered: 04/20/2010)
05/05/2010	<a href="#">146</a>	NOTICE OF CHANGE OF FIRM NAME by Defendant Uri Ben-Zur (Theis, Michael) (Entered: 05/05/2010)
07/16/2010	<a href="#">147</a>	MOTION to Withdraw as Attorney <i>and Notice of Change of Address for James G. Sawtelle</i> by Defendants ELA Medical, Inc., Sorin Group, Sorin Group USA, Inc., Sorin, S.p.A.. (Sawtelle, James) (Entered: 07/16/2010)
07/19/2010	148	MEMORANDUM regarding <a href="#">147</a> MOTION to Withdraw as Attorney <i>and Notice of Change of Address for James G. Sawtelle</i> filed by Sorin Group USA, Inc., Sorin, S.p.A., Sorin Group, ELA Medical, Inc.. Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 7/19/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 07/19/2010)
07/20/2010	<a href="#">149</a>	MINUTE ORDER granting <a href="#">147</a> the Motion for Permission to Withdraw as Counsel. Attorney James Gordon Sawtelle is terminated. By Magistrate Judge Michael E. Hegarty on 7/20/2010. (mehcd) (Entered: 07/20/2010)
07/20/2010	<a href="#">150</a>	MINUTE ORDER Status Conference set for 7/28/2010 09:45 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty, by Magistrate Judge Michael E. Hegarty on 7/20/2010. (mehcd) (Entered: 07/20/2010)
07/21/2010	<a href="#">151</a>	NOTICE of Entry of Appearance by Marcy Elizabeth Cook on behalf of United States (Cook, Marcy) (Entered: 07/21/2010)
07/28/2010	<a href="#">152</a>	Courtroom Minutes/Minute Order for proceedings held before Magistrate Judge Michael E. Hegarty: Telephonic Status Conference held on 7/28/2010. Joint Status Report due by 8/6/2010. (Court Reporter FTR - C. Coomes) (mehcd) (Entered: 07/28/2010)
08/06/2010	<a href="#">153</a>	Joint STATUS REPORT by Plaintiff Mary Jo Pfeifer. (Rayment, Brian) (Entered: 08/06/2010)
08/06/2010	<a href="#">154</a>	Joint MOTION for Protective Order by Defendant ELA Medical, Inc., Plaintiff Mary Jo Pfeifer. (Attachments: # <a href="#">1</a> Exhibit A)(Malik, Nadia) (Entered: 08/06/2010)
08/06/2010	<a href="#">155</a>	Amended STATUS REPORT by Plaintiff Mary Jo Pfeifer. (Rayment, Brian) (Entered: 08/06/2010)
08/09/2010	156	MEMORANDUM regarding <a href="#">154</a> Joint MOTION for Protective Order filed by Mary Jo

**Date Discrepancy Cases 591**

		Pfeifer, ELA Medical, Inc..Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 8/9/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 08/09/2010)
08/09/2010	<a href="#">157</a>	MINUTE ORDER Status Conference set for 8/16/2010 09:30 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty, by Magistrate Judge Michael E. Hegarty on 8/9/2010. (mehcd) (Entered: 08/09/2010)
08/09/2010	<a href="#">158</a>	MINUTE ORDER denying without prejudice <a href="#">154</a> the Joint Motion for Entry of Protective Order, by Magistrate Judge Michael E. Hegarty on 8/9/2010. (mehcd) (Entered: 08/09/2010)
08/09/2010	<a href="#">159</a>	Renewed MOTION for Protective Order by Defendant ELA Medical, Inc., Plaintiff Mary Jo Pfeifer. (Attachments: # <a href="#">1</a> Exhibit)(Malik, Nadia) (Entered: 08/09/2010)
08/09/2010	160	MEMORANDUM regarding <a href="#">159</a> Renewed MOTION for Protective Order filed by Mary Jo Pfeifer, ELA Medical, Inc..Motions referred to Magistrate Judge Michael E. Hegarty by Judge Walker D. Miller on 8/9/10. TEXT ONLY ENTRY - NO DOCUMENT ATTACHED(wdmsec, ) (Entered: 08/09/2010)
08/10/2010	<a href="#">161</a>	MINUTE ORDER granting in part and denying in part <a href="#">159</a> the Renewed Joint Motion for Entry of Protective Order, by Magistrate Judge Michael E. Hegarty on 8/10/2010. (mehcd) (Entered: 08/10/2010)
08/10/2010	<a href="#">162</a>	PROTECTIVE ORDER by Magistrate Judge Michael E. Hegarty on 8/10/2010. (mehcd) (Entered: 08/10/2010)
08/16/2010	<a href="#">163</a>	Courtroom Minutes/Minute Order for proceedings held before Magistrate Judge Michael E. Hegarty: Telephonic Status Conference held on 8/16/2010. Telephonic Status Conference set for 8/19/2010 11:00 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. (Court Reporter FTR - C. Coomes) (mehcd) (Entered: 08/16/2010)
08/19/2010	<a href="#">164</a>	MINUTE ORDER Status Conference set for 8/19/2010 is RESET for 8/24/2010 at 9:45 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. By Magistrate Judge Michael E. Hegarty on 8/19/2010. (mehcd) (Entered: 08/19/2010)
08/24/2010	<a href="#">165</a>	Courtroom Minutes/Minute Order for proceedings held before Magistrate Judge Michael E. Hegarty: Status Conference held on 8/24/2010. Settlement Conference set for 10/26/2010 10:00 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. (Court Reporter FTR - C. Coomes) (mehcd) (Entered: 08/24/2010)
09/17/2010	<a href="#">166</a>	MOTION for Order to <i>Administratively Close Case Pending Settlement Negotiations</i> by Defendants Advanced Cardiac Specialists Chartered, Stephen Blumberg, ELA Medical, Inc., A. Thomas Garcia, Ashkok Garg, Sorin Group, Sorin Group USA, Inc., Plaintiff Mary Jo Pfeifer. (Rayment, Brian) (Entered: 09/17/2010)
09/17/2010	<a href="#">167</a>	TRANSCRIPT of Status Conference held on 08/24/2010 before Magistrate Judge Hegarty. Pages: 1-36.  <b>NOTICE - REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal identifiers from the electronic transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at <a href="http://www.cod.uscourts.gov">www.cod.uscourts.gov</a>.</b>  Transcript may only be viewed at the court public terminal or purchased through the Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER.

**Date Discrepancy Cases 592**

		Release of Transcript Restriction set for 12/20/2010. (Avery Woods Reporting, ) (Entered: 09/17/2010)
09/20/2010	<a href="#">168</a>	ORDER FOR ADMINISTRATIVE CLOSURE pursuant to the <a href="#">166</a> Joint Application to Administratively Close the Case Pending Settlement Negotiations. This case is administratively closed in accordance with D.C.COLO.LCivR 41.2, subject to reopening for good cause, by Judge Walker D. Miller on 9/20/10.(ebs, ) (Entered: 09/20/2010)
11/14/2010	<a href="#">169</a>	Unopposed MOTION to Reopen Case by Interested Party United States. (Cook, Marcy) (Entered: 11/14/2010)
11/14/2010	<a href="#">170</a>	Unopposed MOTION to Intervene by Interested Party United States. (Cook, Marcy) (Entered: 11/14/2010)
11/14/2010	<a href="#">171</a>	STIPULATION of Dismissal of Case [ <i>JOINT</i> ] by Interested Party United States. (Attachments: # <a href="#">1</a> Proposed Order (PDF Only))(Cook, Marcy) (Entered: 11/14/2010)
11/15/2010	<a href="#">172</a>	ORDER re: <a href="#">169</a> Unopposed MOTION to Reopen Case for Good Cause. Civil Action No. 07-cv-1460-WDM-MEH is reopened, by Judge Walker D. Miller on 11/15/10. (ebs, ) (Entered: 11/16/2010)
11/15/2010	<a href="#">173</a>	ORDER re: <a href="#">170</a> United States' Unopposed Motion to Intervene for Good Cause. The United States is granted leave to intervene in Civil Action No. 07-cv-1460-WDM-MEH, by Judge Walker D. Miller on 11/15/10.(ebs, ) (Entered: 11/16/2010)
11/15/2010	<a href="#">174</a>	ORDER re: <a href="#">171</a> Joint Stipulation for Voluntary Dismissal. This case is dismissed as follows: Relator Pfeifers claims against ELA Medical, Inc. and Physicians are dismissed with prejudice. The United States claims against ELA Medical, Inc. are dismissed with prejudice for the Covered Conduct as defined in the Settlement Agreement only. All of the United States remaining claims against ELA Medical, Inc. are dismissed without prejudice. The United States claims against Physicians are dismissed without prejudice. All contents of the Courts file in this action currently under seal shall remain under seal and shall not be made public without further order of the United States District Court. The parties shall pay expenses, attorney fees, and costs as set forth in the Settlement Agreement, by Judge Walker D. Miller on 11/15/10. (ebs, ) (Entered: 11/16/2010)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
02/06/2019 12:48:44			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:07-cv-01460-WDM-MEH
<b>Billable Pages:</b>	16	<b>Cost:</b>	1.60

**U.S. District Court  
District of New Jersey [LIVE] (Newark)  
CIVIL DOCKET FOR CASE #: 2:06-cv-03562-GEB-ES**

UNITED STATES OF AMERICA et al v. CHUBB INSTITUTE,  
THE et al  
Assigned to: Judge Garrett E. Brown, Jr  
Referred to: Magistrate Judge E Salas  
Case in other court: Third Circuit Court of Appeals, 10-03907  
Cause: 31:3729 False Claims Act

Date Filed: 08/02/2006  
Date Terminated: 08/30/2010  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**UNITED STATES OF AMERICA**  
*ex rel.*

represented by **JOHN GUSTAVE SILBERMANN , JR.**  
OFFICE OF THE US ATTORNEY  
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*ATTORNEY TO BE NOTICED*

**GARY S. GRAIFMAN**  
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GRAIFMAN, ESQS.  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**MARY BETH PILECKI-SIMKO**

represented by **MICHAEL SCOTT GREEN**  
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(732) 390-0480  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**GARY S. GRAIFMAN**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**TOM GUINTA**

represented by **MICHAEL SCOTT GREEN**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**GARY S. GRAIFMAN**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**CHUBB INSTITUTE, THE**

represented by **ERIC A. SAVAGE**  
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ONE NEWAERK CENTER  
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Fax: 973-643-5626  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**CHUBB CORPORATION, THE**

represented by **MICHAEL R. MCDONALD**  
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*ATTORNEY TO BE NOTICED*

**CHRISTINE A. AMALFE**  
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*ATTORNEY TO BE NOTICED*

**MEGAN FRESE PORIO**  
GIBBONS P.C.  
ONE GATEWAY CENTER  
NEWARK, NJ 07102-5310  
973-596-4500  
Fax: 973-639-8332  
*ATTORNEY TO BE NOTICED*

**Defendant**

**CHUBB AMERICA SERVICE  
CORPORATION**

**Defendant**

**HIGH-TECH INSTITUTE, INC.**

represented by **ERIC A. SAVAGE**  
(See above for address)

LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/02/2006	<a href="#">1</a>	COMPLAINT against HIGH-TECH INSTITUTE, INC., CHUBB INSTITUTE, THE, CHUBB CORPORATION, THE, CHUBB AMERICA SERVICE CORPORATION ( Filing fee \$ 350 receipt number 340182.) JURY DEMAND, filed by UNITED STATES OF AMERICA, MARY BETH PILECKI-SIMKO, TOM GUINTA. (Attachments: # <a href="#">1</a> CIV COV SHT)(dr, ) (Entered: 08/04/2006)
08/19/2008	<a href="#">5</a>	NOTICE OF ELECTION TO DECLINE INTERVENTION by UNITED STATES OF AMERICA (Attachments: # <a href="#">1</a> Text of Proposed Order, # <a href="#">2</a> Cover Letter)(dc, ) (Entered: 08/21/2008)
08/21/2008	<a href="#">6</a>	UNSEALING ORDER. Signed by Judge Harold A. Ackerman on 8/19/08. (dc, ) (Entered: 08/21/2008)
08/21/2008		CASE REOPENED (dc, ) (Entered: 08/21/2008)
09/23/2008	<a href="#">7</a>	Summons Issued as to HIGH-TECH INSTITUTE, INC., CHUBB INSTITUTE, THE, CHUBB CORPORATION, THE, CHUBB AMERICA SERVICE CORPORATION. Days Due - 20. Mailed to Michael S. Green, Esq./SASE (dc, ) (dc, ). (Entered: 09/23/2008)
11/19/2008	<a href="#">8</a>	STIPULATION re <a href="#">1</a> Complaint, <i>AND CONSENT ORDER EXTENDING TIME TO ANSWER OR OTHERWISE MOVE FOR DEFENDANTS THE CHUBB INSTITUTE AND HIGH-TECH INSTITUTE, INC.</i> by HIGH-TECH INSTITUTE, INC., CHUBB INSTITUTE, THE. (SAVAGE, ERIC) (Entered: 11/19/2008)
11/20/2008	<a href="#">9</a>	STIPULATION AND CONSENT ORDER extending time to answer or otherwise move for Defts. The Chubb Institute and High-Tech Institute, Inc. to 12/18/08. Signed by Magistrate Judge Mark Falk on 11/20/08. (dc, ) (Entered: 11/20/2008)
11/20/2008		Update Answer Due Deadline as to Defts. The Chubb Institute and High-Tech Institute, Inc. to 12/18/08. (dc, ) (Entered: 11/20/2008)
11/21/2008	<a href="#">10</a>	MOTION for Leave to Appear Pro Hac Vice <i>re: Thomas Hylden</i> by HIGH-TECH INSTITUTE, INC., CHUBB INSTITUTE, THE. (Attachments: # <a href="#">1</a> Declaration of Eric A. Savage In Support of Motion to Admit Counsel Pro Hac Vice, # <a href="#">2</a> Text of Proposed Order) (SAVAGE, ERIC) (Entered: 11/21/2008)
11/21/2008		CLERKS QUALITY CONTROL MESSAGE - The #10 Motion filed by E. Savage on 11/21/08 was submitted incorrectly as a Motion. Please resubmit the document using Declaration (Category: Other Documents). If a motion was inadvertently excluded from this submission, then instead submit a motion along with supporting documents within the same electronic transaction. This submission will remain on the docket unless otherwise ordered by the court. (dc, ) (Entered: 11/24/2008)
11/25/2008	<a href="#">11</a>	MOTION for Leave to Appear Pro Hac Vice <i>re: Thomas Hylden</i> by HIGH-TECH INSTITUTE, INC., CHUBB INSTITUTE, THE. (Attachments: # <a href="#">1</a> Certificate of Service, # <a href="#">2</a> Text of Proposed Order, # <a href="#">3</a> Declaration of Eric A. Savage, # <a href="#">4</a> Declaration of Thomas Hylden)(SAVAGE, ERIC) (Entered: 11/25/2008)
11/25/2008		Set Deadlines as to Motion set for 1/5/2009 before Judge Harold A. Ackerman. The motion will be decided on the papers. No appearances required unless notified by the court. (dc, ) (Entered: 12/08/2008)
01/14/2009	<a href="#">12</a>	STIPULATION AND CONSENT ORDER EXTENDING DEFENDANTS' TIME TO



		ANSWER OR OTHERWISE MOVE. Signed by Magistrate Judge Esther Salas on 1/14/09. (dc, ) (Entered: 01/14/2009)
01/14/2009		Update Answer Due Deadline as to Defts. The Chubb Institute, and High-Tech Institute, Inc. to 4/20/09. (dc, ) (Entered: 01/14/2009)
03/05/2009	<a href="#">13</a>	STIPULATION AND CONSENT ORDER EXTENDING DEFENDANTS' TIME TO ANSWER OR OTHERWISE MOVE until 5/22/09. Signed by Magistrate Judge Esther Salas on 3/5/09. (dc, ) (Entered: 03/09/2009)
03/05/2009		Update Answer Due Deadline as to Defts. The Chubb Institute and High Tech-Tech to 5/22/09. (dc, ) (Entered: 03/09/2009)
05/26/2009	<a href="#">14</a>	STIPULATION AND CONSENT ORDER extending Defts' time to answer or otherwise move until 7/2/09. Signed by Magistrate Judge Esther Salas on 5/22/09. (dc, ) (Entered: 05/26/2009)
05/26/2009		Update Answer Due Deadline as to Defts. The Chubb Institute, The Chubb Corporation, and High-Tech Institute, Inc. until 7/2/09. (dc, ) (Entered: 05/26/2009)
05/27/2009		CLERK'S QUALITY CONTROL MESSAGE: MICHAEL SCOTT GREEN, does not have a correct e-mail address listed with the court and is not receiving his/her notices of electronic filing in this case. Pursuant to local rule 10.1 and court procedures, counsel and unrepresented parties are required to notify the court of any mailing or e-mail address changes. The court has deleted the invalid e-mail address. Attorneys should review the ECF link on our web site for information on maintaining your account and unrepresented parties, or those attorneys without access to maintaining their account, should notice the Clerk. (sa, ) (Entered: 05/27/2009)
07/02/2009	<a href="#">15</a>	MOTION to Dismiss <i>the First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> by CHUBB CORPORATION, THE. (Attachments: # <a href="#">1</a> Notice of Motion to Disimss the First Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6), # <a href="#">2</a> Corporate Disclosure Statement, # <a href="#">3</a> Statement Pursuant to Local Civil Rule 10.1(a), # <a href="#">4</a> Certification Pursuant to Local Civil Rule 11.2, # <a href="#">5</a> Certification of Michael R. McDonald, # <a href="#">6</a> Text of Proposed Order, # <a href="#">7</a> Certificate of Service)(MCDONALD, MICHAEL) (Entered: 07/02/2009)
07/02/2009	<a href="#">16</a>	MOTION to Dismiss by HIGH-TECH INSTITUTE, INC., CHUBB INSTITUTE, THE. Responses due by 7/20/2009 (Attachments: # <a href="#">1</a> Brief Memorandum of Law In Support of Motion to Dismiss, # <a href="#">2</a> Exhibit 1 to Memorandum or Law re: Motion to Dismiss, # <a href="#">3</a> Exhibit 2 to Memorandum or Law re: Motion to Dismiss, # <a href="#">4</a> Exhibit 3 to Memorandum or Law re: Motion to Dismiss, # <a href="#">5</a> Exhibit 4 to Memorandum or Law re: Motion to Dismiss, # <a href="#">6</a> Exhibit 5 to Memorandum or Law re: Motion to Dismiss, # <a href="#">7</a> Exhibit 6 to Memorandum or Law re: Motion to Dismiss, # <a href="#">8</a> Exhibit 7 to Memorandum or Law re: Motion to Dismiss, # <a href="#">9</a> Text of Proposed Order, # <a href="#">10</a> Certificate of Service)(SAVAGE, ERIC) (Entered: 07/02/2009)
07/02/2009		Set Deadlines as to <a href="#">15</a> MOTION to Dismiss <i>the First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> MOTION to Dismiss <i>the First Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> , <a href="#">16</a> MOTION to Dismiss. Motion set for 8/3/2009 before Judge Harold A. Ackerman. The motion will be decided on the papers. No appearances required unless notified by the court. (dc, ) (Entered: 07/07/2009)
07/06/2009	<a href="#">17</a>	NOTICE of Appearance by GARY S. GRAIFMAN on behalf of all plaintiffs (Attachments: # <a href="#">1</a> Certificate of Service)(GRAIFMAN, GARY) (Entered: 07/06/2009)
07/13/2009	<a href="#">18</a>	ORDER granting <a href="#">11</a> Motion for Leave to Appear Pro Hac Vice. Signed by Magistrate Judge Esther Salas on 7/13/09. (dc, ) (Entered: 07/13/2009)
07/16/2009	<a href="#">19</a>	NOTICE of Appearance by MEGAN FRESE PORIO on behalf of CHUBB

		CORPORATION, THE (PORIO, MEGAN) (Entered: 07/16/2009)
07/16/2009	<a href="#">20</a>	NOTICE of Appearance by CHRISTINE A. AMALFE on behalf of CHUBB CORPORATION, THE (AMALFE, CHRISTINE) (Entered: 07/16/2009)
07/17/2009		Pro Hac Vice fee: \$ 150, receipt number 357579 for Thomas Hylden. (dc, ) (Entered: 07/17/2009)
07/20/2009	<a href="#">21</a>	Letter from Michael S. Green. (Attachments: # <a href="#">1</a> Text of Proposed Order Stipulation and Consent Order Extending Plaintiff Relators Time to Oppose Defendants' Motion to Dismiss)(GREEN, MICHAEL) (Entered: 07/20/2009)
07/23/2009	<a href="#">22</a>	Letter from Michael S. Green to Honorable Esther Salas, USMJ, of July23, 2009, with attached revised Stipulation and Consent Order. (GREEN, MICHAEL) (Entered: 07/23/2009)
07/27/2009	<a href="#">23</a>	STIPULATION AND CONSENT ORDER extending the time within which Relators may respond to the pending motion to dismiss to 8/20/09, etc., Signed by Magistrate Judge Esther Salas on 7/27/09. (dc, ) (Entered: 07/27/2009)
08/10/2009	<a href="#">24</a>	ORDER REASSIGNING CASE. Case reassigned to Chief Judge Garrett E. Brown, Jr. for all further proceedings. Judge Harold A. Ackerman no longer assigned to case. Signed by Chief Judge Garrett E. Brown, Jr. on 8/10/2009. (mn, ) (Entered: 08/10/2009)
08/20/2009	<a href="#">25</a>	STATEMENT of Interest as to Defendants' Motions to Dismiss by UNITED STATES OF AMERICA. (Attachments: # <a href="#">1</a> Certificate of Service)(DAUENHEIMER, DAVID) (Entered: 08/20/2009)
08/20/2009	<a href="#">26</a>	MOTION to Amend/Correct <i>Complaint</i> by MARY BETH PILECKI-SIMKO, TOM GUINTA. (Attachments: # <a href="#">1</a> Plaintiffs' Brief in Support of Motion for Leave to Amend Complaint, # <a href="#">2</a> [Proposed] Order, # <a href="#">3</a> Declaration of Gary S. Graifman in Support of Motion, # <a href="#">4</a> Exhibit 1 to Declaration of Gary S. Graifman - Proposed Second Amended Complaint, # <a href="#">5</a> Exhibit A To Proposed SAC (Part One), # <a href="#">6</a> Exhibit A To Proposed SAC (Part Two), # <a href="#">7</a> Exhibit A To SAC (Part Three))(GRAIFMAN, GARY) (Entered: 08/20/2009)
08/20/2009	<a href="#">27</a>	Exhibit to <a href="#">26</a> Motion to Amend/Correct, by MARY BETH PILECKI-SIMKO, TOM GUINTA. (Attachments: # <a href="#">1</a> Exhibit C To Proposed SAC, # <a href="#">2</a> Exhibit D To SAC (Part One), # <a href="#">3</a> Exhibit D To Proposed SAC (Part Two), # <a href="#">4</a> Exhibit E to Proposed SAC, # <a href="#">5</a> Exhibit F to Proposed SAC (Part One), # <a href="#">6</a> Exhibit F to Proposed SAC (Part Two), # <a href="#">7</a> Exhibit F to Proposed SAC (Part Three), # <a href="#">8</a> Exhibit F to Proposed SAC (Part Four), # <a href="#">9</a> Exhibit F to Proposed SAC (Part Five))(GRAIFMAN, GARY) (Entered: 08/20/2009)
08/20/2009	<a href="#">28</a>	Exhibit to <a href="#">26</a> Motion to Amend/Correct, by MARY BETH PILECKI-SIMKO, TOM GUINTA. (Attachments: # <a href="#">1</a> Exhibit F to Proposed SAC (Part Six), # <a href="#">2</a> Exhibit F to Proposed SAC (Part Seven), # <a href="#">3</a> Exhibit F to Proposed SAC (Part Eight), # <a href="#">4</a> Exhibit F to Proposed SAC (Part Nine), # <a href="#">5</a> Exhibit F to Proposed SAC (Part Ten), # <a href="#">6</a> Exhibit F to Proposed SAC (Part Eleven), # <a href="#">7</a> Exhibit F to Proposed SAC (Part Twelve), # <a href="#">8</a> Exhibit F to Proposed SAC (Part Thirteen), # <a href="#">9</a> Exhibit F to Proposed SAC (Part Fourteen), # <a href="#">10</a> Exhibit F to Proposed SAC (Part Fifteen))(GRAIFMAN, GARY) (Entered: 08/20/2009)
08/21/2009	<a href="#">29</a>	ORDER, ( Initial Conference has been set for 11/4/2009 at 12:00 PM in Newark - Courtroom 2D before Magistrate Judge Esther Salas.) A JOINT DISCOVERY PLAN MUST BE SUBMITTED 7 DAYS PRIOR TO THE CONFERENCE. CM/ECF IS MANDATORY FOR ALL FILINGS. Should you have any questions please call (973) 297-4887. Signed by Magistrate Judge Esther Salas on 8/21/09. (jq, ) (Entered: 08/21/2009)
08/24/2009	<a href="#">30</a>	ORDER denying <a href="#">15</a> Motion to Dismiss; denying <a href="#">16</a> Motion to Dismiss; moving defts shall

		have leave to refile these motions after the resolution of pltf's mot. to amend complt.. Signed by Chief Judge Garrett E. Brown, Jr. on 8/24/2009. (mn, ) (Entered: 08/24/2009)
08/27/2009	<a href="#">31</a>	BRIEF in Support re <a href="#">26</a> MOTION to Amend/Correct <i>Complaint (with missing page 2 included)</i> filed by MARY BETH PILECKI-SIMKO, TOM GUINTA. (Attachments: # <a href="#">1</a> Certificate of Service)(GRAIFMAN, GARY) (Entered: 08/27/2009)
09/21/2009	<a href="#">32</a>	AMENDED COMPLAINT <i>Second Amended Complaint and Demand for Jury Trial</i> against all defendants all defendants., filed by MARY BETH PILECKI-SIMKO. (Attachments: # <a href="#">1</a> Statement Letter to Court Clerk, # <a href="#">2</a> Exhibit Exhibit A - Part Two, # <a href="#">3</a> Exhibit Exhibit - Part Three, # <a href="#">4</a> Exhibit Exhibit B, # <a href="#">5</a> Exhibit Exhibit C)(GREEN, MICHAEL) (Entered: 09/21/2009)
09/21/2009	<a href="#">33</a>	AMENDED COMPLAINT <i>Exhibit F Part One to the Second Amended Complaint</i> against all defendants all defendants., filed by MARY BETH PILECKI-SIMKO. (Attachments: # <a href="#">1</a> Exhibit Exhibit F - Part Two, # <a href="#">2</a> Exhibit Exhibit 3, # <a href="#">3</a> Exhibit Exhibit F Part 5, # <a href="#">4</a> Exhibit Exhibit F - Part 6, # <a href="#">5</a> Exhibit Exhibit F - Part 7, # <a href="#">6</a> Exhibit Exhibit F - Part 8, # <a href="#">7</a> Exhibit Exhibit F - Part 9, # <a href="#">8</a> Exhibit Exhibit F - Part 10, # <a href="#">9</a> Exhibit Exhibit F - Part 11, # <a href="#">10</a> Exhibit Exhibit F - Part 15, # <a href="#">11</a> Exhibit Exhibit F - Part 18, # <a href="#">12</a> Exhibit Exhibit F - Part 19, # <a href="#">13</a> Exhibit Exhibit F - Part 20)(GREEN, MICHAEL) (Entered: 09/21/2009)
09/21/2009	<a href="#">34</a>	AMENDED COMPLAINT <i>Exhibit A - Part I to Second Amended Complaint</i> against all defendants all defendants., filed by MARY BETH PILECKI-SIMKO. (Attachments: # <a href="#">1</a> Exhibit Exhibit D - Part 1, # <a href="#">2</a> Exhibit Exhibit D - Part 2, # <a href="#">3</a> Exhibit Exhibit E, # <a href="#">4</a> Exhibit Exhibit F - Part 4, # <a href="#">5</a> Exhibit Exhibit F - Part 12, # <a href="#">6</a> Exhibit Exhibit F - Part 13, # <a href="#">7</a> Exhibit Exhibit F - Part 14, # <a href="#">8</a> Exhibit Exhibit F - Part 16, # <a href="#">9</a> Exhibit Exhibit F - Part 17) (GREEN, MICHAEL) (Entered: 09/21/2009)
09/21/2009		CLERKS QUALITY CONTROL MESSAGE - The #33 Amended Complaint and #34 Amended Complaint filed by M. Green on 9/21/09 were submitted incorrectly. Please resubmit the documents using Exhibit, (See Category - Other Documents). This submission will remain on the docket unless otherwise ordered by the court. (dc, ) (Entered: 09/23/2009)
09/23/2009	<a href="#">35</a>	STIPULATION AND CONSENT ORDER re filing by Pltf. Relators, by 9/21/09, of the proposed Second Amended Complaint; that Pltf. Relators #26 Motion to Amend/Correct Complaint is withdrawn as moot upon the entry of this Stipulation and Consent Order, etc., Signed by Magistrate Judge Esther Salas on 9/22/09. (dc, ) (Entered: 09/23/2009)
09/24/2009	<a href="#">36</a>	Exhibit to <a href="#">32</a> Amended Complaint, by MARY BETH PILECKI-SIMKO. (Attachments: # <a href="#">1</a> Exhibit Exhibit F - Part 2, # <a href="#">2</a> Exhibit Exhibit F - Part 3, # <a href="#">3</a> Exhibit Exhibit F - Part 5, # <a href="#">4</a> Exhibit Exhibit F - Part 6, # <a href="#">5</a> Exhibit Exhibit F - Part 7, # <a href="#">6</a> Exhibit Exhibit F - Part 8, # <a href="#">7</a> Exhibit Exhibit F - Part 9, # <a href="#">8</a> Exhibit Exhibit F - Part 10, # <a href="#">9</a> Exhibit Exhibit F - Part 11, # <a href="#">10</a> Exhibit Exhibit F - Part 15, # <a href="#">11</a> Exhibit Exhibit F - Part 18, # <a href="#">12</a> Exhibit Exhibit F - Part 19, # <a href="#">13</a> Exhibit Exhibit F - Part 20)(GREEN, MICHAEL) (Entered: 09/24/2009)
09/24/2009	<a href="#">37</a>	Exhibit to <a href="#">32</a> Amended Complaint, by MARY BETH PILECKI-SIMKO. (Attachments: # <a href="#">1</a> Exhibit Exhibit D - Part I, # <a href="#">2</a> Exhibit Exhibit D - Part 2, # <a href="#">3</a> Exhibit Exhibit E, # <a href="#">4</a> Exhibit Exhibit F - Part 4, # <a href="#">5</a> Exhibit Exhibit F - Part 12, # <a href="#">6</a> Exhibit Exhibit F - Part 13, # <a href="#">7</a> Exhibit Exhibit F - Part 14, # <a href="#">8</a> Exhibit Exhibit F - Part 16, # <a href="#">9</a> Exhibit Exhibit F - Part 17)(GREEN, MICHAEL) (Entered: 09/24/2009)
10/16/2009	<a href="#">38</a>	MOTION to Dismiss <i>Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> by CHUBB CORPORATION, THE. (Attachments: # <a href="#">1</a> Brief In Support of Motion to Dismiss, # <a href="#">2</a> Declaration of Michael R. McDonald with Exhibit A, # <a href="#">3</a> Exhibit B and C to Declaration of Michael R. McDonald, # <a href="#">4</a> Text of Proposed Order, # <a href="#">5</a> Certificate of Service)(MCDONALD, MICHAEL) (Entered: 10/16/2009)

10/16/2009	<a href="#">39</a>	MOTION to Dismiss by HIGH-TECH INSTITUTE, INC., CHUBB INSTITUTE, THE. (Attachments: # <a href="#">1</a> Brief Memorandum of Law In Support of Motion to Dismiss, # <a href="#">2</a> Exhibit 1 to Brief/Memo of Law, # <a href="#">3</a> Exhibit 2 to Brief/Memo of Law, # <a href="#">4</a> Exhibit 3 to Brief/Memo of Law, # <a href="#">5</a> Exhibit 4 to Brief/Memo of Law, # <a href="#">6</a> Exhibit 5 to Brief/Memo of Law, # <a href="#">7</a> Exhibit 6 to Brief/Memo of Law, # <a href="#">8</a> Exhibit 7 to Brief/Memo of Law, # <a href="#">9</a> Text of Proposed Order, # <a href="#">10</a> Certificate of Service)(SAVAGE, ERIC) (Entered: 10/16/2009)
10/16/2009		Set Deadlines as to <a href="#">38</a> MOTION to Dismiss <i>Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> MOTION to Dismiss <i>Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> . Motion set for 12/21/2009 before Chief Judge Garrett E. Brown, Jr.. The motion will be decided on the papers. No appearances required unless notified by the court. (dc, ) (Entered: 10/20/2009)
10/16/2009		Set Deadlines as to <a href="#">39</a> MOTION to Dismiss. Motion set for 11/16/2009 before Chief Judge Garrett E. Brown, Jr.. The motion will be decided on the papers. No appearances required unless notified by the court. (dc, ) (Entered: 10/20/2009)
10/22/2009		Set/Reset Deadlines: Motion to Dismiss returnable date extended to 12/21/2009. (mf, ) (Entered: 10/22/2009)
10/27/2009	<a href="#">40</a>	LETTER ORDER granting Deft's request for an adjournment of the Rule 16 conference currently scheduled for 11/4/09, etc., Signed by Magistrate Judge Esther Salas on 10/26/09. (dc, ) (Entered: 10/27/2009)
10/29/2009	<a href="#">41</a>	MOTION to Seal by MARY BETH PILECKI-SIMKO. (Attachments: # <a href="#">1</a> Certificate of Service, # <a href="#">2</a> Statement in Lieu of Brief, # <a href="#">3</a> Text of Proposed Order, # <a href="#">4</a> Declaration of Michael S. Green In Support of Motion to Seal)(GREEN, MICHAEL) (Entered: 10/29/2009)
10/29/2009	<a href="#">42</a>	DECLARATION re <a href="#">41</a> MOTION to Seal by MARY BETH PILECKI-SIMKO. (Attachments: # <a href="#">1</a> Exhibit A, Part One, # <a href="#">2</a> Exhibit D, Part One, # <a href="#">3</a> Exhibit D, Part Two, # <a href="#">4</a> Exhibit E, # <a href="#">5</a> Exhibit F, Part 4, # <a href="#">6</a> Exhibit F, Part 12, # <a href="#">7</a> Exhibit F, Part 13, # <a href="#">8</a> Exhibit F, Part 14, # <a href="#">9</a> Exhibit F, Part 16, # <a href="#">10</a> Exhibit F, Part 17)(GREEN, MICHAEL) (Entered: 10/29/2009)
10/29/2009	<a href="#">43</a>	Letter from David E. Dauenheimer, Counsel for the United States. (DAUENHEIMER, DAVID) (Entered: 10/29/2009)
11/25/2009	<a href="#">44</a>	Letter from Gary S. Graifman to Judge Garrett E. Brown. (Attachments: # <a href="#">1</a> [Proposed] Order Granting Brief Page Extension, # <a href="#">2</a> Certificate of Service)(GRAIFMAN, GARY) (Entered: 11/25/2009)
11/25/2009	<a href="#">45</a>	MEMORANDUM in Opposition re <a href="#">39</a> MOTION to Dismiss, <a href="#">38</a> MOTION to Dismiss <i>Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> MOTION to Dismiss <i>Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> filed by MARY BETH PILECKI-SIMKO. (Attachments: # <a href="#">1</a> Certificate of Service, # <a href="#">2</a> Declaration of Michael S. Green in Support of Plaintiffs' Opposition to Defendants' Motions to Dismiss, # <a href="#">3</a> Exhibit A, # <a href="#">4</a> Exhibit B, # <a href="#">5</a> Exhibit C, # <a href="#">6</a> Exhibit D, # <a href="#">7</a> Exhibit E, # <a href="#">8</a> Exhibit F, # <a href="#">9</a> Exhibit G, # <a href="#">10</a> Exhibit H)(GREEN, MICHAEL) (Entered: 11/25/2009)
12/01/2009	<a href="#">46</a>	ORDER Granting Brief Page Extension (Re: #44). Signed by Chief Judge Garrett E. Brown, Jr. on 12/1/09. (dm ) (Entered: 12/01/2009)
12/14/2009	<a href="#">47</a>	REPLY BRIEF to Opposition to Motion re <a href="#">38</a> MOTION to Dismiss <i>Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> MOTION to Dismiss <i>Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> filed by CHUBB CORPORATION, THE. (Attachments: # <a href="#">1</a> Certificate of Service)(MCDONALD, MICHAEL) (Entered: 12/14/2009)

12/14/2009	<a href="#">48</a>	REPLY BRIEF to Opposition to Motion re <a href="#">39</a> MOTION to Dismiss, <a href="#">38</a> MOTION to Dismiss <i>Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> MOTION to Dismiss <i>Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> REPLY MEMORANDUM OF THE CHUBB INSTITUTE AND HIGH-TECH INSTITUTE TO PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS filed by CHUBB INSTITUTE, THE, HIGH-TECH INSTITUTE, INC.. (Attachments: # <a href="#">1</a> Certification Certificate of Service)(SAVAGE, ERIC) (Entered: 12/14/2009)
01/15/2010	<a href="#">49</a>	NOTICE by CHUBB CORPORATION, THE re <a href="#">38</a> MOTION to Dismiss <i>Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> MOTION to Dismiss <i>Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)</i> of Supplemental Authority on Pending Motion to Dismiss ( <i>United States ex rel. Godfrey v. KBR, Inc.</i> ) (Attachments: # <a href="#">1</a> Certificate of Service)(MCDONALD, MICHAEL) (Entered: 01/15/2010)
01/20/2010	<a href="#">50</a>	LETTER ORDER terminating <a href="#">41</a> Motion to Seal; that the parties shall have until 2/26/10 to re-file their Motion to Seal. Signed by Magistrate Judge Esther Salas on 1/20/10. (dc, ) (Entered: 01/21/2010)
02/16/2010	<a href="#">51</a>	Letter from Gary S. Graifman to Hon. Garrett E. Brown, Jr., U.S.D.J. regarding Notice of Defendants' Supplemental Authority. (GRAIFMAN, GARY) (Entered: 02/16/2010)
03/22/2010	<a href="#">52</a>	MEMORANDUM OPINION. Signed by Chief Judge Garrett E. Brown, Jr. on 3/22/10. (dc, ) (Entered: 03/23/2010)
03/22/2010	<a href="#">53</a>	ORDER granting <a href="#">38</a> Motion to Dismiss ; granting <a href="#">39</a> Motion to Dismiss; that Relators shall have 30 days from the receipt of this Order to show cause as to why they should be granted leave to amend the Second Amended Complaint, etc.,. Signed by Chief Judge Garrett E. Brown, Jr. on 3/22/10. (dc, ) (Entered: 03/23/2010)
04/21/2010	<a href="#">54</a>	RESPONSE TO ORDER TO SHOW CAUSE by TOM GUINTA. (Attachments: # <a href="#">1</a> Certificate of Service in Response to Order to Show Cause, # <a href="#">2</a> Declaration in Response to Order to Show Cause, # <a href="#">3</a> Exhibit A - Declaration of Relator Tom Giunta, # <a href="#">4</a> Exhibit B - Declaration of Relator Mary Beth Pilecki-Simko, # <a href="#">5</a> Exhibit C - PPA of October 31, 2004, # <a href="#">6</a> Exhibit D - PPA of September 30, 2007)(GREEN, MICHAEL) (Entered: 04/21/2010)
04/22/2010	<a href="#">55</a>	LETTER ORDER directing that Defts. shall file any reply to Relators' response (Doc. No. 54) no later than 4/30/10. Signed by Chief Judge Garrett E. Brown, Jr. on 4/22/10. (dc, ) (Entered: 04/22/2010)
04/30/2010	<a href="#">56</a>	RESPONSE re <a href="#">54</a> Response to Order to Show Cause,. (Attachments: # <a href="#">1</a> Certificate of Service)(MCDONALD, MICHAEL) (Entered: 04/30/2010)
04/30/2010	<a href="#">57</a>	BRIEF RESPONSE OF THE CHUBB INSTITUTE AND HIGH-TECH INSTITUTE, INC. TO PLAINTIFFS' MEMORANDUM OF LAW IN REPOSENSE TO ORDER TO SHOW CAUSE REGARDING FURTHER AMENDED COMPLAINT filed by CHUBB INSTITUTE, THE, HIGH-TECH INSTITUTE, INC.. (Attachments: # <a href="#">1</a> Certificate of Service)(SAVAGE, ERIC) (Entered: 04/30/2010)
05/17/2010	<a href="#">58</a>	MEMORANDUM OPINION. Signed by Chief Judge Garrett E. Brown, Jr. on 5/17/10. (dc, ) (Entered: 05/17/2010)
05/17/2010	<a href="#">59</a>	ORDER Ordered that the Relators' Second Amended Complaint is dismissed w/prejudice, subject to the consent of the Attorney General, and that the Government shall respond to the Court's reasons for dismissing this action within 30 days of the receipt of this Order, etc., Signed by Chief Judge Garrett E. Brown, Jr. on 5/17/10. (dc, ) (Entered: 05/17/2010)
06/01/2010	<a href="#">60</a>	MOTION for Reconsideration re <a href="#">58</a> Opinion by TOM GUINTA. (Attachments: # <a href="#">1</a> Brief Memorandum of Law in Support of Plaintiffs' Motion for Reconsideration of the Court's

		May 17, 2010 Order, # <a href="#">2</a> Certificate of Service, # <a href="#">3</a> Text of Proposed Order, # <a href="#">4</a> Declaration Declaration of Michael S. Green In Support of Plaintiffs' Motion for Reconsideration, # <a href="#">5</a> Exhibit Exhibit A to Declaration of Michael S. Green, # <a href="#">6</a> Exhibit Exhibit B to Declaration of Michael S. Green, # <a href="#">7</a> Exhibit Exhibit C to Declaration of Michael S. Green, # <a href="#">8</a> Exhibit Exhibit D to the Declaration of Michael S. Green)(GREEN, MICHAEL) (Entered: 06/01/2010)
06/01/2010		Set Deadlines as to <a href="#">60</a> MOTION for Reconsideration re <a href="#">58</a> Opinion MOTION for Reconsideration re <a href="#">58</a> Opinion MOTION for Reconsideration re <a href="#">58</a> Opinion. Motion set for 7/6/2010 before Chief Judge Garrett E. Brown, Jr.. The motion will be decided on the papers. No appearances required unless notified by the court. (dc, ) (Entered: 06/02/2010)
06/11/2010	<a href="#">61</a>	Letter from Michael S, Green re <a href="#">60</a> MOTION for Reconsideration re <a href="#">58</a> Opinion MOTION for Reconsideration re <a href="#">58</a> Opinion MOTION for Reconsideration re <a href="#">58</a> Opinion. (GREEN, MICHAEL) (Entered: 06/11/2010)
06/14/2010	<a href="#">62</a>	STATEMENT <i>Concerning Dismissal</i> by UNITED STATES OF AMERICA. (Attachments: # <a href="#">1</a> Certificate of Service)(DAUENHEIMER, DAVID) (Entered: 06/14/2010)
06/21/2010	<a href="#">63</a>	RESPONSE in Opposition re <a href="#">60</a> MOTION for Reconsideration re <a href="#">58</a> Opinion MOTION for Reconsideration re <a href="#">58</a> Opinion MOTION for Reconsideration re <a href="#">58</a> Opinion filed by CHUBB CORPORATION, THE. (Attachments: # <a href="#">1</a> Certificate of Service)(MCDONALD, MICHAEL) (Entered: 06/21/2010)
06/22/2010	<a href="#">64</a>	RESPONSE in Opposition re <a href="#">60</a> MOTION for Reconsideration re <a href="#">58</a> Opinion MOTION for Reconsideration re <a href="#">58</a> Opinion MOTION for Reconsideration re <a href="#">58</a> Opinion filed by CHUBB INSTITUTE, THE, HIGH-TECH INSTITUTE, INC.. (Attachments: # <a href="#">1</a> Certificate of Service)(SAVAGE, ERIC) (Entered: 06/22/2010)
06/28/2010	<a href="#">65</a>	REPLY BRIEF to Opposition to Motion re <a href="#">60</a> MOTION for Reconsideration re <a href="#">58</a> Opinion MOTION for Reconsideration re <a href="#">58</a> Opinion MOTION for Reconsideration re <a href="#">58</a> Opinion filed by TOM GUINTA. (Attachments: # <a href="#">1</a> Certificate of Service, # <a href="#">2</a> Declaration of Michael S.Green in Support of Reply, # <a href="#">3</a> Exhibit A to Green Reply Decl., # <a href="#">4</a> Exhibit B to Green Reply Decl., # <a href="#">5</a> Exhibit C to Green Reply Decl.)(GREEN, MICHAEL) (Entered: 06/28/2010)
07/01/2010	<a href="#">66</a>	Letter from Michael R. McDonald, Esq. to The Honorable Garrett E. Brown, Jr., Chief U.S.D.J. re <a href="#">65</a> Reply Brief to Opposition to Motion,. (MCDONALD, MICHAEL) (Entered: 07/01/2010)
07/01/2010	<a href="#">67</a>	Letter from Michael S. Green re <a href="#">65</a> Reply Brief to Opposition to Motion,. (GREEN, MICHAEL) (Entered: 07/01/2010)
07/02/2010	<a href="#">68</a>	Letter from Thomas Hylden and Eric Savage to Hon. Garrett E. Brown re <a href="#">64</a> Response in Opposition to Motion,. (SAVAGE, ERIC) (Entered: 07/02/2010)
07/06/2010	<a href="#">69</a>	Letter from Michael S. Green, Esq. to the Honorable Garrett E. Brown, U.S.D.J. re <a href="#">65</a> Reply Brief to Opposition to Motion,. (GREEN, MICHAEL) (Entered: 07/06/2010)
07/12/2010	<a href="#">70</a>	COURT'S LETTER from Chief Judge Garrett E. Brown, Jr. re <a href="#">65</a> REPLY BRIEF to Opposition to Motion re <a href="#">60</a> MOTION for reconsideration. (dc, ) (Entered: 07/12/2010)
07/19/2010	<a href="#">71</a>	REPLY BRIEF to Opposition to Motion re <a href="#">60</a> MOTION for Reconsideration re <a href="#">58</a> Opinion MOTION for Reconsideration re <a href="#">58</a> Opinion MOTION for Reconsideration re <a href="#">58</a> Opinion <i>SUR-REPLY OF THE CHUBB INSTITUTE AND HIGH-TECH INSTITUTE, INC., TO RELATORS' REPLY TO THE OPPOSITION TO RELATORS' MOTION TO RECONSIDER THE COURT'S MAY 17, 2010 ORDER DISMISSING THIS CASE WITH PREJUDICE</i> filed by CHUBB INSTITUTE, THE, HIGH-TECH INSTITUTE, INC.. (Attachments: # <a href="#">1</a>

		Declaration of Thomas Hylden, # <a href="#">2</a> Certificate of Service)(SAVAGE, ERIC) (Entered: 07/19/2010)
08/27/2010	<a href="#">72</a>	Memorandum OPINION. Signed by Chief Judge Garrett E. Brown, Jr. on 8/27/10. (jd, ) (Entered: 08/30/2010)
08/27/2010	<a href="#">73</a>	ORDER denying <a href="#">60</a> Motion for Reconsideration; Clerk shall mark this matter Closed. Signed by Chief Judge Garrett E. Brown, Jr. on 8/27/10. (jd, ) (Entered: 08/30/2010)
08/30/2010		***Civil Case Terminated. (jd, ) (Entered: 08/30/2010)
09/26/2010	<a href="#">74</a>	NOTICE OF APPEAL as to <a href="#">72</a> Opinion, <a href="#">73</a> Order on Motion for Reconsideration by TOM GUINTA. Filing fee \$ 455, receipt number 0312-3338372. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (Attachments: # <a href="#">1</a> Certificate of Service)(GREEN, MICHAEL) (Entered: 09/26/2010)
09/29/2010	<a href="#">75</a>	USCA Case Number 10-3907 for <a href="#">74</a> Notice of Appeal (USCA), Notice of Appeal (USCA) filed by TOM GUINTA. USCA Case Manager Phyllis Ruffin (Document Restricted - Court Only) (Ruffin, Phyllis) (Entered: 09/29/2010)
11/08/2011	<a href="#">76</a>	MANDATE of USCA as to <a href="#">74</a> Notice of Appeal (USCA), Notice of Appeal (USCA) filed by TOM GUINTA (Attachments: # <a href="#">1</a> Mandate Letter, # <a href="#">2</a> Opinion)(ca3al, ) (Entered: 11/08/2011)
11/08/2011		Pursuant to Local Rule 79.4, notice is hereby given of the Appellate ruling filed on 11/8/11.. In the event that the mandate or judgment provides for costs or directs a disposition other than an affirmance, the prevailing party shall prepare and submit an order implementing the mandate or judgment. (tjg, ) (Entered: 11/09/2011)

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01/28/2019 13:44:59			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:06-cv-03562-GEB-ES Start date: 1/1/1970 End date: 1/28/2019
<b>Billable Pages:</b>	9	<b>Cost:</b>	0.90

**U.S. District Court  
District of Wyoming (Casper)  
CIVIL DOCKET FOR CASE #: 1:03-cv-01063-WFD**

USA, et al v. Texaco Trading and Transportation Inc, et al  
Assigned to: the Honorable William F Downes  
Referred to: Honorable William C Beaman  
Case in other court: USCA, 07-08098  
Cause: 31:3729 False Claims Act

Date Filed: 10/31/2003  
Date Terminated: 09/25/2007  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**USA**

represented by **Carol A Statkus**  
US ATTORNEY'S OFFICE  
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Cheyenne, WY 82003-0668  
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Fax: 307/772-2123  
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*LEAD ATTORNEY*  
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**George Bryan Ulmer , III**  
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**J Douglas McCalla**  
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*TERMINATED: 09/28/2004*  
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**W Thomas Sedar**  
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340/244-1702  
Email: tcsedarvi@yahoo.com

**Date Discrepancy Cases 604**



*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Plaintiff**

**Randy Pitman**

represented by **George Bryan Ulmer , III**  
(See above for address)  
*TERMINATED: 09/28/2004  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**J Douglas McCalla**  
(See above for address)  
*TERMINATED: 09/28/2004  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**W Thomas Sedar**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Texaco Trading and Transportation Inc**

represented by **Michael Daniel Smith**  
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PRODUCTION COMPANY  
Director of Regulatory Affairs  
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Cheyenne, WY 82001  
307/778-4186  
Fax: 307/432-7522  
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**Defendant**

**Equilon Enterprises LLC**

represented by **Michael Daniel Smith**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Patrick R Day**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
10/31/2003	<a href="#">1</a>	COMPLAINT (2 summons(es) issued) with Jury Demand ( Filing fee \$150 receipt #301673.), filed by Randy Pitman, USA.(smmr, ) (Entered: 11/03/2003)
10/31/2003	<a href="#">2</a>	NOTICE of Complexity by Plaintiffs Randy Pitman, USA ; this case is complex. (smmr, ) Additional attachment(s) added on 6/10/2004 (sdd, ). Additional attachment(s) added on 6/10/2004 (sdd, ). (Entered: 11/03/2003)
01/07/2004	<a href="#">3</a>	Ex Parte MOTION for Extension of Time to make an election pursuant to 31 USC 3730(b) by Plaintiff USA referred to the Honorable William C Beaman. (Proposed order submitted) (sjlg, ) Additional attachment(s) added on 6/10/2004 (sdd, ). (Entered: 01/08/2004)
01/07/2004	<a href="#">4</a>	MEMORANDUM in Support of <a href="#">3</a> Ex Parte MOTION for Extension of Time to make an election pursuant to 31 USC 3730(b) filed by Plaintiff USA. (sjlg, ) Additional attachment(s) added on 6/10/2004 (sdd, ). (Entered: 01/08/2004)
01/16/2004	<a href="#">5</a>	ORDER by the Honorable William F Downes granting <a href="#">3</a> Motion for Extension of Time Motions filing deadline 4/7/2004 (deadline for US to intervene or give notice declining to do so); complaint and all other filings shall remain sealed. (cc: all counsel faxed from CPR 1/20/04).(smmr, ) Additional attachment(s) added on 1/20/2004 (smmr, ). Modified on 4/27/2004 (sjg, ). Additional attachment(s) added on 6/10/2004 (sdd, ). (Entered: 01/20/2004)
05/18/2004	<a href="#">6</a>	NOTICE that the United States declines to intervene and proceed with the conduct of this civil action and suggestion that the complaint be unsealed by Plaintiff USA (sjlg, ) Additional attachment(s) added on 6/10/2004 (sdd, ). (Entered: 05/18/2004)
06/09/2004	<a href="#">7</a>	ORDER to Unseal Case by the Honorable William F Downes: Clerk of Court shall unseal the complaint, the declination notice filed by the USA, this Order, and all other papers filed after the date of this Order; all other papers which were previously filed under seal in this action prior to the date of this Order shall remain sealed. (cc: all counsel faxed from CSPR 06/09/2004.)(sdd) Modified on 6/14/2004 (sjg, ). (Entered: 06/10/2004)
06/25/2004	<a href="#">8</a>	Summons Returned Unexecuted by Randy Pitman as to Texaco Trading and Transportation Inc. (sjg) (Entered: 06/30/2004)
06/25/2004	<a href="#">9</a>	Praeipe for Plaintiff Randy Pitman; issued alias summons (sjg) (Entered: 06/30/2004)
07/06/2004	<a href="#">10</a>	NOTICE by CT Corporation System that it is not the registered agent for Texaco Trading and Transportation Inc (dn, ) (Entered: 07/06/2004)
07/21/2004	<a href="#">11</a>	Praeipe for alias summons; filed by plaintiff- two alias summons issued (sjg, ) (Entered: 07/21/2004)
07/22/2004	<a href="#">12</a>	ANSWER to Complaint by Defendants Equilon Enterprises LLC, Texaco Trading and Transportation Inc. Adding attorney Patrick R Day and Michael Daniel Smith for Equilon Enterprises LLC and Texaco Trading and Transportation Inc.(sjlg, ) Modified on 7/26/2004 (sjg, ). (Entered: 07/23/2004)
07/22/2004	<a href="#">13</a>	NOTICE of Attorney Appearance by Patrick R Day, Michael Daniel Smith on behalf of Equilon Enterprises LLC, Texaco Trading and Transportation Inc (sjlg, ) (Entered: 07/23/2004)

**Date Discrepancy Cases 606**

07/23/2004	<a href="#">14</a>	NOTICE of Complexity by Defendants Equilon Enterprises LLC, Texaco Trading and Transportation Inc ; this case is complex. (sjlg, ) (Entered: 07/23/2004)
07/23/2004	<a href="#">15</a>	CORPORATE DISCLOSURE by Defendants Equilon Enterprises LLC, Texaco Trading and Transportation Inc. (sjlg, ) (Entered: 07/23/2004)
07/23/2004	<a href="#">16</a>	NOTICE of Initial Pretrial Conference: Initial Pretrial Conference set for 9/23/2004 09:00 AM in Cheyenne before Honorable William C Beaman. (cc: all counsel on 7/26/04.)(sjlg, ) (Entered: 07/26/2004)
09/10/2004	<a href="#">17</a>	ACKNOWLEDGEMENT OF SERVICE of Notice of Withdrawal and Statement of Consent to Withdraw, Executed Acknowledgement filed by Defendant Randy Pitman. (sdd) (Entered: 09/13/2004)
09/23/2004		Initial Pretrial Held. (sjg) (Entered: 09/27/2004)
09/24/2004	<a href="#">18</a>	MOTION FOR LEAVE to Withdraw as Counsel, filed by Plaintiff Randy Pitman, referred to the Honorable William C Beaman; attorneys J Douglas McCalla and G Bryan Ulmer of the Spence Law Firm LLC requesting withdrawal. (Proposed order submitted) (sdd) (Entered: 09/24/2004)
09/28/2004	<a href="#">19</a>	ORDER by the Honorable William C Beaman granting <a href="#">18</a> Motion to Withdraw as Attorney. Attorney J Douglas McCalla and George Bryan Ulmer terminated (cc: all counsel 9/28/04).(js, ) (Entered: 09/28/2004)
10/08/2004	<a href="#">20</a>	MOTION for Entry of Stipulated Protective Order by Defendants Equilon Enterprises LLC, Texaco Trading and Transportation Inc referred to the Honorable William C Beaman. (Proposed order submitted) (jlg, ) (Entered: 10/12/2004)
10/13/2004	<a href="#">21</a>	ORDER by the Honorable William C Beaman granting <a href="#">20</a> Stipulated Motion for Protective Order Regarding Confidentiality (cc: all counsel 10/14/04).(sjlg, ) (Entered: 10/14/2004)
10/13/2004	<a href="#">22</a>	INITIAL PRETRIAL ORDER: the defendants shall informally produce documents to the plaintiff by 10/15/04. The plaintiff shall complete its review of defendants' documents by 10/30/04. The plaintiff shall file its amended complaint by 10/30/04. The plaintiff shall advise the defendants by 11/25/04, whether plaintiff will pursue the case. If so, the defendants shall depose plaintiff will pursue the case. If so, the defendants shall depose plaintiff by 12/15/04. Motions filing deadline 1/14/2005. Motion response deadline 2/14/2005. Dispositive Motions Hearing set for 3/1/2005 08:30 AM in Casper before Honorable William F Downes. by the Honorable William C Beaman.(cc: all counsel 10/14/04.)(sjlg, ) (Entered: 10/14/2004)
12/08/2004	<a href="#">23</a>	STIPULATED MOTION to Extend Pretrial Order Deadlines for Amending Complaint and Deciding to Pursue Action, filed by Plaintiff Randy Pitman; referred to the Honorable William C Beaman. (Proposed order submitted) (sdd) (Entered: 12/08/2004)
12/09/2004	<a href="#">24</a>	ORDER by the Honorable William C Beaman granting <a href="#">23</a> Stipulated Motion to Extend Pretrial Order Deadlines. It is ordered that the relator is to advise defendant whether relator will pursue the case by 1/4/05; the relator has until 1/4/05 to file an amended complaint; the defendants have until 1/14/05 to depose relator; the defendants have until 2/4/05 to file jurisdictional motions; and the relator has until 2/22/05 to file responses to defendants jurisdictional motions (cc: all counsel 12/9/04).(sjlg, ) (Entered: 12/09/2004)
12/16/2004	<a href="#">25</a>	NOTICE to Take Videotape Deposition of Randy Pitman on 1/12/05 and 1/13/05 at 9:00 am by Defendants Equilon Enterprises LLC, Texaco Trading and Transportation Inc. (sjlg, ) (Entered: 12/17/2004)
01/05/2005	<a href="#">26</a>	AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL against Defendant Texaco Trading and Transportation Inc, Equilon Enterprises LLC; filed by Randy Pitman.

**Date Discrepancy Cases 607**

		(sjg) (Entered: 01/05/2005)
01/20/2005	<a href="#">27</a>	ANSWER to Amended Complaint with affirmative defenses, by Defendants Texaco Trading and Transportation Inc, Equilon Enterprises LLC.(sjlg, ) (Entered: 01/21/2005)
02/02/2005	<a href="#">28</a>	NOTICE of Hearing: Dispositive Motions Hearing reset from 3/1/2005 at 8:30 am to 3/10/2005 08:30 AM in Casper, Courtroom #2, before Honorable William F Downes. (cc: all counsel faxed/mailed from CSPR on 2/2/2005.) (sdd) (Entered: 02/02/2005)
02/04/2005	<a href="#">29</a>	MOTION to Dismiss for Lack of Jurisdiction and for Failure to State a Claim Upon Which Relief can be Granted by Defendants Texaco Trading and Transportation Inc, Equilon Enterprises LLC (sjlg, ) (Entered: 02/04/2005)
02/04/2005	<a href="#">30</a>	MOTION for Leave to File Excess Pages by Defendants Texaco Trading and Transportation Inc, Equilon Enterprises LLC referred to the Honorable William C Beaman. (Proposed order submitted) (sjlg, ) (Entered: 02/04/2005)
02/04/2005	<a href="#">31</a>	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW re <a href="#">29</a> Motion to Dismiss/Lack of Jurisdiction filed by Defendants Texaco Trading and Transportation Inc, Equilon Enterprises LLC. (sjlg, ) (Entered: 02/04/2005)
02/07/2005	<a href="#">32</a>	ORDER by the Honorable William C Beaman granting <a href="#">30</a> Motion to File Excess Pages (cc: all counsel 2/7/05).(sjlg, ) (Entered: 02/07/2005)
02/07/2005	<a href="#">33</a>	MEMORANDUM Brief in Support of <a href="#">29</a> Motion to Dismiss/Lack of Jurisdiction filed by Defendants Texaco Trading and Transportation Inc, Equilon Enterprises LLC. (EXHIBITS TOO VOLUMINOUS TO SCAN.) (sjlg, ) (Entered: 02/07/2005)
02/22/2005	<a href="#">34</a>	RELATOR/PLAINTIFF RANDY PITMAN'S RESPONSE to Defendant's <a href="#">29</a> Motion to Dismiss for lack of subject matter jurisdiction. (sdd) (Entered: 02/23/2005)
02/22/2005	<a href="#">35</a>	RELATOR/PLAINTIFF RANDY PITMAN'S MEMORANDUM in Support of his <a href="#">34</a> Response to Defendant's motion to dismiss for lack of subject matter jurisdiction. (sdd) (Entered: 02/23/2005)
03/10/2005	<a href="#">36</a>	Minutes for proceedings held before Judge William F Downes: Motion Hearing on Defendant's <a href="#">29</a> Motion to Dismiss held on 3/10/2005. The Court took the matter under advisement; a written opinion will issue from the Court. (exhibits attached to minute sheet) (Court Reporter Jamie Hendrich.) (sdd) (Entered: 03/10/2005)
04/06/2005	<a href="#">37</a>	NOTICE of Additional Evidence by Defendants Texaco Trading and Transportation Inc, Equilon Enterprises LLC in support of <a href="#">29</a> MOTION to Dismiss for Lack of Jurisdiction and for Failure to State a Claim Upon Which Relief can be Granted (sjlg, ) (Entered: 04/07/2005)
05/03/2005		TRANSCRIPT of Hearing on Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Failure to State a Claim, taken on 3/10/2005. (Court Reporter: Jamie Hendrich) (sdd) (Entered: 05/03/2005)
05/05/2005	<a href="#">38</a>	NOTICE by Defendants Texaco Trading and Transportation Inc, Equilon Enterprises LLC of Recent Authority in Support of <a href="#">29</a> MOTION to Dismiss for Lack of Jurisdiction and for Failure to State a Claim Upon Which Relief Can Be Granted (sjlg, ) (Entered: 05/06/2005)
02/06/2006	<a href="#">39</a>	SECOND NOTICE by Defendants Texaco Trading and Transportation Inc, Equilon Enterprises LLC of Recent Authority in Support of <a href="#">29</a> MOTION to Dismiss for Lack of Jurisdiction and Failure to State a Claim upon which Relief can be granted. (sjs, ) (Entered: 02/07/2006)
09/25/2007	<a href="#">40</a>	ORDER by the Honorable William F Downes granting <a href="#">29</a> Motion to Dismiss for Lack of Jurisdiction. (ska) (Entered: 09/25/2007)

**Date Discrepancy Cases 608**

10/09/2007	<a href="#">41</a>	Defendants' MOTION for Entry of Judgment. (Attachments: # <a href="#">1</a> Proposed Judgment) (sdd) (Entered: 10/10/2007)
10/22/2007	<a href="#">42</a>	JUDGMENT, by the Honorable William F Downes, in favor of Defendants against Plaintiff. Plaintiff is to take nothing, this action is hereby dismissed, and the Defendants recover from Plaintiff their costs of action. (sdd) (Entered: 10/22/2007)
10/29/2007	<a href="#">43</a>	REFERRED TO MAGISTRATE JUDGE. MOTION for Extension of Time <i>to File Motion for Attorney's Fees</i> filed by Defendant Texaco Trading and Transportation Inc. (Attachments: # <a href="#">1</a> Proposed Order)(Smith, Michael) (Entered: 10/29/2007)
10/30/2007	<a href="#">44</a>	ORDER, by the Honorable William C Beaman, granting Defendants' Unopposed <a href="#">43</a> Motion for Extension of Time to file Motion for Attorneys' Fees. Defendants have up to and including December 5, 2007, in while to file any motion seeking attorneys' fees in this matter. (sdd) (Entered: 10/31/2007)
11/13/2007	<a href="#">45</a>	BILL OF COSTS, filed by Defendants. (sdd) (Entered: 11/15/2007)
11/13/2007	<a href="#">46</a>	AFFIDAVIT of Defense Counsel Michael D Smith in support of Defendants' <a href="#">45</a> Bill of Costs. (sdd) (Entered: 11/15/2007)
11/19/2007	<a href="#">47</a>	REFERRED TO MAGISTRATE JUDGE. MOTION for Extension of Time filed by Plaintiff Randy Pitman. (Attachments: # <a href="#">1</a> Proposed Order Order Granting Extension of Time)(Sedar, W) (Entered: 11/19/2007)
11/26/2007	<a href="#">48</a>	ORDER Granting Extension of Time to File Appeal by the Honorable William F Downes granting <a href="#">47</a> Motion for Extension of Time. The defendant has up to and including December 19, 2007 to file his Notice of Appeal in this matter. (stbd) (Entered: 11/26/2007)
11/30/2007	<a href="#">49</a>	REFERRED TO MAGISTRATE JUDGE. Second MOTION for Extension of Time <i>to File Motion for Attorneys' Fees</i> filed by Defendants Texaco Trading and Transportation Inc, Equilon Enterprises LLC. (Attachments: # <a href="#">1</a> Proposed Order)(Day, Patrick) (Entered: 11/30/2007)
12/03/2007	<a href="#">50</a>	ORDER by the Honorable William C Beaman granting <a href="#">49</a> Motion for Extension of Time to File Motion for Attorney's Fees(sdl, ) (Entered: 12/03/2007)
12/19/2007	<a href="#">51</a>	NOTICE OF APPEAL as to <a href="#">42</a> Judgment filed by Plaintiff Randy Pitman. Filing fee \$455 due. (Sedar, W) (Entered: 12/19/2007)
12/20/2007	<a href="#">52</a>	Preliminary Record of appeal sent to USCA and counsel re <a href="#">51</a> Notice of Appeal (sjs, ) (Entered: 12/20/2007)
12/20/2007	<a href="#">53</a>	TRANSCRIPT REQUEST by Plaintiff Randy Pitman re <a href="#">51</a> Notice of Appeal. (Sedar, W) (Entered: 12/20/2007)
12/20/2007	<a href="#">54</a>	CLERK'S Bill of Costs regarding <a href="#">45</a> Bill of Costs filed by Defendants Equilon Enterprises LLC and Texaco Trading and Transportation Inc. Defendants awarded costs in the amount of \$2,335.30. (sdn, ) (Entered: 12/20/2007)
01/02/2008	<a href="#">55</a>	Appeal Number received from USCA 07-8098 for <a href="#">51</a> Notice of Appeal filed by Randy Pitman. (sjs, ) (Entered: 01/02/2008)
01/02/2008	<a href="#">56</a>	USCA Appeal Fees received \$ 455 receipt number CHY003494 re <a href="#">51</a> Notice of Appeal 07-8098 filed by Randy Pitman cc:01/02/08 (sjs, ) (Entered: 01/02/2008)
02/19/2008	<a href="#">57</a>	MANDATE of USCA dismissing <a href="#">51</a> Notice of Appeal 07-8098 filed by Randy Pitman. The appeal is dismissed for lack of prosecution pursuant to 10th Cir. R. 42.1. (sjs, ) (Entered: 02/19/2008)

### Date Discrepancy Cases 609

<b>PACER Service Center</b>			
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01/22/2019 14:52:38			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:03-cv-01063-WFD
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50

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**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:04-cv-06701-RO**

United States et al v. Staten Island University Hospital et al  
Assigned to: Judge Richard Owen  
Cause: No cause code entered

Date Filed: 08/18/2004  
Date Terminated: 10/04/2007  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**ABC**

*TERMINATED: 10/17/2005*

**Plaintiff**

**United States of America**

represented by **Heather Kirsten McShain**  
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**Gary Lee Mason**  
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Fax: (732) 358-2029  
Email: glm@kmrslaw.com  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**M.D. Martin I. Pollack**

represented by **Gary Lee Mason**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Heather Kirsten McShain**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Date Discrepancy Cases 611**

**Defendant****DEF***TERMINATED: 10/17/2005***Defendant****Staten Island University Hospital****Defendant****M.D. Morton Kleiner****Defendant****M.D. Andrew Passeri****Defendant****Alfred Glover****Defendant****Raymond Cassidy****Defendant****Gerald Ferlisi****Defendant****Island Rehabilitation Services**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/18/2004	1	ORDER (Signed by Judge Richard Owen on 08/18/04) (js, ) (Entered: 08/30/2004)
08/18/2004	9	COMPLAINT against Staten Island University Hospital, Morton Kleiner, Andrew Passeri, Alfred Glover, Raymond Cassidy, Gerald Ferlisi. (Filing Fee \$ 250.00, Receipt Number 577810)Document filed by United States of America, Martin I. Pollack.(laq, ) (Entered: 10/28/2005)
08/18/2004		Magistrate Judge James C. Francis is so designated. (laq, ) (Entered: 10/28/2005)
08/18/2004		Case Designated ECF. (laq, ) (Entered: 10/28/2005)
11/14/2004	11	AMENDED COMPLAINT against Island Rehabilitation Services, Staten Island University Hospital, Morton Kleiner, Andrew Passeri, Alfred Glover, Raymond Cassidy, Gerald Ferlisi.Document filed by United States of America, Martin I. Pollack.(laq, ) (Entered: 10/28/2005)
10/13/2005	10	The Government's Notice of Election to Decline Intervention. Document filed by United States of America, Martin I. Pollack. (laq, ) (Entered: 10/28/2005)
10/17/2005	<a href="#"><u>8</u></a>	ORDER, The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C.& 3730(b)(4)(B), the Court rules as follows: IT IS ORDERED that, 1. The complaint and amended complaint shall be unsealed and service upon defendant by the plaintiff-relator is authorized. 2. The Government's Notice of Election to Decline Intervention shall be served by the plaintiff-relator upon defendants only after service of the complaint and amended complaint. All previously filed documents shall remain under seal, except this Order, and the Government's Notice of Election to Decline Intervention. The seal shall be lifted as to all other matters occurring in this action. The

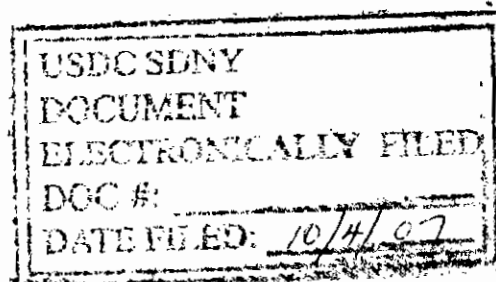
**Date Discrepancy Cases 612**



		parties shall serve all pleadings and motions filed in this action, including supporting materials, upon the United States, as provided for in 31 U.S.C. & 3730(c)(3). The United States is entitled to intervene in this action, for good cause, at any time. Should the plaintiff-relator or defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval. (Signed by Judge Richard Owen on 10/14/2005) (kj, ) Additional attachment(s) added on 10/27/2005 (kj, ). (Entered: 10/27/2005)
10/04/2007	<a href="#">12</a>	STIPULATED NOTICE OF DISMISSAL AND ORDER: It is hereby ordered that this action is dismissed By order of the Court dated October 14, 2005, the qui tam complaint filed by Martin I. Pollack, M.D. was unsealed. whereas, the Relator, pursuant to Rule 41 of the Federal Rules of Civil Procedure, hereby voluntarily discontinues this action and withdraws his complaint; and whereas, the United States consents to the Relator's voluntary discontinuance. (Signed by Judge Richard Owen on 10/3/07) (js) Modified on 10/17/2007 (js). (Entered: 10/04/2007)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 15:49:15			
<b>PACER Login:</b>	kk0155	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:04-cv-06701-RO
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
By: HEATHER K. McSHAIN (HM-5883)  
Assistant United States Attorney  
86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007  
Telephone: (212) 637-2696  
Facsimile: (212) 637-2702



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
UNITED STATES OF AMERICA ex rel.  
MARTIN I. POLLACK, M.D.,

Plaintiff,

v.

STATEN ISLAND UNIVERSITY HOSPITAL,  
MORTON KLEINER, M.D., ANDREW  
PASSERI, M.D., ALFRED GLOVER,  
RAYMOND CASSIDY, GERALD FERLISI,  
and ISLAND REHABILITATION SERVICES,

Defendants.  
----- X

**ORDER**

No. 04 Civ. 6701 (RO)

**STIPULATED NOTICE OF DISMISSAL AND ORDER**

WHEREAS, on or about October 13, 2005, the United States declined to  
intervene in this action;

WHEREAS, by Order of the Court dated October 14, 2005, the *qui tam* complaint  
filed by Martin I. Pollack, M.D. (the "Relator") was unsealed;

WHEREAS, the Relator, pursuant to Rule 41 of the Federal Rules of Civil  
Procedure, hereby voluntarily discontinues this action and withdraws his complaint; and

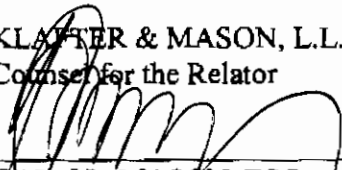
WHEREAS, the United States consents to the Relator's voluntary discontinuance

of this action and the Relator's withdrawal of his complaint;

NOW, THEREFORE, IT IS HEREBY ORDERED that this action is dismissed.

Dated: Manalapan, New Jersey  
August \_\_, 2007

KLAFTER & MASON, L.L.C.  
Counsel for the Relator


  
GARY L. MASON, ESQ.  
Manalapan Corporate Plaza  
195 Route 9 South, Suite 204  
Manalapan, New Jersey 07726  
Telephone: (732) 358-2028  
Facsimile: (732) 358-2029

Dated: New York, New York  
August \_\_, 2007

*September 27*

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York  
Attorney for the United States  
of America

By:

  
HEATHER K. McSHAIN  
Assistant United States Attorney  
United States Attorney's Office  
86 Chambers Street -- 3<sup>rd</sup> Floor  
New York, New York 10007  
Telephone: (212) 637-2696  
Facsimile: (212) 637-2702

SO ORDERED:

  
RICHARD OWEN  
UNITED STATES DISTRICT JUDGE

*10/3/07*

**U.S. District Court**  
**Southern District of Ohio (Columbus)**  
**CIVIL DOCKET FOR CASE #: 2:07-cv-00839-JLG-EPD**

Proctor v. Higher Education Assistance Foundation et al  
Assigned to: Judge James L Graham  
Referred to: Magistrate Judge Elizabeth Preston Deavers  
Case in other court: Sixth Circuit Court of Appeals, 10-04607  
Cause: 31:3729 False Claims Act

Date Filed: 08/23/2007  
Date Terminated: 03/29/2011  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Philip L Proctor**  
*and in part on behalf of United States*  
*Gouvernement pursuant to False Claims Act*

represented by **Philip L Proctor**  
P. O. Box 4803  
Newark, OH 43058  
740-349-4716  
Email: philip\_proctor@Yahoo.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Higher Education Assistance Foundation**  
*HEAF Liquidating Trust (HEAF), c/o*  
*Administrator ECMC - Legal Department*

**Defendant**

**Iowa College Student Aid Commission**  
**(ICSAC)**  
*TERMINATED: 06/09/2008*

represented by **Beth Ann Finnerty**  
Ohio Attorney General  
30 E Broad Street  
17th Floor  
Columbus, OH 43215  
614-752-4653  
Fax: 614-644-6135  
Email: bfinnerty@ag.state.oh.us  
*TERMINATED: 06/09/2008*  
**LEAD ATTORNEY**

**Robert Kenneth Porter**  
Iowa Attorney General's Office  
Hoover Building, 2nd Floor  
1305 E Walnut  
Des Moines, IA 50319  
515-281-7175  
Fax: 515-281-7551  
Email: rporter@ag.state.ia.us  
*TERMINATED: 06/09/2008*

**Defendant**

**Date Discrepancy Cases 616**

**Michigan Higher Education Assistance  
Authority**

*Office of Michigan Guaranty Agency  
(MHEAA)  
TERMINATED: 06/09/2008*

represented by **Deborah Benedict Waldmeir**  
State of Michigan Department of Attorney  
General  
3030 W Grand Blvd  
Suite 10-200  
Detroit, MI 48202  
313-456-0140  
Fax: 313-456-0141  
Email: waldmeird@michigan.gov  
*TERMINATED: 06/09/2008  
LEAD ATTORNEY*

**Suann DeSaele Cochran**

3030 W Grand Blvd  
Suite 10-200  
Detroit, MI 48202  
313-456-0140  
Fax: 313-456-0291  
Email: cochrans@michigan.gov  
*TERMINATED: 06/09/2008*

**Defendant****Educational Credit Management  
Corporation**

*c/o Administrator ECME- Legal  
Department*

represented by **William M Harter**  
Frost Brown Todd LLC  
10 West Broad Street  
Suite 2300  
Columbus, OH 43215  
614-559-7226  
Fax: 614-464-1737  
Email: wharter@fbtlaw.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant****Wells-Fargo Bank, NA**

*TERMINATED: 08/10/2010*

represented by **Edward Joel Wesp**  
Wesp/Barwell, LLC - Attorneys at Law  
6400 Riverside Drive  
Suite D  
Dublin, OH 43017  
614-327-1068  
Fax: 614-540-7466  
Email: ejwesp@wesplaw.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant****Wells Fargo Bank, N A****ThirdParty Defendant****Arne Duncan**

*Secretary of the U.S. Department of  
Education  
TERMINATED: 08/10/2010*

represented by **Mark Thomas D'Alessandro**  
United States Attorney's Office - 2  
303 Marconi Boulevard  
2nd Floor

Columbus, OH 43215  
 614-469-5715  
 Email: mark.dalessandro@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Movant****United States Attorney General****Movant****United States Attorney For The Southern  
District Of Ohio****ThirdParty Plaintiff**

**Educational Credit Management  
Corporation**  
*c/o Administrator ECME- Legal  
Department*  
**TERMINATED: 08/10/2010**

represented by **William M Harter**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/01/2007	<a href="#">8</a>	COMPLAINT with JURY DEMAND against Higher Education Assistance Foundation, Iowa College Student Aid Commission (ICSAC), Michigan Higher Education Assistance Authority, filed by Philip L Proctor. (rew1, ) (Entered: 12/05/2007)
12/11/2007	<a href="#">9</a>	Summons Issued as to Higher Education Assistance Foundation, Iowa College Student Aid Commission (ICSAC), Michigan Higher Education Assistance Authority. (rew ) (Entered: 12/11/2007)
12/11/2007	<a href="#">10</a>	CERTIFICATE OF SERVICE : # <a href="#">9</a> Summons Issued and mailed by certified mail from Clerks office to all named defendants. (rew ) Additional attachment(s) added on 12/11/2007 (rew, ). (Entered: 12/11/2007)
12/11/2007	<a href="#">11</a>	A copy of the complaint mailed to Philip Proctor by certified mail. (rew ) (Entered: 12/11/2007)
12/17/2007	<a href="#">12</a>	SUMMONS Returned Executed by certified mail from clerks office: Higher Education Assistance Foundation #7006 0100 0003 2511 4880 served on 12/14/2007, answer due 1/3/2008; Michigan Higher Education Assistance Authority #7006 0100 0003 2511 4859 served on 12/13/2007, answer due 1/2/2008. (rew ) Additional attachment(s) added on 12/18/2007 (rew, ). (Entered: 12/17/2007)
12/26/2007	<a href="#">13</a>	SUMMONS Returned Executed: Iowa College Student Aid Commission (ICSAC) served on 12/17/2007, answer due 1/7/2008. (er ) (Entered: 12/26/2007)
12/31/2007	<a href="#">14</a>	MOTION for attorney Deborah Benedict Waldmeir to appear pro hac vice on behalf of Defendant Michigan Higher Education Assistance Authority. (rew ) (Entered: 12/31/2007)
12/31/2007		Filing fee: \$ 200.00, receipt number 1000277. (rew ) (Entered: 12/31/2007)
12/31/2007	<a href="#">15</a>	CERTIFICATE OF SERVICE by Defendant Michigan Higher Education Assistance Authority (rew ) (Entered: 12/31/2007)
12/31/2007	<a href="#">16</a>	MOTION to Dismiss by Defendant Michigan Higher Education Assistance

**Date Discrepancy Cases 618**

		Authority.Responses due by 1/24/2008. (rew ) (Entered: 12/31/2007)
12/31/2007	<a href="#">17</a>	MOTION for attorney Robert Kenneth Porter to appear pro hac vice on behalf of Defendants Iowa College Student Aid Commission (ICSAC). (rew ) (Entered: 12/31/2007)
12/31/2007	<a href="#">18</a>	MOTION to Dismiss by Defendant Iowa College Student Aid Commission (ICSAC).Responses due by 1/24/2008 (rew ) (Entered: 12/31/2007)
12/31/2007	<a href="#">19</a>	BRIEF in support of its motion to dismiss claims re <a href="#">18</a> MOTION to Dismiss by Defendant Iowa College Student Aid Commission (ICSAC). (rew ) (Entered: 12/31/2007)
12/31/2007	<a href="#">20</a>	CERTIFICATE OF SERVICE by Defendant Iowa College Student Aid Commission (ICSAC) re <a href="#">17</a> MOTION for Leave to Appear Pro Hac Vice. Filing fee \$ 200., <a href="#">18</a> MOTION to Dismiss, <a href="#">19</a> Brief (rew ) (Entered: 12/31/2007)
01/03/2008	<a href="#">21</a>	ORDER granting <a href="#">14</a> Motion for Leave for Deborah Benedict Waldmeir to Appear PHV on behalf of deft Michigan Higher Education Assistance Authority (MHEEA). Signed by Judge Norah McCann King on 1/3/2008. (kk2,) (Entered: 01/03/2008)
01/03/2008	<a href="#">22</a>	ORDER granting <a href="#">17</a> Motion for Leave for Robert Kenneth Porter to Appear PHV on behalf of deft Iowa College Student Aid Commission. Signed by Judge Norah McCann King on 1/3/2008. (kk2) (Entered: 01/03/2008)
01/03/2008	<a href="#">23</a>	NOTICE <i>By Non-Party Educational Credit Management Corporation of Improper Service Attempt by Plaintiff</i> (Attachments: # <a href="#">1</a> Affidavit Exhibit 1# <a href="#">2</a> Exhibit A) (Harter, William) (Entered: 01/03/2008)
01/07/2008	<a href="#">24</a>	CERTIFICATE OF SERVICE re <a href="#">14</a> MOTION for Leave to Appear Pro Hac Vice and for Wavier of Trial Attorney Requirement by Defendant Michigan Higher Education Assistance Authority. (kk2) (Entered: 01/07/2008)
01/07/2008		Filing fee (PHV for Robert K. Porter): \$ 200.00, receipt number 1162 (kk2) (Entered: 01/07/2008)
01/18/2008	<a href="#">25</a>	RESPONSE in Opposition re <a href="#">18</a> MOTION to Dismiss, <a href="#">16</a> MOTION to Dismiss filed by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 01/18/2008)
01/18/2008	<a href="#">26</a>	Response re <a href="#">23</a> Notice (Other) by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 01/18/2008)
01/18/2008	<a href="#">27</a>	NOTICE of Hearing: Pretrial Conference set for 3/5/2008 @ 03:30 PM in chambers before Norah McCann King. (jm1, ) (Entered: 01/18/2008)
01/18/2008	<a href="#">28</a>	RESPONSE in Opposition re <a href="#">18</a> MOTION to Dismiss, <a href="#">16</a> MOTION to Dismiss filed by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 01/18/2008)
01/18/2008	<a href="#">29</a>	Response re <a href="#">23</a> Notice (Other) by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 01/18/2008)
01/18/2008		Notice of Correction re: 25 Response in Opposition to Motion did not have a signature the attorney will refile this document. (rew, ) (Entered: 01/18/2008)
01/18/2008		Notice of Correction re: 26 Response (non motion) the pleading was not signed by an attorney. The attorney will re file the pleading with the correct signature. (rew ) (Entered: 01/18/2008)
01/25/2008	<a href="#">30</a>	REPLY to Response to Motion re <a href="#">18</a> MOTION to Dismiss filed by Defendant Iowa College Student Aid Commission (ICSAC). (Porter, Robert) (Entered: 01/25/2008)
02/01/2008	<a href="#">31</a>	MOTION for Leave to appear Pro Hac Vice of Suann Desaele Cochran (Filing fee \$ 200,

**Date Discrepancy Cases 619**

		receipt number 001534) by Defendant Michigan Higher Education Assistance Authority. (rew ) (Entered: 02/04/2008)
02/05/2008	<a href="#">32</a>	ORDER granting <a href="#">31</a> Motion for Leave for Suann DeSaele Cochran to Appear Pro Hac Vice for Michigan Higher Education Assistance Authority. Signed by Norah McCann King on 2/5/2008. (kk2) (Entered: 02/05/2008)
02/28/2008	<a href="#">33</a>	RULE 26(f) REPORT by Plaintiff Philip L Proctor, Defendants Iowa College Student Aid Commission (ICSAC), Michigan Higher Education Assistance Authority. (Porter, Robert) (Entered: 02/28/2008)
03/04/2008	<a href="#">34</a>	MOTION for Default Judgment as to <i>Defendant HEAF</i> by Plaintiff Philip L Proctor. Responses due by 3/28/2008 (Proctor, Philip) (Entered: 03/04/2008)
03/04/2008	<a href="#">35</a>	NOTICE by Unknown Educational Credit Management Corporation of <i>Filing Declaration by Non-Party Educational Credit Management Corporation</i> (Attachments: # <a href="#">1</a> Exhibit A) (Harter, William) (Entered: 03/04/2008)
03/06/2008	<a href="#">36</a>	PRELIMINARY PRETRIAL ORDER: Rule 26(a)(1) Disclosures due by 4/18/2008. Signed by Norah McCann King on 3/06/08. (rew ) (Entered: 03/06/2008)
03/06/2008	<a href="#">37</a>	NOTICE of Hearing: Continued Preliminary Pretrial Conference is set for 5/22/2008 @ 01:30 PM in chambers before Norah McCann King. (jm1, ) (Entered: 03/06/2008)
05/06/2008	<a href="#">38</a>	MOTION for Joinder <i>and Motion to Amend Complaint</i> by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 05/06/2008)
05/19/2008	<a href="#">39</a>	ORDER vacating the 5/22/2008 Continued Preliminary Pretrial Conference. Signed by Norah McCann King on 5/19/2008. (kk2) (Entered: 05/19/2008)
05/23/2008	<a href="#">40</a>	MOTION for Extension of Time to <i>Respond to <a href="#">38</a> Plaintiff's Motion for Leave to Join Party and to File Amended Complaint</i> by Unknown Educational Credit Management Corporation. New date requested 6/10/2008. (Attachments: # <a href="#">1</a> Text of Proposed Order) (Harter, William) Modified on 5/27/2008 to clarify text (kk2). (Entered: 05/23/2008)
05/27/2008	<a href="#">41</a>	ORDER granting <a href="#">40</a> Motion for Extension of Time to File Response/Reply to <a href="#">38</a> MOTION for Joinder <i>and Motion to Amend Complaint</i> - Responses due by 6/10/2008. Signed by Norah McCann King on 5/27/2008. (kk2) (Entered: 05/27/2008)
06/05/2008	<a href="#">42</a>	Second MOTION for Extension of Time to File Response/Reply as to <a href="#">38</a> MOTION for Joinder <i>and Motion to Amend Complaint</i> New date requested 8/8/2008. by Unknown Educational Credit Management Corporation. (Harter, William) (Entered: 06/05/2008)
06/06/2008	<a href="#">43</a>	ORDER granting <a href="#">42</a> Motion for Extension of Time to File Response/Reply to <a href="#">38</a> MOTION for Joinder <i>and Motion to Amend Complaint</i> - Responses due by 8/8/2008. Signed by Norah McCann King on 6/6/2008. (kk2) (Entered: 06/06/2008)
06/09/2008	<a href="#">44</a>	MEMORANDUM OPINION & ORDER Granting <a href="#">16</a> dft ICSAC's Motion to Dismiss; Granting dft MHEAA's <a href="#">18</a> Motion to Dismiss. Claims against HEAF remain pending. Signed by John D. Holschuh on 6/9/08. (sln ) (Entered: 06/09/2008)
07/15/2008	<a href="#">45</a>	ORDER granting <a href="#">38</a> Motion for Joinder and to Amend Complaint except to the extent that the amended complaint purports to assert claims previously dismissed by the Court. Signed by Norah McCann King on 7/15/2008. (kk2) (Entered: 07/15/2008)
07/16/2008	<a href="#">46</a>	AMENDED COMPLAINT against Higher Education Assistance Foundation, Educational Credit Management Corporation, filed by Philip L Proctor. (Proctor, Philip) (Entered: 07/16/2008)
07/16/2008	<a href="#">47</a>	ORDER vacating <a href="#">45</a> Order on Motion for Joinder and to Amend Complaint. Signed by

**Date Discrepancy Cases 620**



		Norah McCann King on 7/16/2008. (kk2) (Entered: 07/16/2008)
08/08/2008	<a href="#">48</a>	RESPONSE to Motion re <a href="#">38</a> MOTION for Joinder <i>and Motion to Amend Complaint</i> filed by Unknown Educational Credit Management Corporation. (Attachments: # 1 Exhibit A part 1, # 2 Exhibit A part 2) (Harter, William) Modified on 8/11/2008 - doc deleted & re-filed as dkt #49 to correct filing event (kk2). (Entered: 08/08/2008)
08/08/2008	<a href="#">49</a>	RESPONSE in Opposition to <a href="#">38</a> MOTION for Joinder <i>and Motion to Amend Complaint</i> filed by Defendant Educational Credit Management Corporation. (Attachments: # <a href="#">1</a> Exhibit A part 1, # <a href="#">2</a> Exhibit A part 2) (kk2) (Entered: 08/11/2008)
08/11/2008		Notice of Correction - Former docket # 48 (Response to Motion) filed by William Harter deleted & re-filed as current docket # <a href="#">49</a> (Response in Opposition to Motion) to correct ECF filing event. (kk2) (Entered: 08/11/2008)
08/11/2008	<a href="#">50</a>	REPLY to Response to Motion re <a href="#">38</a> MOTION for Joinder <i>and Motion to Amend Complaint</i> filed by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 08/11/2008)
12/16/2008	<a href="#">51</a>	ORDER granting <a href="#">38</a> Motion for Joinder and to Amend Complaint, but declining to determine the sufficiency of service on HEAF at this juncture. Signed by Norah McCann King on 12/16/2008. (kk2) (Entered: 12/16/2008)
12/17/2008	<a href="#">52</a>	NOTICE of Hearing: Continued Preliminary Pretrial Conference set for 1/29/2009 @ 01:30 PM in chambers before Norah McCann King. (jm1, ) (Entered: 12/17/2008)
01/09/2009	<a href="#">53</a>	WAIVER OF SERVICE Returned Executed by Defendants Educational Credit Management Corporation, Educational Credit Management Corporation. Educational Credit Management Corporation waiver sent on 12/16/2008, answer due 2/17/2009. (Harter, William) (Entered: 01/09/2009)
01/27/2009	<a href="#">54</a>	Unopposed MOTION to Continue <i>Agreed Motion to Reschedule Pretrial Conference</i> by Defendant Educational Credit Management Corporation. (Attachments: # <a href="#">1</a> Text of Proposed Order) (Harter, William) (Entered: 01/27/2009)
01/29/2009	<a href="#">55</a>	ORDER granting <a href="#">54</a> Motion to Continue. The pretrial conference shall be rescheduled for a date after 02/17/2009. Signed by Norah McCann King on 01/29/2009. (sr) (Entered: 01/29/2009)
01/29/2009	<a href="#">56</a>	NOTICE of Hearing: The Continued Preliminary Pretrial Conference set for 1/29/2009 @ 1:30 p.m. has been rescheduled. The Continued Preliminary Pretrial Conference is now set for 2/26/2009 @ 02:30 PM in chambers before Norah McCann King. (jm1, ) (Entered: 01/29/2009)
02/17/2009	<a href="#">57</a>	ANSWER to <a href="#">46</a> Amended Complaint by Defendant Educational Credit Management Corporation. (Harter, William) (Entered: 02/17/2009)
02/27/2009	<a href="#">58</a>	CONTINUED PRELIMINARY PRETRIAL ORDER: Motions/stipulations addressing parties or pleadings due by 4/15/09. Rule 26(a)(1) Disclosures due by 4/1/09. Primary Expert due by 6/15/09. Responsive disclosures due by 7/15/09. Discovery due by 8/1/09. Dispositive motions due by 9/15/09. Settlement Week due by 6/09. Final Pretrial Conference ready by 1/2010. Signed by Magistrate Judge Norah McCann King on 2/26/09. (cjb) (Entered: 02/27/2009)
03/10/2009	<a href="#">59</a>	Second MOTION for Joinder <i>and to Amend Complaint</i> by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 03/10/2009)
03/11/2009	<a href="#">60</a>	ORDER granting <a href="#">59</a> Motion to amend complaint. Signed by Magistrate Judge Norah McCann King on 3/11/09. (jcw) (Entered: 03/11/2009)
03/11/2009	<a href="#">61</a>	SECOND AMENDED COMPLAINT with JURY DEMAND filed by Philip L Proctor

**Date Discrepancy Cases 621**

		and against Wells-Fargo Bank, NA, Educational Credit Management Corporation, and Higher Education Assistance Foundation. (jcw) (Entered: 03/11/2009)
03/11/2009	<a href="#">62</a>	NOTICE by Plaintiff Philip L Proctor <i>of Service of Second Amended Complaint</i> (Proctor, Philip) (Entered: 03/11/2009)
03/11/2009	<a href="#">63</a>	NOTICE by Plaintiff Philip L Proctor <i>of Amended Notice of Service</i> (Proctor, Philip) (Entered: 03/11/2009)
03/12/2009	<a href="#">64</a>	NOTICE by Plaintiff Philip L Proctor <i>of Correction</i> (Proctor, Philip) (Entered: 03/12/2009)
03/13/2009	<a href="#">65</a>	ORDER OF RECUSAL: Judge John D. Holschuh recused. Case reassigned to Judge James L Graham for all further proceedings. Signed by Judge John D. Holschuh on 3/13/2009. (sln ) (Entered: 03/13/2009)
03/18/2009	<a href="#">66</a>	NOTICE of Final Pretrial Conference set for 5/7/2010 @9:00 AM before Judge James L Graham in Room 243 and Jury Trial set for 6/7/2010 @9:00 AM before Judge James L Graham. Courtroom TBD (Attachments: # <a href="#">1</a> Final Pretrial Order form, # <a href="#">2</a> Trial Instructions, # <a href="#">3</a> Decorum) (bw) (Entered: 03/18/2009)
03/19/2009	<a href="#">67</a>	ANSWER to <a href="#">61</a> Amended Complaint by Defendant Educational Credit Management Corporation. (Harter, William) (Entered: 03/19/2009)
05/01/2009	<a href="#">68</a>	NOTICE of Hearing: Settlement Week Conference set for 6/8/2009 @ 09:00 AM before Mediator David Doyle. (jm1, ) (Entered: 05/01/2009)
05/11/2009	<a href="#">69</a>	MOTION for Leave to File <i>Third-party Complaint</i> by Defendant Educational Credit Management Corporation. (Attachments: # <a href="#">1</a> Exhibit A Third-party complaint, # <a href="#">2</a> Exhibit A to Third-party complaint, # <a href="#">3</a> Text of Proposed Order) (Harter, William) (Entered: 05/11/2009)
05/11/2009	<a href="#">70</a>	ANSWER to <a href="#">61</a> Amended Complaint by Defendant Wells-Fargo Bank, NA. (Wesp, Edward) (Entered: 05/11/2009)
05/11/2009	<a href="#">71</a>	Corporate Disclosure Statement by Defendants Wells-Fargo Bank, NA, Wells Fargo & Company identifying Corporate Parent Wells Fargo & Company for Wells-Fargo Bank, NA.. (Wesp, Edward) (Entered: 05/11/2009)
05/20/2009	<a href="#">72</a>	RESPONSE in Opposition re <a href="#">69</a> MOTION for Leave to File <i>Third-party Complaint</i> filed by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 05/20/2009)
05/20/2009	<a href="#">73</a>	MOTION to Compel <i>and Regarding Service</i> by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 05/20/2009)
05/29/2009	<a href="#">74</a>	MOTION to Continue <i>Mediation and for Status Conference</i> by Defendant Wells-Fargo Bank, NA. (Wesp, Edward) (Entered: 05/29/2009)
05/29/2009	<a href="#">75</a>	RESPONSE to Motion re <a href="#">73</a> MOTION to Compel <i>and Regarding Service</i> filed by Defendant Educational Credit Management Corporation. (Harter, William) (Entered: 05/29/2009)
05/29/2009	<a href="#">76</a>	RESPONSE in Support re <a href="#">69</a> MOTION for Leave to File <i>Third-party Complaint</i> filed by Defendant Educational Credit Management Corporation. (Harter, William) (Entered: 05/29/2009)
05/29/2009	<a href="#">77</a>	NOTICE by Defendant Educational Credit Management Corporation re <a href="#">74</a> MOTION to Continue <i>Mediation and for Status Conference</i> (Harter, William) (Entered: 05/29/2009)
05/29/2009	<a href="#">78</a>	ORDER granting <a href="#">74</a> to vacate Settlement Week mediation and to schedule a status conference. The court will conduct a status conference on 06/08/2009 at 9:00 a.m. Signed

Date Discrepancy Cases 622

		by Magistrate Judge Norah McCann King on 05/29/2009. (sr) (Entered: 05/29/2009)
05/29/2009		Set/Reset Hearings: Scheduling Conference set for 6/8/2009 09:00 AM before Magistrate Judge Norah McCann King. (sr) (Entered: 05/29/2009)
05/31/2009	<a href="#">79</a>	RESPONSE in Opposition re <a href="#">73</a> MOTION to Compel <i>and Regarding Service</i> filed by Defendant Wells-Fargo Bank, NA. (Attachments: # <a href="#">1</a> Exhibit Email to Plaintiff 4-14-09, # <a href="#">2</a> Exhibit Wells Fargo Waiver of Summons 4-14-09) (Wesp, Edward) (Entered: 05/31/2009)
06/09/2009	<a href="#">80</a>	ORDER granting <a href="#">69</a> Motion for Leave to File to third party complaint. Rule 26 (a)(1) disclosures due by 08/15/2009. Primary expert disclosures due by 09/15/2009. Responsive disclosures due by 10/15/2009. Discovery due by 12/31/2009. Motions for summary judgment due by 01/31/2010. There will be no extension of these dates unless the final pretrial conference and trial dates are also extended by Judge Graham. A final pretrial conference is currently scheduled for 05/07/2010. This case will be referred to 09/2009 Settlement Week. Signed by Magistrate Judge Norah McCann King on 06/08/2009. (sr) (Entered: 06/09/2009)
06/09/2009		Set/Reset Columbus PPTO Deadlines: Rule 26(a)(1) Disclosures due by 8/15/2009. Primary Expert due by 9/15/2009. Rebuttal Expert due by 10/15/2009. Discovery due by 12/31/2009. Dispositive motions due by 1/31/2010. Case referred to Settlement Week 9/2009. Final Pretrial Conference ready by 5/7/2010. (sr) (Entered: 06/09/2009)
06/09/2009	<a href="#">81</a>	THIRD PARTY COMPLAINT filed by Educational Credit Management Corporation against Arne Duncan. (Attachments: # <a href="#">1</a> Exhibit A) (sr) (Entered: 06/09/2009)
06/09/2009	<a href="#">82</a>	Summons Issued as to Arne Duncan. (sr) (Entered: 06/09/2009)
06/09/2009	<a href="#">83</a>	ORDER denied as moot <a href="#">73</a> Motion to Compel. Signed by Magistrate Judge Norah McCann King on 06/08/2009. (sr) (Entered: 06/09/2009)
06/09/2009	<a href="#">84</a>	Summons Issued as to Arne Duncan, U.S. Attorney and U.S. Attorney General (sr) (Entered: 06/09/2009)
06/09/2009		Notice of Correction: Former docket # 82 (Summons Issued) filed by Clerk's office was deleted and refiled as current docket # <a href="#">84</a> (Summons Issued USA) because incorrect ECF filing event was used. (sr) (Entered: 06/09/2009)
06/09/2009	<a href="#">85</a>	SUMMONS Returned Executed as to Defendant Arne Duncan. Arne Duncan served on 6/9/2009, answer due 8/10/2009. (sr) (Entered: 06/09/2009)
06/26/2009	<a href="#">86</a>	SUMMONS Returned Executed by Defendant Educational Credit Management Corporation, ThirdParty Defendant Arne Duncan. Arne Duncan served on 6/18/2009, answer due 8/10/2009. (Harter, William) (Entered: 06/26/2009)
06/29/2009	<a href="#">87</a>	Summons Issued as to Arne Duncan, Secretary of U.S. Department of Education c/o U.S. Attorney General. (sr) (Entered: 06/30/2009)
07/21/2009	<a href="#">88</a>	SUMMONS Returned Executed by ThirdParty Plaintiff Educational Credit Management Corporation, Movant United States Attorney General. United States Attorney General served on 7/7/2009, answer due 9/8/2009. (Attachments: # <a href="#">1</a> Certified Mail Receipt Return) (Harter, William) Modified on 7/22/2009 to correct answer due date (jr). (Entered: 07/21/2009)
07/21/2009		Set Deadlines/Hearings: United States Attorney General answer due 9/8/2009. (jr) (Entered: 07/22/2009)
08/04/2009	<a href="#">89</a>	MOTION to Dismiss <i>Third Party Complaint</i> by ThirdParty Defendant Arne Duncan. Responses due by 8/28/2009 (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B) (D'Alessandro, <b>Date Discrepancy Cases 623</b> )

		Mark) (Entered: 08/04/2009)
08/05/2009	<a href="#">90</a>	NOTICE of Hearing: Settlement Week Conference set for 9/14/2009 @ 09:00 AM before Mediator Bradley Barbin. (jm1, ) (Entered: 08/05/2009)
08/28/2009	<a href="#">91</a>	RESPONSE to Motion re <a href="#">89</a> MOTION to Dismiss <i>Third Party Complaint</i> filed by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 08/28/2009)
08/28/2009	<a href="#">92</a>	RESPONSE to Motion re <a href="#">89</a> MOTION to Dismiss <i>Third Party Complaint</i> filed by ThirdParty Plaintiff Educational Credit Management Corporation. (Harter, William) (Entered: 08/28/2009)
09/03/2009	<a href="#">93</a>	REPLY to Response to Motion re <a href="#">89</a> MOTION to Dismiss <i>Third Party Complaint</i> filed by ThirdParty Defendant Arne Duncan. (D'Alessandro, Mark) (Entered: 09/03/2009)
09/10/2009	<a href="#">94</a>	MOTION to Continue <i>Mediation Settlement Conference</i> by Movant United States Attorney For The Southern District Of Ohio, Defendant Wells-Fargo Bank, NA, ThirdParty Plaintiff Educational Credit Management Corporation. (Wesp, Edward) (Entered: 09/10/2009)
09/11/2009	<a href="#">95</a>	ORDER. The mediation conference scheduled for 09/14/2009 is VACATED. Signed by Magistrate Judge Norah McCann King on 09/11/2009. (sr) (Entered: 09/11/2009)
09/11/2009	<a href="#">96</a>	MOTION To Schedule Oral Argument by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 09/11/2009)
09/30/2009	<a href="#">97</a>	Consent MOTION to Unseal Document <i>in Prior Case</i> by Defendant Wells-Fargo Bank, NA. (Attachments: # <a href="#">1</a> Exhibit Proposed Protective Order) (Wesp, Edward) (Entered: 09/30/2009)
09/30/2009	<a href="#">98</a>	Unopposed MOTION for Protective Order by Defendant Wells-Fargo Bank, NA. (Attachments: # <a href="#">1</a> Exhibit Proposed Protective Order) (Wesp, Edward) (Entered: 09/30/2009)
10/06/2009	<a href="#">99</a>	ORDER. It is therefore ORDERED that Form of Protective Order as Exhibit 1 is hereby approved. Signed by Magistrate Judge Norah McCann King on 10/06/2009. (sr) (Entered: 10/06/2009)
10/06/2009	<a href="#">100</a>	PROTECTIVE ORDER. Signed by Magistrate Judge Norah McCann King on 10/06/2009. (sr) (Entered: 10/06/2009)
10/06/2009	<a href="#">101</a>	ORDER. Signed by Magistrate Judge Norah McCann King on 10/06/2009. (sr) (Entered: 10/06/2009)
11/24/2009	<a href="#">102</a>	ORDER directing deft/3rd pty pltf to file a motion for sj against Proctor. Signed by Judge James L Graham on 11/24/2009. (bw) (Entered: 11/24/2009)
01/28/2010	<a href="#">103</a>	MOTION for Summary Judgment by Defendant Wells-Fargo Bank, NA. Responses due by 2/22/2010 (Attachments: # <a href="#">1</a> Affidavit Exhibit A Patricia L. Adams, # <a href="#">2</a> Exhibit Adams Declaration Exhibit 1 HEAF Liquidating Trust Agreement, # <a href="#">3</a> Exhibit Adams Declaration Exhibit 2 HEAF Liquidating Trust Termination Agreement, # <a href="#">4</a> Exhibit Exhibit B Decision and Order 2002 Case, # <a href="#">5</a> Affidavit Exhibit C Amey Declaration 2002 Case) (Wesp, Edward) (Entered: 01/28/2010)
02/01/2010	<a href="#">104</a>	MOTION for Summary Judgment by Defendant Educational Credit Management Corporation, ThirdParty Plaintiff Educational Credit Management Corporation. Responses due by 2/25/2010 (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C) (Harter, William) (Entered: 02/01/2010)
02/19/2010	<a href="#">105</a>	MOTION for Extension of Time to File Response/Reply by Plaintiff Philip L Proctor.

**Date Discrepancy Cases 624**

		New date requested 2/25/2010. (Proctor, Philip) (Entered: 02/19/2010)
02/19/2010	<a href="#">106</a>	ORDER granting <a href="#">105</a> Motion for Extension of Time to File Response to both motions for summary judgment. Responses due by 2/25/2010. Signed by Magistrate Judge Norah McCann King on 02/19/2010. (sr) (Entered: 02/19/2010)
02/24/2010	<a href="#">107</a>	RESPONSE in Opposition re <a href="#">103</a> MOTION for Summary Judgment, <a href="#">104</a> MOTION for Summary Judgment <i>Notice of Filing Under Seal</i> filed by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 02/24/2010)
02/25/2010	<a href="#">108</a>	<b>**SEALED**</b> Plaintiff, Proctor's Response and Memorandum Contra To Motion For Summary Judgment <a href="#">103</a> and <a href="#">104</a> Filed by Defendant, Education Credit Management Corporation and Defendant, Wells Fargo. (Attachments: # <a href="#">1</a> Exhibit A - Part 1, # <a href="#">2</a> Exhibit A - Part 2, # <a href="#">3</a> Exhibit A - Part 3, # <a href="#">4</a> Exhibit B, # <a href="#">5</a> Exhibit C, # <a href="#">6</a> Exhibit D, # <a href="#">7</a> Exhibit E, # <a href="#">8</a> Exhibit F, # <a href="#">9</a> Exhibit G, # <a href="#">10</a> Exhibit H) (sr1) (Entered: 02/26/2010)
03/05/2010	<a href="#">109</a>	Unopposed MOTION for Extension of Time to File Response/Reply as to <a href="#">107</a> Response in Opposition to Motion, <a href="#">103</a> MOTION for Summary Judgment New date requested 3/18/2010. by Defendants Educational Credit Management Corporation, Wells-Fargo Bank, NA. (Wesp, Edward) (Entered: 03/05/2010)
03/05/2010	<a href="#">110</a>	ORDER sustaining <a href="#">109</a> Motion for Extension of Time to File Reply Briefs. It is ORDERED that the Reply Briefs of Defendants Wells Fargo and ECMC in support of their respective motions for summary judgment shall be filed by 03/18/2010. Signed by Magistrate Judge Norah McCann King on 03/05/2010. (sr) (Entered: 03/05/2010)
03/08/2010	<a href="#">111</a>	MOTION for Sanctions <i>Against Plaintiff Under Rule 11</i> by Defendant Wells-Fargo Bank, NA. (Attachments: # <a href="#">1</a> Exhibit Ex. 1 4-8-09 Letter to Plaintiff, # <a href="#">2</a> Exhibit Ex 2 4-11-09 Email to Plaintiff, # <a href="#">3</a> Exhibit Ex 3 5-4-09 Letter to Plaintiff, # <a href="#">4</a> Ex 4 5-11-09 Email to Plaintiff, # <a href="#">5</a> Exhibit Ex 5 Certificate of Compliance with Rule 11(c)(2)) (Wesp, Edward) (Entered: 03/08/2010)
03/17/2010	<a href="#">112</a>	REPLY In Support to Response to Motion re <a href="#">104</a> MOTION for Summary Judgment filed by Defendant Educational Credit Management Corporation and ThirdParty Plaintiff Educational Credit Management Corporation. (Harter, William) Modified on 3/18/2010 (bw). (Entered: 03/17/2010)
03/18/2010	<a href="#">113</a>	REPLY to Response to Motion re <a href="#">103</a> MOTION for Summary Judgment filed by Defendant Wells-Fargo Bank, NA. (Wesp, Edward) (Entered: 03/18/2010)
03/25/2010	<a href="#">114</a>	RESPONSE in Opposition re <a href="#">111</a> MOTION for Sanctions <i>Against Plaintiff Under Rule 11 and Request for Sanction Unless Withdrawn</i> filed by Plaintiff Philip L Proctor. (Attachments: # <a href="#">1</a> Appendix) (Proctor, Philip) (Entered: 03/25/2010)
03/25/2010	<a href="#">115</a>	MOTION Reset this Matter for Mediation after Ruling Upon Summary Judgment Motions re <a href="#">107</a> Response in Opposition to Motion, <a href="#">108</a> Sealed Document, <a href="#">103</a> MOTION for Summary Judgment, <a href="#">104</a> MOTION for Summary Judgment by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 03/25/2010)
03/30/2010		Motions No Longer Referred: <a href="#">89</a> MOTION to Dismiss <i>Third Party Complaint</i> (kej1) (Entered: 03/30/2010)
04/01/2010	<a href="#">116</a>	ORDER REASSIGNING CASE. Case reassigned to Magistrate Judge Elizabeth Preston Deavers for all further proceedings. Magistrate Judge Norah McCann King no longer assigned to case. Signed by Chief Judge Susan J. Dlott on 4/1/10. (jcw1) (Entered: 04/01/2010)
04/06/2010	<a href="#">117</a>	Unopposed MOTION Reinstate Magistrate Judge King by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 04/06/2010)

**Date Discrepancy Cases 625**

04/08/2010	<a href="#">118</a>	REPLY to Response to Motion re <a href="#">111</a> MOTION for Sanctions <i>Against Plaintiff Under Rule 11</i> filed by Defendant Wells-Fargo Bank, NA. (Wesp, Edward) (Entered: 04/08/2010)
04/08/2010	<a href="#">119</a>	MOTION to Strike <i>Plaintiff's Motion For Sanctions for Noncompliance with 21 day Safe Harbor Provision of Rule 11</i> by Defendant Wells-Fargo Bank, NA. Responses due by 4/29/2010 (Wesp, Edward) (Entered: 04/08/2010)
04/09/2010	<a href="#">120</a>	RESPONSE in Opposition re <a href="#">119</a> MOTION to Strike <i>Plaintiff's Motion For Sanctions for Noncompliance with 21 day Safe Harbor Provision of Rule 11</i> filed by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 04/09/2010)
04/18/2010	<a href="#">121</a>	REPLY to Response to Motion re <a href="#">119</a> MOTION to Strike <i>Plaintiff's Motion For Sanctions for Noncompliance with 21 day Safe Harbor Provision of Rule 11</i> filed by Defendant Wells-Fargo Bank, NA. (Wesp, Edward) (Entered: 04/18/2010)
04/19/2010	<a href="#">122</a>	MOTION for Leave to File <i>Correction Regarding Legal Citatons in Response to Wells Fargo's Motion for Sanctions</i> by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 04/19/2010)
04/26/2010		NOTICE of Hearing: Final Pretrial Conference set for 9:00 a.m. 5/7/2010 is moved to 5/7/2010 @2:00 PM before Judge James L Graham in Room 243. (bw) (Entered: 04/26/2010)
04/28/2010	<a href="#">123</a>	Joint MOTION to Continue <i>May 7, 2010 Final Pretrial Conference and June 7, 2010 Trial Pending Decision on Pending Motions</i> by Defendants Educational Credit Management Corporation, Wells-Fargo Bank, NA, ThirdParty Plaintiff Educational Credit Management Corporation, Movant United States Attorney For The Southern District Of Ohio. (Wesp, Edward) (Entered: 04/28/2010)
04/28/2010	<a href="#">124</a>	RESPONSE to Motion re <a href="#">123</a> Joint MOTION to Continue <i>May 7, 2010 Final Pretrial Conference and June 7, 2010 Trial Pending Decision on Pending Motions</i> filed by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 04/28/2010)
05/03/2010	<a href="#">125</a>	ORDER denying <a href="#">96</a> Motion oral argument on motions; granting <a href="#">123</a> Motion to Continue the final pretrial and trial dates pending a decision on the motions for sj. Signed by Judge James L Graham on 4/29/2010. (bw) (Entered: 05/03/2010)
08/10/2010	<a href="#">126</a>	ORDER finding as moot <a href="#">89</a> Motion to Dismiss; granting <a href="#">103</a> Motion for Summary Judgment; granting <a href="#">104</a> Motion for Summary Judgment denying <a href="#">114</a> . Counsel for Wells Fargo has until 8/23/2010 to file documentation with the court and pltf shall have 14 days thereafter to respond and file documentation. The costs of this action are taxed against the plaintiff. Signed by Judge James L Graham on 8/10/2010. (bw) (Entered: 08/10/2010)
08/10/2010	<a href="#">127</a>	CLERK'S JUDGMENT in favor of ECMC and Wells-Fargo Bank, dismissing the US DOE 3rd pty complaint without prejudice. Judgment against Philip L Proctor (bw) (Entered: 08/10/2010)
08/23/2010	<a href="#">128</a>	AFFIDAVIT of <i>Attorney E. Joel Wesp</i> by Defendant Wells-Fargo Bank, NA. (Attachments: # <a href="#">1</a> Exhibit Client Ledger Report, # <a href="#">2</a> Exhibit Wells Fargo Monthly Invoices, # <a href="#">3</a> Exhibit Wells Fargo Brinks Charges, # <a href="#">4</a> Affidavit Attorney Jud Mauger Affidavit) (Wesp, Edward) (Entered: 08/23/2010)
08/31/2010	<a href="#">129</a>	ORDER denying <a href="#">115</a> Motion to Reset this Matter for Mediation; denying <a href="#">117</a> Motion Reinstate Magistrate Judge King & denying <a href="#">122</a> Motion for Leave to Correct Citation Errors. Signed by Magistrate Judge Elizabeth Preston Deavers on 8/31/2010. (kjm1) (Entered: 08/31/2010)
09/04/2010	<a href="#">130</a>	Response re <a href="#">128</a> Affidavit, <i>Declaration of Plaintiff Including Mitigating Factors and Date Discrepancy Cases 626</i>

		<i>Ability to Pay</i> by Plaintiff Philip L Proctor. (Attachments: # <a href="#">1</a> Exhibit) (Proctor, Philip) (Entered: 09/04/2010)
09/04/2010	<a href="#">131</a>	MOTION to Strike <a href="#">128</a> Affidavit, <i>Declaration, Exhibits, and Affidavit as Not in Compliance with Rule 11 or the Orders of this Court</i> by Plaintiff Philip L Proctor. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit) (Proctor, Philip) (Entered: 09/04/2010)
09/04/2010	<a href="#">132</a>	MOTION to Alter Judgment <i>For Relief from Judgment</i> by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 09/04/2010)
09/04/2010	<a href="#">133</a>	MOTION for Extension of Time New date requested 1/3/2011. <i>For Appeal to Date set of 60 days after Court Rules on Pending Motions</i> by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 09/04/2010)
09/08/2010	<a href="#">134</a>	ORDER denying <a href="#">133</a> Motion for Extension of Time. Signed by Judge James L Graham on 9/7/2010. (bw) (Entered: 09/08/2010)
09/24/2010	<a href="#">135</a>	RESPONSE in Opposition re <a href="#">131</a> MOTION to Strike <a href="#">128</a> Affidavit, <i>Declaration, Exhibits, and Affidavit as Not in Compliance with Rule 11 or the Orders of this Court</i> filed by Defendant Wells-Fargo Bank, NA. (Wesp, Edward) (Entered: 09/24/2010)
09/24/2010	<a href="#">136</a>	RESPONSE in Opposition re <a href="#">132</a> MOTION to Alter Judgment <i>For Relief from Judgment</i> filed by Defendant Wells-Fargo Bank, NA. (Wesp, Edward) (Entered: 09/24/2010)
09/27/2010	<a href="#">137</a>	RESPONSE in Opposition re <a href="#">132</a> MOTION to Alter Judgment <i>For Relief from Judgment</i> filed by Defendant Educational Credit Management Corporation, ThirdParty Plaintiff Educational Credit Management Corporation. (Harter, William) (Entered: 09/27/2010)
10/07/2010	<a href="#">138</a>	REPLY to Response to Motion re <a href="#">131</a> MOTION to Strike <a href="#">128</a> Affidavit, <i>Declaration, Exhibits, and Affidavit as Not in Compliance with Rule 11 or the Orders of this Court</i> filed by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 10/07/2010)
10/07/2010	<a href="#">139</a>	REPLY to Response to Motion re <a href="#">132</a> MOTION to Alter Judgment <i>For Relief from Judgment</i> filed by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 10/07/2010)
11/24/2010	<a href="#">140</a>	MOTION To Submit to Settlement Week or Alternatively for Court Conference re <a href="#">132</a> MOTION to Alter Judgment <i>For Relief from Judgment</i> , <a href="#">126</a> Order on Motion to Dismiss, Order on Motion for Summary Judgment,,,, by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 11/24/2010)
11/29/2010	<a href="#">141</a>	ORDER denying <a href="#">132</a> Motion for relief from Judgment. Signed by Judge James L Graham on 11/29/2010. (bw) (Entered: 11/29/2010)
11/29/2010	<a href="#">142</a>	ORDER granting <a href="#">111</a> defendants Motion for Sanctions and finding as moot <a href="#">140</a> Motion submit to settlement week or for a conference. Signed by Judge James L Graham on 11/29/2010. (bw) (Entered: 11/29/2010)
12/06/2010	<a href="#">143</a>	NOTICE by Defendant Wells Fargo Bank, N A re <a href="#">142</a> Order on Motion for Sanctions, Order on Motion for Miscellaneous Relief (Attachments: # <a href="#">1</a> Exhibit Exhibit 1 Email Correspondence) (Wesp, Edward) (Entered: 12/06/2010)
12/06/2010	<a href="#">144</a>	NOTICE by Plaintiff Philip L Proctor <i>Response to Wells Fargo Notice Regarding Attempt to Reach Payment Plan</i> (Proctor, Philip) (Entered: 12/06/2010)
12/07/2010	<a href="#">145</a>	ORDER Pltf to file a current financial statement in the form of an affidavit and income tax returns within 14 days. Signed by Judge James L Graham on 12/7/2010. (bw) (Entered: 12/07/2010)
12/21/2010	<a href="#">146</a>	AFFIDAVIT <i>Declaration Regarding Financial</i> by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 12/21/2010)

**Date Discrepancy Cases 627**

12/21/2010	<a href="#">147</a>	MOTION to Stay <i>Pending Appeal</i> by Plaintiff Philip L Proctor. (Proctor, Philip) (Entered: 12/21/2010)
12/27/2010	<a href="#">148</a>	NOTICE OF APPEAL as to <a href="#">44</a> Memorandum Opinion & Order, <a href="#">126</a> Order <a href="#">141</a> Order & <a href="#">142</a> Order by Plaintiff Philip L Proctor. Filing fee \$ 455. (Proctor, Philip) Modified on 12/27/2010 to link to orders (kjm1). (Entered: 12/27/2010)
12/28/2010		USCA Appeal Fees received re <a href="#">148</a> Notice of Appeal filed by Philip L Proctor: \$ 455.00, receipt number COL15409 (kk2) (Entered: 12/28/2010)
12/29/2010		USCA Case Number 10-4607 for <a href="#">148</a> Notice of Appeal filed by Philip L Proctor. (kjm1) (Entered: 12/29/2010)
01/24/2011	<a href="#">149</a>	ORDER granting <a href="#">147</a> Motion to Stay pending appeal. Signed by Judge James L Graham on 1/24/2011. (bw) (Entered: 01/24/2011)
03/17/2011	<a href="#">150</a>	ORDER of USCA as to <a href="#">148</a> Notice of Appeal filed by Philip L Proctor. It is ORDERED that the case is dismissed pursuant to 42(b), Federal Rules of Appellate Procedure (jcw1) (Entered: 03/17/2011)
03/28/2011	<a href="#">151</a>	SATISFACTION OF JUDGMENT entered In favor of Wells-Fargo Bank, NA Against Philip L Proctor by Defendant Wells Fargo Bank, N A. (Wesp, Edward) (Entered: 03/28/2011)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
02/06/2019 14:54:22			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:07-cv-00839-JLG-EPD
<b>Billable Pages:</b>	11	<b>Cost:</b>	1.10



**U.S. District Court  
District of New Jersey [LIVE] (Camden)  
CIVIL DOCKET FOR CASE #: 1:04-cv-05330-JBS-JS**

ROCHE v. CHERRY HILL PEDIATRIC GROUP, P.A.  
Assigned to: Judge Jerome B. Simandle  
Referred to: Magistrate Judge Joel Schneider  
Cause: 31:3729 False Claims Act

Date Filed: 10/29/2004  
Date Terminated: 12/19/2007  
Jury Demand: Defendant  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**JOYCE ROCHE**  
ex rel UNITED STATES OF AMERICA

represented by **MARC M. ORLOW**  
BEGELMAN & ORLOW, PC  
411 ROUTE 70 EAST  
SUITE 245  
CHERRY HILL, NJ 08034  
(856) 428-6020  
Email: marc.orlow@begelmanorlow.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

V.

**Defendant**

**CHERRY HILL PEDIATRIC GROUP,  
P.A.**

represented by **JEFFREY P. RESNICK**  
SHERMAN, SILVERSTEIN, KOHL,  
ROSE & PODOLSKY, PC  
EAST GATE CORPORATE CENTER  
308 HARPER DRIVE  
SUITE 200  
MOORESTOWN, NJ 08057  
(856) 662-0700  
Fax: (856) 488-4744  
Email: jresnick@shermansilverstein.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/29/2004	1	COMPLAINT against CHERRY HILL PEDIATRIC GROUP, P.A. (Filing fee \$ 150.), filed by JOYCE ROCHE.(mem, ) (Entered: 11/01/2004)
09/06/2005	<a href="#">6</a>	NOTICE of Declination by the United States. (Attachments: # <a href="#">1</a> Text of Proposed Order) (th, ) (Entered: 09/06/2005)
09/08/2005	<a href="#">7</a>	ORDER reopening case, unsealing the complaint to be served, etc.. Signed by Judge Jerome B. Simandle on 9/7/05. (th, ) (Entered: 09/08/2005)
10/20/2005	<a href="#">8</a>	Letter from Marc M. Orlow, Esq., Re: issuance of summons. (js) (Entered: 10/20/2005)
<b>Date Discrepancy Cases 629</b>		

10/20/2005		Summons Issued as to CHERRY HILL PEDIATRIC GROUP, P.A..Days Due - 20. (js) (Entered: 10/20/2005)
11/23/2005	<a href="#">9</a>	ANSWER to Complaint with jury demand by CHERRY HILL PEDIATRIC GROUP, P.A. (js) (Entered: 11/28/2005)
11/28/2005	<a href="#">10</a>	ORDER, Initial Conference set for 1/18/2006 at 9:30 AM before Magistrate Judge Joel B. Rosen. Signed by Judge Joel B. Rosen on 11/28/05. (js) (Entered: 11/28/2005)
01/18/2006	<a href="#">11</a>	SCHEDULING ORDER: Status Conference set for 5/16/2006 at 10:00 AM before Magistrate Judge Joel B. Rosen. Discovery due by 8/30/2006. Signed by Judge Joel B. Rosen on 1/18/06. (js) (Entered: 01/18/2006)
04/25/2006	<a href="#">12</a>	RE-SCHEDULING ORDER: Status Conference set for 6/1/2006 at 9:30 AM before Magistrate Judge Joel B. Rosen. Signed by Judge Joel B. Rosen on 4/25/06. (js) (Entered: 04/25/2006)
06/01/2006		Minute Entry for proceedings held before Judge Joel B. Rosen : Scheduling Conference held on 6/1/2006. (bb, ) (Entered: 06/02/2006)
06/01/2006	<a href="#">13</a>	AMENDED SCHEDULING ORDER: Status Conference set for 11/13/2006 at 3:30 PM before Magistrate Judge Joel B. Rosen. Discovery due by 12/30/2006. Signed by Judge Joel B. Rosen on 6/1/06. (js) (Entered: 06/05/2006)
11/03/2006		Judge Joel Schneider added. Judge Joel B. Rosen no longer assigned to case. (gn, ) (Entered: 11/03/2006)
11/13/2006	<a href="#">14</a>	AMENDED SCHEDULING ORDER: Status Conference set for 11/29/2006 at 2:30 PM before Magistrate Judge Joel Schneider. Signed by Judge Joel Schneider on 11/13/06. (js) (Entered: 11/14/2006)
11/29/2006	<a href="#">15</a>	AMENDED SCHEDULING ORDER: Status Conference set for 12/19/2006 10:30 AM before Magistrate Judge Joel Schneider.. Signed by Judge Joel Schneider on 11/29/06. (gn ) (Entered: 11/29/2006)
12/19/2006	<a href="#">16</a>	AMENDED SCHEDULING ORDER: Status Conference set for 3/27/2007 11:00 AM before Magistrate Judge Joel Schneider. Discovery due by 3/30/2007. Signed by Judge Joel Schneider on 12/19/06. (gn ) (Entered: 12/19/2006)
12/19/2006		Minute Entry for proceedings held before Judge Joel Schneider : Status Conference held on 12/19/2006. (bb, ) (Entered: 12/19/2006)
01/16/2007	<a href="#">17</a>	Letter to Counsel from Judge Joel Schneider re: Confidentiality Order (gn) (Entered: 01/16/2007)
03/27/2007	<a href="#">18</a>	AMENDED SCHEDULING ORDER: Final Pretrial Conference set for 10/11/2007 03:00 PM before Magistrate Judge Joel Schneider.,Discovery due by 5/31/2007., Disp. Motions due by 6/15/2007. Signed by Judge Joel Schneider on 3/27/07. (gn ) (Entered: 03/27/2007)
03/27/2007		Minute Entry for proceedings held before Judge Joel Schneider : Status Conference held on 3/27/2007. (bb, ) (Entered: 03/28/2007)
04/17/2007	<a href="#">19</a>	LETTER to Marc M. Orlow, Esq. re: Discovery Confidentiality Order. Signed by Judge Joel Schneider, USMJ on 4/17/07. (gn ) (Entered: 04/17/2007)
07/16/2007	<a href="#">20</a>	LETTER addressed to Marc M. Orlow, Esq. re <a href="#">17</a> Letter. Signed by Judge Joel Schneider on 7/16/07. (gn) (Entered: 07/17/2007)
08/10/2007	<a href="#">22</a>	DISCOVERY CONFIDENTIALITY ORDER. Signed by Judge Joel Schneider on 8/10/07. (js) (Entered: 08/13/2007)

**Date Discrepancy Cases 630**

08/13/2007	<a href="#">21</a>	Certification of Marc M. Orlow on behalf of pltf. JOYCE ROCHE in support of the Discovery Confidentiality Order. (js) (Entered: 08/13/2007)
10/08/2007	<a href="#">23</a>	Proposed Pretrial Order Defendant's Portion fo the Joint Final Pre-Trial Order by CHERRY HILL PEDIATRIC GROUP, P.A.. (Attachments: # <a href="#">1</a> Certificate of Service) (RESNICK, JEFFREY) (Entered: 10/08/2007)
10/11/2007		Minute Entry for proceedings held before Judge Joel Schneider : Final Pretrial Conference held on 10/11/2007. (bb, ) (Entered: 10/12/2007)
10/17/2007	<a href="#">24</a>	AMENDED SCHEDULING ORDER: In-Person Settlement Conference set for 11/26/2007 03:00 PM before Magistrate Judge Joel Schneider. Signed by Judge Joel Schneider on 10/17/07. (sk) (Entered: 10/17/2007)
11/02/2007	<a href="#">25</a>	Letter from Jeffrey P. Resnick addressed to Judge Schneider dated 11/2/07. (js) (Entered: 11/05/2007)
12/05/2007		Minute Entry for proceedings held before Judge Joel Schneider : Scheduling Conference held on 12/5/2007. (bb, ) (Entered: 12/06/2007)
12/05/2007	<a href="#">26</a>	AMENDED SCHEDULING ORDER: Final Pretrial Conference set for 12/19/2007 at 4:00 PM before Magistrate Judge Joel Schneider. Signed by Judge Joel Schneider on 12/5/07. (js) (Entered: 12/06/2007)
12/14/2007	<a href="#">27</a>	LETTER ORDER addressed to counsel, Re: Pretrial Conf. Signed by Judge Joel Schneider on 12/14/07. (js) (Entered: 12/17/2007)
12/19/2007	<a href="#">28</a>	ORDER DISMISSING CASE. Signed by Judge Jerome B. Simandle on 12/19/07. (js) (Entered: 12/19/2007)
02/05/2008	<a href="#">29</a>	STIPULATION of Dismissal by CHERRY HILL PEDIATRIC GROUP, P.A.. (Attachments: # <a href="#">1</a> Certificate of Service)(RESNICK, JEFFREY) (Entered: 02/05/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 15:57:24			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:04-cv-05330-JBS-JS Start date: 1/1/1970 End date: 1/25/2019
<b>Billable Pages:</b>	3	<b>Cost:</b>	0.30

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

THE UNITED STATES OF AMERICA  
ex rel JOYCE ROCHE

Plaintiff,

v.

CHERRY HILL PEDIATRIC GROUP, P.A.

Defendant.

Civil Action No.: 1:04-5330 (JBS)

Stipulation of Dismissal

Jury Trial Demanded

TO THE CLERK:

The parties hereby agree to dismiss the above matter with prejudice, with each party liable for its own costs and attorneys' fees only.

SHERMAN, SILVERSTEIN, KOHL, ROSE &  
PODOLSKY, P.A.

BEGELMAN & ORLOW, P.C.

By:

Jeffrey P. Resnick, Esquire  
Attorneys for Defendant

By:

Mark M. Orlow, Esquire  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I, Jeffrey P. Resnick, Esquire, hereby certify that a true and correct copy of the within Stipulation of Dismissal and Certificate of Service was served on the following via electronic filing:

Marc M. Orlow, Esquire  
Begelman & Orlow, P.C.  
Cherry Hill Professional Building  
411 Route 70 East, Suite 245  
Cherry Hill, New Jersey 08034  
Telephone: (856) 428-6020  
*Attorneys for Plaintiff*

**SHERMAN, SILVERSTEIN, KOHL,  
ROSE & PODOLSKY, P.A.**

DATE: February 5, 2008

*s/ Jeffrey P. Resnick* \_\_\_\_\_  
Jeffrey P. Resnick, Esquire  
Attorneys for Defendant Cherry Hill  
Pediatric Group, P.A.

**U.S. District Court  
District of New Jersey [LIVE] (Newark)  
CIVIL DOCKET FOR CASE #: 2:09-cv-01071-WJM-CCC**

ROSS v. SAGE MEDICAL LABORATORY et al  
Assigned to: Judge William J. Martini  
Referred to: Magistrate Judge C. C. Cecchi  
Cause: 31:3729 False Claims Act

Date Filed: 03/09/2009  
Date Terminated: 04/09/2010  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff****PAMELA ROSS***UNITED STATES OF AMERICA ex rel.*

represented by **KYLE COLIN**  
KENNY EGAN MCCAFFERTY &  
YOUNG  
3031 C WALTON ROAD  
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Fax: (601) 940-0284  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**LINDA J. STENGLE**  
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PLYMOUTH MEETING, PA 19462  
Email: lstengle@kenneymccafferty.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****SAGE MEDICAL LABORATORY****Defendant****DANIEL C. DANTINI****Defendant****CHRIS DANTINI**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/09/2009	<a href="#">1</a>	COMPLAINT against SAGE MEDICAL LABORATORY, DANIEL C. DANTINI, CHRIS DANTINI ( Filing fee \$ 350 receipt number 355837.) Jury Demand. (No Summons Submitted), filed by PAMELA ROSS. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(ld, ) (Entered: 03/12/2009)
12/04/2009	<a href="#">5</a>	NOTICE OF ELECTION TO DECLINE INTERVENTION by UNITED STATES OF

		AMERICA, ex rel PAMELA ROSS (Attachments: # <a href="#">1</a> p/o)(sr, ) (Entered: 12/08/2009)
12/09/2009	<a href="#">6</a>	ORDER unsealing the complaint, the United States' Notice of Election to Decline Intervention, & this Order be unsealed & served upon the defts by the Relator. Any applications filed by the US for an extension of the sixty-day investigative period or for any other reason, oppositions; etc. shall remain under seal & not be made public or served upon the defts.. Signed by Judge William J. Martini on 12/09/09. (sr, ) (Entered: 12/10/2009)
03/08/2010	<a href="#">7</a>	Notice of Call for dismissal Pursuant to Rule 41.1(a) Motion set for 4/9/2010 (gh, ) (Entered: 03/08/2010)
04/09/2010	<a href="#">8</a>	NOTICE of Appearance by LINDA J. STENGLE on behalf of PAMELA ROSS (sr, ) (Entered: 04/09/2010)
04/09/2010	<a href="#">9</a>	NOTICE of Voluntary Dismissal by PAMELA ROSS (sr, ) (Entered: 04/09/2010)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/29/2019 14:52:06			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:09-cv-01071-WJM-CCC Start date: 1/1/1970 End date: 1/29/2019
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10

CLOSED,JURY,STAYED,TYPE-E

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:05-cv-00859-RMC**

DOE v. CACI, INC.  
Assigned to: Judge Rosemary M. Collyer  
Case in other court: USCA, 08-05074  
Cause: 31:3729 False Claims Act

Date Filed: 04/28/2005  
Date Terminated: 04/02/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**MATTHEW J. RYAN**  
*United States ex rel.*

represented by **MATTHEW J. RYAN**  
5480 Wisconsin Avenue  
Apartment 615  
Chevy Chase, MD 20815  
PRO SE

**Joseph A. Black**  
THE CULLEN LAW FIRM, P.L.L.C.  
1101 30th Street, NW  
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Washington, DC 20007  
(202) 944-8600  
Fax: 202-944-8611  
Email: [jab@cullenlaw.com](mailto:jab@cullenlaw.com)  
*TERMINATED: 06/12/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**CACI, INC.**  
*Commercial*

V.

**Interested Party**

**UNITED STATES OF AMERICA**

represented by **Laurie J. Weinstein**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
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(202) 252-2527  
Fax: (202) 514-8780  
Email: [Laurie.Weinstein2@usdoj.gov](mailto:Laurie.Weinstein2@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Tracy Lyle Hilmer**  
U.S. DEPARTMENT OF JUSTICE  
Civil Division  
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Ben Franklin Station  
Washington, DC 20044  
(202) 307-0474  
Fax: (202) 305-4117  
Email: [tracy.hilmer@usdoj.gov](mailto:tracy.hilmer@usdoj.gov)  
*ATTORNEY TO BE NOTICED*



Date Filed	#	Docket Text
04/28/2005	<u>2</u>	COMPLAINT against CACI, INC. (Filing fee \$ 250) filed by JOHN DOE.(zrje, ) (Entered: 05/02/2005)
08/04/2006	<u>7</u>	NOTICE of Election to Decline Intervention by UNITED STATES OF AMERICA (Attachments: # <u>1</u> Text of Proposed Order)(ztg, ) (Entered: 08/07/2006)
08/25/2006	<u>8</u>	ORDER signed by Judge Rosemary M. Collyer on August 25, 2006. (zcdw) (Entered: 08/31/2006)
12/29/2006	<u>9</u>	MOTION to File Under Seal Accompanying Motion to Withdraw Appearance by JOHN DOE. (tg, ) (Motion to Withdraw Appearance LODGED UNDER SEAL) (Entered: 01/03/2007)
01/08/2007	<u>10</u>	MOTION to Seal Objection to Motion to Withdraw Appearance by JOHN DOE. (tg, ) (FILED UNDER SEAL) (objection to Motion to Withdraw Appearance LODGED UNDER SEAL) Additional attachment(s) added on 6/11/2007 (tg, ). (Entered: 01/22/2007)
06/04/2007		MINUTE ENTRY ORDER TO UNSEAL CASE. It is hereby ORDERED that all contents of the Court's file in this action be unsealed. Signed by Judge Rosemary M. Collyer on 06/04/07. (bcs) (Entered: 06/04/2007)
06/04/2007		MINUTE ENTRY ORDER STAYING CASE. It is hereby ORDERED that this case is stayed for a period of 120 days. A status conference is scheduled for 10/5/07 at 10:30 a.m. Signed by Judge Rosemary M. Collyer on 06/04/07. (bcs) (Entered: 06/04/2007)
06/04/2007	<u>11</u>	MOTION to Withdraw Appearance by JOHN DOE (tg, ) (Entered: 06/11/2007)
06/04/2007	<u>12</u>	Memorandum in opposition to <u>11</u> MOTION to Withdraw as Attorney filed by JOHN DOE. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6# <u>7</u> Exhibit 7)(tg, ) (Entered: 06/11/2007)
06/04/2007		Set Deadlines/Hearings: Status Conference set for 10/5/2007 10:30 AM in Courtroom 2 before Judge Rosemary M. Collyer. (cdw) (Entered: 06/25/2007)
06/12/2007	<u>13</u>	ORDER granting <u>11</u> Relator's Counsels' Motion to Withdraw Appearance. Attorneys James A. Moody and Joseph A. Black are hereby terminated from this case. See attached Order for further details. Signed by Judge Rosemary M. Collyer on 06/12/07. (bcs) (Entered: 06/12/2007)
02/04/2008		NOTICE of Hearing: Status Conference set for 2/5/2008 10:45 AM in Courtroom 2, main building, 2nd floor, before Judge Rosemary M. Collyer. (cdw) (Entered: 02/04/2008)
02/05/2008		MINUTE ENTRY ORDER. Pursuant to the discussions in open court at a status conference held on February 5, 2008, Plaintiff has until March 7, 2008, to retain counsel and have counsel enter an appearance in this matter. In the event that Plaintiff does not retain counsel, this case will be dismissed without prejudice to Plaintiff or the United States. Signed by Judge Rosemary M. Collyer on 2/5/08. (lcrmc1) (Entered: 02/05/2008)
02/05/2008		Minute Entry for proceedings held before Judge Rosemary M. Collyer: Status Conference held on 2/5/2008. The plaintiff is directed to secure new counsel within thirty days. (Court Reporter: Crystal Pilgrim) (cdw) (Entered: 02/05/2008)
03/28/2008	<u>14</u>	NOTICE OF APPEAL as to Minute Entry Order, by MATTHEW J. RYAN. Filing fee \$ 455, receipt number 4616011290. Fee Status: Fee Paid. Parties have been notified. (tg, ) (Entered: 03/28/2008)
03/28/2008		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>14</u> Notice of Appeal (tg, ) (Entered: 03/28/2008)
04/02/2008		USCA Case Number 08-5074 for <u>14</u> Notice of Appeal filed by MATTHEW J. RYAN. (tg, ) (Entered: 04/02/2008)

04/02/2008		MINUTE ENTRY ORDER. Pursuant to the Court's February 5, 2008 Minute Entry Order requiring Plaintiff to retain counsel no later than March 7, 2008, this matter is hereby DISMISSED WITHOUT PREJUDICE. This case is closed. Signed by Judge Rosemary M. Collyer on 4/2/08. (lcrmc1) (Entered: 04/02/2008)
04/17/2008	15	TRANSCRIPT of Proceedings held on June 1, 2007 Status Conference before Judge Rosemary M. Collyer. Court Reporter: Crystal M. Pilgrim. The public may view the document in the Clerk's Office between the hours of 9:00 a.m. and 4:00 p.m, Monday through Friday. (tg, ) (Entered: 04/18/2008)
05/13/2008	16	TRANSCRIPT of Proceedings held on February 5, 2008 Status Conference before Judge Rosemary M. Collyer. Court Reporter: Crystal M. Pilgrim. The public may view the document in the Clerk's Office between the hours of 9:00 a.m. and 4:00 p.m, Monday through Friday. (tg, ) (Entered: 05/13/2008)
05/13/2008	17	ENTERED IN ERROR.....TRANSCRIPT of Proceedings held on February 27, 2008 Status Conference before Judge Rosemary M. Collyer. Court Reporter: Crystal M. Pilgrim. The public may view the document in the Clerk's Office between the hours of 9:00 a.m. and 4:00 p.m, Monday through Friday. (tg, ) Modified on 5/13/2008 (tg, ). (Entered: 05/13/2008)
05/13/2008		NOTICE OF CORRECTED DOCKET ENTRY: re 17 Transcript, was entered in error in this case. Please disregard the entry. (tg, ) (Entered: 05/13/2008)
06/25/2008	<u>18</u>	ORDER of USCA (certified copy) as to <u>14</u> Notice of Appeal filed by MATTHEW J. RYAN, it is ORDERED that the order to show cause be discharged. (USCA No. 08-5074) (kb, ) (Entered: 07/14/2008)
02/06/2009	<u>19</u>	MANDATE of USCA (certified copy) as to <u>14</u> Notice of Appeal filed by MATTHEW J. RYAN; ORDERED and ADJUDGED that the district court's orders filed on 6-12-07, and 4-2-08, be affirmed. (USCA No. 08-5074) (mmh, ) (Entered: 02/11/2009)

**U.S. District Court**  
**U.S. District of Minnesota (DMN)**  
**CIVIL DOCKET FOR CASE #: 0:09-cv-00880-JRT-JJK**

United States of America, ex el. et al v. Ludeman et al  
Assigned to: Judge John R. Tunheim  
Referred to: Magistrate Judge Jeffrey J. Keyes  
Demand: \$999,000  
Case in other court: 10-01631  
Cause: 31:3729 False Claims Act

Date Filed: 03/19/2009  
Date Terminated: 04/20/2010  
Jury Demand: Plaintiff  
Nature of Suit: 370 Fraud  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America, ex rel.**

represented by **Chad A Blumenfield**  
United States Attorney's Office  
300 S 4th St Ste 600  
Minneapolis, MN 55415  
612-664-5600  
Email: [chad.blumenfield@usdoj.gov](mailto:chad.blumenfield@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Darlene C Sammarco**

represented by **Darlene C Sammarco**  
1307 52nd Ave NE  
Fridley, MN 55421  
763-571-5984  
PRO SE

V.

**Defendant**

**Cal Ludeman**  
*as Minnesota Commissioner of  
Department of Human Svcs.*

**Defendant**

**Jane Morrow**  
*as Anoka County Court Administrator,  
Anoka County*

represented by **John S Garry**  
Minnesota Attorney General's Office – Ste  
1100  
445 Minnesota St. Ste 1100  
INACTIVE  
St Paul, MN 55101-2128  
651-757-1451  
Fax: 651-282-5832  
Email: [john.garry@ag.state.mn.us](mailto:john.garry@ag.state.mn.us)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Daniel Dauth**  
*as Anoka County Social Services*

represented by **Anthony C Palumbo**  
Anoka County Attorney's Office  
2100 3rd Ave N Ste 720  
Anoka, MN 55303-5025  
763-323-5666  
Fax: 763-422-7589  
Email: [tony.palumbo@co.anoka.mn.us](mailto:tony.palumbo@co.anoka.mn.us)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Conservator Derrinda Mitchell**  
*on Your Behalf*

represented by **Derrinda Mitchell**  
Professional Conservator Services  
13055 Riverdale Drive NW  
Suite 500 PMB 316  
Minneapolis, MN 55448  
763-862-4695  
Fax: 763-862-4695  
PRO SE

**Defendant**

**Attorney Linda Bogut**  
*TERMINATED: 02/25/2010*

represented by **Linda L Bogut**  
Bogut Law Office PA  
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INACTIVE  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Dr. Michael Popkin**  
*Hennepin County Medical Center*  
*Director of Psychiatry*  
*TERMINATED: 02/25/2010*

represented by **Michelle E Weinberg**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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Fax: 612-766-1600  
Email: [richard.duncan@faegrebd.com](mailto:richard.duncan@faegrebd.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Conservator Tracy Allen**  
*designee for Professional Fiduciaries,*  
*Inc.*

**Defendant**

**Karen Foy**  
*Manager of Andrew Residence*  
*also known as*  
*Manager of Andrew Residence*

represented by **Samuel D Orbovich**  
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Mpls, MN 55402-1425  
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Email: [sorbovich@fredlaw.com](mailto:sorbovich@fredlaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Tom Mullon**

represented by

**Barbara E Berg Windels**  
 Minnesota Attorney General's Office – Ste  
 900  
 445 Minnesota St Ste 900  
 INACTIVE  
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 651–215–1505  
 Fax: 651–297–4139  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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 Fax: (612) 664–5788  
 Email: [fred.siekert@usdoj.gov](mailto:fred.siekert@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Dr. Jonathan Uecker**

**Defendant**

**Dr. James H. Gilbertson**  
*Phd*

represented by **Edward F Kautzer**  
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 651–645–9359  
 Fax: 651–645–6801  
 Email: [ruvelson\\_kautzer\\_law@msn.com](mailto:ruvelson_kautzer_law@msn.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Professional Fiduciary, Inc.**  
 PO Box 120389  
 St. Paul, MN 55112  
 612–781–8799  
*Pat Murphy, President*

Date Filed	#	Docket Text
03/19/2009	<u>1</u>	COMPLAINT against Defendants ( Filing fee \$ 350 receipt number 40032737) assigned to Judge Paul A. Magnuson per Sealed Master deck referred to Magistrate Judge Jeffrey J. Keyes, filed by Plaintiff. Attachment: Civil Cover Sheet. (JME) Modified attachment on 7/29/2009 (jam). (Entered: 04/17/2009)
07/02/2009	<u>5</u>	NOTICE of Election to Decline Intervention by United States of America, ex rel. (jam) Modified on 1/13/2010 (TSS). (Entered: 07/02/2009)
07/29/2009	<u>10</u>	ORDER. Signed by Judge John R. Tunheim on 7/28/09. (jam) Modified on 1/13/2010 (TSS). (Entered: 07/29/2009)
08/10/2009	<u>11</u>	AMENDED COMPLAINT against Tracy Allen, Linda Bogut, Daniel Dauth, James H. Gilbertson, Cal Ludeman, Manager of Andrew Residence, Derrinda Mitchell, Jane Morrow, Tom Mullon, Michael Popkin, Jonathan Uecker, filed by Darlene C Sammarco. (Attachments: # <u>1</u> Proof of Service) (kt) Document QC'd on 8/13/2009 (nes). (Entered: 08/12/2009)

08/28/2009	<u>12</u>	MOTION for Extension of Time to File Answer by Tom Mullon. (Siekert, Friedrich) (Entered: 08/28/2009)
08/28/2009	<u>13</u>	MEMORANDUM in Support re <u>12</u> MOTION for Extension of Time to File Answer filed by Tom Mullon. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Siekert, Friedrich) (Entered: 08/28/2009)
08/28/2009	<u>14</u>	DECLARATION of Friedrich A.P. Siekert re <u>12</u> MOTION for Extension of Time to File Answer, <u>13</u> Memorandum in Support of Motion by Tom Mullon. (Siekert, Friedrich) (Entered: 08/28/2009)
08/28/2009	<u>15</u>	CERTIFICATE OF SERVICE by Tom Mullon re <u>12</u> MOTION for Extension of Time to File Answer, <u>14</u> Declaration, <u>13</u> Memorandum in Support of Motion. (Siekert, Friedrich) (Entered: 08/28/2009)
08/31/2009	<u>16</u>	ORDER GRANTING MOTION FOR EXTENSION OF TIME TO PLEAD: This matter came before the Court on the Motion for Extension of Time Doc. No. <u>12</u> by the Defendant Tom Mullon, and no hearing thereon being necessary, IT IS HEREBY ORDERED that the time within which Defendant Tom Mullon has to file his response to the complaint is extended to and including October 9, 2009. Signed by Magistrate Judge Jeffrey J. Keyes on 08/31/2009. (MMP) (Entered: 08/31/2009)
08/31/2009	<u>17</u>	NOTICE of Appearance by Michelle E Weinberg on behalf of Michael Popkin. (Weinberg, Michelle) (Entered: 08/31/2009)
08/31/2009	<u>18</u>	MOTION to Dismiss by Michael Popkin. (Weinberg, Michelle) (Entered: 08/31/2009)
08/31/2009	<u>19</u>	NOTICE OF HEARING ON MOTION, Re: Motion <u>18</u> to dismiss. (date and time to be determined) (Weinberg, Michelle) Modified text on 9/1/2009 (RLR). (Entered: 08/31/2009)
08/31/2009	<u>20</u>	MEMORANDUM in Support re <u>18</u> MOTION to Dismiss filed by Michael Popkin. (Attachments: # <u>1</u> Exhibit(s) A – Summons in a Civil Case)(Weinberg, Michelle) (Entered: 08/31/2009)
09/03/2009	<u>21</u>	MOTION to Dismiss and/or For a More Definite Statement by Linda Bogut. (Attachments: # <u>1</u> Affidavit of Service)(LPH) DOCUMENT QC'd by KT on 10/20/09. (KT) (Entered: 09/03/2009)
09/04/2009	<u>22</u>	TEXT ONLY ENTRY Notice to Attorney <b>Dispositive Motion briefing schedule:</b> All dispositive motions must comply with Local Rule 7.1(b). Responses to dispositive motions shall be filed with the Court and served on or before <b>25 days after the service of the original motion</b> . Replies to responsive briefs shall be served and filed <b>8 days after the service of the response</b> to the dispositive motion. <u>Counsel for the moving party shall call the calendar clerk at 612-664-5083 to schedule the hearing when counsel files reply brief</u> . The moving party will file the notice of hearing on motion at that time. (HAM) (Entered: 09/04/2009)
09/08/2009	<u>23</u>	PROOF OF SERVICE OF SUMMONS & COMPLAINT to United States District Court Clerk by Darlene C Sammarco. (Attachments: # <u>1</u> Summons, # <u>2</u> Envelope)(TSS) (Entered: 09/10/2009)
09/08/2009	<u>24</u>	PROOF OF SERVICES OF SUMMONS & COMPLAINT to United States District Court Clerk by Darlene C Sammarco. (Attachments: # <u>1</u> Envelope)(TSS) (Entered: 09/10/2009)
09/08/2009	<u>25</u>	NOTICE AND ACKNOWLEDGMENT OF SERVICE BY MAIL as to Thomas Mullon filed by Darlene C Sammarco. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope)(TSS) (Entered: 09/10/2009)
09/08/2009	<u>26</u>	NOTICE AND ACKNOWLEDGMENT OF SERVICE BY MAIL as to Attorney Linda Bogut filed by Darlene C Sammarco. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Envelope)(TSS) Modified docket text on 9/10/2009 (TSS). (Entered: 09/10/2009)
09/10/2009	<u>27</u>	RESPONSE in Opposition re <u>21</u> MOTION to Dismiss filed by Darlene C Sammarco. (LPH) Document QC'd on 9/15/2009 (nes). (Entered: 09/14/2009)
09/10/2009		Amended Summons Issued as to Tracy Allen, Linda Bogut, Daniel Dauth, Karen Foy, James H. Gilbertson, Cal Ludeman, Derrinda Mitchell, Jane Morrow, Tom Mullon,

		Michael Popkin, Jonathan Uecker. (TSS) Modified on filed date 9/17/2009 (TSS). (Entered: 09/17/2009)
09/14/2009	<u>28</u>	RESPONSE in Opposition re <u>18</u> MOTION to Dismiss filed by Darlene C Sammarco. (Attachments: # <u>1</u> Exhibit(s) 1-11)(LPH) (Additional attachment(s) added on 11/30/2009: # <u>2</u> Corrected Response) (Thompson, Katie). (Entered: 09/14/2009)
09/16/2009	<u>29</u>	PROOF OF SERVICES OF SUMMONS & COMPLAINT to United States District Court Clerk by Darlene C Sammarco (Attachments: # <u>1</u> Envelope)(JME) DOCUMENT QC'd by KT on 10/30/09. (KT) (Entered: 09/16/2009)
09/22/2009	<u>30</u>	ACKNOWLEDGEMENT OF SERVICE Executed as to <u>1</u> Complaint, Acknowledgement filed by Darlene C Sammarco. (jz) Document QC'd on 9/24/2009 (JME). (Entered: 09/22/2009)
09/23/2009	<u>31</u>	REPLY re <u>20</u> Memorandum in Support of Motion to Dismiss filed by Michael Popkin. (Attachments: # <u>1</u> Certificate of Service)(Weinberg, Michelle) (Entered: 09/23/2009)
09/24/2009	<u>32</u>	ACKNOWLEDGMENT OF SERVICE Executed as to <u>1</u> Complaint, Acknowledgment filed by Darlene C Sammarco. (jz) QC'd jam (Entered: 09/24/2009)
09/28/2009	<u>33</u>	ORDER REFERRING MOTION: <u>18</u> MOTION to Dismiss filed by Michael Popkin, <u>21</u> MOTION to Dismiss filed by Linda Bogut. Signed by Judge John R. Tunheim on September 25, 2009. (HAM) (Entered: 09/28/2009)
09/29/2009	<u>34</u>	PROOF of Service by Darlene C Sammarco re <u>1</u> Complaint. (kt) DOCUMENT QC'd by KT on 10/8/09. (KT) (Entered: 09/30/2009)
10/02/2009	<u>35</u>	NOTICE OF PRETRIAL CONFERENCE: Pretrial Conference set for 11/18/2009 11:00 AM in Courtroom 6A (STP) before Magistrate Judge Jeffrey J. Keyes. (Attachments: # <u>1</u> Consent Form)(MMP) (Entered: 10/02/2009)
10/02/2009	<u>36</u>	NOTICE OF HEARING ON MOTION <u>18</u> MOTION to Dismiss : Motion Hearing set for 11/18/2009 09:30 AM in Courtroom 6A (STP) before Magistrate Judge Jeffrey J. Keyes. (Attachments: # <u>1</u> Certificate of Service)(Weinberg, Michelle) (Entered: 10/02/2009)
10/02/2009	<u>37</u>	STRICKEN FROM THE RECORD PER <u>72</u> ORDER DATED 10-28-09 MOTION for New Trial by Darlene C Sammarco. (LPH) Document QC'd on 10/6/2009 (JME). Modified text on 10/28/2009 MMP. (Entered: 10/05/2009)
10/02/2009	<u>38</u>	STRICKEN FROM RECORD PER <u>72</u> ORDER DATED 10-28-09 MOTION for Jury Trial by Darlene C Sammarco. (LPH) Document QC'd on 10/6/2009 (JME). Modified TEXT on 10/28/2009 (MMP). (Entered: 10/05/2009)
10/02/2009	<u>39</u>	STRICKEN FROM THE RECORD PER <u>72</u> ORDER DATED 10-28-09 MOTION for Certification of Class Action by Darlene C Sammarco. (LPH) Document QC'd on 10/6/2009 (JME). Modified TEXT on 10/28/2009 (MMP). (Entered: 10/05/2009)
10/02/2009	<u>40</u>	RESPONSE re <u>18</u> MOTION to Dismiss filed by Darlene C Sammarco. (LPH) (Additional attachment(s) added on 10/6/2009: # <u>1</u> Complete Document) Document missing page 10, document rescanned and attached.(JME) (Entered: 10/05/2009)
10/06/2009		NOTICE OF DOCKETING CORRECTION: the NEF for document #40 was regenerated as it was missing page 10. The document was rescanned and attached. (JME) (Entered: 10/06/2009)
10/07/2009	<u>44</u>	CERTIFICATE OF SERVICE by Darlene C Sammarco re <u>35</u> Notice of Hearing. (LPH) Qc'd by AKL on 10/15/09. (Entered: 10/08/2009)
10/08/2009	<u>41</u>	MOTION to Dismiss <i>Defendant Andrew Residence</i> by Karen Foy. (Orbovich, Samuel) (Entered: 10/08/2009)
10/08/2009	<u>42</u>	MEMORANDUM in Support re <u>41</u> MOTION to Dismiss <i>Defendant Andrew Residence</i> filed by Karen Foy. (Orbovich, Samuel) (Entered: 10/08/2009)
10/08/2009	<u>43</u>	CERTIFICATE OF SERVICE by Karen Foy re <u>41</u> MOTION to Dismiss <i>Defendant Andrew Residence</i> , <u>42</u> Memorandum in Support of Motion. (Orbovich, Samuel) (Entered: 10/08/2009)

10/09/2009	<u>45</u>	MOTION to Dismiss by Tom Mullon. (Siekert, Friedrich) (Entered: 10/09/2009)
10/09/2009	<u>46</u>	MEMORANDUM in Support re <u>45</u> MOTION to Dismiss filed by Tom Mullon. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate, # <u>2</u> Certificate of Service)(Siekert, Friedrich) (Entered: 10/09/2009)
10/09/2009	<u>47</u>	NOTICE OF HEARING ON MOTION (Siekert, Friedrich) (Entered: 10/09/2009)
10/09/2009	<u>48</u>	NOTICE of Appearance by Barbara E Berg Windels on behalf of Tom Mullon. (Windels, Barbara) (Entered: 10/09/2009)
10/09/2009	<u>49</u>	MOTION for Second Extension of Time to File Answer re <u>11</u> Amended Complaint, by Tom Mullon. (Windels, Barbara) Modified on 10/13/2009 (kt). (Entered: 10/09/2009)
10/09/2009	<u>50</u>	Declaration of Barbara Berg Windels in Support of <u>49</u> Second MOTION for Extension of Time to File Answer re <u>11</u> Amended Complaint, filed by Tom Mullon. (Windels, Barbara) (Entered: 10/09/2009)
10/09/2009	<u>51</u>	CERTIFICATE OF SERVICE by Tom Mullon re <u>50</u> Declaration in Support, <u>49</u> Second MOTION for Extension of Time to File Answer re <u>11</u> Amended Complaint. (Windels, Barbara) (Entered: 10/09/2009)
10/12/2009	<u>52</u>	MOTION to Dismiss by Tom Mullon. (Windels, Barbara) (Entered: 10/12/2009)
10/12/2009	<u>53</u>	NOTICE OF HEARING ON MOTION re <u>52</u> MOTION to Dismiss: time and date t.b.d. (Windels, Barbara) Modified on 10/13/2009 (kt). (Entered: 10/12/2009)
10/12/2009	<u>54</u>	MEMORANDUM in Support re <u>52</u> MOTION to Dismiss filed by Tom Mullon. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Windels, Barbara) (Entered: 10/12/2009)
10/12/2009	<u>55</u>	CERTIFICATE OF SERVICE by Tom Mullon re <u>53</u> Notice of Hearing on Motion, <u>52</u> MOTION to Dismiss, <u>54</u> Memorandum in Support of Motion. (Windels, Barbara) (Entered: 10/12/2009)
10/13/2009	<u>56</u>	MOTION to Dismiss by Jane Morrow. (Garry, John) (Entered: 10/13/2009)
10/13/2009	<u>57</u>	NOTICE OF HEARING ON MOTION, re: Motion <u>56</u> to Dismiss. (Date and time to be determined) (Garry, John) (Entered: 10/13/2009)
10/13/2009	<u>58</u>	MEMORANDUM in Support re <u>56</u> MOTION to Dismiss filed by Jane Morrow. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Garry, John) (Entered: 10/13/2009)
10/13/2009	<u>59</u>	CERTIFICATE OF SERVICE by Jane Morrow re <u>56</u> MOTION to Dismiss, <u>58</u> Memorandum in Support of Motion, <u>57</u> Notice of Hearing on Motion. (Garry, John) (Entered: 10/13/2009)
10/13/2009	<u>60</u>	ORDER FOR EXTENSION TO PLEAD: This case is before the Court on Defendant Tom Mullon's Second Motion for Extension of Time to File Answer Doc. No. <u>49</u> . Based on the file, record, and submissions herein, and for good cause shown, the Court grants the motion. Accordingly, IT IS HEREBY ORDERED that: 1. Defendant Tom Mullon's Second Motion for Extension of Time to File Answer Doc. No. <u>49</u> , is GRANTED. Defendant Tom Mullon may have until October 12, 2009, to answer, move, or otherwise respond to the Amended Complaint in the above matter. Signed by Magistrate Judge Jeffrey J. Keyes on 10/13/2009. (MMP) (Entered: 10/13/2009)
10/13/2009	<u>61</u>	ORDER REFERRING MOTION: <u>56</u> MOTION to Dismiss filed by Jane Morrow, <u>41</u> MOTION to Dismiss <i>Defendant Andrew Residence</i> filed by Karen Foy, <u>38</u> MOTION Jury Trial filed by Darlene C Sammarco, <u>39</u> MOTION to Certify Class filed by Darlene C Sammarco, <u>37</u> MOTION for New Trial filed by Darlene C Sammarco, <u>52</u> MOTION to Dismiss filed by Tom Mullon, <u>45</u> MOTION to Dismiss filed by Tom Mullon. Signed by Judge John R. Tunheim on October 13, 2009. (HAM) (Entered: 10/13/2009)
10/14/2009	<u>62</u>	STRICKEN FROM THE RECORD PER <u>72</u> ORDER DATED 10-28-09Notice of Motion and MOTION for New Trial, Memorandum of Law and to vacate past VOID federal judgments by Darlene C Sammarco. (akl) Modified TEXT on 10/28/2009 (MMP). (Entered: 10/14/2009)



10/14/2009	<u>63</u>	STRICKEN FROM THE RECORD PER <u>72</u> ORDER DATED 10-28-09 Notice of Motion and MOTION for Certification of Class Action, includes Memorandum of Law by Darlene C Sammarco. (Attachments: # <u>1</u> Certificate of Service 1, # <u>2</u> Certificate of Service 2, # <u>3</u> Envelope)(akl) Document QC'd on 10/14/2009 (nes). Modified TEXT on 10/28/2009 (MMP). (Entered: 10/14/2009)
10/14/2009	<u>64</u>	STRICKEN FROM THE RECORD PER <u>72</u> ORDER FILED 10-28-09 Notice of Motion and MOTION for [Kim] Miller Funeral Home Command to Produce Document by Darlene C Sammarco. (akl) Document QC'd on 10/14/2009 (nes). Modified TEXT on 10/28/2009 (MMP). (Entered: 10/14/2009)
10/14/2009	<u>65</u>	STRICKEN FROM THE RECORD PER <u>72</u> ORDER FILED ON 10-28-09 Notice of Motion and MOTION to Include Supplemental Complaint by Darlene C Sammarco. (akl) Document QC'd on 10/14/2009 (nes). Modified TEXT on 10/28/2009 (MMP). (Entered: 10/14/2009)
10/15/2009	<u>66</u>	NOTICE OF HEARING ON MOTION <u>21</u> MOTION to Dismiss : Motion Hearing set for 11/18/2009 09:30 AM in Courtroom 6A (STP) before Magistrate Judge Jeffrey J. Keyes. (Attachments: # <u>1</u> Certificate of Service)(akl) (QC'd by ak1 on 12/1/09) (Entered: 10/15/2009)
10/21/2009	<u>67</u>	NOTICE OF HEARING ON MOTION <u>65</u> MOTION to Include Supplemental Complaint : Motion Hearing set for 11/18/2009 09:30 AM in Courtroom 6A (STP) before Magistrate Judge Jeffrey J. Keyes. (akl) DOCUMENT QC'd by KT on 10/28/09. (KT) (Entered: 10/21/2009)
10/21/2009	<u>68</u>	STRICKEN FROM THE RECORD PER <u>72</u> ORDER FILED ON 10-28-09 Notice of Motion and MOTION to Compel Defendant's Answer by Darlene C Sammarco. (akl) Modified TEXT on 10/28/2009 (MMP). DOCUMENT QC'd by KT on 10/28/09. (KT) (Entered: 10/21/2009)
10/23/2009	<u>69</u>	AMENDED NOTICE of Hearing on Motion <u>56</u> MOTION to Dismiss : Motion Hearing set for 1/5/2010 09:30 AM in Courtroom 6A (STP) before Magistrate Judge Jeffrey J. Keyes. (Attachments: # <u>1</u> Certificate of Service)(Garry, John) (Entered: 10/23/2009)
10/26/2009	<u>70</u>	LETTER TO MAGISTRATE JUDGE by Jane Morrow. (Attachments: # <u>1</u> Certificate of Service)(Garry, John) (Entered: 10/26/2009)
10/26/2009	<u>71</u>	STRICKEN FROM THE RECORD PER <u>72</u> ORDER DATED 10-28-09 Notice of Motion and MOTION for Intervention of Right of Relator with attached Memorandum of Law by Darlene C Sammarco. (Attachments: # <u>1</u> Cover Letter)(akl) Document QC'd on 10/27/2009 (JME). Modified TEXT on 10/28/2009 (MMP). (Entered: 10/26/2009)
10/28/2009	<u>72</u>	ORDER: that: 1. Plaintiff's Motion for New Trial Doc. No. <u>37</u> , shall be STRICKEN FROM THE RECORD; 2. Plaintiff's Motion for Jury Trial Doc. No. <u>38</u> , shall be STRICKEN FROM THE RECORD; 3. Plaintiff's Motion for Certification of Class Action Doc. No. <u>39</u> , shall be STRICKEN FROM THE RECORD; 4. Plaintiff's Notice of Motion and Motion for New Trial Doc. No. <u>62</u> , shall be STRICKEN FROM THE RECORD; 5. Plaintiff's Notice of Motion and Motion for Certification of Class Action Doc. No. <u>63</u> , shall be STRICKEN FROM THE RECORD; 6. Plaintiff's Notice of Motion and Motion for [Kim] Miller Funeral Home Command to Produce Document Doc. No. <u>64</u> , shall be STRICKEN FROM THE RECORD; 7. Plaintiff's Notice of Motion and Motion to Include Supplemental Complaint Doc. No. <u>65</u> , shall be STRICKEN FROM THE RECORD; 8. Plaintiff's Notice of Motion and Motion to Compel Defendant's Answer (Doc. No. 68), shall be STRICKEN FROM THE RECORD; 9. Plaintiff's Notice of Motion and Motion for Intervention of Right of Relator Doc. No. <u>71</u> , shall be STRICKEN FROM THE RECORD; and 10. This Order does not foreclose Plaintiff from renewing any of the stricken motions or filing any future motion that complies with the Local Rules and the Federal Rules of Civil Procedure. Signed by Magistrate Judge Jeffrey J. Keyes on 10/27/2009. (MMP) (Entered: 10/28/2009)
10/28/2009	<u>73</u>	Plaintiff Relator's Amended RESPONSE re <u>18</u> MOTION to Dismiss, <u>21</u> MOTION to Dismiss, Memorandum of Law and Motion to Strike filed by Darlene C Sammarco. (Attachments: # <u>1</u> Exhibits to Response)(akl) Document QC'd on 10/29/2009 (nes). (Entered: 10/28/2009)

10/28/2009	<u>74</u>	AMENDED NOTICE of Hearing on Motion, re: Motion <u>52</u> to dismiss. Motion hearing set for 1/5/10 at 9:30am before Magistrate Judge Jeffery J. Keyes. (Siekert, Friedrich) Added link on 10/29/2009 (RLR). (Entered: 10/28/2009)
10/29/2009	<u>75</u>	NOTICE OF HEARING ON MOTION <u>41</u> MOTION to Dismiss <i>Defendant Andrew Residence</i> : Motion Hearing set for 1/5/2010 09:30 AM in Courtroom 6A (STP) before Magistrate Judge Jeffrey J. Keyes. (Attachments: # <u>1</u> Certificate of Service)(Orbovich, Samuel) (Entered: 10/29/2009)
10/29/2009	<u>76</u>	AMENDED NOTICE of Hearing on Motion <u>52</u> MOTION to Dismiss : Motion Hearing set for 1/5/2010 09:30 AM before Magistrate Judge Jeffrey J. Keyes. (Attachments: # <u>1</u> Certificate of Service)(Windels, Barbara) (Entered: 10/29/2009)
11/02/2009	<u>77</u>	LETTER TO MAGISTRATE JUDGE by Linda Bogut, Karen Foy, Jane Morrow, Tom Mullon, Michael Popkin. (Attachments: # <u>1</u> Certificate of Service)(Windels, Barbara) (Entered: 11/02/2009)
11/03/2009	<u>78</u>	STRICKEN FROM THE RECORD PER ORDER <u>80</u> ENTERED ON 11/4/09 // Plaintiff Realtor's Notice of Motion, MOTION and Memorandum of Law to Void Judgments by Darlene C Sammarco. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Certificate of Service)(akl) Modified text on 11/4/2009 (lph). Document QC'd on 11/23/2009 (nes). (Entered: 11/03/2009)
11/03/2009	<u>79</u>	ORDER: Request to Postpone Pretrial Conference is GRANTED. Signed by Magistrate Judge Jeffrey J. Keyes on 11/3/09. (akl) (Entered: 11/03/2009)
11/04/2009	<u>80</u>	ORDER that <u>78</u> MOTION to Void Judgments filed by Darlene C Sammarco is Stricken from the Record as set forth in the order. Signed by Magistrate Judge Jeffrey J. Keyes on 11/4/09. (LPH) (Entered: 11/04/2009)
11/05/2009	<u>81</u>	REQUEST for Entry of Default by Darlene C Sammarco. (akl) (Entered: 11/05/2009)
11/05/2009	<u>82</u>	AFFIDAVIT in Support re <u>81</u> Request for Entry of Default as to Tracy Allen. (akl) (Entered: 11/05/2009)
11/05/2009	<u>83</u>	REQUEST for Entry of Default as to Daniel Dauth by Darlene C Sammarco. (akl) (Entered: 11/05/2009)
11/05/2009	<u>84</u>	AFFIDAVIT in Support re <u>83</u> Request for Entry of Default as to Daniel Dauth. (akl) (Entered: 11/05/2009)
11/05/2009	<u>85</u>	REQUEST for Entry of Default as to Dr. James H. Gilbertson by Darlene C Sammarco. (akl) (Entered: 11/05/2009)
11/05/2009	<u>86</u>	AFFIDAVIT in Support re <u>85</u> Request for Entry of Default as to Dr. James H. Gilbertson. (akl) (Entered: 11/05/2009)
11/05/2009	<u>87</u>	REQUEST for Entry of Default as to Derrinda Ann Mitchell by Darlene C Sammarco. (akl) (Entered: 11/05/2009)
11/05/2009	<u>88</u>	AFFIDAVIT in Support re <u>87</u> Request for Entry of Default as to Derrinda Ann Mitchell. (akl) (Entered: 11/05/2009)
11/05/2009	<u>89</u>	REQUEST for Entry of Default as to Dr. Jonathan Uecker by Darlene C Sammarco. (akl) (Entered: 11/05/2009)
11/05/2009	<u>90</u>	AFFIDAVIT in Support re <u>89</u> Request for Entry of Default as to Dr. Jonathan Uecker. (akl) (Entered: 11/05/2009)
11/05/2009	<u>91</u>	CERTIFICATE OF SERVICE by Darlene C Sammarco re <u>83</u> Request, <u>85</u> Request, <u>84</u> Affidavit in Support, <u>81</u> Request, <u>90</u> Affidavit in Support, <u>86</u> Affidavit in Support, <u>89</u> Request, <u>82</u> Affidavit in Support, <u>87</u> Request, <u>88</u> Affidavit in Support (akl) (Entered: 11/05/2009)
11/06/2009	<u>92</u>	REPORT of Rule 26(f) Planning Meeting by Darlene C Sammarco. (Attachments: # <u>1</u> Certificate of Service)(akl) (Qc'd by ak1 on 12/1/09) (Entered: 11/06/2009)
11/10/2009	<u>93</u>	NOTICE of Appearance by Anthony C Palumbo on behalf of Daniel Dauth. (Attachments: # <u>1</u> Affidavit of Service)(Palumbo, Anthony) (Entered: 11/10/2009)

11/10/2009	<u>94</u>	NOTICE OF HEARING ON MOTION: PLEASE TAKE NOTICE that the hearing in this case on Defendant Jane Morrow's Motion to Dismiss Doc. No. <u>56</u> , Defendant Andrew Residence's Motion to Dismiss Doc. No. <u>41</u> , and Defendant Tom Mullan's Motions to Dismiss Doc. Nos. <u>45</u> , <u>52</u> , previously scheduled for January 5, 2010, at 9:30 a.m., has been rescheduled to Friday, January 8, 2010, at 10:30 a.m., before Magistrate Judge Jeffrey J. Keyes, Courtroom 6A, United States District Court, Warren E. Burger Federal Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101.(MMP) (Entered: 11/10/2009)
11/10/2009	<u>101</u>	MOTION to Remove Magistrate Jeffrey Keyes from this case by Darlene C Sammarco. (akl) (Entered: 11/12/2009)
11/11/2009	<u>95</u>	MOTION to Dismiss by Karen Foy. (Orbovich, Samuel) (Entered: 11/11/2009)
11/11/2009	<u>96</u>	MEMORANDUM in Support re <u>95</u> MOTION to Dismiss filed by Karen Foy. (Orbovich, Samuel) (Entered: 11/11/2009)
11/11/2009	<u>97</u>	CERTIFICATE OF SERVICE by Karen Foy re <u>96</u> Memorandum in Support of Motion, <u>95</u> MOTION to Dismiss (Orbovich, Samuel) (Entered: 11/11/2009)
11/12/2009	<u>98</u>	AMENDED CERTIFICATE OF SERVICE by Karen Foy re <u>96</u> Memorandum in Support of Motion, <u>95</u> MOTION to Dismiss (Orbovich, Samuel) Modified text on 11/13/2009 (lph). (Entered: 11/12/2009)
11/12/2009	<u>99</u>	NOTICE OF HEARING ON MOTION <u>95</u> MOTION to Dismiss : Motion Hearing set for 1/8/2010 10:30 AM in Courtroom 6A (STP) before Magistrate Judge Jeffrey J. Keyes. (Attachments: # <u>1</u> Certificate of Service)(Orbovich, Samuel) (Entered: 11/12/2009)
11/12/2009	<u>100</u>	ORDER REFERRING MOTION: <u>95</u> MOTION to Dismiss filed by Karen Foy. Signed by Judge John R. Tunheim on November 12, 2009. (HAM) (Entered: 11/12/2009)
11/12/2009	<u>102</u>	MOTION for Extension of Time to Plead and respond to Defendants Motion to Dismiss by Darlene C Sammarco. (akl) Document QC'd on 11/16/2009 (nes). (Entered: 11/12/2009)
11/13/2009	<u>103</u>	Notice of Motion and MOTION for Extension of Time to Amend <u>1</u> Complaint and MOTION to Postpone Defendant's Motion to Dismiss by Darlene C Sammarco. (akl) (Qc'd by akl on 12/1/09) (Entered: 11/13/2009)
11/16/2009	<u>104</u>	CERTIFICATE OF SERVICE by Darlene C Sammarco re <u>103</u> MOTION for Extension of Time to Amend <u>1</u> Complaint, MOTION to Postpone Defendant's Motion to Dismiss (akl) Document QC'd on 11/18/2009 (JME). (Entered: 11/16/2009)
11/16/2009	<u>105</u>	ORDER: 1. Plaintiff Darlene C. Sammarco's Notice of Motion & Motion and Declaration of Plaintiff Relator Darlene Sammarco for Extension of Time and to Postpone Defendant's Motion to Dismiss Doc. No. <u>103</u> , is DENIED; and 2. Plaintiff Darlene C. Sammarco's Notice of Motion and Motion for Extension of Time to Plead and respond to Defendants Motion to Dismiss Doc. No. <u>102</u> , is DENIED. Signed by Magistrate Judge Jeffrey J. Keyes on 11/16/2009. (MMP) (Entered: 11/16/2009)
11/16/2009	<u>106</u>	ORDER DENYING <u>101</u> Motion to Disqualify Judge (Written Opinion). Signed by Judge John R. Tunheim on November 16, 2009. (HAM) (Entered: 11/16/2009)
11/18/2009	<u>107</u>	DOCUMENT FILED IN ERROR– DUPLICATE FILING: Motion filed at Doc. No. <u>101</u> . Notice of Motion and MOTION to Remove Magistrate Jeffrey Keyes from this case by Darlene C Sammarco. (Attachments: # <u>1</u> Cover Letter)(akl) Modified docket text on 11/19/2009 (TSS). (Entered: 11/18/2009)
11/18/2009	<u>108</u>	RESPONSE to Defendant Lead Counsel Asst. MN Atty. Gen. Barbara Berg Windels Motion for Definite Statement filed by Darlene C Sammarco. (akl) (Entered: 11/18/2009)
11/18/2009	<u>109</u>	Minute Entry: Motion Hearing proceedings held before Magistrate Judge Jeffrey J. Keyes on 11/18/2009. re <u>18</u> MOTION to Dismiss filed by Michael Popkin, <u>21</u> MOTION to Dismiss filed by Linda Bogut. Motions taken under advisement as of November 18, 2009. R&R to be issued by the Court. (Court Reporter Colleen M Sichko and Tape #11/18/2009 (9:40:16–10:15:05)) (MMP) (Entered: 11/18/2009)

11/23/2009	<u>110</u>	AMENDED Notice of Motion and MOTION to Remove Magistrate Judge Jeffrey Keyes from this case by Darlene C Sammarco. (Attachments: # <u>1</u> Envelope)(akl) Document QC'd on 11/25/2009 (JME). (Entered: 11/24/2009)
11/25/2009	<u>111</u>	MOTION to Dismiss by Daniel Dauth. (Palumbo, Anthony) (Entered: 11/25/2009)
11/25/2009	<u>112</u>	MEMORANDUM in Support re <u>111</u> MOTION to Dismiss filed by Daniel Dauth. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Palumbo, Anthony) (Entered: 11/25/2009)
11/25/2009	<u>113</u>	NOTICE OF HEARING ON MOTION <u>111</u> MOTION to Dismiss : Motion Hearing set for 1/8/2010 10:30 AM before Magistrate Judge Jeffrey J. Keyes. (Palumbo, Anthony) (Entered: 11/25/2009)
11/25/2009	<u>114</u>	CERTIFICATE OF SERVICE by Daniel Dauth re <u>112</u> Memorandum in Support of Motion, <u>113</u> Notice of Hearing on Motion, <u>111</u> MOTION to Dismiss. (Palumbo, Anthony) (Entered: 11/25/2009)
11/25/2009	<u>115</u>	APPEAL/OBJECTION OF MAGISTRATE JUDGE DECISION to District Judge re <u>72</u> Order on Motion for New Trial, Order on Motion for Miscellaneous Relief, Order on Motion to Certify Class, Order on Motion to Compel, Order on Motion to Intervene. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Certificate of Service)(akl) (Qc'd by akl on 12/1/09) (Entered: 11/25/2009)
11/30/2009	<u>116</u>	ORDER DENYING <u>110</u> Motion to remove Magistrate Judge Keyes.(Written Opinion). Signed by Judge John R. Tunheim on November 30, 2009. (HAM) (Entered: 11/30/2009)
11/30/2009		NOTICE that <u>28</u> RESPONSE has been rescanned due to missing pages. (kt) (Entered: 11/30/2009)
11/30/2009	<u>117</u>	ORDER REFERRING MOTION: <u>111</u> MOTION to Dismiss filed by Daniel Dauth. Signed by Judge John R. Tunheim on November 30, 2009. (HAM) (Entered: 11/30/2009)
12/01/2009	<u>118</u>	RESPONSE to Defendant Lead Counsel Asst. MN Atty. Gen. Barbara Berg Windels Motion for Definite Statement–More Definite Complaint Narrative filed by Darlene C Sammarco. (akl) DOCUMENT QC'd by KT on 12/21/09. (Entered: 12/01/2009)
12/10/2009	<u>120</u>	Notice of Motion and MOTION to Include Supplemental Complaint by Darlene C Sammarco. Motion Hearing Date set for 1/8/10 at 10:30 am in St Paul–Courtroom 6A before Magistrate Judge Jeffrey J. Keyes. (akl) Document QC'd on 12/18/2009 (nes). (Entered: 12/14/2009)
12/10/2009	<u>121</u>	ACKNOWLEDGEMENT OF SERVICE Executed as to Defendant Derrinda Ann Mitchell for Summons and Complaint as of 9/15/09. Acknowledgement filed by Darlene C Sammarco. (akl) (Entered: 12/14/2009)
12/10/2009	<u>122</u>	SERVICE by Publication as to Defendants Daniel Dauth, Jonathan Charles Uecker, James H. Gilbertson filed by Darlene C Sammarco. Last publication date 12/25/09 in the Anoka County Union. (akl) (Entered: 12/14/2009)
12/10/2009	<u>123</u>	CERTIFICATE OF SERVICE by Darlene C Sammarco re <u>121</u> Acknowledgment of Service, <u>122</u> Service by Publication, <u>120</u> MOTION to Include Supplemental Complaint. (Attachments: # <u>1</u> Cover Letter)(akl) (Entered: 12/14/2009)
12/11/2009	<u>119</u>	REPORT AND RECOMMENDATION: that: 1. Defendant Michael Popkin's Motion to Dismiss Doc. No. <u>18</u> , be GRANTED; 2. Defendant Linda Bogut's Motion to Dismiss Doc. No. <u>21</u> , be GRANTED; and 3. All claims against Defendants Michael Popkin and Linda Bogut be DISMISSED WITH PREJUDICE. Objections to R&R due by 12/28/2009 Signed by Magistrate Judge Jeffrey J. Keyes on 12/11/2009. (MMP) (Entered: 12/11/2009)
12/14/2009	<u>124</u>	<b>ORDER denying</b> plaintiff Sammarco's <u>115</u> ORDER RE: APPEAL/OBJECTION OF MAGISTRATE JUDGE DECISION to District Judge. Signed by Judge John R. Tunheim on December 14, 2009. (DML) (Entered: 12/14/2009)
12/15/2009	<u>125</u>	Notice of Motion and MOTION for New Trial, Memorandum of Law and to vacate past VOID federal judgments by Darlene C Sammarco. (Attachments: # <u>1</u> Certificate

		of Service)(akl) Document QC'd on 12/18/2009 (nes). (Entered: 12/15/2009)
12/15/2009	<u>126</u>	(Second)Notice of Motion and MOTION to Include Supplemental Complaint by Darlene C Sammarco. (Attachments: # <u>1</u> Certificate of Service)(akl) Document QC'd on 12/18/2009 (nes). (Entered: 12/15/2009)
12/15/2009	<u>127</u>	Notice of Motion and MOTION for Certification of Class Action, includes Memorandum of Law by Darlene C Sammarco. (Attachments: # <u>1</u> Certificate of Service)(akl) Document QC'd on 12/18/2009 (nes). (Entered: 12/15/2009)
12/15/2009	<u>128</u>	Amended Notice of Motion and MOTION and Memorandum of Law to Void Judgments by Darlene C Sammarco. (akl) Document QC'd on 12/18/2009 (nes). (Entered: 12/15/2009)
12/15/2009	<u>129</u>	Objection to <u>119</u> Report and Recommendation and Notice of Motion and MOTION for Removal of Judge Tunheim and Keyes for bias by Darlene C Sammarco. (akl) Document QC'd on 12/18/2009 (nes). (Entered: 12/15/2009)
12/17/2009	<u>130</u>	Petition for Reconsideration of <u>119</u> Report and Recommendations filed by Darlene C Sammarco. (Attachments: # <u>1</u> Certificate of Service)(akl) (Qc'd by akl on 12/22/09) (Entered: 12/17/2009)
12/22/2009	<u>131</u>	SERVICE by Publication as to Daniel Dauth and James Gilbertson filed by Darlene C Sammarco. Last publication date December 25, 2009. (akl) (Qc'd by akl on 12/23/09) (Entered: 12/22/2009)
12/22/2009	<u>132</u>	SERVICE by Publication as to Dr. Jonathan Uecker filed by Darlene C Sammarco. Last publication date December 25, 2009. (Attachments: # <u>1</u> Certificate of Service)(akl) (Qc'd by akl on 12/23/09) (Entered: 12/22/2009)
12/22/2009	<u>133</u>	PETITION for Judicial Substitution re: Removal of Judge John Tunheim and Magistrate Jeffrey Keyes for bias by Darlene C Sammarco. (Attachments: # <u>1</u> Exhibit-Letter to Solicitor General)(akl) (Qc'd by akl on 12/23/09) (Entered: 12/22/2009)
12/22/2009	<u>134</u>	Affirmation for Notice of Motion and MOTION for Default against co-defendant by Darlene C Sammarco. (akl) (Qc'd by akl on 12/23/09) (Entered: 12/22/2009)
12/23/2009	<u>135</u>	LETTER REQUEST filed by Derrinda Mitchell re: allowance to file Notice of Motion and Motion to Dismiss Pleadings with relief from scheduling deadlines. (akl) (Entered: 12/28/2009)
12/30/2009	<u>136</u>	ORDER granting <u>135</u> Letter Request filed by Derrinda Mitchell. Mitchell shall file and serve her motion to dismiss and her supporting papers on or before Monday, January 4, 2010. Plaintiff may file any response to Mitchells motion to dismiss on or before January 28, 2010. Signed by Magistrate Judge Jeffrey J. Keyes on 12/30/09. (JME) (Entered: 12/30/2009)
01/05/2010	<u>137</u>	Cover letter from Derrinda Mitchell to Clerk of Court. (MMP) (Entered: 01/05/2010)
01/05/2010	<u>138</u>	MOTION to Dismiss Pleadings and/or For a more Definite Statement by Derrinda Mitchell. (MMP) DOC QC'd on 1/7/2010 (lph). (Entered: 01/05/2010)
01/05/2010	<u>139</u>	NOTICE OF HEARING ON MOTION <u>138</u> MOTION to Dismiss Motion Hearing set for 1/8/2010 10:30 AM in Courtroom 6A (STP) before Magistrate Judge Jeffrey J. Keyes. (MMP) (Entered: 01/05/2010)
01/05/2010	<u>140</u>	LETTER from Derrinda Mitchell to Darlene Sammarco. (akl) (Entered: 01/06/2010)
01/05/2010	<u>141</u>	CERTIFICATE OF SERVICE by Derrinda Mitchell re <u>139</u> Notice of Hearing on Motion, <u>137</u> Letter, <u>140</u> Letter, <u>138</u> MOTION to Dismiss. (akl) (Entered: 01/06/2010)
01/05/2010	<u>142</u>	Notice of Motion and MOTION to Remove Judge John Tunheim and Magistrate Jeffrey Keyes by Darlene C Sammarco. (akl) (Qc'd by akl on 1/11/10) (Entered: 01/06/2010)
01/05/2010	<u>143</u>	Notice of Motion and MOTION for Review of Magistrate Keyes Report and Recommendation for Dismissal with Prejudice against Bogut and Popkin and the Removal of Judge Tunheim and Keyes for Bias by Darlene C Sammarco. (akl) (Qc'd

		by akl on 1/11/10) (Entered: 01/06/2010)
01/05/2010	<u>144</u>	Notice of Motion and MOTION for Entry of Default as to Dr. Jonathan Uecker by Darlene C Sammarco. (akl) (Qc'd by akl on 1/11/10) (Entered: 01/06/2010)
01/05/2010	<u>145</u>	MEMORANDUM in Support re <u>144</u> MOTION for Entry of Default as to Dr. Jonathan Uecker filed by Darlene C Sammarco. (akl) (Qc'd by akl on 1/11/10) (Entered: 01/06/2010)
01/05/2010	<u>146</u>	Notice of Motion and MOTION for Entry of Default as to James H. Gilbertson by Darlene C Sammarco. (akl) (Qc'd by akl on 1/11/10) (Entered: 01/06/2010)
01/05/2010	<u>147</u>	MEMORANDUM in Support re <u>146</u> MOTION for Entry of Default as to Dr. James H. Gilbertson filed by Darlene C Sammarco. (akl) (Qc'd by akl on 1/11/10) (Entered: 01/06/2010)
01/05/2010	<u>148</u>	Notice of Motion and MOTION for Entry of Default as to Tracy Allen by Darlene C Sammarco. (akl) (Qc'd by akl on 1/11/10) (Entered: 01/06/2010)
01/05/2010	<u>149</u>	MEMORANDUM in Support re <u>148</u> MOTION for Entry of Default as to Tracy Allen filed by Darlene C Sammarco. (akl) (Qc'd by akl on 1/11/10) (Entered: 01/06/2010)
01/05/2010	<u>150</u>	CERTIFICATE OF SERVICE by Darlene C Sammarco re <u>149</u> Memorandum in Support of Motion, <u>142</u> MOTION to Remove Judge John Tunheim and Magistrate Jeffrey Keyes, <u>148</u> MOTION for Entry of Default, <u>144</u> MOTION for Entry of Default, <u>146</u> MOTION for Entry of Default, <u>143</u> MOTION for Review of Magistrate Keyes Report and Recommendation for Dismissal with Prejudice against Bogut and Popkin and the Removal of Judge Tunheim and Keyes for Bias, <u>145</u> Memorandum in Support of Motion, <u>147</u> Memorandum in Support of Motion. (akl) (Qc'd by akl on 1/11/10) (Entered: 01/06/2010)
01/07/2010	<u>151</u>	Response and Oral Argument Against Defendants Motion to Dismiss the Complaint (See Memorandum of Law and Affirmation by Plaintiff Relator) filed by Darlene C Sammarco. (Attachments: # <u>1</u> Certificate of Service)(akl) (Qc'd by akl on 1/11/10) (Entered: 01/07/2010)
01/07/2010	<u>152</u>	MEMORANDUM in Support re <u>134</u> MOTION for Default Judgment as to Derrinda Mitchell filed by Darlene C Sammarco. (Attachments: # <u>1</u> Exhibit)(akl) (Qc'd by akl on 1/11/10) (Entered: 01/07/2010)
01/08/2010	<u>154</u>	Minute Entry: Motion Hearing held before Magistrate Judge Jeffrey J. Keyes on 1/8/2010. (1) Defendant Andrew Residence's Motion to Dismiss Doc. No. <u>41</u> (2) Defendant Tom Mullon's Motion to Dismiss Doc. No. <u>45</u> (3) Defendant Mullon's Motion to Dismiss Doc. No. <u>56</u> (4) Defendant Karen Foy's Motion to Dismiss Doc. No. <u>95</u> (5) Defendant Daniel Dauth's Motion to Dismiss Doc. No. <u>111</u> (6) Darlene Sammarco's Notice of Motion and Motion to Include Supplemental Complaint Doc. No. <u>120</u> (7) Defendant Derrinda Mitchell's Motion to Dismiss Pleadings and/or for a More Definite Statement Doc. No. <u>138</u> . Defendant Daniel Dauth made an oral motion to impose a filing restriction on Plaintiff Relator Darlene Sammarco that would prohibit her from filing future cases naming Daniel Dauth as a Defendant. Defendants Karen Foy and Andrew Residence joined in Defendant Dauths oral motion regarding Plaintiff Relator Sammarco's filing of future cases against them. All motions, including the oral motions made at the hearing, will be taken under advisement when post-hearing briefing is completed, which is scheduled to occur on or before January 28, 2010, per the Courts December 30, 2009 Order Doc. No. <u>136</u> . R&R to be issued.(Court Reporter Ron Moen and Tape #n/a) (MMP) (Entered: 01/13/2010)
01/12/2010	<u>153</u>	LETTER from Darlene Sammarco re: Emails and Rule 4.403. (akl) DOCUMENT QC'd by KT on 2/4/10. (Entered: 01/12/2010)
01/15/2010	<u>155</u>	NOTICE of Appearance by Edward F Kautzer on behalf of James H. Gilbertson. (Kautzer, Edward) (Entered: 01/15/2010)
01/19/2010	<u>156</u>	NOTICE of Filing of Official Transcript. A total of 1 transcripts are associated with this filing. (kt) (Entered: 01/19/2010)
01/19/2010	<u>157</u>	TRANSCRIPT of Motions Hearing held on 11/18/09 before Magistrate Judge Jeffrey J. Keyes. (28 pages). Court Reporter: Colleen Sichko Redaction Request due 2/9/2010.

		Redacted Transcript Deadline set for 2/19/2010. Release of Transcript Restriction set for 4/19/2010. For information on redaction procedures, please review <u>Local Rule 5.5</u> . (kt) (Entered: 01/19/2010)
01/20/2010	<u>158</u>	STRICKEN FROM CALENDAR PER <u>161</u> ORDER DATED 1-21-2010 – MOTION to Dismiss Pleadings and/or MOTION for a More Definite Statement by Professional Fiduciary, Inc. (Attachments: # <u>1</u> Proposed Notice of Motion, # <u>2</u> Certificate of Service).(akl) Modified TEXT on 1/21/2010 (MMP). Doc. QC'd on 1/27/2010 (lph). (Entered: 01/20/2010)
01/21/2010	<u>159</u>	NOTICE of Filing of Official Transcript. A total of 1 transcripts are associated with this filing. (RJM) (Entered: 01/21/2010)
01/21/2010	<u>160</u>	TRANSCRIPT of Motions Hearing held on 1/8/2010 before Magistrate Judge Jeffrey J. Keyes. (31 pages). Court Reporter: Ron Moen (E-mail: Ron_Moen@mnd.uscourts.gov. Telephone: (651) 848-1222). Redaction Request due 2/11/2010. Redacted Transcript Deadline set for 2/22/2010. Release of Transcript Restriction set for 4/21/2010. For information on redaction procedures, please review <u>Local Rule 5.5</u> . (RJM) (Entered: 01/21/2010)
01/21/2010	<u>161</u>	ORDER STRIKING MOTION TO DISMISS: that: 1. The pro se Motion to Dismiss Pleadings and/or for a More Definite Statement (Doc. No. <u>158</u> , filed by Pat Murphy, President of PFI, is STRICKEN FROM THE RECORD; and 2. The Clerk's Office is directed to mail a copy of this Order to the following address: Professional Fiduciary, Inc. c/o Pat Murphy, President PO Box 120389 St. Paul, MN 55112 Signed by Magistrate Judge Jeffrey J. Keyes on 01/21/2010. (MMP) (Entered: 01/21/2010)
01/22/2010	<u>162</u>	ORDER REFERRING MOTION: <u>142</u> MOTION to Remove Judge John Tunheim and Magistrate Jeffrey Keyes filed by Darlene C Sammarco, <u>125</u> MOTION for New Trial filed by Darlene C Sammarco, <u>148</u> MOTION for Entry of Default filed by Darlene C Sammarco, <u>144</u> MOTION for Entry of Default filed by Darlene C Sammarco, <u>127</u> MOTION to Certify Class filed by Darlene C Sammarco, <u>146</u> MOTION for Entry of Default filed by Darlene C Sammarco, <u>126</u> MOTION to Include Supplemental Complaint filed by Darlene C Sammarco, <u>134</u> MOTION for Default Judgment as to filed by Darlene C Sammarco, <u>133</u> MOTION for Judicial Substitution re: Removal of Judge John Tunheim and Magistrate Jeffrey Keyes for bias filed by Darlene C Sammarco, <u>128</u> MOTION to Void Judgments filed by Darlene C Sammarco. Signed by Judge John R. Tunheim on January 22, 2010. (HAM) (Entered: 01/22/2010)
01/26/2010	<u>163</u>	RESPONSE re <u>138</u> MOTION to Dismiss filed by Darlene C Sammarco. (Attachments: # <u>1</u> Certificate of Service)(LPH) Document QC'd on 1/27/2010 (JME). (Entered: 01/26/2010)
01/26/2010	<u>164</u>	NOTICE of Redaction (of filer's conclusions of error and corrections) by Darlene C Sammarco re <u>160</u> Transcript. (Attachments: # <u>1</u> Certificate of Service)(LPH) DOCUMENT QC'd by KT on 2/4/10. (Entered: 01/26/2010)
01/28/2010	<u>165</u>	ORDER denying <u>120</u> MOTION to Include Supplemental Complaint filed by Darlene C Sammarco and <u>126</u> MOTION to Include Supplemental Complaint filed by Darlene C Sammarco; REPORT AND RECOMMENDATION to grant <u>56</u> MOTION to Dismiss filed by Jane Morrow, to grant <u>95</u> MOTION to Dismiss filed by Karen Foy, to deny <u>142</u> MOTION to Remove Judge John Tunheim and Magistrate Jeffrey Keyes filed by Darlene C Sammarco, to deny <u>125</u> MOTION for New Trial filed by Darlene C Sammarco, to deny <u>148</u> MOTION for Entry of Default filed by Darlene C Sammarco, to deny <u>144</u> MOTION for Entry of Default filed by Darlene C Sammarco, to grant <u>41</u> MOTION to Dismiss <i>Defendant Andrew Residence</i> filed by Karen Foy, to deny <u>127</u> MOTION to Certify Class filed by Darlene C Sammarco, to deny <u>146</u> MOTION for Entry of Default filed by Darlene C Sammarco, to deny <u>134</u> MOTION for Default Judgment as to filed by Darlene C Sammarco, to grant <u>111</u> MOTION to Dismiss filed by Daniel Dauth, to deny <u>133</u> MOTION for Judicial Substitution re: Removal of Judge John Tunheim and Magistrate Jeffrey Keyes for bias filed by Darlene C Sammarco, to grant <u>138</u> MOTION to Dismiss filed by Derrinda Mitchell, to grant <u>45</u> MOTION to Dismiss filed by Tom Mullon, to deny <u>128</u> MOTION to Void Judgments filed by Darlene C Sammarco, that Plaintiff's remaining claims against Defendants Cal Ludeman, as Minnesota Commissioner of Department of Human Services, Dr. Jonathan Uecker, Dr. James H. Gilbertson, and Conservator Tracy Allen, designee for Professional Fiduciaries, Inc., be DISMISSED WITHOUT PREJUDICE for failure to

		prosecute, that Defendants Daniel Dauth. Andrew Residence, and Karen Foy's oral request for a sanction on Plaintiff's filing of future related cases (See Doc. No. 153 (noting oral request at the January 8, 2010 hearing)), be GRANTED to the extent that Plaintiff be prohibited from filing future cases relating to the commitment of her daughter unless she is represented by counsel or obtains pre-authorization from a judge of this Court; and that this matter be dismissed in its entirety. ( Objections to R&R due by 2/8/2010). Signed by Magistrate Judge Jeffrey J. Keyes on 1/28/10. (kt) (Entered: 01/28/2010)
02/08/2010	<u>166</u>	LETTER TO CLERK'S OFFICE from Darlene Sammarco re: Derrinda Mitchell and Patricia Murphy. (akl) Document QC'd on 2/9/2010 (JME). (Entered: 02/08/2010)
02/09/2010	<u>167</u>	LETTER from Darlene Sammarco with attached emails re: Request for copy of letter from Derrinda Mitchell, Notice of Redaction to Clerk and No Response on Default Orders. (akl) DOCUMENT QC'd by KT on 2/11/10. (Entered: 02/10/2010)
02/25/2010	<u>168</u>	<b>ORDER</b> 1) <b>adopting</b> Magistrate Judge <u>119</u> Report and Recommendation; 2) <b>denying</b> plaintiff's <u>129</u> Motion; 3) <b>denying</b> plaintiff's <u>143</u> Motion; 4) <b>granting</b> defendant Popkin's <u>18</u> Motion to Dismiss; 5) <b>granting</b> defendant Bogut's <u>21</u> Motion to Dismiss. <b>All claims against defendants Michael Popkin and Linda Bogut are dismissed with prejudice</b> (Written Opinion). Signed by Judge John R. Tunheim on February 25, 2010. (DML) (Entered: 02/25/2010)
02/26/2010	<u>169</u>	VACATED PER ORDER DATED 3/22/10—ORDER ADOPTING REPORT AND RECOMMENDATIONS <u>165</u> . IT IS HEREBY ORDERED that: 1. Defendant Residence's Motion to Dismiss (Doc. No. 41), is GRANTED. 2. Defendant Mullon's Motion to Dismiss (Doc. No. 45 and No. 52), is GRANTED. 3. Defendant Morrow's Motion to Dismiss (Doc. No. 56), is GRANTED. 4. Defendant Dauth's Motion to Dismiss (Doc. No. 111), is GRANTED. 5. Defendant Foy's Motion to Dismiss (Doc. No. 95), is GRANTED. 6. Defendant Mitchell's Motion to Dismiss Pleadings and/or for a More Definite Statement (Doc. No. 138), is GRANTED. 7. Plaintiff's remaining claims against Defendants Cal Ludeman, as Minnesota Commissioner of Department of Human Services, Dr. Jonathan Uecker, Dr. James H. Gilbertson, and Conservator Tracy Allen, designee for Professional Fiduciaries, Inc., are DISMISSED WITHOUT PREJUDICE for failure to prosecute. 8. Defendants Daniel Dauth. Andrew Residence, and Karen Foy's oral request for a sanction on Plaintiff's filing of future related cases (See Doc. No. 153 (noting oral request at the January 8, 2010 hearing)), is GRANTED to the extent that Plaintiff be prohibited from filing future cases relating to the commitment of her daughter unless she is represented by counsel or obtains pre-authorization from a judge of this Court. 9. The remaining pending motions (Doc. Nos. 125, 127, 128, 133, 134, 142, 144, 146, and 148), are DENIED. 10. This matter is DISMISSED in its entirety.(Written Opinion). Signed by Judge John R. Tunheim on February 25, 2010. (HAM) Modified on 3/24/2010 (akl). (Entered: 02/26/2010)
02/26/2010	<u>170</u>	DOCUMENT FILED IN ERROR: JUDGMENT (Attachments: # 1 Civil Notice – appeal)(kt) Modified entry on 3/5/2010 (TSS). (Document added on 3/5/2010: # <u>2</u> Main Document). (Entered: 02/26/2010)
03/05/2010	<u>171</u>	ORDER that the Judgment entered by the Clerks Office [Docket No. 170] shall be vacated and removed from the Clerks file.(Written Opinion). Signed by Judge John R. Tunheim on March 5, 2010. (HAM) (Entered: 03/05/2010)
03/05/2010	<u>172</u>	VACATED PER ORDER DATED 3/22/10—JUDGMENT (Attachments: # <u>1</u> Civil Notice – appeal)(TSS) Modified on 3/24/2010 (akl). (Entered: 03/05/2010)
03/08/2010	<u>173</u>	OBJECTION and Argument Against Judge Tuhheim's Order to Dismiss for Plaintiff's Alleged Failure to Prosecute by Darlene C Sammarco. (Attachments: # <u>1</u> Exhibit to Objection, # <u>2</u> Exhibit to Objection #2, # <u>3</u> Cover Letter)(akl) QC'd jam (Entered: 03/08/2010)
03/15/2010	<u>174</u>	NOTICE OF APPEAL TO 8TH CIRCUIT as to <u>172</u> Judgment, <u>169</u> Order Adopting Report and Recommendations, by Darlene C Sammarco. (LPH) Document QC'd on 3/16/2010 (JME). (Entered: 03/15/2010)
03/15/2010	<u>175</u>	USCA Appeal Fees received \$ 455 receipt number 4043322 re <u>174</u> Notice of Appeal to 8th Circuit filed by Darlene C Sammarco. (LPH) Document QC'd on 3/16/2010 (JME). (Entered: 03/15/2010)



03/15/2010	<u>176</u>	TRANSMITTAL OF APPEAL LETTER TO U. S. COURT OF APPEALS, 8TH CIRCUIT, Re: Notice of Appeal to 8th Circuit <u>174</u> . cc: All Counsel. (Attachments: # <u>1</u> COA – Form A)(RLR) (Entered: 03/15/2010)
03/19/2010	<u>177</u>	LETTER TO CLERK'S OFFICE from Darlene Sammarco re: Notice of Appeal. (Attachments: # <u>1</u> Exhibits to the Letter, # <u>2</u> Certificate of Service)(akl) QC'd jam (Entered: 03/19/2010)
03/19/2010		NOTICE to USCA of subsequent filing in a civil case, Re: Letter to Clerk's Office <u>177</u> . (akl) (Entered: 03/19/2010)
03/19/2010	<u>178</u>	USCA Case Number 10–1631 for <u>174</u> Notice of Appeal to 8th Circuit filed by Darlene C Sammarco. (jam) (Entered: 03/23/2010)
03/24/2010	<u>179</u>	ORDER: The Court VACATES its February 26, 2010, Order Adopting the Report and Recommendation <u>169</u> , and VACATES the Judgment <u>172</u> in this case. The Court MODIFIES the deadlines for filing objections to the Report and Recommendation. Objections are now due by April 5, 2010. To the extent Sammarco requests the above–stated relief in her Declaration and Argument Against Judgment to Dismiss For Failure to Prosecute Co– Defendants Dr. Jonathan Uecker, PFI Tracy Allen, Dr. James Gilbertson and Cal Ludeman <u>173</u> , the request is GRANTED. To the extent Sammarco requests any other relief in that Declaration and Argument, the request is DENIED. (Written Opinion). Signed by Judge John R. Tunheim on March 22, 2010. (Attachments: # <u>1</u> Report And Recommendation)(HAM) (Entered: 03/24/2010)
03/24/2010	<u>180</u>	Remark: Sent Darlene Sammarco via Certified Mail copies of Document No. 179 and 165. Receipt# 7006 0810 0001 8121 9422. (akl) (Entered: 03/24/2010)
03/26/2010	<u>181</u>	LETTER TO CLERK'S OFFICE BY Darlene Sammarco. (akl) (Qc'd by akl on 3/29/10) (Entered: 03/26/2010)
03/26/2010	<u>182</u>	Remark: Return of Service of Orders sent via Certified Mail. Signed for by Linda Larson. (akl) (Qc'd by akl on 3/29/10) (Entered: 03/26/2010)
04/20/2010	<u>183</u>	ORDER ADOPTING REPORT AND RECOMMENDATIONS [Docket No. 165]. IT IS HEREBY ORDERED that: 1. Defendant Residence's Motion to Dismiss (Doc. No. 41), is GRANTED. 2. Defendant Mullon's Motion to Dismiss (Doc. No. 45 and No. 52), is GRANTED. 3. Defendant Morrow's Motion to Dismiss (Doc. No. 56), is GRANTED. 4. Defendant Dauth's Motion to Dismiss (Doc. No. 111), is GRANTED. 5. Defendant Foy's Motion to Dismiss (Doc. No. 95), is GRANTED. 6. Defendant Mitchell's Motion to Dismiss Pleadings and/or for a More Definite Statement (Doc. No. 138), is GRANTED. 7. Plaintiff's remaining claims against Defendants Cal Ludeman, as Minnesota Commissioner of Department of Human Services, Dr. Jonathan Uecker, Dr. James H. Gilbertson, and Conservator Tracy Allen, designee for Professional Fiduciaries, Inc., are DISMISSED WITHOUT PREJUDICE for failure to prosecute. 8. Defendants Daniel Dauth, Andrew Residence, and Karen Foy's oral request for a sanction on Plaintiff's filing of future related cases (See Doc. No. 153 (noting oral request at the January 8, 2010 hearing), is GRANTED to the extent that Plaintiff be prohibited from filing future cases relating to the commitment of her daughter unless she is represented by counsel or obtains pre–authorization from a judge of this Court. 9. The remaining pending motions (Doc. Nos. 125, 127, 128, 133, 134, 142, 144, 146, and 148), are DENIED. 10. This matter is DISMISSED in its entirety. (Written Opinion). Signed by Judge John R. Tunheim on April 20, 2010. (HAM) (Entered: 04/20/2010)
04/21/2010	<u>184</u>	JUDGMENT. (Attachments: # <u>1</u> Civil Notice – appeal)(RLR) (Entered: 04/21/2010)
04/22/2010	<u>185</u>	AMENDED JUDGMENT. Amended <u>184</u> Judgment to include all claims. (Attachments: # <u>1</u> Civil Notice – appeal)(TSS) Modified on 4/26/2010 (TSS). (Entered: 04/22/2010)
04/23/2010	<u>186</u>	Remark: Return of Service on Order and Judgment. Cert. Mail #7002 2410 0003 6308 6967. (akl) (Entered: 04/23/2010)
04/26/2010		NOTICE to USCA of subsequent filing in a civil case, Re: Letter to Clerk's Office <u>181</u> , Judgment <u>184</u> , Judgment <u>185</u> , Order, <u>179</u> , Order Adopting Report and Recommendations <u>183</u> . (RLR) (Entered: 04/26/2010)

04/26/2010	<u>187</u>	Remark: Certified Mail received #7006 0810 0001 8121 9439. Signed for by Darlene Sammarco. (akl) DOCUMENT QC'd by KT on 4/29/10. (Entered: 04/26/2010)
10/20/2010	<u>188</u>	Opinion of USCA as to <u>174</u> Notice of Appeal to 8th Circuit(Judge Bye, Judge Bowman, Judge Colloton): Darlene C. Sammarco appeals from the order of the District Court dismissing her civil action. Having carefully reviewed the record, we conclude that dismissal was proper for the reasons stated by the District Court. We also find Sammarco's allegations of judicial bias to be without merit. See Liteky v. United States, 510 U.S. 540, 555 (1994). Accordingly, we affirm. (Attachments: # <u>1</u> Cover Letter)(akl) (Entered: 10/22/2010)
10/20/2010	<u>189</u>	USCA JUDGMENT as to <u>174</u> Notice of Appeal to 8th Circuit: After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court. (received electronically from COA) (akl) (Entered: 10/22/2010)
11/24/2010	<u>190</u>	ORDER of USCA as to <u>174</u> Notice of Appeal to 8th Circuit: The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied. (received electronically from COA) (akl) (Entered: 11/30/2010)
12/02/2010	<u>191</u>	MANDATE of USCA as to <u>174</u> Notice of Appeal to 8th Circuit filed by Darlene C Sammarco (received electronically from COA) (akl) (Entered: 12/06/2010)
06/15/2011	<u>192</u>	NOTICE from the Supreme Court of the United States: The petition for a writ of certiorari in the above entitled case was filed on February 9, 2011 and placed on the docket June 13, 2011 as No. 10-1495. (Attachments: # <u>1</u> Cover Letter)(akl) (Entered: 06/15/2011)
12/15/2011	<u>193</u>	NOTICE from US Supreme Court in re: The petition for rehearing is denied. (Attachments: # <u>1</u> Cover Letter)(jam) (Entered: 12/19/2011)
06/11/2012	<u>194</u>	Appeal Remark: receipt of petition for a writ of mandamus assigned number 12-2365. (jam) (Entered: 06/11/2012)
06/21/2012	<u>195</u>	USCA JUDGMENT as to <u>174</u> Notice of Appeal to 8th Circuit filed by Darlene C Sammarco: Petition for writ of mandamus has been considered by the court and is denied. (received electronically from COA) (jam) (Entered: 06/22/2012)
06/21/2012	<u>196</u>	MANDATE of USCA as to <u>174</u> Notice of Appeal to 8th Circuit filed by Darlene C Sammarco : the formal mandate is hereby issued in the above-styled matter. (received electronically from COA) (jam) (Entered: 06/22/2012)

**U.S. District Court  
Southern District of Florida (West Palm Beach)  
CIVIL DOCKET FOR CASE #: 9:07-cv-80900-DMM**

United States of America v. Lymphatx, Inc et al.  
Assigned to: Judge Donald M. Middlebrooks  
Referred to: Magistrate Judge Linnea R. Johnson  
Cause: no cause specified

Date Filed: 09/28/2007  
Date Terminated: 05/07/2010  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America**  
*ex rel, Laika Sanchez*

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V.

**Defendant**

**Lymphatx, Inc**

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*ATTORNEY TO BE NOTICED*

**Defendant**

**Pamela Cohen**

represented by **Harry Dohn Williams , Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant****Lymphatics Plus of Boca Raton, Inc***TERMINATED: 04/23/2009*represented by **Harry Dohn Williams , Jr.**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****Jacob Cohen**represented by **Harry Dohn Williams , Jr.**

(See above for address)

*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/28/2007	1	Sealed Document. (rb) <b>UNSEALED</b> see DE <a href="#">13</a> Modified on 1/7/2009 (ra1). (Entered: 09/28/2007)
09/28/2007	2	Sealed Document. (rb) (Entered: 09/28/2007)
09/28/2007	3	Sealed Document. (rb) (Entered: 09/28/2007)
09/28/2007	<a href="#">13</a>	<b>UNSEALED</b> COMPLAINT against Lymphatx, Inc, Pamela Cohen, Lymphatics Plus of Boca Raton, Inc, Jacob Cohen Filing fee \$ 350.00. Receipt#: 723226, filed by United States of America. (previously filed as 1 sealed document)(ra1) (Entered: 01/07/2009)
10/15/2007	6	Sealed Document. (rb) (Entered: 04/01/2008)
03/26/2008	4	Sealed Document. (rb) (Entered: 03/26/2008)
03/31/2008	5	Sealed Document. (ra) (Entered: 03/31/2008)
06/11/2008	7	SEALED Document. (rb) Modified on 11/10/2008 to reflect the correct Event Type as Sealed Document only. (de1) (Entered: 06/12/2008)
11/03/2008	8	Sealed Document. (igo) (Entered: 11/05/2008)
11/10/2008	9	Clerks Notice of Docket Correction re 7 SEALED MOTION. Error(s): Docket Text stated this document was a Sealed Motion; Correction - Docket text modified by Clerk to reflect this document was a Sealed Document only; motion was terminated. (de1) (Entered: 11/10/2008)
11/13/2008	10	Sealed Document. (dj) (Entered: 11/13/2008)
12/19/2008	11	Sealed Document. (igo) <b>UNSEALED</b> see DE <a href="#">14</a> Modified on 1/7/2009 (ra1). (Entered: 12/19/2008)
12/19/2008	<a href="#">14</a>	<b>UNSEALED</b> NOTICE OF ELECTION TO DECLINE INTERVENTION by United States of America (ra1) (previously filed as 11 sealed document) Modified on 1/7/2009 (ra1). (Entered: 01/07/2009)
01/05/2009	<a href="#">12</a>	ORDER REGARDING THE UNITED STATES OF AMERICA'S NOTICE OF ELECTION TO DECLINE INTERVENTION AND UNSEALING 11 Sealed Document, 1 Sealed Document. Signed by Judge Donald M. Middlebrooks on 1/5/2009. (ra1) (Entered: 01/07/2009)
04/23/2009	<a href="#">15</a>	First AMENDED COMPLAINT, filed by Laika Sanchez.(Dobin, Marc) (Entered: 04/23/2009)
04/24/2009	<a href="#">16</a>	Summons Issued as to Jacob Cohen. (ail) (Entered: 04/24/2009)
04/24/2009	<a href="#">17</a>	Summons Issued as to Pamela Cohen. (ail) (Entered: 04/24/2009)

**Date Discrepancy Cases 656**

04/24/2009	<a href="#">18</a>	Summons Issued as to Lymphatx, Inc. (ail) (Entered: 04/24/2009)
05/26/2009	<a href="#">19</a>	MOTION to Dismiss <a href="#">15</a> Amended Complaint by Lymphatx, Inc, Pamela Cohen, Lymphatics Plus of Boca Raton, Inc, Jacob Cohen. Responses due by 6/12/2009 (tb) (Entered: 05/27/2009)
05/26/2009	<a href="#">20</a>	NOTICE OF CONVENTIONAL FILING of <a href="#">19</a> MOTION to Dismiss <a href="#">15</a> Amended Complaint by Lymphatx, Inc, Pamela Cohen, Lymphatics Plus of Boca Raton, Inc, Jacob Cohen (tb) (Entered: 05/27/2009)
06/01/2009	<a href="#">21</a>	NOTICE of Change of Address by Harry Dohn Williams, Jr (tb) (Entered: 06/02/2009)
06/05/2009	<a href="#">22</a>	ORDER OF REFERENCE to Magistrate Judge Linnea R. Johnson And Setting Trial Date In A Civil Case: Calendar Call set for 12/30/2009 01:15 PM before Judge Donald M. Middlebrooks., Trial set for 1/4/2010 09:00 AM in West Palm Beach Division before Judge Donald M. Middlebrooks.. Signed by Judge Donald M. Middlebrooks on 6/5/2009. (ail) (Entered: 06/08/2009)
06/08/2009	<a href="#">23</a>	ORDER AND NOTICE OF TELEPHONIC Scheduling Conference set for 6/23/2009 at 10:00 AM in West Palm Beach Division before Magistrate Judge Linnea R. Johnson. Signed by Magistrate Judge Linnea R. Johnson on 6/8/2009. (sa) (Entered: 06/08/2009)
06/09/2009	<a href="#">24</a>	MEMORANDUM in Opposition re <a href="#">19</a> MOTION to Dismiss <a href="#">15</a> Amended Complaint by United States of America, Laika Sanchez. (Dobin, Marc) (Entered: 06/09/2009)
06/15/2009	<a href="#">25</a>	REPLY to Response to Motion re <a href="#">19</a> MOTION to Dismiss <a href="#">15</a> Amended Complaint filed by Lymphatx, Inc, Pamela Cohen, Lymphatics Plus of Boca Raton, Inc, Jacob Cohen. (Attachments: # <a href="#">1</a> Exhibit Walker Complaint, # <a href="#">2</a> Exhibit Hill Complaint)(Williams, Harry) (Entered: 06/15/2009)
06/23/2009	<a href="#">26</a>	Minute Entry for proceedings held before Magistrate Judge Linnea R. Johnson: Telephonic Scheduling Conference held on 6/23/2009. (sa) (Entered: 06/23/2009)
06/23/2009	<a href="#">27</a>	PRETRIAL SCHEDULING ORDER: ( Amended Pleadings due by 7/20/2009., Discovery due by 10/13/2009., Joinder of Parties due by 7/20/2009., Motions due by 10/26/2009., Pretrial Stipulation due by 12/7/2009.). Signed by Magistrate Judge Linnea R. Johnson on 6/23/2009. (sa) (Entered: 06/23/2009)
07/23/2009	<a href="#">28</a>	ORDER Granting Defendants' Motion to Dismiss DE <a href="#">19</a> . Signed by Judge Donald M. Middlebrooks on 7/21/2009. (asl) (Entered: 07/24/2009)
07/31/2009	<a href="#">29</a>	FINAL JUDGMENT in favor of the Defendant against the Plaintiff, this case is CLOSED. Signed by Judge Donald M. Middlebrooks on 7/31/2009. (cqs) (Entered: 07/31/2009)
08/19/2009	<a href="#">30</a>	NOTICE OF APPEAL filed by United States Of America, ex rel. Laika Sanchez as to <a href="#">29</a> Judgment, <a href="#">28</a> Order on Motion to Dismiss by United States of America, Laika Sanchez. Filing fee: \$ 455.00, receipt number 726204. Within ten days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under Transcript Information. (amb) (Entered: 08/20/2009)
08/20/2009		Transmission of Notice of Appeal, Docket Sheet, Order Under Appeal and Final Judgment to US Court of Appeals re <a href="#">30</a> Notice of Appeal,, (amb) (Entered: 08/20/2009)
08/26/2009	<a href="#">31</a>	TRANSCRIPT INFORMATION FORM by United States of America, Laika Sanchez re <a href="#">30</a> Notice of Appeal,,. No Transcript Requested. (Burlington, Philip) (Entered: 08/26/2009)
08/31/2009	<a href="#">32</a>	ACKNOWLEDGMENT OF RECEIPT FROM USCA re <a href="#">30</a> Notice of Appeal,, receipt of: NOA date received by USCA 08/24/2009 USCA number 09-14275-AA (amb) (Entered: 08/31/2009)

**Date Discrepancy Cases 657**

		09/01/2009)
12/03/2009	<a href="#">33</a>	CERTIFICATE of Readiness transmitted to USCA (Atlanta Office) re <a href="#">30</a> Notice of Appeal,, filed by Laika Sanchez, United States of America. USCA #09-14275-AA (amb) (Entered: 12/07/2009)
12/03/2009	34	Certified and Transmitted Record on Appeal to US Court of Appeals (Atlanta Office) Consisting of (1) Volume of Pleadings and (1) Folder containing sealed DE's 2-7 & 10 re <a href="#">30</a> Notice of Appeal. USCA #09-14275-AA (amb) (Entered: 12/07/2009)
12/15/2009	<a href="#">35</a>	ACKNOWLEDGMENT OF RECEIPT FROM USCA re <a href="#">30</a> Notice of Appeal,, receipt of: COR/ROA date received by USCA 12/07/2009 USCA number 09-14275-AA (amb) (Entered: 12/15/2009)
03/23/2010	<a href="#">37</a>	MANDATE of USCA (certified copy) AFFIRM the district court's order in part, REVERSE in part, and REMAND for further proceedings consistent with this opinion as to <a href="#">30</a> Notice of Appeal,, filed by Laika Sanchez, United States of America ; Date Issued: 03/19/2010 ; USCA Case Number: 09-14275-II (amb) (Entered: 03/24/2010)
03/24/2010	<a href="#">36</a>	Appeal Record Returned: Consisting of (1) Volume of Pleadings and (1) Sealed Envelope containing DE's 2-8 & 10 re <a href="#">30</a> Notice of Appeal. USCA #09-14275-II (amb) (Entered: 03/24/2010)
03/29/2010	<a href="#">38</a>	NOTICE by Laika Sanchez <i>OF REMOVAL of Marc S. Dobin FROM CASE</i> (Dobin, Marc) (Entered: 03/29/2010)
04/29/2010	<a href="#">39</a>	ORDER Requesting Amended Complaint. Signed by Judge Donald M. Middlebrooks on 4/29/2010. (tb) (Entered: 04/30/2010)
04/30/2010	<a href="#">40</a>	SECOND ORDER of Reference and Setting Trial Date In A Civil Case: Calendar Call set for 12/1/2010 01:15 PM in West Palm Beach Division before Judge Donald M. Middlebrooks., Trial set for 12/6/2010 09:00 AM in West Palm Beach Division before Judge Donald M. Middlebrooks., Status Conference set for 12/1/2010 01:15 PM in West Palm Beach Division before Judge Donald M. Middlebrooks.. Signed by Judge Donald M. Middlebrooks on 4/30/2010. (ail) (Entered: 05/03/2010)
04/30/2010	41	CASE REFERRED to Magistrate Judge Linnea R. Johnson to Conduct a Scheduling Conference. SEE DE <a href="#">40</a> (ail) (Entered: 05/03/2010)
05/04/2010	<a href="#">42</a>	ORDER AND NOTICE OF TELEPHONIC SCHEDULING CONFERENCE, ( Telephone Scheduling Conference set for 5/19/2010 at 12:00 PM in West Palm Beach Division before Magistrate Judge Linnea R. Johnson.) Signed by Magistrate Judge Linnea R. Johnson on 5/4/2010. (sa) (Entered: 05/04/2010)
05/04/2010	<a href="#">43</a>	NOTICE of Voluntary Dismissal <i>With Prejudice</i> by Laika Sanchez (LaBovick, Brian) (Entered: 05/04/2010)
05/07/2010	<a href="#">44</a>	FINAL ORDER OF DISMISSAL AND CLOSING CASE. Signed by Judge Donald M. Middlebrooks on 5/7/2010. (ail) (Entered: 05/07/2010)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 16:46:00			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search</b>	9:07-cv-80900-
<b>Date Discrepancy Cases 658</b>			

		<b>Criteria:</b>	DMM
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.40

**U.S. District Court  
U.S. District of Minnesota (DMN)  
CIVIL DOCKET FOR CASE #: 0:08-cv-04805-PAM-TNL**

Sandager v. Hewlett Packard Company, et al.  
Assigned to: Senior Judge Paul A. Magnuson  
Referred to: Magistrate Judge Tony N. Leung  
Cause: 31:3729 False Claims Act

Date Filed: 07/31/2008  
Date Terminated: 04/26/2012  
Jury Demand: Plaintiff  
Nature of Suit: 370 Fraud  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America, ex rel.**

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**Plaintiff**

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V.

**Defendant**

**Hewlett Packard Company**  
*TERMINATED: 09/23/2011*

**Defendant**

**CDW Government, Inc.**  
*TERMINATED: 09/23/2011*

**Defendant**

**CDW Corporation**  
*TERMINATED: 09/23/2011*

**Defendant**

**Dell Marketing LP**

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**Defendant**

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**Defendant**

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**Defendant**

**Emtec, Inc.**

*TERMINATED: 09/23/2011*

**Defendant**

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**Defendant**

**Sun Microsystems Federal, Inc.**  
*TERMINATED: 09/23/2011*

**Defendant**

**Sun Microsystems, Inc.**  
*TERMINATED: 09/23/2011*

**Defendant**

**Unistar–Sparco Computers, Inc.**

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**Defendant**

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**Defendant**

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**Defendant**

**MPC-G, LLC**  
*TERMINATED: 09/23/2011*

**Date Discrepancy Cases 669**

**Defendant**

**MPC Corporation**

*TERMINATED: 09/23/2011*

**Defendant**

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**Defendant**

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**Defendant**

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**Defendant**

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**Defendant**

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**Defendant**

**GovConnection, Inc.**  
*TERMINATED: 09/23/2011*

**Defendant**

**Computech International, Inc.**  
*TERMINATED: 09/23/2011*

**Defendant**

**Dynamic Systems, Inc.**  
 TERMINATED: 09/23/2011

**Defendant**

**Oroday, Inc.**  
 TERMINATED: 09/23/2011  
 doing business as  
 Digital Consulting Services

**Defendant**

**Unknown Companies A through Z**  
 TERMINATED: 09/23/2011

Date Filed	#	Docket Text
07/31/2008	<u>1</u>	COMPLAINT for Violation of False Claims Act against all defendants, filed by Plaintiff. (Filing fee \$ 350 receipt number 4025840) Assigned to Judge Paul A. Magnuson per Master List and referred to Magistrate Judge Jeffrey J. Keyes. (akl). Modified on 11/5/2009 (TSS). (TSS). (Entered: 07/31/2008)
09/30/2009	<u>12</u>	NOTICE OF ELECTION TO DECLINE INTERVENTION by United States of America, ex rel. (kt) (TSS). (Entered: 10/01/2009)
10/05/2009	<u>13</u>	ORDER. Signed by Senior Judge Paul A. Magnuson on 10/5/09. (VEM) Modified docket number on 10/5/2009 (vem). Modified on 11/5/2009 (TSS). (TSS). (Entered: 10/05/2009)
01/27/2010	<u>14</u>	MOTION to Extend <i>Service Deadline Under Rule 4(m) and Waiver of Notice</i> by Bryan Sandager. (Attachments: # <u>1</u> Certificate of Service)(Horowitz, Charles) (Entered: 01/27/2010)
01/28/2010	<u>15</u>	ORDER for Waiver of Notice and Extension of Service Deadline granting <u>14</u> MOTION to Extend Service Deadline Under Rule 4(m) and Waiver of Notice. Signed by Senior Judge Paul A. Magnuson on 01/27/2010. (TSS) Modified docket text on 1/28/2010 (TSS). (Entered: 01/28/2010)
04/28/2010	<u>16</u>	MOTION to Extend <i>Service Deadline Under Rule 4(m)</i> by Bryan Sandager. (Attachments: # <u>1</u> Certificate of Service)(Mansfield, Seymour) (Entered: 04/28/2010)
04/30/2010	<u>17</u>	ORDER FOR WAIVER OF NOTICE AND EXTENTION OF SERVICE DEADLINE – IT IS HEREBY ORDERED that notice of motion and a 120 day extension of service deadline be and is hereby granted, from May 3, 2010 to August 31, 2010. Signed by Judge Paul A. Magnuson on April 30, 2010. (smr) (Entered: 04/30/2010)
06/03/2010	<u>18</u>	NOTICE OF ATTORNEY APPEARANCE/SUBSTITUTION for Bryan Sandager, United States of America, ex rel.. (Wilhelm, D) (Entered: 06/03/2010)
08/25/2010	<u>19</u>	MOTION to Extend <i>Service Deadline Under Rule 4(m)</i> by Bryan Sandager. (Mansfield, Seymour) (Entered: 08/25/2010)
08/25/2010	<u>20</u>	CERTIFICATE OF SERVICE by Bryan Sandager re <u>19</u> MOTION to Extend <i>Service Deadline Under Rule 4(m)</i> (Mansfield, Seymour) (Entered: 08/25/2010)
08/30/2010	<u>21</u>	ORDER granting <u>19</u> Motion to Extend. IT IS HEREBY ORDERED that the motion is granted and a 180 day extension of the service deadline is granted from August 31, 2010 to February 27, 2011. Signed by Judge Paul A. Magnuson on August 26, 2010. (smr) (Entered: 08/30/2010)
02/24/2011	<u>22</u>	MOTION For Waiver of Notice and Extension of Service Deadline Under Rule 4(m) by Bryan Sandager. (Mansfield, Seymour) (Entered: 02/24/2011)
02/25/2011	<u>23</u>	ORDER FOR WAIVER OF NOTICE AND EXTENSION OF SERIVCE DEADLINE. IT IS HEREBY ORDERED that the Motion is granted and a 90–day extension of the service deadline be and is hereby granted, from February 27, 2011 to May 28, 2011. Signed by Judge Paul A. Magnuson on February 25, 2011. (smr)

		(Entered: 02/25/2011)
05/03/2011	<u>24</u>	TEXT-ONLY ENTRY. CLERK'S NOTICE OF REASSIGNMENT OF MAGISTRATE JUDGE. Due to the appointment of Magistrate Judge Tony N. Leung, this case is reassigned to him. Chief Mag. Judge Arthur J. Boylan is no longer assigned to the case. <b>NOTE:</b> the new case number is <b>08-cv-04805 PAM-TNL</b> . Please use this case number for all subsequent pleadings. Please contact Kathleen Feldman at 651-848-1870, for scheduling or other matters related to Magistrate Judge Leung. (MGV) (Entered: 05/03/2011)
05/26/2011	<u>25</u>	MOTION for Extension of Time <i>to Serve Defendants and Waiver of Notice</i> by Bryan Sandager. (Mansfield, Seymour) (Entered: 05/26/2011)
05/26/2011	<u>26</u>	ORDER – IT IS HEREBY ORDERED that the <u>25</u> Motion for Extension of Time is granted and a 60-day extension of the service deadline is granted, from May 28, 2011 to July 27, 2011. Signed by Judge Paul A. Magnuson on May 26, 2011. (smr) (Entered: 05/26/2011)
07/21/2011	<u>27</u>	MOTION for Extension of Time <i>of Service Deadline Under Rule 4(m) and Waiver of Notice</i> by Bryan Sandager. (Mansfield, Seymour) (Entered: 07/21/2011)
07/25/2011	<u>28</u>	ORDER FOR WAIVER OF NOTICE AND EXTENSION OF SERVICE DEADLINE – IT IS HEREBY ORDERED that the <u>27</u> Motion for Extension of Time is Granted and a 60-day extension of the service deadline is granted, from July 27, 2011 to September 26, 2011. Signed by Judge Paul A. Magnuson on July 25, 2011. (smr) (Entered: 07/25/2011)
09/23/2011	<u>29</u>	AMENDED COMPLAINT against A&T Marketing, Inc., AC Technology, Inc., Commercial Data Systems, Inc., Dell Marketing LP, Emtec Federal, Inc., Force 3, Inc., Government Acquisitions, Inc., ImmixTechnology, Inc., Insight Public Sector, Inc., Lyme Computer Systems, Inc., MA Federal, Inc., Marzik, Inc., PC Mall Gov, Inc., PC Specialists, Inc., Promark Technology, Inc., Red River Computer Company, Unistar-Sparco Computers, Inc., Vion Corporation, World Wide Technology, Inc., filed by Bryan Sandager. (Bye, Jonathan) (Entered: 09/23/2011)
09/23/2011		Amended Summons Issued as to A&T Marketing, Inc., AC Technology, Inc., Commercial Data Systems, Inc., Dell Marketing LP, Emtec Federal, Inc., Force 3, Inc., Government Acquisitions, Inc., ImmixTechnology, Inc., Insight Public Sector, Inc., Lyme Computer Systems, Inc., MA Federal, Inc., Marzik, Inc., PC Mall Gov, Inc., PC Specialists, Inc., Promark Technology, Inc., Red River Computer Company, Unistar-Sparco Computers, Inc., Vion Corporation, World Wide Technology, Inc.. (kt) (Entered: 09/23/2011)
10/10/2011	<u>30</u>	SUMMONS Returned Executed by Bryan Sandager. Dell Marketing LP served on 9/26/2011, answer due 10/17/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>31</u>	SUMMONS Returned Executed by Bryan Sandager. Vion Corporation served on 9/26/2011, answer due 10/17/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>32</u>	SUMMONS Returned Executed by Bryan Sandager. ImmixTechnology, Inc. served on 9/26/2011, answer due 10/17/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>33</u>	SUMMONS Returned Executed by Bryan Sandager. Government Acquisitions, Inc. served on 9/26/2011, answer due 10/17/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>34</u>	SUMMONS Returned Executed by Bryan Sandager. Emtec Federal, Inc. served on 9/26/2011, answer due 10/17/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>35</u>	SUMMONS Returned Executed by Bryan Sandager. Force 3, Inc. served on 9/26/2011, answer due 10/17/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>36</u>	SUMMONS Returned Executed by Bryan Sandager. Unistar-Sparco Computers, Inc. served on 9/26/2011, answer due 10/17/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>37</u>	SUMMONS Returned Executed by Bryan Sandager. Lyme Computer Systems, Inc. served on 9/26/2011, answer due 10/17/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>38</u>	SUMMONS Returned Executed by Bryan Sandager. Insight Public Sector, Inc. served on 9/26/2011, answer due 10/17/2011. (Bye, Jonathan) (Entered: 10/10/2011)

### Date Discrepancy Cases 675

10/10/2011	<u>39</u>	AMENDED SUMMONS Returned Executed by Bryan Sandager. Red River Computer Company served on 9/26/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>40</u>	AMENDED SUMMONS Returned Executed by Bryan Sandager. MA Federal, Inc. served on 9/26/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>41</u>	AMENDED SUMMONS Returned Executed by Bryan Sandager. World Wide Technology, Inc. served on 9/26/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>42</u>	AMENDED SUMMONS Returned Executed by Bryan Sandager. AC Technology, Inc. served on 9/26/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>43</u>	AMENDED SUMMONS Returned Executed by Bryan Sandager. PC Mall Gov, Inc. served on 9/26/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>44</u>	AMENDED SUMMONS Returned Executed by Bryan Sandager. PC Specialists, Inc. served on 9/26/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>45</u>	AMENDED SUMMONS Returned Executed by Bryan Sandager. Commercial Data Systems, Inc. served on 9/26/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>46</u>	AMENDED SUMMONS Returned Executed by Bryan Sandager. A&T Marketing, Inc. served on 9/27/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>47</u>	AMENDED SUMMONS Returned Executed by Bryan Sandager. Promark Technology, Inc. served on 9/27/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/10/2011	<u>48</u>	AMENDED SUMMONS Returned Executed by Bryan Sandager. Marzik, Inc. served on 9/27/2011. (Bye, Jonathan) (Entered: 10/10/2011)
10/12/2011	<u>49</u>	NOTICE of Appearance by Andrew W Davis on behalf of Vion Corporation. (Davis, Andrew) (Entered: 10/12/2011)
10/12/2011	<u>50</u>	NOTICE of Appearance by Douglas R Peterson on behalf of Vion Corporation. (Peterson, Douglas) (Entered: 10/12/2011)
10/12/2011	<u>51</u>	NOTICE of Appearance by Daniel J Cragg on behalf of Dell Marketing LP, Insight Public Sector, Inc., PC Mall Gov, Inc.. (Cragg, Daniel) (Entered: 10/12/2011)
10/12/2011	<u>52</u>	NOTICE of Appearance by Jeff H Eckland on behalf of Dell Marketing LP, Insight Public Sector, Inc., PC Mall Gov, Inc.. (Eckland, Jeff) (Entered: 10/12/2011)
10/12/2011	<u>53</u>	NOTICE of Appearance by Mark J Blando on behalf of Dell Marketing LP, Insight Public Sector, Inc., PC Mall Gov, Inc.. (Blando, Mark) (Entered: 10/12/2011)
10/13/2011	<u>54</u>	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly-owned subsidiary to report for Defendant Vion Corporation. (Davis, Andrew) (Entered: 10/13/2011)
10/13/2011	<u>55</u>	LETTER TO MAGISTRATE JUDGE by Bryan Sandager <i>regarding grant of uniform extension of time to all Defendants to answer or otherwise respond to the Amended Complaint.</i> (Bye, Jonathan) (Entered: 10/13/2011)
10/13/2011	<u>56</u>	CERTIFICATE OF SERVICE by Bryan Sandager re <u>55</u> Letter to Magistrate Judge (Bye, Jonathan) (Entered: 10/13/2011)
10/13/2011	<u>57</u>	MOTION for Admission Pro Hac Vice for Brian R. Stimson by Dell Marketing LP, Insight Public Sector, Inc., PC Mall Gov, Inc.. (Cragg, Daniel) (Entered: 10/13/2011)
10/13/2011	<u>58</u>	MOTION for Admission Pro Hac Vice for Jeffrey A. Belkin by Dell Marketing LP, Insight Public Sector, Inc., PC Mall Gov, Inc.. (Cragg, Daniel) (Entered: 10/13/2011)
10/13/2011	<u>59</u>	MOTION for Admission Pro Hac Vice for William H. Jordan by Dell Marketing LP, Insight Public Sector, Inc., PC Mall Gov, Inc.. (Cragg, Daniel) (Entered: 10/13/2011)
10/17/2011		TEXT ONLY ENTRY-ORDER granting <u>57</u> <u>58</u> <u>59</u> Motions for Admission Pro Hac Vice of Attorneys Brian R Stimson, Jeffrey A Belkin, William H Jordan for Dell Marketing LP, Insight Public Sector, Inc., PC Mall Gov, Inc.. Fees paid; receipt number 4-59421. Approved by Magistrate Judge Tony N. Leung on 10/17/2011. (MAP) (Entered: 10/17/2011)



10/17/2011	<u>60</u>	MOTION for Admission Pro Hac Vice for John Andrew Howard by Dell Marketing LP, Insight Public Sector, Inc., PC Mall Gov, Inc.. (Cragg, Daniel) (Entered: 10/17/2011)
10/17/2011		TEXT ONLY ENTRY–ORDER granting <u>60</u> Motion for Admission Pro Hac Vice of Attorney John A Howard for Dell Marketing LP, Insight Public Sector, Inc., PC Mall Gov, Inc.. Fee paid; receipt number 4–59421. Approved by Magistrate Judge Tony N. Leung on 10/17/2011. (MAP) (Entered: 10/18/2011)
10/25/2011	<u>61</u>	NOTICE of Appearance by Sonia L Miller–Van Oort on behalf of Force 3, Inc.. (Miller–Van Oort, Sonia) (Entered: 10/25/2011)
10/25/2011	<u>62</u>	MOTION for Admission Pro Hac Vice for Jessica C. Abrahams by Force 3, Inc.. (Miller–Van Oort, Sonia) (Entered: 10/25/2011)
10/25/2011	<u>63</u>	MOTION for Admission Pro Hac Vice for Timothy K. Halloran by Force 3, Inc.. (Miller–Van Oort, Sonia) (Entered: 10/25/2011)
10/25/2011	<u>64</u>	RULE 7.1 DISCLOSURE STATEMENT. Dell Marketing, L.P. is a wholly owned, indirect subsidiary of Dell, Inc. Dell, Inc. is a publicly held company. No publicly held corporation owns 10% or more of its stock. (Cragg, Daniel) Modified text on 10/25/2011 (lmb). (Entered: 10/25/2011)
10/26/2011	<u>65</u>	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly–owned subsidiary to report for Defendant Force 3, Inc.. (Miller–Van Oort, Sonia) (Entered: 10/26/2011)
10/26/2011	<u>66</u>	RULE 7.1 DISCLOSURE STATEMENT. PC Mall Gov, Inc. is a wholly owned subsidiary of PC Mall, Inc. (Cragg, Daniel) Modified text on 10/27/2011 (akl). (Entered: 10/26/2011)
10/26/2011		TEXT ONLY ENTRY–ORDER granting <u>62</u> <u>63</u> Motions for Admission Pro Hac Vice of Attorneys Jessica C Abrahams, Timothy K Halloran for Force 3, Inc.. Fees paid; receipt number 4–59637. Approved by Magistrate Judge Tony N. Leung on 10/26/2011. (MAP) (Entered: 10/27/2011)
10/27/2011	<u>67</u>	STIPULATION by Dell Marketing LP, Emtec Federal, Inc., Force 3, Inc., Government Acquisitions, Inc., ImmixTechnology, Inc., Insight Public Sector, Inc., Lyme Computer Systems, Inc., MA Federal, Inc., PC Mall Gov, Inc., Promark Technology, Inc., Red River Computer Company, Bryan Sandager, Unistar–Sparco Computers, Inc., Vion Corporation, World Wide Technology, Inc.. (Bye, Jonathan) (Entered: 10/27/2011)
10/27/2011	<u>68</u>	CERTIFICATE OF SERVICE by Bryan Sandager re <u>67</u> Stipulation, <i>and Proposed Order</i> (Bye, Jonathan) (Entered: 10/27/2011)
10/27/2011	<u>69</u>	RULE 7.1 DISCLOSURE STATEMENT. Insight Public Sector, Inc. is a wholly owned subsidiary of Insight North America, Inc., which is a wholly owned subsidiary of Insight Direct Worldwide, Inc., which is a wholly owned subsidiary of Insight Enterprises, Inc. (Cragg, Daniel) Modified text on 10/28/2011 (akl). (Entered: 10/27/2011)
11/03/2011	<u>70</u>	NOTICE of Appearance by William Michael, Jr on behalf of Red River Computer Company. (Michael, William) (Entered: 11/03/2011)
11/04/2011	<u>71</u>	NOTICE of Appearance by David J Wallace–Jackson on behalf of Emtec Federal, Inc., ImmixTechnology, Inc., Unistar–Sparco Computers, Inc.. (Wallace–Jackson, David) (Entered: 11/04/2011)
11/04/2011	<u>72</u>	MOTION for Admission Pro Hac Vice for Jonathan S. Aronie by Emtec Federal, Inc., ImmixTechnology, Inc., Unistar–Sparco Computers, Inc.. (Wallace–Jackson, David) (Entered: 11/04/2011)
11/04/2011	<u>73</u>	MOTION for Admission Pro Hac Vice for Christopher M. Loveland by Emtec Federal, Inc., ImmixTechnology, Inc., Unistar–Sparco Computers, Inc.. (Wallace–Jackson, David) (Entered: 11/04/2011)
11/04/2011	<u>74</u>	CERTIFICATE OF SERVICE by Emtec Federal, Inc., ImmixTechnology, Inc., Unistar–Sparco Computers, Inc. re <u>73</u> MOTION for Admission Pro Hac Vice for

**Date Discrepancy Cases 677**

		Christopher M. Loveland, <u>72</u> MOTION for Admission Pro Hac Vice for Jonathan S. Aronie, <u>71</u> Notice of Appearance of <i>David J. Wallace Jackson and John W. Ursu</i> (Wallace-Jackson, David) (Entered: 11/04/2011)
11/07/2011	<u>75</u>	ORDER ON STIPULATION: Dell Marketing LP answer due 1/9/2012; Emtec Federal, Inc. answer due 1/9/2012; Force 3, Inc. answer due 1/9/2012; Government Acquisitions, Inc. answer due 1/9/2012; ImmixTechnology, Inc. answer due 1/9/2012; Insight Public Sector, Inc. answer due 1/9/2012; Lyme Computer Systems, Inc. answer due 1/9/2012; MA Federal, Inc. answer due 1/9/2012; PC Mall Gov, Inc. answer due 1/9/2012; Promark Technology, Inc. answer due 1/9/2012; Red River Computer Company answer due 1/9/2012; Unistar-Sparco Computers, Inc. answer due 1/9/2012; Vion Corporation answer due 1/9/2012; World Wide Technology, Inc. answer due 1/9/2012. Signed by Magistrate Judge Tony N. Leung on 11/7/11. (akl) (Entered: 11/07/2011)
11/07/2011		TEXT ONLY ENTRY-ORDER granting <u>72</u> <u>73</u> Motions for Admission Pro Hac Vice of Attorneys Jonathan S Aronie, Christopher M Loveland for Emtec Federal, Inc., ImmixTechnology, Inc., Unistar-Sparco Computers, Inc.. Fees paid; receipt number 4-55960. Approved by Magistrate Judge Tony N. Leung on 11/07/2011. (MAP) (Entered: 11/09/2011)
11/08/2011	<u>76</u>	RULE 7.1 DISCLOSURE STATEMENT. World Wide Technology Holding Co., Inc. is a corporate parent of Defendant World Wide Technology, Inc.. (Riach, Kevin) (Entered: 11/08/2011)
11/09/2011	<u>77</u>	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly-owned subsidiary to report for Defendant Red River Computer Company. (Michael, William) (Entered: 11/09/2011)
11/10/2011	<u>78</u>	RULE 7.1 DISCLOSURE STATEMENT. Defendant Promark Technology, Inc. discloses that its parent corporation is United Strategies, Inc., which owns 100% of Defendant Promark Technology, Inc. No publicly held corporation owns 10% or more of Defendant Promark Technology, Inc.'s stock. (Smith, Scott) Modified text on 11/10/2011 (akl). (Entered: 11/10/2011)
11/10/2011	<u>79</u>	RULE 7.1 DISCLOSURE STATEMENT. Emtec Viasub, LLC is a corporate parent of Defendant Emtec Federal, Inc.. (Wallace-Jackson, David) (Entered: 11/10/2011)
11/10/2011	<u>80</u>	RULE 7.1 DISCLOSURE STATEMENT. Defendant immixTechnology, Inc., by and through its undersigned counsel, hereby states that it is a wholly-owned subsidiary of immixGroup, Inc. and there is no publicly held company owning ten (10) percent or more of its stock. (Wallace-Jackson, David) Modified text on 11/10/2011 (akl). (Entered: 11/10/2011)
11/10/2011	<u>81</u>	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly-owned subsidiary to report for Defendant Unistar-Sparco Computers, Inc.. (Wallace-Jackson, David) (Entered: 11/10/2011)
11/10/2011	<u>82</u>	CERTIFICATE OF SERVICE by Emtec Federal, Inc., ImmixTechnology, Inc., Unistar-Sparco Computers, Inc. re <u>80</u> Rule 7.1 - Disclosure Statement, <u>79</u> Rule 7.1 - Disclosure Statement, <u>81</u> Rule 7.1 - Disclosure Statement (Wallace-Jackson, David) (Entered: 11/10/2011)
11/10/2011	<u>83</u>	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly-owned subsidiary to report for Defendant MA Federal, Inc.. (Solheim, Mark) (Entered: 11/10/2011)
11/11/2011	<u>84</u>	MOTION for Admission Pro Hac Vice for Elisabeth Leigh Shu by Force 3, Inc.. (Miller-Van Oort, Sonia) (Entered: 11/11/2011)
11/11/2011	<u>85</u>	MOTION for Admission Pro Hac Vice for David R. Hazelton by Vion Corporation. (Davis, Andrew) (Entered: 11/11/2011)
11/11/2011	<u>86</u>	MOTION for Admission Pro Hac Vice for Anne W. Robinson by Vion Corporation. (Davis, Andrew) (Entered: 11/11/2011)
11/11/2011	<u>87</u>	MOTION for Admission Pro Hac Vice for Kyle R. Jefcoat by Vion Corporation. (Davis, Andrew) (Entered: 11/11/2011)

11/14/2011		TEXT ONLY ENTRY–ORDER granting <u>85</u> <u>87</u> Motions for Admission Pro Hac Vice of Attorneys David R Hazelton, Kyle R Jefcoat for Vion Corporation. Fees paid; receipt number 4–60063. Approved by Magistrate Judge Tony N. Leung on 11/14/2011. (MAP) (Entered: 11/22/2011)
11/16/2011	<u>88</u>	MOTION for Admission Pro Hac Vice for Robert T. Ebert, Jr. by World Wide Technology, Inc.. (Riach, Kevin) (Entered: 11/16/2011)
11/16/2011	<u>89</u>	MOTION for Admission Pro Hac Vice for Stephen S. Kaye by World Wide Technology, Inc.. (Riach, Kevin) (Entered: 11/16/2011)
11/16/2011	<u>90</u>	STIPULATION <i>Between Plaintiff and Defendant PC Specialists a/k/a Technology Integration Group</i> by PC Specialists, Inc., Bryan Sandager. (Bye, Jonathan) (Entered: 11/16/2011)
11/17/2011	<u>91</u>	ORDER: PC Specialists, Inc. answer due 1/9/2012. Signed by Magistrate Judge Tony N. Leung on 11/17/11. (akl) (Entered: 11/17/2011)
11/17/2011		TEXT ONLY ENTRY–ORDER granting <u>84</u> Motion for Admission Pro Hac Vice of Attorney Elisabeth Leigh Shu for Force 3, Inc.. Fee paid; receipt number 4–60219; and <u>88</u> <u>89</u> Motions for Admission Pro Hac Vice of Attorneys Robert T Ebert, Jr., Stephen S Kaye for World Wide Technology, Inc.. Fees paid; receipt number 4–60226. Approved by Magistrate Judge Tony N. Leung on 11/17/2011. (MAP) (Entered: 11/23/2011)
11/23/2011	<u>92</u>	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly–owned subsidiary to report for Defendant Government Acquisitions, Inc.. (Miller, Justi) (Entered: 11/23/2011)
11/23/2011	<u>93</u>	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly–owned subsidiary to report for Defendant Lyme Computer Systems, Inc.. (Kibort, Jesse) (Entered: 11/23/2011)
12/05/2011		TEXT ONLY ENTRY–ORDER granting <u>86</u> Motion for Admission Pro Hac Vice of Attorney Anne W Robinson for Vion Corporation. Fee paid; receipt number 4–60063. Approved by Magistrate Judge Tony N. Leung on 12/5/2011. (MAP) (Entered: 12/05/2011)
12/09/2011	<u>94</u>	NOTICE of Appearance by David D Leishman on behalf of A&T Marketing, Inc.. (Leishman, David) (Entered: 12/09/2011)
12/16/2011	<u>95</u>	NOTICE of RULE 16 PRETRIAL CONFERENCE: Pretrial Conference set for February 15, 2012 @ 2:45 PM in Judge's Chambers, Suite 734 (STP) before Judge Paul A. Magnuson. (smr) (Entered: 12/16/2011)
12/16/2011	<u>96</u>	NOTICE OF ATTORNEY APPEARANCE/SUBSTITUTION for PC Specialists, Inc.. (Blando, Mark) (Entered: 12/16/2011)
12/19/2011	<u>97</u>	STIPULATION <i>Extending Time to File Responsive Pleading</i> by A&T Marketing, Inc., Bryan Sandager. (Bye, Jonathan) (Entered: 12/19/2011)
12/20/2011	<u>98</u>	ORDER re <u>97</u> Stipulation that service upon A&T dated September 27, 2011 shall be considered timely. A&T shall have until January 9, 2012, to answer or otherwise respond to the Amended Complaint. To the extent A&T brings a motion in lieu of answering, all of its supporting papers shall be filed by January 9, 2012. Signed by Magistrate Judge Tony N. Leung on 12/20/2011. (JME) (Entered: 12/20/2011)
12/20/2011	<u>99</u>	MOTION for Admission Pro Hac Vice for Robert P. Fletcher by MA Federal, Inc.. (Solheim, Mark) (Entered: 12/20/2011)
12/20/2011	<u>100</u>	MOTION for Admission Pro Hac Vice for C. Matthew Haynes by MA Federal, Inc.. (Solheim, Mark) (Entered: 12/20/2011)
12/20/2011	<u>101</u>	NOTICE of Appearance by Andrew B Brantingham on behalf of Red River Computer Company. (Brantingham, Andrew) (Entered: 12/20/2011)
12/21/2011		TEXT ONLY ENTRY–ORDER granting <u>99</u> <u>100</u> Motions for Admission Pro Hac Vice of Attorneys Robert P Fletcher, C Matthew Haynes for MA Federal, Inc.. Fees paid; receipt number 3–9106. Approved by Magistrate Judge Tony N. Leung on 12/21/2011. (MAP) (Entered: 12/21/2011)

12/21/2011	<u>102</u>	STIPULATION <i>to Extend Time to Respond to Complaint</i> by Marzik, Inc., Bryan Sandager. (Bye, Jonathan) (Entered: 12/21/2011)
12/23/2011	<u>103</u>	MOTION for Non-Resident Pro Hac Vice Admission for Maurice A. Bellan. Filing fee \$ 100, receipt number 0864-3035453 by A&T Marketing, Inc.. (Attachments: # <u>1</u> Motion for Non-Resident to Serve as Local Counsel)(Leishman, David) (Entered: 12/23/2011)
12/23/2011	<u>104</u>	ORDER ON STIPULATION: This matter comes before the Court upon the Stipulation entered into by and between Plaintiff Bryan Sandager and Defendant Marzik, Inc. (Docket No. <u>102</u> ). Based on that Stipulation, IT IS HEREBY ORDERED that: 1. Service upon Marzik, Inc. dated September 27, 2011 shall be considered timely for the purposes of the above-captioned litigation. 2. Marzik, Inc. shall have until January 9, 2012, to answer or otherwise respond to the Amended Complaint. 3. To the extent Marzik, Inc. brings a motion in lieu of answering, all of its supporting papers shall be filed by January 9, 2012. 4. The parties shall coordinate the scheduling of the hearing date for any such motions. The date shall be scheduled such that it allows for Plaintiff to file its response to any such motion no sooner than 49 days after January 9, 2012, and that it allows for any moving Defendant to file any reply no sooner than 21 days thereafter. 5. Failure to comply with any provision of this Order or any other prior consistent Order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like, including without limitation: assessment of costs, fines and attorneys' fees and disbursements; waiver of rights to object; exclusion or limitation of witnesses, testimony, exhibits and other evidence; striking of pleadings; complete or partial dismissal with prejudice; entry of whole or partial default judgment; and/or any other relief that this Court may from time to time deem appropriate. Signed by Magistrate Judge Tony N. Leung on 12/23/2011. (MMP) (Entered: 12/23/2011)
12/29/2011	<u>105</u>	ORDER granting <u>103</u> Motion for Permission for Non-Resident Attorney to Serve as Local Counsel for Attorney Maurice A. Bellan for A&T Marketing, Inc. and GRANTING the Motion for Pro Hac Vice of Maurice A. Bellan.Fee paid; receipt number 0864-3035453. Signed by Senior Judge Paul A. Magnuson on 12/27/11. (RLR) (Entered: 12/29/2011)
01/04/2012	<u>106</u>	DOCUMENT FILED IN ERROR-FILER WILL REFILE-AS RESIDENT MOVANT-MOTION for Non-Resident Pro Hac Vice Admission for Kathy C. Potter. Filing fee \$ 100, receipt number 0864-3042503 by Government Acquisitions, Inc.. (Miller, Justi) Modified on 1/4/2012 (MAP). (Entered: 01/04/2012)
01/04/2012	<u>107</u>	DOCUMENT FILED IN ERROR-FILER WILL REFILE-AS RESIDENT MOVANT-MOTION for Non-Resident Pro Hac Vice Admission for John M. Murdock. Filing fee \$ 100, receipt number 0864-3042512 by Government Acquisitions, Inc.. (Miller, Justi) Modified on 1/4/2012 (MAP). (Entered: 01/04/2012)
01/04/2012	<u>108</u>	MOTION for Admission Pro Hac Vice for Kathy C. Potter by Government Acquisitions, Inc.. (Miller, Justi) (Entered: 01/04/2012)
01/04/2012	<u>109</u>	MOTION for Admission Pro Hac Vice for John M. Murdock by Government Acquisitions, Inc.. (Miller, Justi) (Entered: 01/04/2012)
01/05/2012	<u>110</u>	LETTER TO DISTRICT JUDGE by Dell Marketing LP, Insight Public Sector, Inc., PC Mall Gov, Inc., PC Specialists, Inc. . (Cragg, Daniel) (Entered: 01/05/2012)
01/05/2012		TEXT ONLY ENTRY-ORDER granting <u>108</u> <u>109</u> Motions for Admission Pro Hac Vice of Attorneys Kathy C Potter, John M Murdock for Government Acquistitions, Inc.. Fees paid; receipt numbers 0864-3042503, 0864-3042512. Approved by Magistrate Judge Tony N. Leung on 01/05/2012. (MAP) (Entered: 01/05/2012)
01/05/2012	<u>111</u>	LETTER TO DISTRICT JUDGE by Bryan Sandager <i>in response to Docket #110</i> . (Bye, Jonathan) (Entered: 01/05/2012)
01/06/2012	<u>112</u>	LETTER TO DISTRICT JUDGE by World Wide Technology, Inc. . (Riach, Kevin) (Entered: 01/06/2012)
01/06/2012	<u>113</u>	MOTION for Admission Pro Hac Vice for Jason C. Rose. Filing fee \$ 100, receipt number 0864-3046001 by Promark Technology, Inc.. (Smith, Scott) (Entered: 01/06/2012)

01/09/2012	<u>114</u>	STIPULATION by Dell Marketing LP, Government Acquisitions, Inc., Insight Public Sector, Inc., Lyme Computer Systems, Inc., MA Federal, Inc., Marzik, Inc., PC Mall Gov, Inc., PC Specialists, Inc., Red River Computer Company, Bryan Sandager, Vion Corporation, World Wide Technology, Inc.. (Miller, Justi) (Entered: 01/09/2012)
01/09/2012	<u>115</u>	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly-owned subsidiary to report for Defendant A&T Marketing, Inc.. (Leishman, David) (Entered: 01/09/2012)
01/09/2012	<u>116</u>	MOTION to Dismiss/General <i>the Amended Complaint</i> by A&T Marketing, Inc.. (Leishman, David) (Entered: 01/09/2012)
01/09/2012	<u>117</u>	NOTICE OF HEARING ON MOTION <u>116</u> MOTION to Dismiss/General <i>the Amended Complaint</i> : Motion Hearing set for 5/10/2012 10:00 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Leishman, David) (Entered: 01/09/2012)
01/09/2012	<u>118</u>	MEMORANDUM by A&T Marketing, Inc. re <u>116</u> MOTION to Dismiss/General <i>the Amended Complaint Memorandum of Law in Support of Motion</i> filed by A&T Marketing, Inc.. (Attachments: EXHIBITS FILED IN ERROR-WILL REFILE AS SEPARATE EVENT-# <u>1</u> Exhibit(s) Index of Exhibits, # <u>2</u> Exhibit(s) Exhibit 1, # <u>3</u> Exhibit(s) Exhibit 2, # <u>4</u> Exhibit(s) Exhibit 3, # <u>5</u> Exhibit(s) Exhibit 4, # <u>6</u> Exhibit(s) Exhibit 5, # <u>7</u> Exhibit(s) Exhibit 6, # <u>8</u> LR7.1 Word Count Compliance Certificate)(Leishman, David) Modified on 1/9/2012 (akl). (Entered: 01/09/2012)
01/09/2012	<u>119</u>	CERTIFICATE OF SERVICE by A&T Marketing, Inc. re <u>118</u> Memorandum, <u>116</u> MOTION to Dismiss/General <i>the Amended Complaint</i> , <u>117</u> Notice of Hearing on Motion (Leishman, David) (Entered: 01/09/2012)
01/09/2012	<u>120</u>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by A&T Marketing, Inc. re <u>116</u> MOTION to Dismiss/General <i>the Amended Complaint</i> (Leishman, David) (Entered: 01/09/2012)
01/09/2012	<u>121</u>	EXHIBIT re <u>118</u> Memorandum,, <i>Index of Exhibits</i> by A&T Marketing, Inc. filed by A&T Marketing, Inc.. (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Exhibit(s) 2, # <u>3</u> Exhibit(s) 3, # <u>4</u> Exhibit(s) 4, # <u>5</u> Exhibit(s) 5, # <u>6</u> Exhibit(s) 6)(Leishman, David) (Entered: 01/09/2012)
01/09/2012	<u>122</u>	MOTION to Dismiss/General <i>Relator's Amended Complaint</i> by Emtec Federal, Inc.. (Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>123</u>	NOTICE OF HEARING ON MOTION <u>122</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> : Motion Hearing set for 5/10/2012 10:00 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>124</u>	MEMORANDUM in Support re <u>122</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Emtec Federal, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>125</u>	AFFIDAVIT of David J. Wallace-Jackson in SUPPORT OF <u>122</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Emtec Federal, Inc.. (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Exhibit(s) 2, # <u>3</u> Exhibit(s) 3 (Part 1 of 3), # <u>4</u> Exhibit(s) 3 (Part 2 of 3), # <u>5</u> Exhibit(s) 3 (Part 3 of 3), # <u>6</u> Exhibit(s) 4, # <u>7</u> Exhibit(s) 5, # <u>8</u> Exhibit(s) 6 (Part 1 of 2), # <u>9</u> Exhibit(s) 6 (Part 2 of 2))(Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>126</u>	CERTIFICATE OF SERVICE by Emtec Federal, Inc. re <u>124</u> Memorandum in Support of Motion, <u>125</u> Affidavit in Support of Motion, <u>123</u> Notice of Hearing on Motion, <u>122</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> (Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>127</u>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by Emtec Federal, Inc. re <u>122</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> (Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>128</u>	MOTION to Dismiss/General <i>Relator's Amended Complaint</i> by Unistar-Sparco Computers, Inc.. (Wallace-Jackson, David) (Entered: 01/09/2012)

01/09/2012	<u>129</u>	NOTICE OF HEARING ON MOTION <u>128</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> : Motion Hearing set for 5/10/2012 10:00 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>130</u>	MEMORANDUM in Support re <u>128</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Unistar-Sparco Computers, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>131</u>	AFFIDAVIT of David J. Wallace-Jackson in SUPPORT OF <u>128</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Unistar-Sparco Computers, Inc.. (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Exhibit(s) 2, # <u>3</u> Exhibit(s) 3 (Part 1 of 3), # <u>4</u> Exhibit(s) 3 (Part 2 of 3), # <u>5</u> Exhibit(s) 3 (Part 3 of 3))(Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>132</u>	CERTIFICATE OF SERVICE by Unistar-Sparco Computers, Inc. re <u>128</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> , <u>129</u> Notice of Hearing on Motion, <u>131</u> Affidavit in Support of Motion, <u>130</u> Memorandum in Support of Motion (Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>133</u>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by Unistar-Sparco Computers, Inc. re <u>128</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> (Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>134</u>	MOTION to Dismiss/General <i>Relator's Amended Complaint</i> by ImmixTechnology, Inc.. (Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>135</u>	NOTICE OF HEARING ON MOTION <u>134</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> : Motion Hearing set for 5/10/2012 10:00 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>136</u>	MEMORANDUM in Support re <u>134</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by ImmixTechnology, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>137</u>	CERTIFICATE OF SERVICE by ImmixTechnology, Inc. re <u>134</u> Motion to Dismiss, <u>135</u> Notice of Hearing on Motion, <u>136</u> Memorandum in Support. (Wallace-Jackson, David) Modified links and text on 1/10/2012 (akl). (Entered: 01/09/2012)
01/09/2012	<u>138</u>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by ImmixTechnology, Inc. re <u>134</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> (Wallace-Jackson, David) (Entered: 01/09/2012)
01/09/2012	<u>139</u>	MOTION to Dismiss/General <i>the Amended Complaint</i> by Force 3, Inc.. (Miller-Van Oort, Sonia) (Entered: 01/09/2012)
01/09/2012	<u>140</u>	NOTICE OF HEARING ON MOTION <u>139</u> MOTION to Dismiss/General <i>the Amended Complaint</i> : Motion Hearing set for 5/10/2012 10:00 AM in Judge's Chambers, Suite 734 (STP) before Senior Judge Paul A. Magnuson. (Miller-Van Oort, Sonia) (Entered: 01/09/2012)
01/09/2012	<u>141</u>	MEMORANDUM in Support re <u>139</u> MOTION to Dismiss/General <i>the Amended Complaint</i> filed by Force 3, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Miller-Van Oort, Sonia) (Entered: 01/09/2012)
01/09/2012	<u>142</u>	AFFIDAVIT of Sonia Miller-Van Oort in Support of <u>139</u> MOTION to Dismiss/General <i>the Amended Complaint</i> filed by Force 3, Inc. (Attachments: # <u>1</u> Exhibit(s) A-C). (Miller-Van Oort, Sonia) Modified text on 1/10/2012 (akl). Modified text on 1/10/2012 (lmb). (Entered: 01/09/2012)
01/10/2012	<u>143</u>	MOTION for Admission Pro Hac Vice for John Y. Lee. Filing fee \$ 100, receipt number 0864-3048471 by Marzik, Inc.. (Morris, Christopher) (Entered: 01/10/2012)
01/10/2012	<u>144</u>	ORDER - This matter is before the Court upon the Stipulation filed on January 9, 2012 (Docket #114). Based on that Stipulation, IT IS HEREBY ORDERED that: 1. Defendants shall have until January 17, 2012, to answer or otherwise respond to the Amended Complaint; 2. To the extent any Defendant brings a motion in lieu of answering, all such motions and supporting papers shall be filed by January 17, 2012;

		and 3. All Motions to Dismiss in this matter will be heard by the Court on Wednesday, April 11, 2012 at 9:30 am. The parties shall submit their motion papers consistent with the requirements of Local Rule 7.1(b). Signed by Judge Paul A. Magnuson on January 10, 2012. (smr) (Entered: 01/10/2012)
01/10/2012	<u>145</u>	ORDER – IT IS HEREBY ORDERED that: 1. Defendants Dell Marketing, L.P., Insight Public Sector, Inc., P.C. Mall Gov, Inc., P.C. Specialists, Inc., and World Wide Technology, Inc. shall have a collective total of 22,000 words in which to jointly present their motions to dismiss; 2. The 22,000 word limit shall include opening memoranda and reply memoranda; and 3. Defendant World Wide Technology, Inc. shall have an additional 1,400 words in which to address its individualized defense that it did not sell the product at issue in this case.(Written Opinion) Signed by Senior Judge Paul A. Magnuson on January 10, 2012. (smr) (Entered: 01/10/2012)
01/10/2012	<u>146</u>	AMENDED NOTICE of Hearing on Motion: <u>116</u> MOTION to Dismiss/General <i>the Amended Complaint</i> : Motion Hearing set for 4/11/2012 09:30 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Leishman, David) (Entered: 01/10/2012)
01/10/2012	<u>147</u>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by Force 3, Inc. re <u>139</u> MOTION to Dismiss/General <i>the Amended Complaint</i> (Miller–Van Oort, Sonia) (Entered: 01/10/2012)
01/10/2012	<u>148</u>	CERTIFICATE OF SERVICE by A&T Marketing, Inc. re <u>146</u> Amended Notice of Hearing on Motion (Leishman, David) (Entered: 01/10/2012)
01/11/2012	<u>149</u>	AMENDED NOTICE of Hearing on Motion: <u>122</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> : Motion Hearing set for 4/11/2012 09:30 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Wallace–Jackson, David) (Entered: 01/11/2012)
01/11/2012	<u>150</u>	AMENDED NOTICE of Hearing on Motion: <u>128</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> : Motion Hearing set for 4/11/2012 09:30 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Wallace–Jackson, David) (Entered: 01/11/2012)
01/11/2012	<u>151</u>	AMENDED NOTICE of Hearing on Motion: <u>134</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> : Motion Hearing set for 4/11/2012 09:30 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Wallace–Jackson, David) (Entered: 01/11/2012)
01/11/2012	<u>152</u>	CERTIFICATE OF SERVICE by Emtec Federal, Inc., ImmixTechnology, Inc., Unistar–Sparco Computers, Inc. re <u>150</u> Amended Notice of Hearing on Motion, <u>151</u> Amended Notice of Hearing on Motion, <u>149</u> Amended Notice of Hearing on Motion (Wallace–Jackson, David) (Entered: 01/11/2012)
01/11/2012		TEXT ONLY ENTRY–ORDER granting <u>143</u> Motion for Admission Pro Hac Vice of Attorney John Y. Lee for Marzik, Inc.. Fee paid; receipt number 0864–3048471. Approved by Magistrate Judge Tony N. Leung on 01/11/2012. (MAP) (Entered: 01/11/2012)
01/11/2012	<u>153</u>	AMENDED NOTICE of Hearing on Motion: <u>139</u> MOTION to Dismiss/General <i>the Amended Complaint</i> : Motion Hearing set for 4/11/2012 09:30 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Miller–Van Oort, Sonia) Modified text on 1/18/2012 (akl). (Entered: 01/11/2012)
01/12/2012	<u>154</u>	AMENDED ORDER – IT IS HEREBY ORDERED that: 1. Defendants Dell Marketing, L.P., Insight Public Sector, Inc., P.C. Mall Gov, Inc., P.C. Specialists, Inc., World Wide Technology, Inc., and Government Acquisitions, Inc. shall have a collective total of 22,000 words in which to jointly present their motions to dismiss; 2. The 22,000 word limit shall include opening memoranda and reply memoranda; and 3. Defendant World Wide Technology, Inc. shall have an additional 1,400 words in which to address its individual defense that it did not sell the product at issue in this case.. Signed by Senior Judge Paul A. Magnuson on January 12, 2012. (smr) (Entered: 01/12/2012)
01/17/2012	<u>155</u>	MOTION for Admission Pro Hac Vice for Barney L. Brannen by Lyme Computer Systems, Inc.. (Daniels, Christopher) (Entered: 01/17/2012)

01/17/2012	<u>156</u>	Joint MOTION to Dismiss/General <i>Relator's Amended Complaint</i> by Dell Marketing LP, Government Acquisitions, Inc., Insight Public Sector, Inc., Lyme Computer Systems, Inc., MA Federal, Inc., Marzik, Inc., PC Mall Gov, Inc., PC Specialists, Inc., Red River Computer Company, Vion Corporation, World Wide Technology, Inc.. (McCann, Heather) (Entered: 01/17/2012)
01/17/2012	<u>157</u>	NOTICE OF HEARING ON MOTION <u>156</u> Joint MOTION to Dismiss/General <i>Relator's Amended Complaint</i> : Motion Hearing set for 4/11/2012 09:30 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (McCann, Heather) Modified on 1/17/2012 (akl). (Entered: 01/17/2012)
01/17/2012	<u>158</u>	MEMORANDUM in Support re <u>156</u> Joint MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Dell Marketing LP, Government Acquisitions, Inc., Insight Public Sector, Inc., Lyme Computer Systems, Inc., MA Federal, Inc., Marzik, Inc., PC Mall Gov, Inc., PC Specialists, Inc., Red River Computer Company, Vion Corporation, World Wide Technology, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(McCann, Heather) (Entered: 01/17/2012)
01/17/2012	<u>159</u>	Declaration of Heather M. McCann in Support of <u>156</u> Joint MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Dell Marketing LP, Government Acquisitions, Inc., Insight Public Sector, Inc., Lyme Computer Systems, Inc., MA Federal, Inc., Marzik, Inc., PC Mall Gov, Inc., PC Specialists, Inc., Red River Computer Company, Vion Corporation, World Wide Technology, Inc.. (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Exhibit(s) 2, # <u>3</u> Exhibit(s) 3, # <u>4</u> Exhibit(s) 4, # <u>5</u> Exhibit(s) 5, # <u>6</u> Exhibit(s) 6)(McCann, Heather) (Entered: 01/17/2012)
01/17/2012	<u>160</u>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by Dell Marketing LP, Government Acquisitions, Inc., Insight Public Sector, Inc., Lyme Computer Systems, Inc., MA Federal, Inc., Marzik, Inc., PC Mall Gov, Inc., PC Specialists, Inc., Red River Computer Company, Vion Corporation, World Wide Technology, Inc. re <u>156</u> Joint MOTION to Dismiss/General <i>Relator's Amended Complaint</i> (McCann, Heather) (Entered: 01/17/2012)
01/17/2012	<u>161</u>	MOTION to Dismiss/General <i>for Failure to State a Claim and Improper Venue</i> by Promark Technology, Inc.. (Smith, Scott) (Entered: 01/17/2012)
01/17/2012	<u>162</u>	NOTICE OF HEARING ON MOTION <u>161</u> MOTION to Dismiss/General <i>for Failure to State a Claim and Improper Venue</i> : Motion Hearing set for 4/11/2012 09:30 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Smith, Scott) (Entered: 01/17/2012)
01/17/2012	<u>163</u>	MEMORANDUM in Support re <u>161</u> MOTION to Dismiss/General <i>for Failure to State a Claim and Improper Venue</i> filed by Promark Technology, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Smith, Scott) (Entered: 01/17/2012)
01/17/2012	<u>164</u>	MOTION to Dismiss/General by Dell Marketing LP, Government Acquisitions, Inc., Insight Public Sector, Inc., PC Mall Gov, Inc., World Wide Technology, Inc.. (Cragg, Daniel) (Entered: 01/17/2012)
01/17/2012	<u>165</u>	NOTICE OF HEARING ON MOTION <u>164</u> MOTION to Dismiss/General : Motion Hearing set for 4/11/2012 09:30 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Cragg, Daniel) (Entered: 01/17/2012)
01/17/2012	<u>166</u>	MEMORANDUM in Support re <u>164</u> MOTION to Dismiss/General filed by Dell Marketing LP, Government Acquisitions, Inc., Insight Public Sector, Inc., PC Mall Gov, Inc., World Wide Technology, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Cragg, Daniel) (Entered: 01/17/2012)
01/17/2012	<u>167</u>	MEMORANDUM in Support re <u>156</u> Joint MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by World Wide Technology, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Riach, Kevin) Modified on 1/17/2012 (kt). (Entered: 01/17/2012)
01/17/2012	<u>168</u>	First Declaration of Daniel J. Cragg in Support of <u>166</u> Memorandum in Support of Motion, <u>164</u> MOTION to Dismiss/General filed by Dell Marketing LP, Government Acquisitions, Inc., Insight Public Sector, Inc., PC Mall Gov, Inc., World Wide Technology, Inc.. (Attachments: # <u>1</u> Exhibit(s) 1, # <u>2</u> Exhibit(s) 2, # <u>3</u> Exhibit(s) 3, # <u>4</u> Exhibit(s) 4, # <u>5</u> Exhibit(s) 5, # <u>6</u> Exhibit(s) 6, # <u>7</u> Exhibit(s) 7, # <u>8</u> Exhibit(s) 8, # <u>2</u>



		Exhibit(s) 9, # <u>10</u> Exhibit(s) 10)(Cragg, Daniel) Modified text on 1/18/2012 (akl). (Entered: 01/17/2012)
01/17/2012	<u>169</u>	Affidavit of Timothy R. Denny in Support of <u>167</u> Memorandum in Support, <u>156</u> Joint MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by World Wide Technology, Inc.. (Riach, Kevin) Modified text on 1/18/2012 (akl). (Entered: 01/17/2012)
01/17/2012	<u>170</u>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by Dell Marketing LP, Government Acquisitions, Inc., Insight Public Sector, Inc., PC Mall Gov, Inc., World Wide Technology, Inc. re <u>164</u> MOTION to Dismiss/General (Cragg, Daniel) (Entered: 01/17/2012)
01/19/2012		TEXT ONLY ENTRY–ORDER granting <u>113</u> Motion for Admission Pro Hac Vice of Attorney Jason Charles Rose for Promark Technology, Inc.. Fee paid; receipt number 0864–3046001. Approved by Magistrate Judge Tony N. Leung on 01/19/2012. (MAP) (Entered: 01/19/2012)
01/26/2012		TEXT ONLY ENTRY–ORDER granting <u>155</u> Motion for Admission Pro Hac Vice of Attorney Barney L. Brannen for Lyme Computer Systems, Inc.. Fee paid; receipt number 4–61807. Approved by Magistrate Judge Tony N. Leung on 01/26/2012. (MAP) (Entered: 01/26/2012)
01/30/2012	<u>171</u>	NOTICE of Appearance by Paula Weseman Theisen on behalf of Commercial Data Systems, Inc.. (Theisen, Paula) (Entered: 01/30/2012)
01/30/2012	<u>172</u>	STIPULATION to Extend Deadling for Responding to Amended Complaint by Commercial Data Systems, Inc., Bryan Sandager. (Theisen, Paula) Modified filers and text on 1/30/2012 (akl). (Entered: 01/30/2012)
01/30/2012	<u>173</u>	CERTIFICATE OF SERVICE ON PROPOSED ORDER by Commercial Data Systems, Inc. re <u>172</u> Stipulation to Extend Commercial Data Systems, Inc.'s Deadline for Responding to Amended Complaint (Theisen, Paula) (Entered: 01/30/2012)
01/31/2012	<u>174</u>	LETTER TO DISTRICT JUDGE by Bryan Sandager <i>requesting additional words for consolidated responsive brief.</i> (Bye, Jonathan) (Entered: 01/31/2012)
02/08/2012	<u>175</u>	REPORT of Rule 26(f) Planning Meeting by A&T Marketing, Inc., AC Technology, Inc., Dell Marketing LP, Emtec Federal, Inc., Force 3, Inc., Government Acquisitions, Inc., ImmixTechnology, Inc., Insight Public Sector, Inc., Lyme Computer Systems, Inc., MA Federal, Inc., Marzik, Inc., PC Mall Gov, Inc., PC Specialists, Inc., Promark Technology, Inc., Red River Computer Company, Bryan Sandager, Unistar–Sparco Computers, Inc., Vion Corporation, World Wide Technology, Inc..(Bye, Jonathan) (Entered: 02/08/2012)
02/09/2012	<u>176</u>	RULE 7.1 DISCLOSURE STATEMENT. There is no parent corporation, publicly held corporation or wholly–owned subsidiary to report for Defendant Marzik, Inc.. (Morris, Christopher) (Entered: 02/09/2012)
02/15/2012	<u>177</u>	ORDER to Extend Commercial Data's Time to Respond to the Amended Complaint: Commercial Data Systems, Inc. answer due 2/15/2012. Signed by Magistrate Judge Tony N. Leung on 2/14/12. (akl) (Entered: 02/15/2012)
02/15/2012		***TEXT ONLY***Minute Entry for proceedings held before Judge Paul A. Magnuson: Rule 16 Pretrial Conference held on 2/15/2012. (smr) (Entered: 02/16/2012)
02/16/2012	<u>178</u>	PRETRIAL SCHEDULING ORDER: Amended Pleadings due by 05/01/2012; Discovery due by 11/01/2012; Non–Dispositive Motions due by 11/01/2012; Dispositive Motions due by 01/01/2013; Ready for trial by 03/01/2013. Signed by The Honorable Paul A. Magnuson on 02/16/2012. (LLM) (Entered: 02/16/2012)
03/07/2012	<u>179</u>	MEMORANDUM in Opposition re <u>139</u> MOTION to Dismiss/General <i>the Amended Complaint</i> , <u>128</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> , <u>164</u> MOTION to Dismiss/General , <u>116</u> MOTION to Dismiss/General <i>the Amended Complaint</i> , <u>134</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> , <u>122</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> , <u>156</u> Joint MOTION to Dismiss/General <i>Relator's Amended Complaint</i> , <u>161</u> MOTION to Dismiss/General for

		<i>Failure to State a Claim and Improper Venue</i> filed by Bryan Sandager. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Bye, Jonathan) (Entered: 03/07/2012)
03/28/2012	<u>180</u>	REPLY to Response to Motion re <u>156</u> Joint MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Dell Marketing LP, Government Acquisitions, Inc., Insight Public Sector, Inc., Lyme Computer Systems, Inc., MA Federal, Inc., Marzik, Inc., PC Mall Gov, Inc., PC Specialists, Inc., Red River Computer Company, Vion Corporation, World Wide Technology, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(McCann, Heather) (Entered: 03/28/2012)
03/28/2012	<u>181</u>	REPLY to Response to Motion re <u>164</u> MOTION to Dismiss/General filed by Dell Marketing LP, Government Acquisitions, Inc., Insight Public Sector, Inc., PC Mall Gov, Inc., World Wide Technology, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Cragg, Daniel) (Entered: 03/28/2012)
03/28/2012	<u>182</u>	REPLY to Response to Motion re <u>156</u> Joint MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by World Wide Technology, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Riach, Kevin) (Entered: 03/28/2012)
03/28/2012	<u>183</u>	REPLY to Response to Motion re <u>139</u> MOTION to Dismiss/General <i>the Amended Complaint</i> filed by Force 3, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Miller–Van Oort, Sonia) (Entered: 03/28/2012)
03/28/2012	<u>184</u>	REPLY to Response to Motion re <u>122</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Emtec Federal, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate, # <u>2</u> Certificate of Service)(Wallace–Jackson, David) (Entered: 03/28/2012)
03/28/2012	<u>185</u>	REPLY to Response to Motion re <u>128</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Unistar–Sparco Computers, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate, # <u>2</u> Certificate of Service)(Wallace–Jackson, David) (Entered: 03/28/2012)
03/28/2012	<u>186</u>	REPLY to Response to Motion re <u>134</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by ImmixTechnology, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate, # <u>2</u> Certificate of Service)(Wallace–Jackson, David) (Entered: 03/28/2012)
03/28/2012	<u>187</u>	REPLY to Response to Motion re <u>161</u> MOTION to Dismiss/General <i>for Failure to State a Claim and Improper Venue</i> filed by Promark Technology, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate)(Rose, Jason) (Entered: 03/28/2012)
03/28/2012	<u>188</u>	REPLY re <u>116</u> MOTION to Dismiss/General <i>the Amended Complaint</i> , <u>179</u> Memorandum in Opposition to Motion,, <i>Reply Memorandum in Support of Motion to Dismiss</i> filed by A&T Marketing, Inc.. (Attachments: # <u>1</u> LR7.1 Word Count Compliance Certificate, # <u>2</u> Certificate of Service)(Leishman, David) (Entered: 03/28/2012)
03/28/2012	<u>189</u>	EXHIBIT re <u>188</u> Reply, <i>Index of Exhibits</i> by A&T Marketing, Inc. filed by A&T Marketing, Inc.. (Attachments: # <u>1</u> Exhibit 7)(Leishman, David) Modified on 3/29/2012 (akl). (Entered: 03/28/2012)
03/29/2012	<u>190</u>	STIPULATION of Dismissal by Commercial Data Systems, Inc., Bryan Sandager. (Theisen, Paula) (Entered: 03/29/2012)
03/29/2012	<u>191</u>	MOTION to Dismiss/General by Commercial Data Systems, Inc.. (Theisen, Paula) (Entered: 03/29/2012)
03/29/2012	<u>192</u>	NOTICE OF HEARING ON MOTION <u>191</u> MOTION to Dismiss/General : Motion Hearing set for 4/11/2012 09:30 AM in Courtroom 7D (STP) before Senior Judge Paul A. Magnuson. (Theisen, Paula) Modified on 3/29/2012 (akl). (Entered: 03/29/2012)
04/06/2012	<u>193</u>	LETTER TO DISTRICT JUDGE by Red River Computer Company . (McCann, Heather) (Entered: 04/06/2012)
04/09/2012	<u>194</u>	SUPPLEMENT (NOT Motion) <i>Notice of Supplemental Authority</i> re <u>139</u> MOTION to Dismiss/General <i>the Amended Complaint</i> filed by Force 3, Inc., <u>128</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Unistar–Sparco Computers, Inc., <u>164</u> MOTION to Dismiss/General filed by Government Acquisitions, Inc., Dell

		Marketing LP, World Wide Technology, Inc., Insight Public Sector, Inc., PC Mall Gov, Inc., <u>116</u> MOTION to Dismiss/General <i>the Amended Complaint</i> filed by A&T Marketing, Inc., <u>122</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Emtec Federal, Inc.. (Attachments: # <u>1</u> Exhibit(s) A)(Cragg, Daniel) (Entered: 04/09/2012)
04/11/2012		***TEXT ONLY***Minute Entry for proceedings held before Judge Paul A. Magnuson: Motion Hearing held on 4/11/2012 re <u>139</u> MOTION to Dismiss/General <i>the Amended Complaint</i> filed by Force 3, Inc., <u>128</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Unistar-Sparco Computers, Inc., <u>191</u> MOTION to Dismiss/General filed by Commercial Data Systems, Inc., <u>164</u> MOTION to Dismiss/General filed by Government Acquisitions, Inc., Dell Marketing LP, World Wide Technology, Inc., Insight Public Sector, Inc., PC Mall Gov, Inc., <u>116</u> MOTION to Dismiss/General <i>the Amended Complaint</i> filed by A&T Marketing, Inc., <u>134</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by ImmixTechnology, Inc., <u>122</u> MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Emtec Federal, Inc., <u>156</u> Joint MOTION to Dismiss/General <i>Relator's Amended Complaint</i> filed by Government Acquisitions, Inc., Dell Marketing LP, Vion Corporation, PC Mall Gov, Inc., PC Specialists, Inc., Marzik, Inc., MA Federal, Inc., Red River Computer Company, World Wide Technology, Inc., Lyme Computer Systems, Inc., Insight Public Sector, Inc., <u>161</u> MOTION to Dismiss/General <i>for Failure to State a Claim and Improper Venue</i> filed by Promark Technology, Inc., argued, taken under advisement. (Court Reporter Ron Moen) (smr) (Entered: 04/11/2012)
04/26/2012	<u>195</u>	Memorandum and Order GRANTING Defendants' Motions to Dismiss <u>116</u> <u>122</u> <u>128</u> <u>134</u> <u>139</u> <u>156</u> <u>161</u> <u>164</u> <u>191</u> ; and DISMISSING with prejudice Plaintiff's Amended Complaint <u>29</u> . LET JUDGMENT BE ENTERED ACCORDINGLY. Signed by The Honorable Paul A. Magnuson on 04/25/2012. (LLM) (Entered: 04/26/2012)
04/26/2012	<u>196</u>	NOTICE of Appearance by Kelly G Laudon on behalf of Bryan Sandager. (Laudon, Kelly) (Entered: 04/26/2012)
04/26/2012	<u>197</u>	JUDGMENT (Attachments: # <u>1</u> Civil Notice – appeal, # <u>2</u> Civil–8th Circuit Pre–Hearing Conference Notice)(akl) (Entered: 04/26/2012)

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)  
CIVIL DOCKET FOR CASE #: 2:07-cv-00980-SMM**

Sylvia Sanmiguel v. Phoenix Children's Hospital, Inc., et al.,  
Assigned to: Judge Stephen M McNamee  
Cause: 31:3729 False Claims Act

Date Filed: 05/14/2007  
Date Terminated: 01/09/2008  
Jury Demand: Plaintiff  
Nature of Suit: 370 Other Fraud  
Jurisdiction: Federal Question

**Plaintiff**

**Sylvia Sanmiguel**  
*United States of America, ex rel.,*

represented by **Bradley Hugh Schleier**  
Schleier Law Offices PC  
3101 N Central Ave., Ste. 1090  
Phoenix, AZ 85012  
602-277-0157  
Fax: 602-230-9250  
Email: brad@schleierlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David K Colapinto**  
Kohn Kohn & Colapinto LLP  
3233 P St. NW  
Washington, DC 20007  
202-342-6980  
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*LEAD ATTORNEY*  
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**Tod F Schleier**  
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3101 N Central Ave., Ste. 1090  
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602-277-0157  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Phoenix Children's Hospital  
Incorporated**  
*an Arizona corporation*

**Defendant**

**Date Discrepancy Cases 688**

**Bob Meyer****Defendant****Larry Smith**  
*an Individual***Defendant****David Banks**  
*M.D., an Individual***Defendant****Teresa Murdoch**  
*M.D., an Individual***Defendant****Addie Price**  
*an Individual***Movant****United States of America**represented by **Mark James Wenker**  
US Attorneys Office - Phoenix, AZ  
2 Renaissance Square  
40 N Central Ave., Ste. 1800  
Phoenix, AZ 85004-4408  
602-514-7500  
Fax: 602-514-7760  
Email: mark.wenker@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/14/2007	<a href="#">1</a>	COMPLAINT(MAP) Modified on 11/21/2007 to Unseal Pursuant to Order #8 (MAP). (Entered: 05/16/2007)
05/14/2007		SEALED Filing fee paid, receipt number: PHX057768. This case has been assigned to the Honorable Earl H. Carroll. All future pleadings or documents should bear the correct case number: CV 07-980-PHX-EHC. TEXT ONLY ENTRY, NO PDF DOCUMENT ATTACHED. (MAP) (Entered: 05/16/2007)
11/01/2007	<a href="#">7</a>	MOTION and NOTICE by United States of America. (LSP) Modified on 11/21/2007 to UNSEAL Pursuant to Order #8 (MAP). (Entered: 11/02/2007)
11/21/2007	<a href="#">8</a>	ORDER the Complaint be unsealed and served upon the Defendants by the Relator FURTHER ORDER all other contents of the Court's file in this action remain under seal and not be made public or served upon the Defendants, except for this Order and Notice of the United States to Decline Intervention, which the Relator will serve upon the Defendants only after service of the Complaint FURTHER ORDERED the seal be lifted as to all other matters occurring in this action after the date of this Order. Signed by Judge Stephen M McNamee on 11/20/07. (MAP) (Entered: 11/21/2007)
01/03/2008	<a href="#">9</a>	NOTICE of Voluntary Case Dismissal by Sylvia Sanmiguel (Schleier, Tod) (Entered: 01/03/2008)

**Date Discrepancy Cases 689**

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/23/2019 10:55:00			
<b>PACER Login:</b>	KK0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:07-cv-00980-SMM
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:02-cv-06621-DDP-CT**

United States of America ex rel Joseph Santos v Los Angeles  
Unified School District, et al  
Assigned to: Judge Dean D. Pregerson  
Referred to: Magistrate Judge Carolyn Turchin  
Demand: \$0  
Cause: 31:3731 Fraud

Date Filed: 08/23/2002  
Date Terminated: 09/27/2006  
Jury Demand: Plaintiff  
Nature of Suit: 370 Other Fraud  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America**

*ex rel*  
*also known as*  
Seal 1

**Plaintiff**

**Joseph Santos**

*an individual*  
*also known as*  
Seal 2

represented by **Brian R Condon**  
Brian R Condon Law Offices  
7131 W Manchester Ave, Ste 200  
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310-568-1424  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jerry Smilowitz**  
Ives Kirwan and Dibble APC  
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Fax: 213-627-1545  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Los Angeles Unified School District**

*TERMINATED: 05/03/2005*  
*also known as*  
Seal A  
*TERMINATED: 05/03/2005*

represented by **Colin E Barr**  
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**ATTORNEY TO BE NOTICED**

**Sarine A Abrahamian**  
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*ATTORNEY TO BE NOTICED*

**Wallace W Hammons**  
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Los Angeles, CA 90067-6007  
310-788-9200  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Timoteo Torres**  
*an individual*  
*also known as*  
Seal B

represented by **Mark Allen Feldman**  
Feldman and Associates Inc  
11030 Santa Monica Blvd Ste 109  
Los Angeles, CA 90025  
310-312-5401  
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*ATTORNEY TO BE NOTICED*

**Michael R Silander**  
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310-312-5401  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Torres Construction Corp**  
*a California corporation*  
*also known as*  
Seal C

represented by **Mark Allen Feldman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael R Silander**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Tomas Torres**  
*an individual*  
*also known as*  
Seal D

represented by **Mark Allen Feldman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael R Silander**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Martha Torres**  
*an individual*  
*also known as*  
Seal E

represented by **Mark Allen Feldman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*



**Michael R Silander**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Ismael Torres**  
*an individual*  
*TERMINATED: 08/01/2006*  
*also known as*  
Seal F  
*TERMINATED: 08/01/2006*

represented by **Mark Allen Feldman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael R Silander**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Esteban Torres**  
*an individual*  
*TERMINATED: 08/01/2006*  
*also known as*  
Seal G  
*TERMINATED: 08/01/2006*

represented by **Mark Allen Feldman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael R Silander**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Does**  
*1 through 99, inclusive*  
*also known as*  
Seal H

**Counter Claimant**

**Timoteo Torres**  
*an individual*  
*doing business as*  
Torres Construction

**Counter Claimant**

**Torres Construction Corp**  
*a California corporation*

V.

**Counter Defendant**

**Roes**  
*1 through 20, inclusive*

**Counter Defendant**

**Joseph Santos**  
*an individual*

represented by **Brian R Condon**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jerry Smilowitz**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
08/23/2002	<u>1</u>	COMPLAINT filed Summons(es) issued referred to Discovery Carolyn Turchin (jag) (kag). (Entered: 08/27/2002)
01/12/2004	14	NOTICE OF ELECTION BY THE UNITED STATES OF AMERICA TO DECLINE INTERVENTION filed by plaintiff (pj, ) (Entered: 02/18/2004)
01/14/2004	15	ORDER by Judge Dean D. Pregerson the complaint, this order and the notice of election by the United States of America to decline intervention shall be UNSEALED and served upon the defendants by the relator, Joseph Santos. All other contents of the Court's file in this action shall remain under seal and shall not be made public or served upon any person. (see order for further details). Case unsealed.(pj, ) (Entered: 02/18/2004)
02/28/2005	<u>16</u>	NOTICE of Interested Parties filed by Defendant Los Angeles Unified School District. (gk, ) (kag). (Entered: 03/01/2005)
02/28/2005	18	NOTICE OF MOTION to Dismiss for Failure to State a Claim and Lack of Jurisdiction filed by Defendant Los Angeles Unified School District. Motion set for hearing on 3/28/2005 at 10:00 AM before Honorable Dean D. Pregerson. Lodged Proposed Order. (gk, ) (Entered: 03/03/2005)
02/28/2005	19	MEMORANDUM of Points and Authorities in Support of Motion to Dismiss for Failure to State a Claim and Lack of Jurisdiction 18 filed by Defendant Los Angeles Unified School District. (gk, ) (Entered: 03/03/2005)
02/28/2005	20	PROOF OF SERVICE filed by Defendant Los Angeles Unified School District re Notice of Motion to Dismiss for Failure to State a Claim and Lack of Jurisdiction 18 , Memorandum of Points and Authorities in Support of Motion 19 , Notice of Interested Parties <u>16</u> and Proposed Order, were served on 2/28/2005. (gk, ) (Entered: 03/03/2005)
03/01/2005	17	Association of Counsel, associating attorney Jerry Smilowitz on behalf of Relator Plaintiff Joseph Santos. (gk, ) (Entered: 03/03/2005)
03/09/2005	21	NOTICE OF DOCUMENT DISCREPANCY AND ORDER by Judge Dean D. Pregerson, ORDERING Five (5) Notices and Acknowledgment of Receipt of Summons and Complaint, Two (2) proofs of service submitted by Plaintiff Joseph Santos received on 3/4/2005 is not to be filed but instead rejected. Denial based on: Notice and Acknowledgment indicates in parenthesis, and other documents—see attached, however there are no attachments; proof of service does not follow Local Rules of Civil Filing Procedure in regards to a title page; no case number, judge's initials, etc.(gk, ) (Entered: 03/14/2005)
03/14/2005	29	OPPOSITION to Dismiss for Failure to State a Claim and Lack of Jurisdiction 18 filed by Relator and ex rel. Plaintiff Joseph Santos. (gk, ) (Entered: 03/17/2005)
03/15/2005	22	PROOF OF SERVICE OF SUMMONS AND COMPLAINT Executed by Relator and ex rel. Plaintiff Joseph Santos, upon defendant Los Angeles Unified School District served on 2/7/2005, answer due 2/27/2005. The Summons and Complaint were served by personal service, by Federal statute, upon Leila Acevedo (capacity/title not noted). Due Dilligence declaration not attached. Original Summons not returned. (gk, ) (Entered: 03/16/2005)
03/15/2005	23	PROOF OF SERVICE OF SUMMONS AND COMPLAINT Executed by Plaintiff and ex rel. Plaintiff Joseph Santos, upon defendant Torres Construction Corp. served on 2/8/2005, answer due 2/28/2005. The Summons and Complaint were served by personal service, by Federal statute, upon Martha (capacity/title not noted). Due Dilligence declaration not attached. Original Summons not returned. (gk, ) (Entered: 03/16/2005)
03/15/2005	24	NOTICE AND ACKNOWLEDGEMENT OF SERVICE of Summons an Complaint returned Executed filed by Plaintiff Joseph Santos upon defendant Ismael Torres, acknowledgment sent by Plaintiff on 2/23/2005, answer due 4/24/2005. Acknowledgment of Service signed by Attorney, signature illegible, on 2/25/2005. (gk, ) (Entered: 03/16/2005)

03/15/2005	25	NOTICE AND ACKNOWLEDGEMENT OF SERVICE of Summons an Complaint returned Executed filed by Plaintiff Joseph Santos upon defendant Martha Torres aka Martha McGowain, acknowledgment sent by Plaintiff on 2/23/2005, answer due 4/24/2005. Acknowledgment of Service signed by Attorney, signature illegible, on 2/25/2005. (gk, ) (Entered: 03/16/2005)
03/15/2005	26	NOTICE AND ACKNOWLEDGEMENT OF SERVICE of Summons an Complaint returned Executed filed by Plaintiff Joseph Santos upon defendant Tomas Torres, acknowledgment sent by Plaintiff on 2/23/2005, answer due 4/24/2005. Acknowledgment of Service signed by Attorney, signature illegible, on 2/25/2005. (gk, ) (Entered: 03/16/2005)
03/15/2005	27	NOTICE AND ACKNOWLEDGEMENT OF SERVICE of Summons an Complaint returned Executed filed by Plaintiff Joseph Santos upon Defendant Timoteo Torres dba Torres Construction acknowledgment sent by Plaintiff on 2/23/2005, answer due 4/24/2005. Acknowledgment of Service signed by Attorney, signature illegible, on 2/25/2005. (gk, ) (Entered: 03/16/2005)
03/15/2005	28	NOTICE AND ACKNOWLEDGEMENT OF SERVICE of Summons an Complaint returned Executed filed by Plaintiff Joseph Santos upon defendant Esteban Torres acknowledgment sent by Plaintiff on 2/23/2005, answer due 4/24/2005. Acknowledgment of Service signed by Attorney, signature illegible, on 2/25/2005. (gk, ) (Entered: 03/16/2005)
03/21/2005	31	REPLY to Plaintiff Opposition to MOTION to Dismiss for Failure to State a Claim and Lack of Jurisdiction 18 filed by defendant Los Angeles Unified School District. (jp, ) (Entered: 03/29/2005)
03/25/2005	<u>30</u>	MINUTES (IN CHAMBERS) by Judge Dean D. Pregerson: Counsel are notified that on the Court's own motion, Defendant Los Angeles Unified School District's Motion to Dismiss for Failure to State a Claim and Lack of Jurisdiction 18 is hereby continued, Reset Hearings: Motion Hearing continued to 4/4/2005 at 10:00 AM. Court Reporter: None Present. (gk, ) (Entered: 03/28/2005)
03/25/2005	33	NOTICE of Continuance of hearing date filed by defendant Los Angeles Unified School District re Motion 14 reset to 4/4/2005 10:00 AM. (gk, ) (Entered: 03/31/2005)
03/30/2005	34	ANSWER to Complaint <u>1</u> with Affirmative Defenses filed by Defendants Timoteo Torres, dba Torres Construction; Torres Construction Corp.; Tomas Torres; Martha Torres, aka Martha McGowin; Ismael Torres; and Esteban Torres.(gk, ) (Entered: 03/31/2005)
03/30/2005	35	NOTICE of Interested Parties filed by Defendants Timoteo Torres, dba Torres Construction; Torres Construction Corp.; Tomas Torres; Martha Torres, aka Martha McGowin; Ismael Torres; and Esteban Torres. (gk, ) (Entered: 04/01/2005)
03/30/2005	38	COUNTERCLAIM against Counter-Defendants Joseph Santos, an individual; and Roes 1 through 20, inclusive filed by Defendants and Counterclaimants Timoteo Torres, dba Torres Consitruction, an individual; and Torres Construction Corp., a California corporation.(gk, ) (Entered: 05/05/2005)
03/31/2005	<u>32</u>	ORDER SETTING SCHEDULING CONFERENCE by Judge Dean D. Pregerson: Set Deadlines/Hearings: Scheduling Conference set for 6/13/2005 04:00 PM before Honorable Dean D. Pregerson. Parties are reminded of their obligations to disclose information and confer on a discovery plan not later than 21 days prior to the scheduling conference and file a report with the Court entitled "Rule 26(f) Report", not later than 14 days after they confer as required by F.R.Civ.P. 26 and the Local Rules of this Court; Rule 26 Meeting Report due by 6/6/2005. (gk, ) (Entered: 03/31/2005)
04/04/2005	36	MINUTES OF Motion Hearing held before Judge Dean D. Pregerson: Court hears oral argument re Defendant Los Angeles Unified School District's Motion to Dismiss for Failure to State a Claim and Lack of Jurisdiction 18 and takes the matter under submission. Court Reporter: Maria Bustillos. (gk, ) (Entered: 04/05/2005)
04/14/2005	40	FIRST AMENDED COUNTERCLAIM against Counter-Defendants Joseph Santos and Roes 1 through 20, inclusive; amending Counterclaim 38 , filed by Defendants and Counterclaimants Timoteo Torres dba Torres Construction and Torres Construction Corp. (gk, ) (Entered: 05/06/2005)

05/02/2005	<u>37</u>	ORDER GRANTING DEFENDANT LOS ANGELES UNIFIED SCHOOL DISTRICT'S MOTION TO DISMISS by Judge Dean D. Pregerson: The Court grants the Defendant's motion to dismiss LAUSD as a defendant in this matter 18 . (gk, ) (Entered: 05/03/2005)
05/04/2005		PLACED IN FILE – NOT USED re (Proposed ) Order granting defendants motion to dismiss submitted by Defendant Los Angeles Unified School District. (shb, ) (Entered: 05/11/2005)
05/04/2005		PLACED IN FILE – NOT USED re (Proposed) Order (shb, ) (Entered: 05/11/2005)
05/05/2005	<u>39</u>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Dean D. Pregerson, ORDERING First Amended Counterclaim submitted by Counter Claimants Timoteo Torres and Torres Construction Corp. received on 4/14/2005 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(gk, ) (Entered: 05/06/2005)
05/05/2005	42	STIPULATION for Continuance of Time for Relator and ex rel. Plaintiff to Respond to First Amended Counterclaim 40 to 5/23/2005. Lodged Proposed Order. (gk, ) (Entered: 05/13/2005)
05/06/2005	41	ORDER: GOOD CAUSE appearing from the Stipulation of parties, IT IS HEREBY ORDERED that Plaintiff and Counter–defendant Joseph Santos has until answer due 5/23/2005 in which to file an answer or otherwise respond to the First Amended Counterclaim of Defendants and Counter–claimants Timoteo Torres, dba Torres Construction and Torres Construction Corporation. Plaintiff and Counter–defendant Joseph Santos is further ordered to give notice of this Order's issuance to all parties by Judge Dean D. Pregerson,(yl, ) (Entered: 05/12/2005)
05/18/2005		Issued 20 Day Summons re First Amended Counterclaim 40 . (gk, ) (Entered: 05/19/2005)
05/23/2005	43	NOTICE OF MOTION AND MOTION to Dismiss First Amended Counterclaim of Defendants for Failure to State a Claim and for Lack of Jurisdiction filed by Plaintiff Joseph Santos. Motion set for hearing on 6/20/2005 at 10:00 AM before Honorable Dean D. Pregerson. Lodged Proposed Order. (yl, ) (Entered: 06/01/2005)
06/01/2005	44	STIPULATION for Continuance of Scheduling Conference from 6/13/2005 to 6/20/2005. Lodged Proposed Order. (gk, ) (Entered: 06/07/2005)
06/02/2005	45	ORDER that the scheduling conference is continued by Judge Dean D. Pregerson: Scheduling Conference set for 6/20/2005 at 10:00 AM before Honorable Dean D. Pregerson.(ca, ) (Entered: 06/09/2005)
06/07/2005	46	NOTICE of Scheduling Conference filed by Relator and ex rel. Plaintiff Joseph Santos. (gk, ) (Entered: 06/09/2005)
06/09/2005	47	OPPOSITION toCounter–Defendant's Motion to Dismiss First Amended Counterclaim 43 filed by Counter–Claimants Timoteo Torres and Torres Construction Corp. (gk, ) (Entered: 06/10/2005)
06/13/2005	48	MEMORANDUM OF POINTS AND AUTHORITIES IN REPLY to Opposition of Defendants to Plaintiff's Motion to Dismiss First Amended Counterclaim 43 filed by Relator and Ex Rel. Plaintiff Joseph Santos. (gk, ) (Entered: 06/14/2005)
06/14/2005	<u>49</u>	MINUTES (IN CHAMBERS) by Judge Dean D. Pregerson: On the Court's own motion, continuing Counter–Defendant Joseph Santos' Motion to Dismiss First Amended Counterclaim 43 , Reset Hearings: Motion hearing continued to 6/27/2005 at 11:00 AM; Scheduling Conference continued to 6/27/2005 at 11:00 AM. Court Reporter: None Present. (gk, ) (Entered: 06/15/2005)
06/14/2005	50	DECLARATION of Mark Feldman Regarding Service of Counterclaimant's Opposition to Counter–Defendant's Motion to Dismiss First Amended Counterclaim 43 filed by Defendants Timoteo Torres, dba Torres Construction; Torres Construction Corp.; Tomas Torres; Martha Torres, aka Martha McGowin; Ismael Torres; and Esteban Torres. (gk, ) (Entered: 06/15/2005)
06/14/2005	52	Report of Rule 26(F) Report Scheduling Conference filed by Relator and ex rel. Plaintiff Joseph Santos; no estimate for trial. (gk, ) (Entered: 06/20/2005)

06/14/2005	53	DECLARATION to Accompany Rule 26(F) Report 52 filed by Relator and ex rel. Plaintiff Joseph Santos. (gk, ) (Entered: 06/20/2005)
06/17/2005	<u>51</u>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Dean D. Pregerson, ORDERING Rule 26 Report and Declaration to Accompany Rule 26 submitted by Plaintiff Joseph Santos received on 6/14/2005 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(gk, ) (Entered: 06/20/2005)
06/23/2005	54	Rule 26(f) Report filed; no estimated length of trial. (gk, ) (Entered: 06/27/2005)
06/23/2005	55	DECLARATION in Support of Defendants' Rule 26(f) Report 54 filed by Defendants Timoteo Torres dba Torres Construction, Torres Construction Corp., Tomas Torres, Martha Torres aka Martha McGowin, Ismael Torres and Esteban Torres. (gk, ) (Entered: 06/27/2005)
06/27/2005	<u>56</u>	ORDER DENYING PLAINTIFF'S MOTION TO DISMISS DEFENDANTS' FIRST AMENDED COUNTERCLAIM by Judge Dean D. Pregerson: Court denies the motion to to dismiss the defendants' first amended counterclaim 43 . (gk, ) (Entered: 06/28/2005)
06/27/2005	<u>57</u>	ORDER by Judge Dean D. Pregerson Granting the NOTICE AND REQUEST of Settlement Procedure Selection (Sp1) to Appear Before magistrate judge assigned to the case for settlement proceedings.(gk, ) (Entered: 06/28/2005)
06/27/2005	<u>59</u>	MINUTES OF Motion Hearing and Scheduling Conference held before Judge Dean D. Pregerson: Court hears oral argument and takes Counter Defendant Joseph Santos' Motion to Dismiss First Amended Counterclaim 43 under submission. Court sets trial dates. Court Reporter: Maria Bustillos. (gk, ) (Entered: 06/30/2005)
06/28/2005		PLACED IN FILE – NOT USED re [Proposed] Order. (ca, ) (Entered: 07/08/2005)
06/29/2005	<u>58</u>	MINUTES OF IN CHAMBERS ORDER by Judge Carolyn Turchin This case has been referred to Magistrate Judge Turchin for settlement. IT IS ORDERED as follows:1. Plaintiff(s) and defendant(s) shall confer immediately with each other to set a date and time for a settlement conference, after clearing the date with Magistrate Judge Turchin's clerk, Ms. Deborah Malone, (213)894-6513. Ms. Malone should be contacted forthwith, even if counsel do not anticipate having a settlement conference in the near future. Counsel should anticipate that the settlement conference will take place on a Tuesday, Wednesday or Thursday at 10:00 a.m. The date selected should be soon enough to comply with any order issued by the District Judge and after sufficient discovery has been obtained to allow the parties to engage in meaningful settlement discussions. Additionally, the parties should engage in preliminary meaningful, good faith settlement discussions prior to appearing before the selected settlement officer. RE: Order on Notice/Request of Settlement Process ASO Settlement Procedure 1 (ADR-1) <u>57</u> . Tape #: na. (dam) (Entered: 06/29/2005)
07/19/2005	<u>60</u>	SCHEDULING ORDER by Judge Dean D. Pregerson: The Court grants counsels' request to conduct a maximum of 20 depositions. Set Deadlines/Hearings: Last day to join other parties and to Amend Pleadings due by 9/30/2005. Discovery cut-off 4/14/2006. Motions due by 5/15/2006. Final Pretrial Conference set for 8/28/2006 04:00 PM before Honorable Dean D. Pregerson. Jury Trial, 8 days, set for 9/12/2006 09:00 AM before Honorable Dean D. Pregerson.(gk, ) Modified on 7/19/2005 (gk, ). (Entered: 07/19/2005)
07/19/2005		PLACED IN FILE – NOT USED re Stipulation for Continuance of Pre-Trial Conference, Trial, Discovery Deadlines, and Motion Deadline; [Proposed] Order Thereon. (gk, ) (Entered: 07/26/2005)
08/15/2005	61	NOTICE OF MOTION for Judgment on order granting motion to dismiss filed by defendant Los Angeles Unified School District. Motion set for hearing on 9/12/2005 at 10:00 AM before Honorable Dean D. Pregerson. Lodged Proposed Order. (ca, ) (Entered: 08/17/2005)
08/15/2005	62	MEMORANDUM of Points and Authorities in Support of MOTION for Judgment on order granting motion to dismiss 61 filed by defendant Los Angeles Unified School District. (ca, ) (Entered: 08/17/2005)

08/26/2005	63	NOTICE OF NON-OPPOSITION to Los Angeles Unified School District's Motion for Judgment 61 filed by Plaintiff Joseph Santos. (gk, ) (Entered: 09/01/2005)
09/12/2005	<u>65</u>	MINUTES OF Motion Hearing held before Judge Dean D. Pregerson: Court hears oral argument and takes Defendant Los Angeles Unified School District's Motion for Judgment on Order Granting Motion to Dismiss 61 under submission. Court Reporter: Maria Bustillos. (gk, ) (Entered: 09/13/2005)
09/13/2005	<u>64</u>	ORDER CERTIFYING MAY 3, 2005 ORDER DISMISSING LOS ANGELES UNIFIED SCHOOL DISTRICT FROM THIS ACTION PURSUANT TO FRCP 54(b) by Judge Dean D. Pregerson: The Court grants Defendant's 61 Motion for Judgment on the Order Granting Motion to Dismiss, pursuant to Federal Rule of Civil Procedure Rule 54(b). (gk, ) (Entered: 09/13/2005)
09/13/2005		PLACED IN FILE – NOT USED re Proposed Order Certifying 5/3/2005 Order Dismissing Los Angeles Unified School District from this Action a Final Judgment, Pursuant to FRCP 54(b) submitted by Defendant Los Angeles Unified School District. (gk, ) (Entered: 09/20/2005)
03/02/2006	66	NOTICE of Filing of Proposed Disposition of Related Criminal Matter filed by Defendants Timoteo Torres dba Torres Construction, Torres Construction Corp., Tomas Torres, Martha Torres aka Martha McGowin, Ismael Torres and Esteban Torres. (gk, ) (Entered: 03/08/2006)
04/19/2006	<u>67</u>	ORDER by Magistrate Judge Carolyn Turchin, This matter was referred to Magistrate Judge Carolyn Turchin for settlement conference. Confidential Settlement Statement due by 6/13/2006. Settlement Conference set for 6/20/2006 at 10:00 AM before Magistrate Judge Carolyn Turchin in Courtroom 590, Roybal Federal Building, 255 E. Temple Street, Los Angeles, California 90012. [PLEASE REVIEW ORDER FOR COMPLETE DETAILS] re In Chambers Order/Directive – no proceeding held, <u>58</u> , Set Deadlines/Hearings: Confidential Settlement Statement due by 6/13/2006, Settlement Conference set for 6/20/2006 at 10:00 AM before Magistrate Judge Carolyn Turchin.(lw, ) (Entered: 04/20/2006)
05/30/2006	68	STIPULATION AND ORDER by Judge Dean D. Pregerson that the last day for exchanging expert reports be continued to 6/22/2006; the last day for taking expert depositions be continued to 7/6/2006; the last day to file motions relating to expert witnesses be continued to 7/22/2006.(gk, ) (Entered: 06/01/2006)
06/07/2006	<u>69</u>	STIPULATION AND ORDER by Magistrate Judge Carolyn Turchin Resetting Hearing as to Settlement Conference continued to 7/18/2006 10:00 AM before Magistrate Judge Carolyn Turchin.(gk, ) (Entered: 06/08/2006)
06/27/2006	70	NOTICE of Filing of Transcript of Guilty Plea in Related Criminal Matter filed by Defendants Timoteo Torres dba Torres Construction, Torres Construction Corp., Tomas Torres, Martha Torres aka Martha McGowin, Ismael Torres and Esteban Torres. (gk, ) (Entered: 07/06/2006)
07/18/2006	<u>71</u>	MINUTES OF Settlement Conference held before Judge Carolyn Turchin : Case settles with respect to defendants Ismael Torres and Esteban Torres only. Settlement terms are set forth on the record and in the mutual release agreement attached to this minute order. Counsel to file a proposed order for dismissal with the District Judge no later than July 24, 2006, with a courtesy copy to be sent to the Magistrate Judge's clerk. Case does not settle with respect to the remaining parties. (yb, ) (Entered: 07/19/2006)
08/01/2006	<u>72</u>	STIPULATION AND ORDER by Judge Dean D. Pregerson that, in accordance with the Mutual Release Agreement which was submitted to Magistrate Judge Turchin, Defendants Ismael Torres and Esteban Torres be dismissed with prejudice from this action as to Plaintiff, and dismissed without prejudice as to the United States of America. However, if the entire action is subsequently settled, then the dismissal will be with prejudice as to the United States of America. (gk, ) (Entered: 08/01/2006)
08/07/2006	73	REPLY to First Amended Counterclaim 40 filed by Plaintiff and Counter-defendant Joseph Santos.(gk, ) (Entered: 08/08/2006)
08/07/2006	74	MEMORANDUM of CONTENTIONS of FACT and LAW filed by Defendants Timoteo Torres dba Torres Construction, Torres Construction Corp., Tomas Torres,

		Martha Torres aka Martha McGowan, Ismael Torres and Esteban Torres. (gk, ) (Entered: 08/21/2006)
08/07/2006	75	Witness Designation filed by Defendants Timoteo Torres dba Torres Construction, Torres Construction Corp., Tomas Torres, Martha Torres aka Martha McGowan, Ismael Torres and Esteban Torres. (gk, ) (Entered: 08/21/2006)
08/07/2006	76	PRE-TRIAL CONFERENCE STATEMENT filed by Plaintiff Joseph Santos. (gk, ) (Entered: 08/21/2006)
08/07/2006	77	Trial Witness List filed by Plaintiff Joseph Santos. (gk, ) (Entered: 08/21/2006)
08/07/2006	78	JOINT Trial Exhibits List of All Parties. (gk, ) (Entered: 08/21/2006)
08/08/2006	79	FIRST SUPPLEMENTAL Memorandum of Contentions of Fact and Law 74 filed by Defendants and Counter-Claimants Timoteo Torres dba Torres Construction, Torres Construction Corp., Tomas Torres, Martha Torres aka Martha McGowan. (gk, ) (Entered: 08/22/2006)
08/22/2006	80	NOTICE of Proposed Settlement filed by Defendants Timoteo Torres dba Torres Construction, Torres Construction Corp., Tomas Torres, Martha Torres aka Martha McGowin, Ismael Torres and Esteban Torres. (gk, ) (Entered: 08/30/2006)
08/29/2006	81	STIPULATION AND ORDER by Judge Dean D. Pregerson that the date of Pretrial Conference is CONTINUED to 10/23/2006 at 04:00 PM. That the date of the trial is CONTINUED to 10/31/2006 at 09:00 AM.; and that all related deadlines be continued according. (jp) (Entered: 09/08/2006)
09/11/2006	82	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 7/18/06 Court Reporter: Huntington Court Recorders. (lr, ) (Entered: 09/13/2006)
09/11/2006	83	TRANSCRIPT filed for proceedings held on 7/18/06. Settlement Conference; Court Reporter: Huntington Court Reporters. (lr, ) (Entered: 09/13/2006)
09/12/2006	84	STIPULATION AND ORDER by Judge Dean D. Pregerson that the United States shall have to and including 9/15/2006, within which to file its consent or objection to the proposed settlement.(gk, ) (Entered: 09/20/2006)
09/14/2006	85	NOTICE of Consent by the Attorney General of the United States of America to Proposed Settlement filed by Plaintiff United States of America. (gk, ) (Entered: 09/21/2006)
09/27/2006	<u>86</u>	STIPULATION AND ORDER by Judge Dean D. Pregerson that the Complaint and Counter-Claim both be dismissed in their entirety with prejudice as to each and all of the named parties and all Doe Defendants. Dismissal of the Complaint is without prejudice as to the United States with respect to all of the remaining defendants. (Made JS-6. Case Terminated.)(gk, ) (Entered: 09/28/2006)

Jerry Smilowitz, Esq., SBN 67582  
IVES, KIRWAN & DIBBLE  
A Professional Corporation  
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Los Angeles, CA 90017  
(213) 627-0113/627-1545-Fax

Brian R. Condon, Esq., SBN 133487  
7131 West Manchester Ave., Ste. 200  
Los Angeles, California 90045-1108  
310-568-1424/568-1425-Fax

FILED  
CLERK, U.S. DISTRICT COURT  
SEP 27 2006  
CENTRAL DISTRICT OF CALIFORNIA  
BY *[Signature]* DEPUTY

Attorneys for ~~Relator~~ and ex rel. Plaintiff JOSEPH SANTOS

LOGGED  
CLERK, U.S. DISTRICT COURT  
SEP 22 2006  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

- Priority
- Send
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- Enter
- JS/JS-6
- JS-2/JS-3
- SCAN ONLY

UNITED STATES OF AMERICA ex  
rel., JOSEPH SANTOS, an individual  
  
Plaintiffs,  
  
vs.

CASE NO. CV 02-6621 DDP (CTx)  
[Assigned to Hon. Dean D. Pregerson/  
Crtroom 3]

LOS ANGELES UNIFIED SCHOOL  
DISTRICT, TIMOTEO TORRES dba  
TORRES CONSTRUCTION, an  
individual, TORRES  
CONSTRUCTION CORP. a  
California corporation; TOMAS  
TORRES, an individual, MARTHA  
TORRES aka MARTHA McGOWIN,  
an individual, ISMAEL TORRES, an  
individual, ESTEBAN TORRES, an  
individual and DOES 1 through 99,  
inclusive,

STIPULATION AND ORDER RE:  
DISMISSAL

Action Filed: January 6, 2005  
Trial Date: October 31, 2006

Defendants.

DOCKETED ON CM  
SEP 28 2006  
BY *[Signature]* 022



SCANNED

1 TIMOTEIO TORRES dba TORRES )  
 2 CONSTRUCTION, an individual, )  
 3 TORRES CONSTRUCTION CORP. )  
 4 a California corporation; )  
 5 Counter-Claimants, )  
 6 vs. )  
 7 JOSEPH SANTOS, an individual; )  
 8 and ROES 1 through 20, inclusive, )  
 9 Counter-Defendants )


**STIPULATION**

11 Plaintiff/Relator and Counter-Defendant Joseph Santos, through his attorneys,  
 12 Ives, Kirwan & Dibble, APC, by Jerry Smilowitz, Esq., and Defendants/Counter-  
 13 Claimants Timoteio Torres dba Torres Construction and Torres Construction Corp., and  
 14 Defendants Martha Torres aka Martha McGowin and Tomas Torres, through their  
 15 attorneys, Feldman & Associates, Inc., by Mark Feldman, Esq., herein stipulate that this  
 16 Honorable Court may order that the Complaint and Counter-Claim both be dismissed in  
 17 their entirety with prejudice as to each and all of the named parties and all Doe  
 18 Defendants. All parties, through their respective counsel, further stipulate that the  
 19 dismissal of the Complaint be without prejudice as to the United States with respect to  
 20 all of the above-named remaining defendants.  
 21

22 For Plaintiff/Relator and Counter-Defendant Joseph Santos:

23 Dated: 9/13/06

Law Offices of Ives, Kirwan & Dibble

24  
 25   
 26 \_\_\_\_\_  
 27 Jerry Smilowitz, Esq.  
 28 Attorneys for Plaintiff/Relator and  
 Counter-Defendant

1 For Defendants/Counter-Claimants Timoteo Torres dba Torres Construction and  
2 Torres Construction Corp. and Defendants Martha Torres aka Martha McGowin and  
3 Tomas Torres:

4 Dated: September 15, 2006

Feldman & Associates, Inc.



Mark Feldman, Esq.  
Attorneys for Defendants and Counter-  
Claimants

10 ORDER

11 IT IS SO ORDERED:

13 Dated: 9-27, 2006



THE HONORABLE DEAN D.  
PREGERSON UNITED STATES  
DISTRICT COURT JUDGE

**PROOF OF SERVICE BY MAIL**

1  
2 **STATE OF CALIFORNIA** )  
3 ) **ss**  
4 **CITY AND COUNTY OF LOS ANGELES** )

5 I am employed in the City and County of Los Angeles, State of California. I am  
6 over the age of 18 and not a party to the within action. My business address is 660 S.  
7 Figueroa Street, Suite 1990, Los Angeles, California 90017.

8 On September 21, 2006, I served the foregoing document(s) described as:  
9 **STIPULATION AND ORDER RE DISMISSAL** on the interested party(ies) via U.S.  
10 Mail by placing true copy(ies) thereof in sealed envelope(s) addressed as follows:

11 **PLEASE SEE ATTACHED LIST**

12 I am readily familiar with the firm's practice of collection, and processing of  
13 correspondence for mailing. Under that practice it would be deposited with the U.S.  
14 Postal Service on September 21, 2006, with postage thereon fully prepaid at Los  
15 Angeles, California in the ordinary course of business. I am aware that on motion of the  
16 party served, service is presumed invalid if postal cancellation date or postage meter date  
is more than one day after date of deposit for mailing in affidavit.

- 17  
18  **(STATE)** I declare under penalty of perjury under the laws of the State of  
California that the above is true and correct  
19  
20  **(FEDERAL)** I declare that I am employed in the offices of a member of this Court  
at whose direction the service was made.  
21

22 Executed on September 21, 2006, at Los Angeles, California.

23 **CHRISTY T. FRYE**  
24 \_\_\_\_\_  
25 **Type or Print Name**

23 *Christy T. Frye*  
24 \_\_\_\_\_  
25 **Signature**

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**UNITED STATES DISTRICT COURT**  
**Case No.: CV 02-6621 DDP (CTx)**

Mark A. Feldman, Esq.  
FELDMAN & ASSOCIATES  
11030 Santa Monica Blvd., Ste. 109  
Los Angeles, CA 90025  
310-312-5401/312-5409-Fax  
**(Defendants, Timoteo Torres dba  
Torres Construction, Tomas Torres,  
Martha Torres, aka Martha McGowain  
Ismael Torres and Esteban Torres)**

Kent A. Kawakami, Esq.  
United States Attorney Central  
District of California  
Federal Building  
300 N. Los Angeles Street, Room 7516  
Los Angeles, CA 90012  
**(Plaintiff, USA)**

Brian R. Condon, Esq., **(Courtesy Copy)**  
7131 West Manchester Ave., Ste. 200  
Los Angeles, California 90045-1108  
310-568-1424/568-1425-Fax  
**(Co-Counsel for Joseph Santos)**

**U.S. District Court**  
**District of New Mexico - Version 6.2.1 (Albuquerque)**  
**CIVIL DOCKET FOR CASE #: 1:09-cv-00628-WJ-DJS**

Scott v. Halliburton Energy Services, Inc  
Assigned to: District Judge William P. Johnson  
Referred to: Magistrate Judge Don J. Svet  
Cause: 31:3729 False Claims Act

Date Filed: 06/25/2009  
Date Terminated: 08/19/2010  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**George L Scott, III**  
*United States of America ex rel.*  
*TERMINATED: 08/19/2010*

represented by **Bryan J. Davis**  
Davis & Gilchrist, P.C.  
124 Wellesley SE  
Albuquerque, NM 87106  
505-435-9908  
Fax: 505-435-9909  
Email: bryan@dglnm.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**William Garth Gilchrist**  
Davis & Gilchrist, P.C.  
1005 Marquette Ave. NW  
Albuquerque, NM 87102  
505-435-9908  
Fax: 505-435-9909  
Email: dooley@dglnm.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**United States of America**

represented by **Howard R. Thomas**  
U.S. Attorney's Office  
P.O. Box 607  
Albuquerque, NM 87103  
505-224-1508  
Email: howard.thomas@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Halliburton Energy Services, Inc**

Date Filed	#	Docket Text
<b>Date Discrepancy Cases 705</b>		

06/25/2009	<a href="#">1</a>	COMPLAINT <i>for Violation of the False Claims Act</i> against Halliburton Energy Services, Inc ( Filing Fee - Online Payment), filed by George L Scott, III. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C)(Davis, Bryan) (Entered: 06/25/2009)
06/25/2009		Filing Fee Received: \$ 350 receipt number 1084000000001075298 re <a href="#">1</a> Complaint filed by George L Scott, III (Payment made via Pay.gov)(Davis, Bryan) (Entered: 06/25/2009)
06/25/2009		District Judge William P. Johnson and Magistrate Judge Don J. Svet assigned. (eh) (Entered: 06/25/2009)
07/13/2010	<a href="#">8</a>	NOTICE by United States of America <i>of Election to Decline Intervention</i> (Thomas, Howard) (Entered: 07/13/2010)
07/19/2010	<a href="#">9</a>	Order to Unseal Case by District Judge William P. Johnson (dmw) (Entered: 07/19/2010)
08/19/2010	<a href="#">10</a>	STIPULATION of Dismissal by George L Scott, III (Davis, Bryan) (Entered: 08/19/2010)
08/19/2010	<a href="#">11</a>	STIPULATION of Dismissal <i>Amended</i> by George L Scott, III (Davis, Bryan) (Entered: 08/19/2010)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 08:47:41			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:09-cv-00628-WJ-DJS
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.10

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

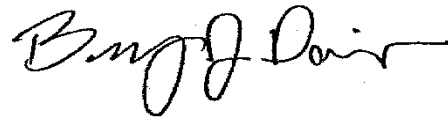
<b>UNITED STATES OF AMERICA ex rel.</b>	§	
<b>GEORGE L. SCOTT, III</b>	§	
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>No. 1:09-cv-00628-WJ-DJS</b>
	§	
<b>HALLIBURTON ENERGY SERVICES,</b>	§	
<b>INC.,</b>	§	
	§	
<b>Defendant.</b>		

**STIPULATION OF DISMISSAL**

Relator George L. Scott, III by and through his counsel of record, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), hereby stipulates to the dismissal with prejudice as to the Relator and without prejudice to the United States of the Relator's claims alleging the Defendant violated the False Claims Act as set forth in the Relator's Complaint (Docket 1). The United States by and through its counsel, Assistant United States Attorney Howard Thomas, hereby approves of this Stipulation of Dismissal and consents to the dismissal with prejudice of the Relator's claims as against Relator George L. Scott, III pursuant to 31 U.S.C. §3730(b)(1) on the express condition that this dismissal shall be without prejudice as to any claims the United States has or may have against the Defendant based on the same facts and circumstances, or limit in any manner any right of the United States has or may have to pursue the dismissed claims and any related claims against Defendant.

Submitted by:

DAVIS & GILCHRIST, P.C.



By: \_\_\_\_\_

Bryan J. Davis, Esq.  
William G. Gilchrist, Esq.  
117 Bryn Mawr Drive SE  
Albuquerque, NM 87106  
Tel: 505-435-9908  
Fax: 505-435-9909  
[lawfirm@davisgilchristlaw.com](mailto:lawfirm@davisgilchristlaw.com)

*Attorneys For Relator George L. Scott, III*

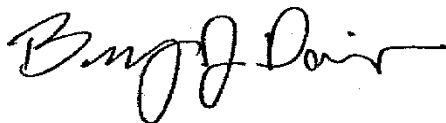
Approved by:

KENNETH J. GONZALES  
UNITED STATES ATTORNEY  
DISTRICT OF NEW MEXICO

By: \_\_\_\_\_

HOWARD R. THOMAS  
ASSISTANT UNITED STATES  
ATTORNEY  
Post Office Box 607  
201 Third Street NW  
Albuquerque, NM 87103-0607  
Ph: (505) 346-7274  
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The undersigned certifies that  
the foregoing certificate was served  
on all counsel of record via the  
CM/ECF system on the date filed.



By: \_\_\_\_\_  
Bryan J. Davis, Esq.



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

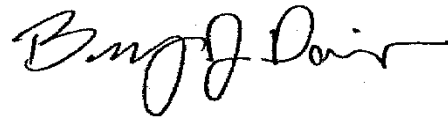
<b>UNITED STATES OF AMERICA ex rel.</b>	§	
<b>GEORGE L. SCOTT, III</b>	§	
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>No. 1:09-cv-00628-WJ-DJS</b>
	§	
<b>HALLIBURTON ENERGY SERVICES,</b>	§	
<b>INC.,</b>	§	
	§	
<b>Defendant.</b>	§	

**AMENDED STIPULATION OF DISMISSAL**

Relator George L. Scott, III by and through his counsel of record, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), hereby stipulates to the dismissal with prejudice as to the Relator and without prejudice to the United States of the Relator's claims alleging the Defendant violated the False Claims Act as set forth in the Relator's Complaint (Docket 1). The United States by and through its counsel, Assistant United States Attorney Howard Thomas, hereby approves of this Stipulation of Dismissal and consents to the dismissal with prejudice of the Relator's claims as against Relator George L. Scott, III pursuant to 31 U.S.C. §3730(b)(1) on the express condition that this dismissal shall be without prejudice as to any claims the United States has or may have against the Defendant based on the same facts and circumstances, or limit in any manner any right of the United States has or may have to pursue the dismissed claims and any related claims against Defendant.

Submitted by:

DAVIS & GILCHRIST, P.C.



By: \_\_\_\_\_

Bryan J. Davis, Esq.  
William G. Gilchrist, Esq.  
117 Bryn Mawr Drive SE  
Albuquerque, NM 87106  
Tel: 505-435-9908  
Fax: 505-435-9909  
[lawfirm@davisgilchristlaw.com](mailto:lawfirm@davisgilchristlaw.com)

*Attorneys For Relator George L. Scott, III*

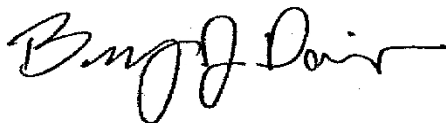
Approved by:

KENNETH J. GONZALES  
UNITED STATES ATTORNEY  
DISTRICT OF NEW MEXICO

By: **Electronic Approval on 08/19/10**

HOWARD R. THOMAS  
ASSISTANT UNITED STATES  
ATTORNEY  
Post Office Box 607  
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The undersigned certifies that  
the foregoing certificate was served  
on all counsel of record via the  
CM/ECF system on the date filed.



By: \_\_\_\_\_  
Bryan J. Davis, Esq.

**U.S. District Court  
Southern District of Illinois (Benton)  
CIVIL DOCKET FOR CASE #: 4:04-cv-04105-JPG-CJP**

Shank vs. Lewis Enterprises, et al  
Assigned to: Judge J. Phil Gilbert  
Referred to: Magistrate Judge Clifford J. Proud  
Cause: 31:3729 False Claims Act

Date Filed: 06/17/2004  
Date Terminated: 07/31/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Michael J. Shank**

represented by **Ronald E. Osman**  
Ronald E. Osman & Assoc – Marion  
Generally Admitted  
1602 West Kimmel  
P.O. Box 939  
Marion, IL 62959-2310  
618-997-5151  
Fax: 618-997-4983  
Email: [rosman@marion.quitamlaw.com](mailto:rosman@marion.quitamlaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**USA**  
*ex rel*

represented by **Gerald M. Burke**  
Assistant U.S. Attorney – Fairview  
Heights  
9 Executive Drive  
Suite 300  
Fairview Heights, IL 62208  
618-628-3710  
Fax: 618-622-3810  
Email: [gerald.burke@usdoj.gov](mailto:gerald.burke@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**State of Illinois**  
*ex rel*

represented by **Bradley K. Hart**  
Medicaid Fraud Control Unit  
Downstate  
Office of the Attorney General  
200 Iles Park Place, Suite 230  
Springfield, IL 62703  
217-558-4694  
Fax: 217-524-6405  
Email: [bhart@atg.state.il.us](mailto:bhart@atg.state.il.us)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Lewis Enterprises Inc**  
*an Illinois corporation*  
**TERMINATED: 05/16/2007**

represented by **Mark S. Johnson**  
Johnson, Schneider & Ferrell, L.L.C.  
212 North Main Street  
Cape Girardeau, MO 63701  
573-335-3300  
Fax: 573-335-1978  
Email: [mark@johnsonschneider.com](mailto:mark@johnsonschneider.com)

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**David M. Lewis**  
*individually*  
*TERMINATED: 05/16/2007*

represented by **Mark S. Johnson**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Joe Joe Johnson**  
*TERMINATED: 05/16/2007*

represented by **Evan L. Owens**  
Law Office of Evan Owens, P.C.  
10353 North Main Street  
P.O. Box 610  
Benton, IL 62812  
618-438-6307  
Email: [evanowenslaw@hotmail.com](mailto:evanowenslaw@hotmail.com)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Danny Johnson**  
*TERMINATED: 03/04/2008*

represented by **Evan L. Owens**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Andy Woods**  
*TERMINATED: 04/19/2007*

represented by **John D. Drew , Sr.**  
Drew & Drew, P.C.  
905 West Washington  
Benton, IL 62812  
618-439-9406  
Email: [drewanddrewpc@onecliq.net](mailto:drewanddrewpc@onecliq.net)

**Defendant**

**Mike Brown**  
*TERMINATED: 04/19/2007*

Date Filed	#	Docket Text
06/17/2004	<u>1</u>	COMPLAINT; (Filing fee \$150; receipt number 300 98004)(djs); originally filed under seal and unsealed per order at doc 19. Modified on 7/8/2005 (dka, ). Additional attachment(s) added on 7/8/2005 (dka, ). (Entered: 06/22/2004)
08/16/2004	<u>2</u>	SEALED MOTION by Unknown Party. (Burke, Gerald) Additional attachment(s) added on 8/17/2004 (dka, ). Modified on 8/23/2004 (dka, ). ORIGINAL DOC RECEIVED IN BENTON CLERK'S OFFICE ON 8/19/04; COPY TO JUDGE GILBERT'S CHAMBERS. (Entered: 08/16/2004)
08/16/2004	<u>3</u>	MEMORANDUM in Support re <u>2</u> SEALED MOTION filed by Unknown Party. (Burke, Gerald) Additional attachment(s) added on 8/17/2004 (dka, ). Modified on 8/23/2004 (dka, ). ORIGINAL DOC RECEIVED IN BENTON CLERK'S OFFICE ON 8/19/04; COPY TO JUDGE GILBERT'S CHAMBERS (Entered: 08/16/2004)
08/17/2004		STRICKEN PER DOC # 6 – SEALED MOTION by Unknown Party. (Hart, Bradley) Modified on 8/18/2004 (dka, ). (Entered: 08/17/2004)
08/17/2004		STRICKEN PER DOC # 6 – MEMORANDUM in Support re 4 SEALED MOTION filed by Unknown Party. (Hart, Bradley) Modified on 8/18/2004 (dka, ). (Entered: 08/17/2004)

08/18/2004	<u>6</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking 4 Sealed Motion filed by Unknown Party, 5 Memorandum in Support of Motion filed by Unknown Party. See attached document for specifics (dka, ) (Entered: 08/18/2004)
08/19/2004	7	SEALED ORDER granting <u>2</u> SEALED MOTION filed by Unknown Party. Action due 10/15/04. Signed by Judge J. Phil Gilbert on 8/19/04. (jep, ) (Entered: 08/20/2004)
08/23/2004	<u>8</u>	SEALED MOTION by Unknown Party. (Hart, Bradley) Modified on 8/30/2004 (dka, ). RECEIVED ORIGINAL DOCUMENT IN BENTON CLERK'S OFFICE; COPY TO JUDGE GILBERT'S CHAMBERS (Entered: 08/23/2004)
08/23/2004	<u>9</u>	MEMORANDUM in Support re <u>8</u> SEALED MOTION filed by Unknown Party. (Hart, Bradley) Modified on 8/30/2004 (dka, ). ORIGINAL DOCUMENT RECEIVED IN BENTON CLERK'S OFFICE; COPY TO JUDGE GILBERT'S CHAMBERS (Entered: 08/23/2004)
08/30/2004	10	ORDER granting <u>8</u> Sealed Motion . Signed by Judge J. Phil Gilbert on 8/25/04. (dka, ) (Entered: 08/30/2004)
10/15/2004	<u>11</u>	SEALED MOTION by Unknown Party. (Burke, Gerald) (Entered: 10/15/2004)
10/15/2004	<u>12</u>	MEMORANDUM in Support re <u>11</u> SEALED MOTION filed by Unknown Party. (Burke, Gerald) (Entered: 10/15/2004)
10/19/2004	13	SEALED ORDER granting <u>11</u> Sealed Motion . Signed by Judge J. Phil Gilbert on 10/19/04. (dka, ) (Entered: 10/19/2004)
04/15/2005	<u>14</u>	NOTICE by Unknown Party ( <i>Notice of Manual Filing</i> ) (Burke, Gerald) Received in Clerk's office E. St. Louis forwarded to Benton via Fed Ex. on 4/15/2005 (trb, ). Original document received in Benton Clerk's Office on 4/18/05. Modified on 4/18/2005 (dka, ). (Entered: 04/15/2005)
04/15/2005	<u>15</u>	SEALED MOTION by Unknown Party. (Hart, Bradley) ORIGINAL DOCUMENT RECEIVED IN BENTON CLERK'S OFFICE ON 4/19/05. Modified on 4/19/2005 (dka, ). (Entered: 04/15/2005)
04/15/2005	<u>16</u>	MEMORANDUM in Support re <u>15</u> SEALED MOTION filed by Unknown Party. (Hart, Bradley) ORIGINAL DOCUMENT RECEIVED IN BENTON CLERK'S OFFICE ON 4/19/05. Modified on 4/19/2005 (dka, ). (Entered: 04/15/2005)
04/22/2005	17	SEALED ORDER granting <u>15</u> Sealed Motion . Signed by Judge J. Phil Gilbert on 4/21/05. (dka, ) (Entered: 04/22/2005)
06/15/2005	<u>18</u>	NOTICE by Unknown Party (Hart, Bradley) ORIGINAL DOCUMENT RECEIVED IN BENTON CLERK'S OFFICE ON 6/17/05. Modified on 6/17/2005 (dka, ). (Entered: 06/15/2005)
07/08/2005	<u>19</u>	ORDER directing Clerk to unseal the complaint <u>1</u> in this case, all subsequent pleadings are to be filed by the parties using normal electronic filing procedures. Signed by Judge J. Phil Gilbert on 7/8/05. (dka, ) (Entered: 07/08/2005)
07/29/2005	<u>20</u>	ORDER OF RECUSAL. Judge Philip M. Frazier recused. Case reassigned to Judge Clifford J. Proud for all further full pretrial proceedings; no dispositive motions. Signed by Judge Philip M. Frazier on 7/29/05. (mta) (Entered: 07/29/2005)
11/03/2005	<u>21</u>	Summons Issued as to Lewis Enterprises Inc, David M. Lewis, Joe Joe Johnson, Danny Johnson, Andy Woods, Mike Brown. (dka, ) (Entered: 11/03/2005)
11/04/2005	<u>22</u>	REQUEST FOR WAIVER of Service sent to Lewis Enterprises, Inc. on November 4, 2005 by Michael J. Shank. Waiver of Service due by 12/5/2005. (Osman, Ronald) (Entered: 11/04/2005)
11/21/2005	<u>23</u>	ENTRY STRICKEN – RETURN OF SERVICE EXECUTED by Michael J. Shank on November 7, 2005. (Osman, Ronald) Additional attachment(s) added on 11/23/2005 (myz ). (Entered: 11/21/2005)
11/21/2005	<u>24</u>	ENTRY STRICKEN – RETURN OF SERVICE EXECUTED by Michael J. Shank on November 7, 2005. (Osman, Ronald) Additional attachment(s) added on 11/23/2005 (myz ). (Entered: 11/21/2005)

11/21/2005	<u>25</u>	ENTRY STRICKEN – RETURN OF SERVICE EXECUTED by Michael J. Shank on November 7, 2005. (Osman, Ronald) Additional attachment(s) added on 11/23/2005 (myz ). (Entered: 11/21/2005)
11/23/2005	<u>26</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>23</u> , <u>24</u> & <u>25</u> Returns of Service Executed filed by Michael J. Shank. See attached document for specifics (myz ) (Entered: 11/23/2005)
11/23/2005	<u>27</u>	SUMMONS Returned Executed by Michael J. Shank. David M. Lewis served on 11/7/2004, answer due 11/27/2004. (Osman, Ronald) (Entered: 11/23/2005)
11/23/2005	<u>28</u>	SUMMONS Returned Executed by Michael J. Shank. Danny Johnson served on 11/7/2005, answer due 11/28/2005. (Osman, Ronald) (Entered: 11/23/2005)
11/23/2005	<u>29</u>	SUMMONS Returned Executed by Michael J. Shank. Joe Joe Johnson served on 11/7/2005, answer due 11/28/2005. (Osman, Ronald) (Entered: 11/23/2005)
11/29/2005	<u>30</u>	First MOTION for Extension of Time to File Answer <i>Complaint</i> by Danny Johnson. (Owens, Evan) (Entered: 11/29/2005)
11/29/2005	<u>31</u>	First MOTION for Extension of Time to File Answer <i>Compalint</i> by Joe Joe Johnson. (Owens, Evan) (Entered: 11/29/2005)
12/09/2005	<u>32</u>	WAIVER OF SERVICE Returned Executed by Michael J. Shank. Lewis Enterprises Inc waiver sent on 11/4/2005, answer due 1/3/2006. (Osman, Ronald) (Entered: 12/09/2005)
01/03/2006	<u>33</u>	MOTION to Dismiss <i>or In the Alternative, Motion For a More Definite Statement</i> by Lewis Enterprises Inc, David M. Lewis. Responses due by 2/6/2006 (Attachments: # <u>1</u> Certificate of Service)(Johnson, Mark) (Entered: 01/03/2006)
01/03/2006	<u>34</u>	MEMORANDUM in Support re <u>33</u> MOTION to Dismiss <i>or In the Alternative, Motion For a More Definite Statement</i> filed by Lewis Enterprises Inc, David M. Lewis. (Attachments: # <u>1</u> Certificate of Service)(Johnson, Mark) (Entered: 01/03/2006)
01/03/2006	<u>35</u>	First MOTION for Leave to File Excess Pages in <i>Memorandum in Support of Motion to Dismiss filed by Lewis Enterprises, Inc. and David M. Lewis</i> by Lewis Enterprises Inc, David M. Lewis. (Attachments: # <u>1</u> Certicate of Service)(Johnson, Mark) (Entered: 01/03/2006)
02/01/2006	<u>36</u>	RESPONSE in Opposition re <u>33</u> MOTION to Dismiss <i>or In the Alternative, Motion For a More Definite Statement</i> filed by Michael J. Shank. (Osman, Ronald) (Entered: 02/01/2006)
02/13/2006	<u>37</u>	MOTION to Stay <i>Proceedings</i> by Danny Johnson. (Owens, Evan) (Entered: 02/13/2006)
02/13/2006	<u>38</u>	MOTION to Stay <i>Proceedings</i> by Joe Joe Johnson. (Owens, Evan) (Entered: 02/13/2006)
02/13/2006	<u>39</u>	MEMORANDUM in Support re <u>37</u> MOTION to Stay <i>Proceedings</i> filed by Danny Johnson. (Owens, Evan) (Entered: 02/13/2006)
02/13/2006	<u>40</u>	MEMORANDUM in Support re <u>38</u> MOTION to Stay <i>Proceedings</i> filed by Joe Joe Johnson. (Owens, Evan) (Entered: 02/13/2006)
02/14/2006	<u>41</u>	CJRA TRACK B assigned: Final Pretrial Conference set for 10/6/2006 at 09:30 AM in Benton Court House before Judge J. Phil Gilbert. Jury Trial set for 10/16/2006 at 09:00 AM in Benton Court House before Judge J. Phil Gilbert.(by:kjr) (Entered: 02/14/2006)
02/14/2006	<u>42</u>	NOTICE of Scheduling and Discovery Conference: Telephone Scheduling/Discovery Conference set for 3/9/2006 09:00 AM in East St. Louis Court House before Mag/Judge Clifford J. Proud. (amv) (Entered: 02/14/2006)
02/20/2006	<u>43</u>	RESPONSE in Opposition re <u>38</u> MOTION to Stay <i>Proceedings</i> , <u>37</u> MOTION to Stay <i>Proceedings</i> filed by Michael J. Shank. (Osman, Ronald) (Entered: 02/20/2006)
03/08/2006	44	Minute Entry for proceedings held before Judge Clifford J. Proud: The Court has received the Joint Report of the Parties. The Telephone Scheduling Conference set

		3/9/06 is cancelled. (Court Reporter n/a.) (amv) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/09/2006)
03/08/2006	<u>45</u>	SCHEDULING ORDER: Discovery due by 6/5/2006. Disp. Motions due by 6/23/2006. Signed by Judge Clifford J. Proud on 3/8/06. (Attachments: # <u>1</u> Joint Report)(amv) (Entered: 03/09/2006)
03/09/2006	<u>46</u>	MOTION to Continue , <i>To Change Track Setting and to Reset Presumptive Trial Date</i> by Michael J. Shank. (Osman, Ronald) (Entered: 03/09/2006)
03/09/2006	<u>47</u>	NOTICE of Hearing: Settlement Conference set for 9/27/2006 09:30 AM in East St. Louis Court House before Mag/Judge Clifford J. Proud. (amv) (Entered: 03/09/2006)
03/13/2006	<u>48</u>	STRICKEN PER DOC 49 – NOTICE by State of Illinois <i>Of Manual Filing</i> (Khera, Harpreet) Modified on 3/16/2006 (dka, ). (Entered: 03/13/2006)
03/16/2006	<u>49</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>48</u> Notice (Other) filed by State of Illinois. See attached document for specifics (dka, ) (Entered: 03/16/2006)
03/29/2006	<u>50</u>	SUMMONS Returned Executed by Michael J. Shank. Andy Woods served on 3/25/2006, answer due 4/14/2006. (Osman, Ronald) (Entered: 03/29/2006)
04/07/2006	<u>51</u>	AFFIDAVIT re <u>38</u> MOTION to Stay <i>Proceedings</i> , <u>37</u> MOTION to Stay <i>Proceedings</i> by Danny Johnson. (Owens, Evan) (Entered: 04/07/2006)
04/07/2006	<u>52</u>	AFFIDAVIT re <u>38</u> MOTION to Stay <i>Proceedings</i> , <u>37</u> MOTION to Stay <i>Proceedings</i> by Joe Joe Johnson. (Owens, Evan) (Entered: 04/07/2006)
04/12/2006	<u>53</u>	First MOTION for Extension of Time to File Response/Reply <i>Complaint</i> by Andy Woods. (Drew, John) (Entered: 04/12/2006)
04/12/2006	<u>54</u>	NOTICE of Appearance by John D. Drew, Sr on behalf of Andy Woods (Drew, John) (Entered: 04/12/2006)
04/21/2006	<u>55</u>	MEMORANDUM AND OPINION/ORDER denying without prejudice <u>38</u> MOTION to Stay <i>Proceedings</i> filed by Joe Joe Johnson, <u>37</u> MOTION to Stay <i>Proceedings</i> filed by Danny Johnson. Signed by Judge J. Phil Gilbert on 4/21/06. (dka, ) (Entered: 04/21/2006)
05/03/2006	<u>56</u>	MEMORANDUM AND OPINION,ORDER denying <u>33</u> MOTION to Dismiss <i>or In the Alternative, Motion For a More Definite Statement</i> filed by Lewis Enterprises Inc, David M. Lewis. Signed by Judge J. Phil Gilbert on 5/3/06. (dka, ) (Entered: 05/03/2006)
05/15/2006	<u>57</u>	ANSWER to Complaint by Andy Woods.(Drew, John) (Entered: 05/15/2006)
05/15/2006	<u>58</u>	ANSWER to Complaint by Andy Woods.(Drew, John) (Entered: 05/15/2006)
06/16/2006	<u>59</u>	MOTION for Leave to File <i>First Amended Complaint</i> by Michael J. Shank. (Osman, Ronald) (Entered: 06/16/2006)
06/16/2006	<u>60</u>	MEMORANDUM in Support re <u>59</u> MOTION for Leave to File <i>First Amended Complaint</i> filed by Michael J. Shank. (Osman, Ronald) (Entered: 06/16/2006)
07/10/2006	<u>61</u>	ORDER finding as moot <u>30</u> Motion for Extension of Time to Answer re <u>58</u> Answer to Complaint, finding as moot <u>31</u> Motion for Extension of Time to Answer, finding as moot <u>35</u> Motion for Leave to File Excess Pages, granting <u>46</u> Motion to Continue, finding as moot <u>58</u> Answer to Complaint Signed by Judge J. Phil Gilbert on 7-10-06. (bkl) (Entered: 07/10/2006)
07/12/2006	<u>62</u>	MINUTE ORDER (kjr) Final Pretrial Conference reset for 3/9/2007 09:30 AM in Benton Court House before Judge J. Phil Gilbert. Jury Trial reset for 3/19/2007 09:00 AM in Benton Court House before Judge J. Phil Gilbert. (bkl) (Entered: 07/12/2006)
07/13/2006	<u>63</u>	ORDER granting <u>59</u> Motion for Leave to File Amended Complaint. Plaintiff shall file Amended Complaint within five days of this order. Signed by Judge Clifford J. Proud on 7/13/06. (amv) (Entered: 07/13/2006)

07/13/2006	<u>64</u>	AMENDED SCHEDULING AND DISCOVERY ORDER Discovery due by 11/6/2006. Dispositive Motions due by 11/22/2006. Settlement Conference set for 2/28/2007 09:30 AM in East St. Louis Court House before Mag/Judge Clifford J. Proud. Signed by Judge Clifford J. Proud on 7/12/06. (amv) (Entered: 07/13/2006)
07/14/2006	<u>65</u>	AMENDED COMPLAINT against all defendants, filed by Michael J. Shank. (Attachments: # <u>1</u> Exhibit A)(Osman, Ronald) (Entered: 07/14/2006)
07/17/2006	<u>66</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>65</u> Amended Complaint filed by Michael J. Shank. See attached document for specifics. (bkl) (Entered: 07/17/2006)
07/18/2006	<u>67</u>	AMENDED COMPLAINT against all defendants, filed by Michael J. Shank. (Attachments: # <u>1</u> Exhibit A)(Osman, Ronald) (Entered: 07/18/2006)
08/07/2006	<u>68</u>	MOTION for Leave to File <i>Second Amended Complaint</i> by Michael J. Shank. (Osman, Ronald) (Entered: 08/07/2006)
08/07/2006	<u>69</u>	MEMORANDUM in Support re <u>68</u> MOTION for Leave to File <i>Second Amended Complaint</i> filed by Michael J. Shank. (Osman, Ronald) (Entered: 08/07/2006)
08/09/2006	<u>70</u>	ORDER granting <u>68</u> Motion for Leave to File. Signed by Judge Clifford J. Proud on 8/8/06. (amv) (Entered: 08/09/2006)
08/09/2006	<u>71</u>	Entry Stricken: AMENDED COMPLAINT ( <i>Second</i> ) against all defendants, filed by Michael J. Shank. (Attachments: # <u>1</u> Exhibit A)(Osman, Ronald) Modified on 8/21/2006 (trb, ). (Entered: 08/09/2006)
08/21/2006	<u>72</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>71</u> Amended Complaint filed by Michael J. Shank,. See attached document for specifics (trb ) (Entered: 08/21/2006)
08/21/2006	<u>73</u>	AMENDED COMPLAINT ( <i>Second</i> ) against all defendants, filed by Michael J. Shank.(Osman, Ronald) (Entered: 08/21/2006)
09/21/2006	<u>74</u>	Entry Stricken: AMENDED ANSWER to <i>Second Complaint</i> by Andy Woods. (Drew, John) Modified on 9/22/2006 (trb, ). (Entered: 09/21/2006)
09/22/2006	<u>75</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>74</u> Amended Answer to Complaint filed by Andy Woods,. See attached document for specifics (trb ) (Entered: 09/22/2006)
02/13/2007	<u>76</u>	Second MOTION for Protective Order <i>or Stay of Proceedings</i> by Danny Johnson. (Owens, Evan) (Entered: 02/13/2007)
02/26/2007	<u>77</u>	Minute Entry for proceedings set before Judge Clifford J. Proud: After consultation with counsel, the Court cancels the Settlement Conference set for 2/28/07. (Court Reporter n/a.) (amv) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 02/26/2007)
03/09/2007	<u>78</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert (kjr): Final Pretrial Conference held on 3/9/2007. (Court Reporter Jane McCorkle.) (dka, ) (Entered: 03/09/2007)
03/09/2007	<u>79</u>	ORDER granting <u>76</u> Motion to stay proceedings. Parties directed to file status reports once Johnson's criminal case is resolved. Signed by Judge J. Phil Gilbert on 3/9/07. (dka, ) (Entered: 03/09/2007)
04/13/2007	<u>80</u>	MOTION to Dismiss <i>claims against Defendant Andy Woods Pursuant to Rule 41(A) of the Federal Rules of Civil Procedure</i> by Michael J. Shank. Responses due by 5/16/2007 (Osman, Ronald) (Entered: 04/13/2007)
04/13/2007	<u>81</u>	NOTICE by Michael J. Shank of <i>Voluntary Dismissal of Claims Against Defendant Mike Brown Pursuant to Rule 41(A)(1) of the Federal Rules of Civil Procedure</i> (Osman, Ronald) (Entered: 04/13/2007)
04/19/2007	<u>82</u>	ORDER granting <u>80</u> MOTION to Dismiss <i>claims against Defendant Andy Woods Pursuant to Rule 41(A) of the Federal Rules of Civil Procedure</i> filed by Michael J. Shank. Pursuant to Notice of Dismissal <u>81</u> , claims against Andy Woods are dismissed. Mike Brown and Andy Woods terminated. Clerk of Court to enter judgment



		accordingly at close of case. Signed by Judge J. Phil Gilbert on 4/19/07. (dka, ) (Entered: 04/19/2007)
05/04/2007	<u>83</u>	MOTION to Dismiss <i>Defendants Lewis Enterprises, Inc. and David M. Lewis</i> by Michael J. Shank. Responses due by 6/6/2007 (Osman, Ronald) (Entered: 05/04/2007)
05/04/2007	<u>84</u>	MOTION to Dismiss <i>Defendant Joe Joe Johnson</i> by Michael J. Shank. Responses due by 6/6/2007 (Osman, Ronald) (Entered: 05/04/2007)
05/07/2007	<u>85</u>	NOTICE by USA <i>U.S.'s Consent to Dismissal Without Prejudice of Claims Against Lewis Enterprises, Inc. and David M. Lewis</i> (Burke, Gerald) (Entered: 05/07/2007)
05/07/2007	<u>86</u>	NOTICE by USA <i>U.S.'s Consent to Dismissal Without Prejudice of Claims Against Joe Joe Johnson</i> (Burke, Gerald) (Entered: 05/07/2007)
05/11/2007	<u>87</u>	NOTICE by Joe Joe Johnson <i>State of Illinois' Consent to Dismissal Without Prejudice of Claims Against Joe Joe Johnson</i> (Bilinsky, Matthew) (Entered: 05/11/2007)
05/11/2007	<u>88</u>	NOTICE by David M. Lewis <i>State of Illinois' Consent to Dismissal Without Prejudice of Claims Against Lewis Enterprises, Inc. and David M. Lewis</i> (Bilinsky, Matthew) (Entered: 05/11/2007)
05/16/2007	<u>89</u>	STRICKEN PER DOC 90 – ORDER DISMISSING CASE, granting <u>84</u> MOTION to Dismiss <i>Defendant Joe Joe Johnson</i> filed by Michael J. Shank, granting <u>83</u> MOTION to Dismiss <i>Defendants Lewis Enterprises, Inc. and David M. Lewis</i> filed by Michael J. Shank. Signed by Judge J. Phil Gilbert on 5/16/07. (dka, ) Modified on 5/17/2007 (dka, ). (Entered: 05/17/2007)
05/16/2007	<u>91</u>	ORDER granting <u>83</u> MOTION to Dismiss <i>Defendants Lewis Enterprises, Inc. and David M. Lewis</i> filed by Michael J. Shank, granting <u>84</u> MOTION to Dismiss <i>Defendant Joe Joe Johnson</i> filed by Michael J. Shank. Lewis Enterprises Inc; Joe Joe Johnson and David M. Lewis terminated. Signed by Judge J. Phil Gilbert on 5/16/07. (dka, ) (Entered: 05/17/2007)
05/17/2007	<u>90</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>89</u> Order Dismissing Case, Terminate Motions. See attached document for specifics (dka, ) (Entered: 05/17/2007)
02/15/2008	<u>92</u>	MOTION to Dismiss <i>Voluntarily Defendant Danny Johnson</i> by Michael J. Shank. Responses due by 3/19/2008 (Osman, Ronald) (Entered: 02/15/2008)
03/04/2008	<u>93</u>	ORDER granting <u>92</u> MOTION to Dismiss <i>Voluntarily Defendant Danny Johnson</i> filed by Michael J. Shank. <i>Danny Johnson terminated. Clerk of Court to enter judgment accordingly. Signed by Judge J. Phil Gilbert on 3/4/08. (dka, )</i> (Entered: 03/04/2008)
03/04/2008	<u>94</u>	CLERK'S JUDGMENT (NGJ/dka). All claims dismissed without prejudice. Approved by Judge J. Phil Gilbert on 3/4/08. (dka, ) (Entered: 03/04/2008)

**U.S. District Court  
Eastern District of Missouri (St. Louis)  
CIVIL DOCKET FOR CASE #: 4:07-cv-01452-ERW**

Sharp et al v. Sisters of St. Mary's Health Care et al  
Assigned to: Honorable E. Richard Webber  
Cause: 31:3729 False Claims Act

Date Filed: 08/15/2007  
Date Terminated: 02/10/2009  
Jury Demand: None  
Nature of Suit: 690 Forfeit/Penalty: Other  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Elaine C. Sharp**

*M.D., United States of America ex rel*

represented by **Joan M. Swartz**  
LAW OFFICE OF JOAN M. SWARTZ,  
L.L.C.  
3348 Greenwood Blvd.  
Maplewood, MO 63143  
314-471-2032  
Fax: 314-485-2345  
Email: jms@jmsllc.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth Joel Haber**

LAW OFFICE OF KENNETH JOEL  
HABER, P.C.  
12705 Fernberry Ln.  
Suite A  
Boyd's, MD 20841  
301-670-0016  
Fax: 301-948-3091  
Email: kjhesq@haberslaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**John Griffith, III**

*M.D.*

represented by **Joan M. Swartz**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth Joel Haber**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Sisters of St. Mary's Health Care**

**Date Discrepancy Cases 718**

**Defendant**

**Physician Services Corporation of  
Southern Illinois**

**Defendant**

**St. Mary's Good Samaritan, Inc.**

**Defendant**

**Laboratory Corporation of America  
Holdings**

**Movant**

**United States of America**

represented by **Suzanne J. Moore**  
OFFICE OF U.S. ATTORNEY  
111 S. Tenth Street  
20th Floor  
St. Louis, MO 63102  
314-539-2200  
Fax: 314-539-2196  
Email: [suzanne.moore@usdoj.gov](mailto:suzanne.moore@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/15/2007	<a href="#">1</a>	COMPLAINT against Defendants Sisters of St. Mary's Health Care, Physician Services Corporation of Southern Illinois, St. Mary's Good Samaritan, Inc. and Laboratory Corporation of America Holdings filed by Elaine C. Sharp, and John Griffith, III. Fee paid in the amount of \$350.00, , (CDD, ) (SAJ). (Entered: 08/15/2007)
06/16/2008	<a href="#">7</a>	NOTICE Election to Decline Intervention: by Movant United States of America (Attachments: # <a href="#">1</a> Text of Proposed Order)(SAJ) (Entered: 06/17/2008)
07/25/2008	<a href="#">8</a>	ORDER - IT IS ORDERED that the complaint be unsealed and served upon the defendants by the relators; all other contents of the Court's file in this action remain under seal and not be made public served upon the defendants, except for this Order and The Government's Notice of Election to Decline Intervention, which the relators will serve upon the defendants only after service of the complaint; the seal be lifted as to all other matters occurring in this action after the date of the Order; the parties shall serve all pleadings and motions filed in the action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C.3730(c)(3). The United States may order any deposition transcripts is entitled to intervene this action, for good cause, at any time; the parties shall serve all notices of appeal upon the United States; all orders of this Court shall be sent to the United States; and that should the relators or the defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval. Signed by Honorable E. Richard Webber on 07/25/2005. (SAJ) (Entered: 07/25/2008)
10/21/2008		Docket Text ORDER: Relators shall file with this Court no later than October 31, 2008, a status relating to Service of the Complaint upon Defendants since the issuance of this Court's Order dated July 25, 2008 [see doc. #8]. So Ordered by Judge E. Richard Webber. (BAB) (Entered: 10/21/2008)
10/31/2008	<a href="#">9</a>	MOTION to Dismiss Case <i>Without Prejudice to the Government</i> by Plaintiffs Elaine C.

**Date Discrepancy Cases 719**

		Sharp, John Griffith, III. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Order Granting Relators'/Plaintiffs' Motion to Dismiss Without Prejudice to the Government) (Swartz, Joan) (Entered: 10/31/2008)
10/31/2008	<a href="#">10</a>	MEMORANDUM in Support of Motion re <a href="#">9</a> MOTION to Dismiss Case <i>Without Prejudice to the Government</i> filed by Plaintiffs Elaine C. Sharp, John Griffith, III. (Swartz, Joan) (Entered: 10/31/2008)
10/31/2008		Docket Text ORDER: Motion to Dismiss [doc. #9] is GRANTED. All claims are dismissed without prejudice. So Ordered by Judge E. Richard Webber. (BAB) Modified on 11/3/2008 (BAB). (Entered: 10/31/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 15:47:44			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:07-cv-01452-ERW
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

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51AE,CLOSED

**U.S. District Court**  
**Western District of Tennessee (Memphis)**  
**CIVIL DOCKET FOR CASE #: 2:04-cv-02386-JPM**

Shivashankar v. Methodist Health  
Assigned to: Judge Jon Phipps McCalla  
Demand: \$0  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 05/24/2004  
Date Terminated: 10/06/2006  
Jury Demand: None  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff****Rama Shivashankar**

*Rama Shivashankar et rel The United States  
of America*

represented by **Kathleen L. Caldwell**  
LAW OFFICES OF KATHLEEN L.  
CALDWELL  
Lipscomb & Pitts Building  
2670 Union Extended, Suite 110  
Memphis, TN 38112  
901-458-4035  
Fax: 901-458-4037  
Email:  
kathleencaldwell.attorney@gmail.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****Methodist Healthcare Community Care  
Associates, Inc.**

represented by **David P. Jaqua**  
BUTLER SNOW O'MARA STEVENS &  
CANADA, PLLC  
6075 Poplar Ave.  
Ste. 500  
P.O. Box 171443  
Memphis, TN 38187-1443  
901-680-7343  
Fax: 901-680-7201  
Email: david.jaqua@butlersnow.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Todd P. Photopulos**  
BUTLER SNOW LLP  
Crescent Center  
6075 Poplar Avenue  
5th Floor  
Memphis, TN 38119  
901-680-7344

**Date Discrepancy Cases 721**

Fax: 901-680-7201

Email: todd.photopoulos@butlersnow.com

*ATTORNEY TO BE NOTICED***Defendant****John Ashcroft**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/24/2004	1	COMPLAINT (Summons(es) issued) Receipt #: M88356; Filing fee \$ \$150.00 (Former Emp) (Entered: 05/25/2004)
05/24/2004		SUMMONS issued as to defendant Methodist Health (Former Emp) (Entered: 05/25/2004)
05/24/2004		SUMMONS issued as to John Ashcroft (Former Emp) (Entered: 05/25/2004)
05/24/2004		SUMMONS issued as to Terrell Harris (Former Emp) (Entered: 05/25/2004)
06/01/2004	2	CERTIFICATE OF SERVICE by Rama Shivashankar re Summons Returned executed as to Terrell Harris (jae, ) (Entered: 06/02/2004)
06/21/2004	3	SUMMONS Returned Executed by Rama Shivashankar. John Ashcroft served on 6/3/2004, answer due 6/23/2004. (jae, ) (Entered: 06/21/2004)
09/01/2004	<a href="#">4</a>	SETTING LETTER: Scheduling Conference set for 9/23/2004 10:45 AM in Courtroom 6 - Memphis before Tu M. Pham. (tlh, ) (Entered: 09/02/2004)
10/28/2004	5	MOTION and MEMORANDUM for Lift of Seal and for Issuance of Summons on Named Defendant by Rama Shivashankar. (tlh, ) (Entered: 10/29/2004)
11/02/2004	<a href="#">6</a>	ORDER LIFTING SEAL AND DIRECTING PLAINTIFF TO ISSUE SUMMONS ON DEFENDANT THROUGH THE CLERK OF THIS COURT Granting 5 Motion for Lift of Seal and for Issuance of Summons on Named Defendant. Signed by Judge Jon Phipps McCalla. (tlh, ) (Entered: 11/02/2004)
11/03/2004	7	NOTICE of Election to Decline Intervention by the United States. (tlh, ) (Entered: 11/04/2004)
12/03/2004		Summons Issued as to Methodist Health Systems, Inc. (tlh, ) (Entered: 12/03/2004)
12/10/2004	8	SUMMONS Returned Executed Methodist Health Systems, Inc. served on 12/8/2004, answer due 12/28/2004. (tlh, ) (Entered: 12/10/2004)
12/22/2004	9	MOTION to Dismiss State Law Claims and Supporting MEMORANDUM of Authorities by Methodist Health Systems, Inc. (tlh, ) (Entered: 12/28/2004)
12/28/2004	10	ANSWER to Complaint by Methodist Health Systems, Inc.(tlh, ) (Entered: 12/30/2004)
01/04/2005	<a href="#">11</a>	SETTING LETTER: Scheduling Conference set for 2/3/2005 09:45 AM in Courtroom 6 - Memphis before Tu M. Pham. (tlh, ) (Entered: 01/05/2005)
01/19/2005	<a href="#">12</a>	AGREED ORDER Correcting Name of Defendant and Granting 9 Motion to Dismiss State Law Claims with Prejudice. Signed by Judge Jon Phipps McCalla. (tlh, ) (Entered: 01/19/2005)
02/03/2005	13	Minute Entry for proceedings held before Judge Tu M. Pham : Scheduling Conference held on 2/3/2005. Rule 26(a)(1) Disclosure Deadline: 3/14/2005. Amended Pleadings due by 4/7/2005. Discovery Cutoff: 11/18/2005. Initial Motions to Dismiss: 5/6/2005. Joinder

**Date Discrepancy Cases 722**

		of Parties due by 4/4/2005. Dispositive Motions due by 12/19/2005. Trial; est. length: 3-4 days. Plf Atty: K. Caldwell; Dft Atty: D. Jaqua.(Court Reporter FTR.) (tlh, ) (Entered: 02/04/2005)
02/04/2005	<a href="#">14</a>	SCHEDULING ORDER:Initial Disclosures due by 3/14/2005. Amended Pleadings due by 4/11/2005. Initial Motions to Dismiss due by 5/6/2005. Completing All Discovery due by 11/18/2005. Joinder of Parties due by 4/4/2005. Dispositive Motions due by 12/19/2005. Signed by Judge Tu M. Pham. (tlh, ) (Entered: 02/04/2005)
02/08/2005	<a href="#">15</a>	ORDER SETTING TRIAL AND PRETRIAL DATES Jury Trial set for 2/27/2006 09:30 AM in Courtroom 4 - Memphis before Jon Phipps McCalla. Pretrial Conference set for 2/21/2006 08:45 AM before Jon Phipps McCalla. Pretrial Order and Proposed Jury Instructions and Voir Dire Questions due by 2/14/2006 04:30 PM. Signed by Judge Jon Phipps McCalla. (tlh, ) (Entered: 02/08/2005)
02/10/2005	<a href="#">16</a>	SETTING LETTER: Jury Trial set for 2/27/2006 09:30 AM in Courtroom 4 - Memphis before Jon Phipps McCalla. Pretrial Conference set for 2/21/2006 08:45 AM in Courtroom 4 - Memphis before Jon Phipps McCalla. Proposed Joint Pretrial Order due by 2/14/2006 04:30 PM.(tlh, ) (Entered: 02/11/2005)
06/24/2005	17	MOTION and Supporting Memorandum of Authorities for Partial Summary Judgment On The Pleadings Dismissing Plaintiff's Retaliation Claims by Methodist Healthcare Community Care Associates, Inc.. (jae, ) (Entered: 06/27/2005)
11/04/2005	18	JOINT MOTION to Modify Scheduling Order by Rama Shivashankar, Methodist Healthcare Community Care Associates, Inc.. (jae, ) (Entered: 11/07/2005)
11/07/2005	19	COUNTER MOTION TO MODIFY <a href="#">14</a> Scheduling Order, by Plaintiff Rama Shivashankar. (jae, ) (Entered: 11/08/2005)
11/07/2005	20	MEMORANDUM in Support re 19 COUNTER MOTION TO MODIFY <a href="#">14</a> Scheduling Order filed by Plaintiff Rama Shivashankar. (jae, ) (Entered: 11/08/2005)
11/07/2005	21	CERTIFICATE of Counsel re 19 COUNTER MOTION TO MODIFY <a href="#">14</a> Scheduling Order, by Kathleen L. Caldwell on behalf of Rama Shivashankar (jae, ) (Entered: 11/08/2005)
11/08/2005	22	SUPPLEMENTAL CERTIFICATE of Counsel re 19 MOTION to Modify <a href="#">14</a> Scheduling Order, by Kathleen L. Caldwell on behalf of Rama Shivashankar (jae, ) (Entered: 11/09/2005)
11/08/2005	<a href="#">23</a>	SETTING LETTER:Telephonic Conference (re: joint motion to modify scheduling order) set for 11/21/2005 03:30 PM in Courtroom 6 - Memphis before Tu M. Pham. (jae, ) (Entered: 11/09/2005)
11/09/2005	<a href="#">24</a>	AGREED ORDER granting 17 Motion for Partial Summary Judgment On The Pleadings and Dismissing With Prejudice Plaintiff's Retaliation Claims Under 31 U.S.C. 3730(h). Signed by Judge Jon Phipps McCalla. (jae, ) (Entered: 11/09/2005)
11/21/2005	25	Minute Entry for proceedings held before Judge Tu M. Pham : Motion Hearing held on 11/21/2005 re [18,19] JOINT MOTION to Amend Scheduling Order. Amended Scheduling Order to be entered by the Court. (Court Reporter FTR.) (jae, ) (Entered: 11/22/2005)
12/23/2005	<a href="#">26</a>	ORDER AMENDING SCHEDULING ORDER. Completing all Discovery due by 3/20/2006. Dispositive Motions due by 4/20/2006. The district judge will notify the parties of the new trial date. Signed by Judge Tu M. Pham. (jae, ) (Entered: 12/27/2005)
01/18/2006	<a href="#">27</a>	MOTION for Extension of Time to Complete Discovery <i>Proposed Order Submitted by</i>

**Date Discrepancy Cases 723**

		Rama Shivashankar. (Attachments: # <a href="#">1</a> Memorandum in Support of Plaintiff's Motion to Designate Expert Disclosure# <a href="#">2</a> Certificate of Consultation)(Caldwell, Kathleen) (Entered: 01/18/2006)
02/08/2006	<a href="#">28</a>	ORDER granting <a href="#">27</a> Motion for Extension of Time to Complete Discovery. Ptf's expert witness disclosure due 3/6/06; Dft's expert witness disclosure due 4/4/06. All other dates shall remain the same. Signed by Judge Tu M. Pham on 2/8/06. (Pham, Tu) (Entered: 02/08/2006)
02/09/2006	<a href="#">29</a>	ORDER RESETTING TRIAL AND PRETRIAL DATES. Signed by Judge Jon Phipps McCalla on 2/9/06. (McCalla, Jon) (Entered: 02/09/2006)
02/10/2006		Set Deadlines/Hearings: Pretrial Order due by 6/12/2006. Jury Trial set for 6/26/2006 09:30 AM in Courtroom 4 - Memphis before Jon Phipps McCalla. Pretrial Conference set for 6/19/2006 09:15 AM in Courtroom 4 - Memphis before Jon Phipps McCalla. (jae, ) (Entered: 02/10/2006)
02/14/2006	<a href="#">30</a>	SETTING LETTER: Jury Trial set for 6/26/2006 09:30 AM in Courtroom 4 - Memphis before Jon Phipps McCalla. Pretrial Conference set for 6/19/2006 09:15 AM in Courtroom 4 - Memphis before Jon Phipps McCalla. Pretrial Order due by 4:30 PM on 6/12/2006.(jpw) (Entered: 02/14/2006)
02/15/2006	<a href="#">31</a>	NOTICE To Take Deposition of Rama Shivashankar by Methodist Healthcare Community Care Associates, Inc. (Photopulos, Todd) Modified on 2/16/2006 to edit text (jae, ). (Entered: 02/15/2006)
02/16/2006	<a href="#">32</a>	DEFICIENCY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document <a href="#">31</a> Notice (Other) filed by Methodist Healthcare Community Care Associates, Inc., has been filed. However, the following deficiency has been found: Filer chose incorrect event of "Notice". Correct event is found under "Other Filings, Discovery Documents, Notice To Take Depositions". Filer does not need to resubmit document. Clerk has corrected text of filing. If assistance is needed for future filings, please refer to attorney training manual or contact the help desk. (jae, ) (Entered: 02/16/2006)
02/16/2006	<a href="#">33</a>	MOTION for Extension of Time to Complete Discovery <i>Proposed Order Submitted</i> by Rama Shivashankar. (Attachments: # <a href="#">1</a> Memorandum In Support # <a href="#">2</a> Certificate of Consultation)(Caldwell, Kathleen) Modified on 2/17/2006 to include description of attachment (jae, ). Modified on 6/8/2006 (jae, ). (Entered: 02/16/2006)
02/17/2006	<a href="#">34</a>	DEFICIENCY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document <a href="#">33</a> MOTION for Extension of Time to Complete Discovery <i>Proposed Order Submitted</i> filed by Rama Shivashankar, has been filed. However, the following deficiency has been found: When including attachments to submissions, please be sure to include a description of the attachment (#1 has no description). Clerk has corrected error, filer does not need to resubmit document) (jae, ) (Entered: 02/17/2006)
02/22/2006	<a href="#">35</a>	Amended MOTION for Extension of Time to Complete Discovery <i>Amended Order</i> by Rama Shivashankar. (Attachments: # <a href="#">1</a> Memorandum)(Caldwell, Kathleen) Modified on 6/8/2006 (jae, ). (Entered: 02/22/2006)
02/22/2006	<a href="#">36</a>	CERTIFICATE of Counsel <i>Certificate of Consultation</i> by Kathleen L. Caldwell on behalf of Rama Shivashankar (Caldwell, Kathleen) (Entered: 02/22/2006)
03/07/2006	<a href="#">37</a>	NOTICE TO TAKE DEPOSITION of Rama Shivashankar on March 15, 2006 by Methodist Healthcare Community Care Associates, Inc..(Photopulos, Todd) Modified on 3/8/2006 to edit text (jae, ). (Entered: 03/07/2006)
03/08/2006	<a href="#">38</a>	DEFICIENCY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document <a href="#">37</a> Deposition filed by Methodist Healthcare Community Care Associates, Inc.,

Date Discrepancy Cases 724



		has been filed. However, the following deficiency has been found: Filer chose incorrect event for document. Proper event would have been "Notice to take deposition" found under "Discovery". Filer does not need to resubmit document. Clerk has edited docket text to reflect proper event. (jae, ) (Entered: 03/08/2006)
03/24/2006	<a href="#">39</a>	NOTICE to Take Deposition of Bettye Stegall by Rama Shivashankar.(Caldwell, Kathleen) (Entered: 03/24/2006)
03/24/2006	<a href="#">40</a>	NOTICE to Take Deposition of Dr. Lowrey by Rama Shivashankar.(Caldwell, Kathleen) (Entered: 03/24/2006)
03/24/2006	<a href="#">41</a>	NOTICE to Take Deposition of Michelle Britton by Rama Shivashankar.(Caldwell, Kathleen) (Entered: 03/24/2006)
03/24/2006	<a href="#">42</a>	NOTICE to Take Deposition of Dr. Parks by Rama Shivashankar.(Caldwell, Kathleen) (Entered: 03/24/2006)
04/11/2006	<a href="#">43</a>	MOTION for Extension of Time to Complete Discovery <i>Proposed Order Submitted</i> by Rama Shivashankar. (Attachments: # <a href="#">1</a> Memorandum # <a href="#">2</a> Certificate of Consultation) (Caldwell, Kathleen) (Entered: 04/11/2006)
04/12/2006	<a href="#">44</a>	RESPONSE in Opposition re <a href="#">43</a> MOTION for Extension of Time to Complete Discovery <i>Proposed Order Submitted</i> filed by Methodist Healthcare Community Care Associates, Inc.. (Photopulos, Todd) (Entered: 04/12/2006)
04/17/2006	<a href="#">45</a>	MOTION for Leave to File <i>Proposed Order Submitted</i> by Rama Shivashankar. (Attachments: # <a href="#">1</a> Memorandum # <a href="#">2</a> Certificate of Consultation)(Caldwell, Kathleen) (Entered: 04/17/2006)
04/19/2006	<a href="#">46</a>	MOTION to Compel by Rama Shivashankar. (Attachments: # <a href="#">1</a> Memorandum # <a href="#">2</a> Certificate of Consultation)(Caldwell, Kathleen) (Entered: 04/19/2006)
04/20/2006	<a href="#">47</a>	MOTION for Summary Judgment by Methodist Healthcare Community Care Associates, Inc.. Responses due by 5/22/2006 (Attachments: # <a href="#">1</a> Memorandum in Support of Motion for Summary Judgment# <a href="#">2</a> Exhibit to Memorandum in Support of Defendant's Motion for Summary Judgment# <a href="#">3</a> Statement of Undisputed Material Facts)(Photopulos, Todd) Modified on 4/21/2006 to edit text of attachment # 3(jae, ). (Entered: 04/20/2006)
04/27/2006	<a href="#">48</a>	ORDER SETTING TELEPHONE CONFERENCE. Signed by Judge Jon Phipps McCalla on 4/27/06. (McCalla, Jon) (Entered: 04/27/2006)
04/27/2006	<a href="#">49</a>	SETTING LETTER: Telephone Conference set for 5/1/2006 08:45 AM in Chambers - Memphis before Jon Phipps McCalla. (jpw) (Entered: 04/27/2006)
05/01/2006	50	Minute Entry for proceedings held before Judge Jon Phipps McCalla: Telephone Conference held on 5/1/2006 to discuss Motion for Extension of Time to Designate Expert Witnesses and Corresponding Deadlines <a href="#">43</a> . Motion heard and DENIED. Jury Trial remains set on MONDAY, JUNE 26, 2006 at 9: 30 A.M. Motion for Summary Judgment as to False Claims Act issues GRANTED. Plaintiff to submit a response to Motion for Summary Judgment as to Title VII issues. As well, the Court DENIED Plaintiff's Motion for Leave to File a Reply to Defendant's Response in Opposition to Plaintiff's Motion for Extension of Time to Designate Expert Witness and Corresponding Deadlines <a href="#">45</a> . (Plaintiff: Kathleen Caldwell) (Defense: David Jacqua, Todd Photopulos) (Court Reporter: Lynn Dudley) (jpw) (Entered: 05/01/2006)
05/02/2006	<a href="#">51</a>	ORDER FOLLOWING TELEPHONE CONFERENCE. Signed by Judge Jon Phipps McCalla on 5/1/06. (McCalla, Jon) (Entered: 05/02/2006)
05/03/2006	<a href="#">52</a>	RESPONSE to Motion re <a href="#">46</a> MOTION to Compel <i>Defendant's Response and Objection</i>

**Date Discrepancy Cases 725**

		<i>to Plaintiff's Motion to Compel</i> filed by Methodist Healthcare Community Care Associates, Inc.. (Photopulos, Todd) (Entered: 05/03/2006)
05/22/2006	<a href="#">53</a>	MOTION for Extension of Time to File Response/Reply <i>Proposed Order Submitted</i> by Rama Shivashankar. (Attachments: # <a href="#">1</a> Memorandum # <a href="#">2</a> Certificate of Consultation) (Caldwell, Kathleen) (Entered: 05/22/2006)
05/24/2006	<a href="#">54</a>	ORDER . Signed by Judge Jon Phipps McCalla on 5/23/06. (McCalla, Jon) (Entered: 05/24/2006)
05/30/2006	<a href="#">55</a>	RESPONSE to Motion re <a href="#">47</a> MOTION for Summary Judgment filed by Rama Shivashankar. (Attachments: # <a href="#">1</a> Memorandum; # <a href="#">2</a> Excerpts of video deposition of Rama Shivashankar; # <a href="#">3</a> Excerpts of deposition of Bettye Stegall # <a href="#">4</a> Excerpts of deposition of Jeffrey Lowrey, M.D.; # <a href="#">5</a> Excerpts of deposition of Timothy Long, M.D.; # <a href="#">6</a> Excerpts of deposition of Rhonda Parks, M.D.; # <a href="#">7</a> Statement of Disputed Material Facts )(Caldwell, Kathleen) Modified on 5/31/2006 to add description of attachments (jae, ). (Entered: 05/30/2006)
05/30/2006	<a href="#">56</a>	Exhibit List by Methodist Healthcare Community Care Associates, Inc... (Photopulos, Todd) (Entered: 05/30/2006)
05/30/2006	<a href="#">57</a>	Witness List by Methodist Healthcare Community Care Associates, Inc.. (Photopulos, Todd) (Entered: 05/30/2006)
05/31/2006	58	DEFICIENCY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document <a href="#">55</a> Response to Motion filed by Rama Shivashankar, has been filed. However, the following deficiency has been found: : E-filers are STRONGLY urged to adopt a precise naming convention to clearly delineate the nature of every attachment associated with a filed motion; that is, do not refer to those attachments merely as "Exhibit 1", "Exhibit 2", and the like because it will likely be more difficult for the court to find and evaluate those attachments. Clerk has edited text to include descriptions of attachments. (jae, ) (Entered: 05/31/2006)
06/01/2006	<a href="#">59</a>	Exhibit List by Rama Shivashankar.. (Caldwell, Kathleen) (Entered: 06/01/2006)
06/01/2006	<a href="#">60</a>	Witness List by Rama Shivashankar. (Caldwell, Kathleen) (Entered: 06/01/2006)
06/06/2006	<a href="#">61</a>	NOTICE by Methodist Healthcare Community Care Associates, Inc. <i>Service of Subpoena of Timothy Long</i> (Photopulos, Todd) (Entered: 06/06/2006)
06/06/2006	<a href="#">62</a>	First MOTION and Memorandum In Support of Motion to Continue <i>Proposed Order Submitted</i> by Methodist Healthcare Community Care Associates, Inc.. (Attachments: # <a href="#">1</a> Certificate of Consultation re Motion for Continuation)(Photopulos, Todd) Modified on 6/7/2006 to edit text (jae, ). (Entered: 06/06/2006)
06/07/2006	63	Minute Entry for proceedings held before Judge Jon Phipps McCalla: Telephone Conference held on 6/7/2006. Also participating were Tom Long, Esq. and Dr. Timothy Long. Motion for Continuance <a href="#">62</a> GRANTED. Jury Trial reset to 9/25/2006 at 9:30 AM. Pretrial Conference reset to 9/18/2006 at 8:45 AM. Pretrial Order due by 4:30 PM on 9/11/2006. Parties were instructed to file their proposed jury instructions in advance of trial. (Plaintiff: Kathleen Caldwell) (Defense: David Jaqua, Todd Photopulos) (Court Reporter: Brenda Parker) (jpw) (Entered: 06/07/2006)
06/07/2006	<a href="#">64</a>	SETTING LETTER: Jury Trial set for 9/25/2006 09:30 AM in Courtroom 4 - Memphis before Jon Phipps McCalla. Pretrial Conference set for 9/18/2006 08:45 AM in Courtroom 4 - Memphis before Jon Phipps McCalla. Pretrial Order due by 4:30 PM on 9/11/2006. (jpw) (Entered: 06/07/2006)
06/07/2006		Set Deadlines/Hearings: Proposed Pretrial Order due by 4:30 PM on 9/11/2006. (jpw)

**Date Discrepancy Cases 726**

		(Entered: 06/07/2006)
06/07/2006	<a href="#">65</a>	ORDER GRANTING MOTION FOR CONTINUANCE, ORDER RESETTING TRIAL SCHEDULE, AND ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S MOTION FOR SUMMARY JUDGMENT. Signed by Judge Jon Phipps McCalla on 6/7/06. (McCalla, Jon) (Entered: 06/07/2006)
06/08/2006	<a href="#">66</a>	First MOTION for Reconsideration re <a href="#">65</a> Order <i>Proposed Order Submitted</i> by Methodist Healthcare Community Care Associates, Inc.. (Attachments: # <a href="#">1</a> Exhibit Defendant's Reply Brief in Support of Motion for Summary Judgment# <a href="#">2</a> Certificate of Consultation) (Photopulos, Todd) (Entered: 06/08/2006)
06/28/2006	<a href="#">67</a>	Witness List by Rama Shivashankar. (Caldwell, Kathleen) (Entered: 06/28/2006)
06/29/2006	68	COURTESY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document <a href="#">67</a> Witness List filed by Rama Shivashankar, has been filed. For future reference, please note: Event chosen is a sealed event. Your certificate of services indicates that counsel was served via electronic noticing. You will have to serve counsel in traditional method as CM/ECF does not allow viewing of sealed documents by the general public. Filer is not required to resubmit document to the court. (jae, ) (Entered: 06/29/2006)
07/10/2006	<a href="#">69</a>	MOTION to Strike <a href="#">67</a> Witness List <i>Proposed Order Submitted</i> by Methodist Healthcare Community Care Associates, Inc.. Responses due by 7/25/2006 (Attachments: # <a href="#">1</a> Memorandum Memorandum in Support of Defendant's Motion to Strike Plaintiff's Supplement to Rule 26 Disclosures# <a href="#">2</a> Certificate of Consultation # <a href="#">3</a> Exhibit A to Defendant's Memorandum in Support of Motion to Strike Plaintiff's Supplement to Rule 26 Disclosures# <a href="#">4</a> Exhibit B to Defendant's Memorandum in Support of Motion to Strike Plaintiff's Supplement to Rule 26 Disclosures# <a href="#">5</a> Exhibit C to Defendant's Memorandum in Support of Motion to Strike Plaintiff's Supplement to Rule 26 Disclosures)(Photopulos, Todd) (Entered: 07/10/2006)
07/20/2006	<a href="#">70</a>	RESPONSE to Motion re <a href="#">69</a> MOTION to Strike <a href="#">67</a> Witness List <i>Proposed Order Submitted</i> filed by Rama Shivashankar. (Caldwell, Kathleen) (Entered: 07/20/2006)
07/31/2006	<a href="#">71</a>	NOTICE to Take Deposition of Phillip O. Correro by Methodist Healthcare Community Care Associates, Inc..(Photopulos, Todd) (Entered: 07/31/2006)
07/31/2006	<a href="#">72</a>	NOTICE to Take Deposition of Rhonda Thompson by Methodist Healthcare Community Care Associates, Inc..(Photopulos, Todd) (Entered: 07/31/2006)
09/11/2006	<a href="#">73</a>	Second MOTION in Limine <i>to Exclude Alleged "Asian Monkey" Statement (Proposed Order Submitted)</i> by Methodist Healthcare Community Care Associates, Inc.. (Attachments: # <a href="#">1</a> Exhibit A to Defendant's Second Motion in Limine)(Photopulos, Todd) (Entered: 09/11/2006)
09/11/2006	<a href="#">74</a>	Third MOTION in Limine <i>To Exclude Testimony and Evidence Regarding Alleged False Billing and False Claims Act Allegations (Proposed Order Submitted)</i> by Methodist Healthcare Community Care Associates, Inc.. (Attachments: # <a href="#">1</a> Exhibit A to Defendant's Third Motion in Limine)(Photopulos, Todd) (Entered: 09/11/2006)
09/11/2006	<a href="#">75</a>	Fourth MOTION in Limine <i>To Exclude Alleged Communications with Unidentified Individuals Concerning Alleged Job Openings (Proposed Oder Submitted)</i> by Methodist Healthcare Community Care Associates, Inc.. (Photopulos, Todd) (Entered: 09/11/2006)
09/11/2006	<a href="#">76</a>	Fifth MOTION in Limine <i>To Exclude Evidence and Witness Testimony Not Previously Disclosed (Proposed Order Submitted)</i> by Methodist Healthcare Community Care Associates, Inc.. (Photopulos, Todd) (Entered: 09/11/2006)

**Date Discrepancy Cases 727**

09/11/2006	<a href="#">77</a>	Sixth MOTION in Limine to Exclude Plaintiff's Opinion of Defendant's Legitimate Expectations (Proposed Order Submitted) by Methodist Healthcare Community Care Associates, Inc.. (Attachments: # <a href="#">1</a> Exhibit A to Defendant's Sixth Motion in Limine# <a href="#">2</a> Exhibit B to Defendant's Sixth Motion in Limine)(Photopulos, Todd) (Entered: 09/11/2006)
09/11/2006	<a href="#">78</a>	Seventh MOTION in Limine to Exclude Evidence of Auditor Shredding Documents (Proposed Order Submitted) by Methodist Healthcare Community Care Associates, Inc.. (Attachments: # <a href="#">1</a> Exhibit A to Defendant's Seventh Motion in Limine)(Photopulos, Todd) (Entered: 09/11/2006)
09/11/2006	<a href="#">79</a>	Eighth MOTION in Limine to Exclude Allegations of Dispensing Expired Eye Drops (Proposed Order Submitted) by Methodist Healthcare Community Care Associates, Inc.. (Attachments: # <a href="#">1</a> Exhibit A to Defendant's Eighth Motion in Limine)(Photopulos, Todd) (Entered: 09/11/2006)
09/11/2006	<a href="#">80</a>	Ninth MOTION in Limine to Exclude Allegations of X-ray Licensure Infractions (Proposed Order Submitted) by Methodist Healthcare Community Care Associates, Inc.. (Attachments: # <a href="#">1</a> Exhibit A to Defendant's Ninth Motion in Limine)(Photopulos, Todd) (Entered: 09/11/2006)
09/11/2006	<a href="#">81</a>	Tenth MOTION in Limine to Exclude Medical Evidence (Proposed Order Submitted) by Methodist Healthcare Community Care Associates, Inc.. (Attachments: # <a href="#">1</a> Exhibit A to Defendant's Tenth Motion in Limine)(Photopulos, Todd) (Entered: 09/11/2006)
09/18/2006	<a href="#">82</a>	Minute Entry for proceedings held before Judge Jon Phipps McCalla: Final Pretrial Conference held on 9/18/2006. Jury trial set on Monday, 9/25/2006 at 9:30 A.M. Case is expected to last 3-4 days. (Plaintiff: Kathleen Caldwell) (Defense: David Jaqua) (Court Reporter: Brenda Parker) (jpw) (Entered: 09/18/2006)
09/19/2006	<a href="#">83</a>	ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S MOTION TO RECONSIDER AND FOR LEAVE TO FILE REPLY BRIEF. Signed by Judge Jon Phipps McCalla on 9/19/06. (McCalla, Jon) (Entered: 09/19/2006)
09/20/2006	<a href="#">84</a>	Proposed Voir Dire by Methodist Healthcare Community Care Associates, Inc.. (Photopulos, Todd) (Entered: 09/20/2006)
09/21/2006	<a href="#">85</a>	SETTING LETTER: Jury Trial reset for 9/25/2006 at *2:00 PM in Courtroom 4 - Memphis before Jon Phipps McCalla. (*TIME CHANGE ONLY)(jpw) (Entered: 09/21/2006)
09/25/2006	<a href="#">86</a>	Proposed Jury Instructions by Methodist Healthcare Community Care Associates, Inc.. (Photopulos, Todd) (Entered: 09/25/2006)
09/25/2006	<a href="#">87</a>	Minute Entry for proceedings held before Judge Jon Phipps McCalla: Jury Trial (DAY 1) held on 9/25/2006. Voir Dire by the Court and counsel. Number of challenges exercised: 5. Number of jurors excused for cause: 11. Number of unused jurors: 4. Panel of 9 jurors selected and sworn. Jury Trial to continue on Wednesday, 9/27/2006, at 8:45 a.m. with the Court's preliminary instructions and opening statements. Jury to report at 8:30 a.m. (Plaintiff: Kathleen Caldwell) (Defense: Todd Photopulos, David Jacqua) (Court Reporter: Brenda Parker) (jpw) (Entered: 09/25/2006)
09/26/2006	<a href="#">88</a>	Proposed Jury Instructions by Rama Shivashankar. (Caldwell, Kathleen) (Entered: 09/26/2006)
09/26/2006	<a href="#">89</a>	NOTICE by Methodist Healthcare Community Care Associates, Inc. of filing Special Interrogatories and Verdict (Jaqua, David) (Entered: 09/26/2006)
09/27/2006	<a href="#">90</a>	JOINT PRETRIAL ORDER . Signed by Judge Jon Phipps McCalla on 9/27/06.

**Date Discrepancy Cases 728**

		(McCalla, Jon) (Entered: 09/27/2006)
09/27/2006	91	Minute Entry for proceedings held before Judge Jon Phipps McCalla: Jury Trial (DAY 2) held on 9/27/2006. Preliminary matters addressed: Joint Pretrial Order adopted as submitted. Order to be entered electronically. *Motions ruled on: <a href="#">69</a> DENIED; <a href="#">73</a> DENIED; <a href="#">74</a> GRANTED; <a href="#">75</a> GRANTED; <a href="#">76</a> GRANTED; <a href="#">77</a> GRANTED; <a href="#">78</a> GRANTED; <a href="#">79</a> GRANTED; <a href="#">80</a> GRANTED (This does not preclude Plaintiff from testifying regarding her discriminatory treatment); and <a href="#">81</a> DENIED. The Court read the Preliminary Instructions to the jury. Opening statements were given by Counsel. Plaintiff's proof/sworn witnesses: Bettye Stegall: Exhs. 1-11; Kim Dollar; Dr. Jeffrey Lowery: Exh. 12; Dr. Timothy Long: Exh. 13; Dr. Rhonda Parks: Exhs. 14-15. The Court was unable to complete the trial. Jury trial to resume tomorrow, 9/28/2006, at 8:45 A.M. Jury to report at 8:30 A.M. (Plaintiff: Kathleen Caldwell) (Defense: Todd Photopulos) (Court Reporter: Brenda Parker) (jpw) *Modified on 10/3/2006 (jpw). (Entered: 09/28/2006)
09/28/2006	92	Minute Entry for proceedings held before Judge Jon Phipps McCalla: Jury Trial (DAY 3) held on 9/28/2006. Plaintiff's proof continued/sworn witness: Rama Shivashankar: Exhs. 16-31. Plaintiff rests. Motion for Judgment as a Matter of Law heard and denied. Defendant's proof/sworn witnesses: Mary Zimmerman; Rhonda Thompson. The Court was unable to complete the trial. Jury trial to resume tomorrow, *9/29/2006. at 9:00 A.M. Jury to report at 8:30 A.M. (Plaintiff: Kathleen Caldwell) (Defense: Todd Photopulos) (Court Reporter: Brenda Parker) (jpw) *Modified on 9/29/2006 (jpw). (Entered: 09/28/2006)
09/29/2006	93	Minute Entry for proceedings held before Judge Jon Phipps McCalla: Jury Trial (DAY 4) held on 9/29/2006. Plaintiff's proof continued/sworn witnesses: Susie Howard; Stephen Currie: Exh. 32; Gene Osborne; Bettye Stegall; Exhs. A & B marked. The Court was unable to complete the trial. Jury trial to resume Monday, 10/2/2006, at 8:30 A.M. Jury to report at 8:30 A.M. (Plaintiff: Kathleen Caldwell) (Defense: Todd Photopulos) (Court Reporter: Brenda Parker) (jpw) (Entered: 09/29/2006)
10/01/2006	<a href="#">94</a>	MOTION <i>To Reconsider Motion to Exclude Testimony of Tara Jones</i> by Methodist Healthcare Community Care Associates, Inc.. (Photopulos, Todd) Modified on 10/2/2006 to edit text (jae, ). (Entered: 10/01/2006)
10/02/2006	95	COURTESY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document <a href="#">94</a> MOTION for Sanctions <i>To Reconsider Motion to Exclude Testimony of Tara Jones</i> filed by Methodist Healthcare Community Care Associates, Inc., has been filed. For future reference, please note : Filer used the event "For Sanctions" when submitting motion to reconsider. More appropriate event would have been found under "Motions" and then "Reconsideration". Clerk's office has edited text. Filer is not required to resubmit document. (jae, ) (Entered: 10/02/2006)
10/02/2006	96	Minute Entry for proceedings held before Judge Jon Phipps McCalla: Jury Trial (DAY 5) held on 10/2/2006. Preliminary matter addressed: Motion to Reconsider Defendant's Motion to Exclude Testimony of Tara Jones <a href="#">94</a> -DENIED. Rebuttal proof: Tara Jones: Exhs. 33-34; Dr. Rhonda Parks; Rama Shivashankar: Exh. 35. End of Rebuttal proof. Charge conference held. Closing arguments given by counsel. Jury was charged. The Court was unable to complete the trial. Jury Trial to resume tomorrow, 10/3/2006, at 8:30 A.M. with jury deliberations. (Plaintiff: Kathleen Caldwell) (Defense: Todd Photopulos) (Court Reporter: Brenda Parker) (jpw) (Entered: 10/02/2006)
10/03/2006	<a href="#">97</a>	ORDER DIRECTING CLERK'S OFFICE TO PAY FOR LUNCHES. Signed by Judge Jon Phipps McCalla on 10/3/06. (McCalla, Jon) (Entered: 10/03/2006)
10/03/2006	<a href="#">98</a>	Jury Instructions. (McCalla, Jon) (Entered: 10/03/2006)

**Date Discrepancy Cases 729**

10/03/2006	99	Minute Entry for proceedings held before Judge Jon Phipps McCalla: Jury Trial (DAY 6) completed on 10/3/2006. Jury Deliberated. Verdict rendered. VERDICT: Has Plaintiff Rama Shivashankar proved by a preponderance of the evidence that the adverse employment action suffered by Plaintiff [discharge] was motivated by unlawful discrimination based on race, color, or national origin? NO. Has Plaintiff Rama Shivashankar proved by a preponderance of the evidence that she was the victim of a hostile work environment based on race, color, or national origin while employed at Methodist Healthcare Community Cares, Associates, Inc.? NO. Jury polled. The Court discharged the Jury at 12:30 PM on 10/3/2006. Verdict Form filed in open Court. (Plaintiff: Kathleen Caldwell) (Defense: Todd Photopulos) (Court Reporter: Brenda Parker) (jpw) (Entered: 10/03/2006)
10/03/2006	<a href="#">100</a>	JURY VERDICT FORM. Filed in open Court on 10/3/2006.(jpw) (Entered: 10/05/2006)
10/06/2006	<a href="#">101</a>	JUDGMENT . Signed by Judge Jon Phipps McCalla on 10/6/06. (McCalla, Jon) (Entered: 10/06/2006)
10/13/2006	<a href="#">102</a>	JUDICIAL TRANSCRIPT (Unredacted) of Trial testimony of Tara Jones Proceedings held on September 29, 2006 before Judge Jon Phipps McCalla. Court Reporter: Brenda Parker. THE ELECTRONIC COPY OF THIS DOCUMENT IS FOR COURT USE ONLY. PLEASE CONTACT THE COURT REPORTER FOR A COPY OF THIS DOCUMENT. (agj,) (Entered: 10/16/2006)
10/19/2006	<a href="#">103</a>	Exhibit and Witness List (agj,) (Entered: 10/19/2006)
11/03/2006	<a href="#">104</a>	BILL OF COSTS by Methodist Healthcare Community Care Associates, Inc.. (Attachments: # <a href="#">1</a> Exhibit Invoices)(Photopulos, Todd) (Entered: 11/03/2006)
11/03/2006	<a href="#">105</a>	BILL OF COSTS <i>Brief in Support</i> by Methodist Healthcare Community Care Associates, Inc.. (Photopulos, Todd) (Entered: 11/03/2006)
11/07/2006	<a href="#">106</a>	NOTICE of taxation hearing on Thursday, November 30, 2006 at 11:00 AM before the Clerk of Court, Thomas M. Gould; re <a href="#">104</a> Bill of Costs.(Wherry, Tracy) (Entered: 11/07/2006)
11/22/2006	<a href="#">107</a>	MOTION to Continue by Rama Shivashankar. (Attachments: # <a href="#">1</a> Certificate of Consultation)(Caldwell, Kathleen) (Entered: 11/22/2006)
12/01/2006	<a href="#">108</a>	NOTICE of resetting of taxation hearing to Monday, December 18, 2006 at 10:00 AM; re <a href="#">104</a> Bill of Costs, <a href="#">105</a> Bill of Costs, <a href="#">107</a> MOTION to Continue.(Wherry, Tracy) (Entered: 12/01/2006)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 09:19:05			
<b>PACER Login:</b>	kk0155	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:04-cv-02386-JPM
<b>Billable Pages:</b>	8	<b>Cost:</b>	0.80

**U.S. District Court  
District of Maine (Portland)  
CIVIL DOCKET FOR CASE #: 2:05-cv-00039-DBH**

SPRAGUE v. KENNEBUNK NURSING AND  
REHABILITATION FACILITY et al  
Assigned to: JUDGE D. BROCK HORNBY  
Referred to: MAGISTRATE JUDGE DAVID M. COHEN  
Cause: 31:3729 False Claims Act

Date Filed: 02/28/2005  
Date Terminated: 09/05/2007  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**PRISCILLA SPRAGUE**  
*ex rel*  
UNITED STATES OF AMERICA

represented by **JANICE F. MULLIGAN**  
MULLIGAN & BANHAM  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**JEFFREY BENNETT**  
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**MARK ALLEN KLEIMAN**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**KENNEBUNK NURSING AND  
REHABILITATION FACILITY**

represented by **DAVID E. BARRY**  
PIERCE ATWOOD LLP  
MERRILL'S WHARF  
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207-791-1376  
Email: [dbarry@pierceatwood.com](mailto:dbarry@pierceatwood.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**KINDRED HEALTHCARE INC**

represented by **DAVID E. BARRY**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****DOES 1-100****Interested Party****USA**  
*Ex Rel*represented by **DAVID R. COLLINS**  
U.S. ATTORNEY'S OFFICE  
DISTRICT OF MAINE  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED****EVAN J. ROTH**  
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Email: [USAME.FormerAUSA@usdoj.gov](mailto:USAME.FormerAUSA@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/28/2005	<u>1</u>	COMPLAINT against KENNEBUNK NURSING AND REHABILITATION FACILITY, KINDRED HEALTHCARE INC, DOES 1-100 with JURY DEMAND filed by UNITED STATES OF AMERICA. (Service of Process Deadline 6/28/2005) (Attachments: # <u>1</u> COMPLAINT PAGES 26-49)(mnw, ) (Entered: 03/02/2005)
02/28/2005		Filing Fee Received from UNITED STATES OF AMERICA: Amount Paid: \$250.00. Receipt Number: 20500510. Method of Payment: CHECK. Purpose of Payment: CIVIL FILING FEE. Date Paid: 02/28/05 (mnw, ) (Entered: 03/02/2005)
08/29/2006		SET Deadlines – PER ORAL ORDER BY JUDGE D. BROCK HORNBY MADE AT THE 08/28/06 CONFERENCE OF COUNSEL: Specific Document Deadline (1)(Government to decide whether or not to intervene) due by 1/2/2007.(mnw, ) (Entered: 08/29/2006)
01/03/2007		RESET Deadlines – PER ORAL ORDER OF JUDGE HORNBY MADE AT THE 01/02/07 CONFERENCE OF COUNSEL: Specific Document Deadline (1)(Government to decide whether or not to intervene) due by 4/2/2007.(mnw, ) (Entered: 01/03/2007)
04/03/2007		Reset Deadlines : PER ORAL ORDER OF JUDGE HORNBY MADE AT THE 01/02/07 CONFERENCE OF COUNSEL: Specific Document Deadline (1)(Government to decide whether or not to intervene) due by 4/9/2007.(smd, ) (Entered: 04/03/2007)
04/11/2007		RESET Deadlines – PER ORDER #26: Specific Document Deadline (1) (Government to decide whether or not to intervene)due by 4/11/2007.(mnw, ) (Entered: 04/11/2007)
04/11/2007	<u>27</u>	NOTICE – Government's Notice of Election to Decline Intervention. (smd, ) (Entered: 04/12/2007)
04/12/2007		Reset Deadlines Pursuant to the Court's Order dated 4/13/07: (Service of Process Deadline 8/13/2007)(mjlt, ) (Entered: 05/07/2007)
04/13/2007	<u>28</u>	ORDER By Judge D. BROCK HORNBY. (mjlt, ) (Entered: 04/16/2007)
08/15/2007	<u>29</u>	ORDER TO SHOW CAUSE –Show Cause Response due by 9/4/2007. By MELODY WHITTEN, DEPUTY CLERK(mnw, ) (Entered: 08/15/2007)



08/15/2007	<u>30</u>	MOTION to Dismiss <i>for Insufficiency of Service of Process</i> by KENNEBUNK NURSING AND REHABILITATION FACILITY, KINDRED HEALTHCARE INC WITH INCORPORATED MEMO. Responses due by 9/5/2007. (BARRY, DAVID) (Entered: 08/15/2007)
08/15/2007	<u>31</u>	ADDITIONAL ATTACHMENTS filed by KENNEBUNK NURSING AND REHABILITATION FACILITY, KINDRED HEALTHCARE INC re <u>30</u> Motion to Dismiss. Main Document: Exhibit A. (BARRY, DAVID) (Entered: 08/15/2007)
08/15/2007	<u>32</u>	ADDITIONAL ATTACHMENTS filed by KENNEBUNK NURSING AND REHABILITATION FACILITY, KINDRED HEALTHCARE INC re <u>30</u> Motion to Dismiss. Main Document: Exhibit B. (BARRY, DAVID) (Entered: 08/15/2007)
08/23/2007	<u>33</u>	STIPULATED REQUEST FOR DISMISSAL WITHOUT PREJUDICE filed by PRISCILLA SPRAGUE. (KLEIMAN, MARK) Modified on 8/23/2007 to unseal docket entry and make it publicly available per the filing of document <u>34</u> and directive of Judge Hornby (mnw, ). Modified on 8/24/2007 to change the event type to be a pending motion (mnw, ). (Entered: 08/23/2007)
08/23/2007	<u>34</u>	NOTICE/CORRESPONDENCE Re: Stipulated Request for Dismissal Without Prejudice and Proposed Order Thereon by PRISCILLA SPRAGUE (KLEIMAN, MARK) (Entered: 08/23/2007)
08/24/2007	<u>35</u>	RESPONSE to Motion re <u>33</u> MOTION for Dismissal Without Prejudice filed by KENNEBUNK NURSING AND REHABILITATION FACILITY, KINDRED HEALTHCARE INC. Reply due by 9/4/2007. (BARRY, DAVID) (Entered: 08/24/2007)
09/05/2007	<u>36</u>	ORDER granting <u>33</u> STIPULATED REQUEST FOR DISMISSAL WITHOUT PREJUDICE – By Judge D. BROCK HORNBY. (mnw, ) (Entered: 09/05/2007)

**U.S. District Court**  
**United States District Court for the Western District of Washington (Tacoma)**  
**CIVIL DOCKET FOR CASE #: 3:03-cv-05320-JLR**

Sweeney v. Manor Care Inc  
Assigned to: Judge James L. Robart  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 06/09/2003  
Date Terminated: 07/06/2006  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Sheri Sweeney**  
QUI TAM plaintiff, for and on behalf of the  
USA

represented by **David Reese Jennings**  
US ATTORNEY'S OFFICE (SEA)  
700 STEWART ST  
STE 5220  
SEATTLE, WA 98101-1271  
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LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Douglas Richard Cloud**  
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TACOMA, WA 98405  
253-627-1505  
Fax: 253-627-8376  
Email: drc@dcloudlaw.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

V.

**Defendant**

**Manor Care Inc**  
TERMINATED: 08/19/2004

represented by **Jan Catherine Kirkwood**  
WILLIAMS KASTNER (SEA)  
TWO UNION SQUARE  
601 UNION STREET, STE 4100  
SEATTLE, WA 98101  
206-628-6600  
Fax: 206-628-6600  
Email: jkirkwood@williamskastner.com  
ATTORNEY TO BE NOTICED

**Defendant**

**Manorcare Health Services Inc**  
a Delaware corporation

represented by **Darren Anthony Feider**  
WILLIAMS KASTNER (SEA)  
TWO UNION SQUARE

**Date Discrepancy Cases 734**

601 UNION STREET, STE 4100  
 SEATTLE, WA 98101  
 206-628-6600  
 Email: dfeider@wkg.com  
 ATTORNEY TO BE NOTICED

**Jan Catherine Kirkwood**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Defendant**

**John Does 1-50**

**Defendant**

**John Doe Inc(s) 1-5**

**Defendant**

**Stacey Mesaros**  
 believed to be a single person  
 TERMINATED: 05/08/2006

represented by **Jan Catherine Kirkwood**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Darren Anthony Feider**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

V.

**Interested Party**

**United States of America**  
 TERMINATED: 09/06/2006

represented by **Peter Angus Winn**  
 US ATTORNEY'S OFFICE (SEA)  
 700 STEWART ST  
 STE 5220  
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 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/09/2003	<a href="#">1</a>	COMPLAINT (Summons(es) issued) Receipt # 508761 (dktclk) Additional attachment(s) added on 12/5/2003 (ECS, ). (Entered: 06/13/2003)
06/18/2003	<a href="#">2</a>	<b>SEALED</b> MINUTE ORDER RE: INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT. Joint Status Report due 9/16/03 (cc: counsel, Judge) (dktclk) Additional attachment(s) added on 12/5/2003 (ECS, ). Modified on 7/26/2004 (AF, ). (Entered: 06/18/2003)
06/18/2003	<a href="#">3</a>	<b>SEALED</b> MINUTE ORDER re: DISCOVERY and DEPOSITIONS by Judge Robert J. Bryan (cc: counsel, Judge) (dktclk) Additional attachment(s) added on 12/5/2003 (ECS, ). Modified on 7/26/2004 (AF, ). (Entered: 06/18/2003)

**Date Discrepancy Cases 735**

06/27/2003	<a href="#">4</a>	<b>SEALED</b> AFFIDAVIT OF SERVICE by Plaintiff re <a href="#">2</a> Joint Status Report Order, <a href="#">3</a> Discovery and Depositions Order. (CAR, ) Modified on 7/26/2004 (AF, ). (Entered: 06/30/2003)
07/06/2004	<a href="#">9</a>	PRAECIPE TO ISSUE SUMMONS/issd re <a href="#">1</a> Complaint. (DK, ) (Entered: 07/09/2004)
07/12/2004	<a href="#">10</a>	SERVICE OF SUMMONS and Complaint returned executed upon defendant SEALED 2 on 7/6/2004 (DK, ) (Entered: 07/22/2004)
07/26/2004	<a href="#">11</a>	NOTICE of Appearance by attorney Jan Catherine Kirkwood on behalf of Defendant Manor Care Inc (Kirkwood, Jan) (Entered: 07/26/2004)
07/26/2004	<a href="#">12</a>	First MOTION to Dismiss by Defendant Manor Care Inc. Noting Date 8/20/2004. (Kirkwood, Jan) (Entered: 07/26/2004)
07/26/2004	<a href="#">13</a>	First DECLARATION of R. Jeffrey Bixler, Esq. filed by Defendant Manor Care Inc re <a href="#">12</a> First MOTION to Dismiss (Kirkwood, Jan) (Entered: 07/26/2004)
08/19/2004	<a href="#">14</a>	AMENDED COMPLAINT against defendant Manorcare Health Services, Inc, filed by Sheri Sweeney.(Cloud, Douglas) (Entered: 08/19/2004)
09/09/2004	<a href="#">15</a>	MOTION to Dismiss First Amended Complaint by Defendant Manorcare Health Services, Inc. Noting Date 10/1/2004. (Attachments: # <a href="#">1</a> Appendix Part 2 of 3 (Cert. of Svc. & App. A)# <a href="#">2</a> Appendix Part 3 of 3; App. B and PROPOSED ORDER)(Kirkwood, Jan) Modified on 9/10/2004 to edit docket text (ECS, ). (Entered: 09/09/2004)
09/27/2004	<a href="#">16</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">15</a> MOTION to Dismiss First Amended Complaint (Cloud, Douglas) (Entered: 09/27/2004)
09/30/2004	<a href="#">17</a>	REPLY, filed by Defendant Manorcare Health Services, Inc, TO RESPONSE to <a href="#">15</a> MOTION to Dismiss First Amended Complaint (Kirkwood, Jan) (Entered: 09/30/2004)
10/21/2004	<a href="#">18</a>	ORDER granting in part and denying in part <a href="#">15</a> Motion to Dismiss. It is hereby ORDERED that: ManorCare's Motion to Dismiss <a href="#">15</a> is GRANTED as to the first three causes of action, but is DENIED as to Sweeney's last three causes of action. Furthermore, Sweeney's Motion to Amend her Complaint is GRANTED, provided that any amended complaint be filed within thirty days from the date of this order.Signed by Judge Robert J. Bryan.(JL) (Entered: 10/21/2004)
10/21/2004		Amended complaint may be filed by 11/22/2004. (JL) (Entered: 10/21/2004)
11/22/2004	<a href="#">19</a>	Second AMENDED COMPLAINT against defendant all defendants, filed by Sheri Sweeney.(Cloud, Douglas) (Entered: 11/22/2004)
12/21/2004		New JSR order needs to be entered after 2nd Amended Complaint is served.(JL ) (Entered: 12/21/2004)
12/23/2004	<a href="#">20</a>	MOTION to Dismiss with Prejudice Relator's Fraud-Based FCA Claims Asserted in Her Second Amended Complaint by Defendant Manorcare Health Services, Inc. Noting Date 1/14/2005. (Attachments: # <a href="#">1</a> Part 2 of 2)(Kirkwood, Jan) Modified on 12/23/2004 DOCUMENT FILED IN ERROR. COUNSEL WILL REFILE. (VB, ). (Entered: 12/23/2004)
12/23/2004		NOTICE of Docket Text Modification re <a href="#">20</a> MOTION to Dismiss with Prejudice Relator's Fraud-Based FCA Claims Asserted in Her Second Amended Complaint: Document filed in error. Counsel will re-file. (VB, ) (Entered: 12/23/2004)
12/23/2004	<a href="#">21</a>	MOTION to Dismiss with Prejudice Relator's Fraud-Based FCA Claims Asserted in Her Second Amended Complaint by Defendant Manorcare Health Services, Inc. Noting Date 1/14/2005. (Attachments: # <a href="#">1</a> Part 2 of 2)(Kirkwood, Jan) (Entered: 12/23/2004)

**Date Discrepancy Cases 736**

01/06/2005	<a href="#">22</a>	NOTICE of Appearance by attorney Jan Catherine wKirkwood on behalf of Defendant Stacey Mesaros (wKirkwood, Jan) (Entered: 01/06/2005)
01/10/2005	<a href="#">23</a>	MINUTE ORDER.At the request of plaintiffs' counsel, defendant Manor Care agrees to allow its Motion of Defendant's Manor Care and Mesaros to Dismiss <a href="#">21</a> to be renoted to Friday January 21, 2005. IT IS SO ORDERED. Plaintiffs' response should be submitted to defendants on Monday, January 17, 2005. Authorized by Judge Robert J. Bryan. (JL, ) (Entered: 01/10/2005)
01/12/2005		If Motion to Dismiss noted for 1/21/05 is denied, a new Joint Status Report Order needs to be entered. COUNSEL: THIS IS A CHAMBERS REMINDER ENTRY ONLY, tickled for 1/21/2005. (JL) (Entered: 01/12/2005)
01/12/2005	<a href="#">24</a>	ACCEPTANCE OF SERVICE of summons and complaint by counsel on behalf of Defendant Stacey Mesaros on 01/11/05. (Kirkwood, Jan) (Entered: 01/12/2005)
01/14/2005	<a href="#">25</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">21</a> MOTION to Dismiss with Prejudice Relator's Fraud-Based FCA Claims Asserted in Her Second Amended Complaint. (Cloud, Douglas) (Entered: 01/14/2005)
01/20/2005	<a href="#">26</a>	REPLY, filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros, TO RESPONSE to <a href="#">21</a> MOTION to Dismiss with Prejudice Relator's Fraud-Based FCA Claims Asserted in Her Second Amended Complaint (Kirkwood, Jan) (Entered: 01/20/2005)
02/17/2005	<a href="#">27</a>	NOTICE of Substitution of Counsel <del>Appearance</del> substituting attorney Peter Winn. David Reese Jennings terminated (Winn, Peter) Modified on 2/18/2005, CORRECTED NAME OF EVENT AND TEXT (KN, ). (Entered: 02/17/2005)
02/18/2005		NOTICE of Docket Text Modification re <a href="#">27</a> Notice of Appearance: corrected event and text to reflect substitution of counsel. (KN, ) (Entered: 02/18/2005)
03/04/2005	<a href="#">28</a>	ORDER granting <a href="#">21</a> Motion to Dismiss. It is hereby ORDERED that: ManorCare's Motion to Dismiss is GRANTED as to its Rule 12(b)(6) Motion regarding plaintiff's first three causes of action. Sweeney's first three causes of action (paragraphs XXI through XXVI) are DISMISSED WITH PREJUDICE. Furthermore, Sweeney's request for an opportunity to further amend is DENIED WITHOUT PREJUDICE and her request for delay is DENIED for insufficient showing. Signed by Judge Robert J. Bryan.(JL) (Entered: 03/04/2005)
03/17/2005		Check on status of JSR per t/c with atty. office on 3/16; cal'd for 3/25/2005. (Counsel: This is a chambers tracking date only). (JL) (Entered: 03/17/2005)
04/07/2005	<a href="#">29</a>	JOINT STATUS REPORT filed by all parties. Est. Trial Days: 3-5. (Kirkwood, Jan) (Entered: 04/07/2005)
04/21/2005	<a href="#">30</a>	MOTION to Dismiss Renewed Motion to Dismiss Relator's Fourth Cause of Action for Retaliation by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 5/13/2005. (Attachments: # <a href="#">1</a> Proposed Order Granting Defendants ManorCare and Mesaros' Motion to Dismiss Relator's Fourth Cause of Action for Retaliation)(Kirkwood, Jan) (Entered: 04/21/2005)
04/26/2005	<a href="#">31</a>	ANSWER to Complaint Answer and Defenses to Plaintiff's Second Amended Complaint by Stacey Mesaros.(Kirkwood, Jan) (Entered: 04/26/2005)
04/26/2005	<a href="#">32</a>	ANSWER to Amended Complaint Answer and Defenses to Plaintiff's Second Amended Complaint by Manorcare Health Services, Inc.(Kirkwood, Jan) (Entered: 04/26/2005)
04/29/2005	<a href="#">33</a>	MINUTE ORDER SETTING TRIAL, PRETRIAL DATES AND ORDERING

**Date Discrepancy Cases 737**

		MEDIATION; Length of Trial: Five days. Jury Trial is set for 12/5/2005 09:30 AM in A Courtroom before Hon. Robert J. Bryan. Joinder of Parties due by 5/29/2005; Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 6/8/2005; Discovery completed by 8/7/2005; Motions due by 9/6/2005; 39.1 Settlement Report due by 11/12/2005; Motions in Limine due by 11/7/2005; Pretrial Order due by 11/18/2005; Pretrial Conference set for 11/28/2005 08:30 AM. Trial briefs to be submitted by 11/28/2005; Proposed voir dire/jury instructions due by 11/28/2005; by direction Judge Robert J. Bryan. (DK, ) (Entered: 04/29/2005)
05/09/2005	<a href="#">34</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">30</a> MOTION to Dismiss Renewed Motion to Dismiss Relator's Fourth Cause of Action for Retaliation. (Cloud, Douglas) (Entered: 05/09/2005)
05/12/2005	<a href="#">35</a>	REPLY, filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros, TO RESPONSE to <a href="#">30</a> MOTION to Dismiss Renewed Motion to Dismiss Relator's Fourth Cause of Action for Retaliation (Kirkwood, Jan) (Entered: 05/12/2005)
05/18/2005		Docket Annotation in response to a telephone call received 5/18/05 from attorney Jan Kirkwood regarding no dates set for the FRCP 26(f) conference and initial disclosures: Judge Bryan will address this procedural deficiency in the forthcoming order on Defendants' Renewed Motion to Dismiss Relator's Fourth Cause of Action for Retaliation. (JL) (Entered: 05/18/2005)
05/19/2005	<a href="#">36</a>	ORDER DENYING DEFENDANTS' RENEWED MOTION TO DISMISS RELATOR'S FOURTH CAUSE OF ACTION FOR RETALIATION AND ORDER RE: PROCEDURE, denying <a href="#">30</a> Motion to Dismiss.IT IS NOW ORDERED: Defendants' Renewed Motion to Dismiss Relator's Fourth Cause of Action <a href="#">30</a> is DENIED. It is further ORDERED that the parties shall commence necessary FRCP 26 and discovery procedures. Signed by Judge Robert J. Bryan.(JL) (Entered: 05/19/2005)
05/26/2005	<a href="#">37</a>	INITIAL DISCLOSURES by Plaintiff Sheri Sweeney.(Cloud, Douglas) (Entered: 05/26/2005)
05/27/2005	<a href="#">38</a>	INITIAL DISCLOSURES by Defendants Manorcare Health Services, Inc, Stacey Mesaros.(Kirkwood, Jan) (Entered: 05/27/2005)
06/06/2005	<a href="#">39</a>	STIPULATION AND PROPOSED ORDER Agreed Order Modifying Order Setting Trial, Pretrial Dates and Ordering Mediation by parties. (Kirkwood, Jan) (Entered: 06/06/2005)
06/07/2005	<a href="#">40</a>	STIPULATION AND AGREED ORDER MODIFYING ORDER SETTING TRIAL, PRETRIAL DATES AND ORDERING MEDIATION. Disclosure of expert testimony under FRCP 26(a)(2) (Plaintiff) extended to August 1, 2005; Disclosure of expert testimony under FRCP 26(a)(2) (Defendant) extended to August 20, 2005; All motions related to discovery must be FILED by September 6, 2005; Discovery COMPLETED by October 6, 2005; All dispositive motions must be FILED by October 6, 2005. Signed by Judge Robert J. Bryan. (JL) (Entered: 06/07/2005)
07/11/2005	<a href="#">41</a>	INITIAL DISCLOSURES by Plaintiff Sheri Sweeney.(Cloud, Douglas) (Entered: 07/11/2005)
08/01/2005	<a href="#">42</a>	DISCLOSURE OF EXPERT WITNESSES by Plaintiff Sheri Sweeney.(Cloud, Douglas) (Entered: 08/01/2005)
08/03/2005	<a href="#">43</a>	NOTICE of Unavailability of counsel Douglas Richard Cloud for Plaintiff Sheri Sweeney from August 8, 2005 to August 29, 2005 (Cloud, Douglas) (Entered: 08/03/2005)
08/04/2005	<a href="#">44</a>	STIPULATION AND PROPOSED ORDER Modifying Order Setting Trial, Pretrial Dates and Ordering Mediation by parties. (Cloud, Douglas) (Entered: 08/04/2005)

**Date Discrepancy Cases 738**

08/05/2005	<a href="#">45</a>	STIPULATION AND AGREED ORDER MODIFYING ORDER SETTING TRIAL, PRETRIAL DATES AND ORDERING MEDIATION. Discovery completed by 1/30/2006; Dispositive motions due by 2/27/2006; Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 12/1/2005; 39.1 Settlement Report due by 5/5/2006; Jury Trial is set for 5/30/2006 09:30 AM before Hon. Robert J. Bryan.Signed by Judge Robert J. Bryan. (JL) (Entered: 08/05/2005)
08/10/2005	46	NOTICE of Hearing: Pursuant to the Stipulation/Agreed Order Modifying Order Setting Trial, Dkt #45, the Pretrial Conference in this matter is rescheduled for 5/19/2006 08:30 AM before Hon. Robert J. Bryan. (DK, ) (Entered: 08/10/2005)
08/25/2005	<a href="#">47</a>	MOTION to Compel A Complete Answer to Interrogatory No. 12 and Response to Request for Production No. 26 by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 9/9/2005. (Attachments: # <a href="#">1</a> Proposed Order Granting Defendants' Motion to Compel A Complete Answer to Interrogatory No. 12 and Response to Request for Production No. 26)(Kirkwood, Jan) (Entered: 08/25/2005)
08/25/2005	<a href="#">48</a>	DECLARATION of Jan C. Kirkwood in Support of Defendants Motion to Compel filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros re <a href="#">47</a> MOTION to Compel A Complete Answer to Interrogatory No. 12 and Response to Request for Production No. 26 (Kirkwood, Jan) (Entered: 08/25/2005)
08/29/2005	<a href="#">49</a>	Second DECLARATION of Jan Kirkwood In Support of Defendants <a href="#">47</a> MOTION to Compel A Complete Answer to Interrogatory No. 12 and Response to Request for Production No. 26 (Kirkwood, Jan) Modified on 8/30/2005:text edited/repetitive language (CAR, ). (Entered: 08/29/2005)
09/01/2005	<a href="#">50</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">47</a> MOTION to Compel A Complete Answer to Interrogatory No. 12 and Response to Request for Production No. 26. (Cloud, Douglas) (Entered: 09/01/2005)
09/01/2005	<a href="#">51</a>	MOTION for Protective Order re scope of discovery on dismissed claims by Defendants Manorcare Health Services, Inc. and Stacy Mesaros. Noting Date 9/16/2005. (Attachments: # <a href="#">1</a> Proposed Order proposed order granting motion for protective order) (Kirkwood, Jan) Modified on 9/2/2005: edited names of filing parties to reflect document filed, per counsel (HBR, ). (Entered: 09/01/2005)
09/01/2005	<a href="#">52</a>	DECLARATION of Jan C Kirkwood filed by Defendants Manorcare Health Services, Inc and Stacy Mesaros re <a href="#">51</a> MOTION for Protective Order re scope of discovery on dismissed claims (Attachments: # <a href="#">1</a> Exhibit D# <a href="#">2</a> Exhibit E and F)(Kirkwood, Jan) Modified on 9/2/2005: edited names of filing parties to reflect document filed, per counsel (HBR, ). (Entered: 09/01/2005)
09/02/2005		NOTICE of Docket Text Modification re <a href="#">51</a> MOTION for Protective Order re scope of discovery on dismissed claims, <a href="#">52</a> Declaration, : edited names of filing parties to reflect documents filed, per counsel. (HBR, ) (Entered: 09/02/2005)
09/08/2005	<a href="#">53</a>	REPLY, filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros, TO RESPONSE to <a href="#">47</a> MOTION to Compel A Complete Answer to Interrogatory No. 12 and Response to Request for Production No. 26 (Kirkwood, Jan) (Entered: 09/08/2005)
09/09/2005	<a href="#">54</a>	ORDER granting <a href="#">47</a> Motion to Compel. It is hereby ORDERED that Defendants' Motion to Compel a Complete Answer to Interrogatory No. 12 and Response to Request for Production No. 26 <a href="#">47</a> is GRANTED. The plaintiff is hereby compelled to answer Interrogatory No. 12 completely and to comply with Request for Production No. 26 forthwith.Signed by Judge Robert J. Bryan.(JL) (Entered: 09/09/2005)
09/12/2005	<a href="#">55</a>	STIPULATION AND PROPOSED ORDER Agreed Order Continuing Lodging Date for

**Date Discrepancy Cases 739**

		Defendants' Motion for Protective Order re: Scope of Discovery on Dismissed Claims by parties. (Kirkwood, Jan) (Entered: 09/12/2005)
09/13/2005	<a href="#">56</a>	STIPULATION AND ORDER. IT IS HEREBY ORDERED that the noting date for Defendants' Motion for Protective Order Re: Scope of Discovery on Dismissed Claims is continued from September 16, 2005 to September 23, 2005. Signed by Judge Robert J. Bryan. (JL) Modified to create link to motion <a href="#">51</a> on 9/14/2005 (DM, ). (Entered: 09/13/2005)
09/19/2005	<a href="#">57</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">51</a> MOTION for Protective Order re scope of discovery on dismissed claims. (Cloud, Douglas) (Entered: 09/19/2005)
09/22/2005	<a href="#">58</a>	REPLY, filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros, TO RESPONSE to <a href="#">51</a> MOTION for Protective Order re scope of discovery on dismissed claims (Kirkwood, Jan) (Entered: 09/22/2005)
09/23/2005	<a href="#">59</a>	ORDER granting in part and denying in part <a href="#">51</a> Motion for Protective Order. It is hereby ORDERED that Defendants' Motion for Protective Order Re: Scope of Discovery on Dismissed Claims <a href="#">51</a> is GRANTED in part and DENIED in part. The plaintiff is hereby permitted to proceed with discovery of evidence relevant to the defendant's allegedly retaliatory motive and to depose David Duff, Liz Herald, and Mari Kvinsland. The plaintiff's written discovery requests are quashed without prejudice as overly broad. The Plaintiff's Motion to Compel Defendants to Fully Respond <a href="#">57</a> is DENIED as moot. Signed by Judge Robert J. Bryan.(JL) (Entered: 09/23/2005)
11/02/2005	<a href="#">60</a>	INITIAL DISCLOSURES by Defendants Manorcare Health Services, Inc, Stacey Mesaros.(Kirkwood, Jan) (Entered: 11/02/2005)
11/10/2005	<a href="#">63</a>	AFFIDAVIT OF SERVICE OF SUBPOENA DUCES TECUM upon Horizon Mortgage served on 11/4/05. (DK, ) (Entered: 11/21/2005)
11/15/2005	<a href="#">61</a>	STIPULATION by parties. (Cloud, Douglas) (Entered: 11/15/2005)
11/15/2005	<a href="#">62</a>	STIPULATED ORDER AND MODIFYING EXPERT DISCLOSURE DEADLINES AND GRANTING ADDITIONAL DEPOSITION TIME FOR IT'S DEPONENT. Signed by Judge Robert J. Bryan. (JL) (Entered: 11/15/2005)
11/21/2005	<a href="#">64</a>	INITIAL DISCLOSURES by Defendants Manorcare Health Services, Inc, Stacey Mesaros.(Kirkwood, Jan) (Entered: 11/21/2005)
12/22/2005	<a href="#">65</a>	MOTION to Compel Answers and Responses to Defendants' Second Set of Interrogatories and Requests for Production to Plaintiff by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 1/6/2006. (Attachments: # <a href="#">1</a> Proposed Order) (Kirkwood, Jan) Modified duplicative text on 12/23/2005 (ECS, ). (Entered: 12/22/2005)
12/22/2005	<a href="#">66</a>	DECLARATION of Jan C. Kirkwood in Support of Defendants' <a href="#">65</a> MOTION to Compel Answers and Responses to Defendants' Second Set of Interrogatories and Requests for Production to Plaintiff (Kirkwood, Jan) Modified duplicative text on 12/23/2005 (ECS, ). (Entered: 12/22/2005)
12/29/2005	<a href="#">67</a>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA upon Windermere Real Estate Gig Harbor served on 12/23/05. (DK, ) (Entered: 01/04/2006)
01/05/2006	<a href="#">68</a>	MOTION for Extension of Time Adjust Scheduling Order by Plaintiff Sheri Sweeney. Noting Date 1/13/2006. (Attachments: # <a href="#">1</a> Proposed Order Granting Plaintiff's Motion to Adjust Scheduling Order)(Cloud, Douglas) (Entered: 01/05/2006)
01/06/2006	<a href="#">69</a>	MOTION to Amend <a href="#">19</a> Amended Complaint to Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery Deadlines by Plaintiff

**Date Discrepancy Cases 740**



		Sheri Sweeney. Noting Date 1/20/2006. (Attachments: # <a href="#">1</a> Proposed Order)(Cloud, Douglas) (Entered: 01/06/2006)
01/06/2006	<a href="#">70</a>	AFFIDAVIT of Douglas R. Cloud filed by Plaintiff Sheri Sweeney re <a href="#">69</a> MOTION to Amend <a href="#">19</a> Amended Complaint to Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery Deadlines (Cloud, Douglas) (Entered: 01/06/2006)
01/09/2006	<a href="#">71</a>	ORDER GRANTING DEFENDANTS' MOTION TO COMPEL, granting <a href="#">65</a> . IT IS NOW ORDERED: Defendants' Motion to Compel Answers and Responses to Defendants' Second Set of Interrogatories and Requests for Production to Plaintiff <a href="#">65</a> is GRANTED. Further, Plaintiff is ORDERED to respond to Defendants on or before January 12, 2006.Signed by Judge Robert J. Bryan.(JL) (Entered: 01/09/2006)
01/10/2006	<a href="#">72</a>	MINUTE ORDER.On January 5, 2006, Plaintiff filed her Motion to Adjust Scheduling Order <a href="#">68</a> . Plaintiff's motion was noted for consideration on January 13, 2006. Id. On January 10, 2006, Plaintiff contacted the Court and notified it that both parties would like to strike the motion. Accordingly, Plaintiffs Motion to Adjust Scheduling Order <a href="#">68</a> is STRICKEN. Authorized by Judge Robert J. Bryan. (JL) (Entered: 01/10/2006)
01/11/2006	<a href="#">73</a>	MINUTE ORDER. On January 11, 2006, counsel for plaintiff contacted the Court and notified it that all parties agree to renote Docket <a href="#">69</a> , Plaintiff's Motion To AmendComplaint, To Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery Deadlines, to Friday February 3, 2006. Accordingly, the motion <a href="#">69</a> is hereby renoted to February 3, 2006. Authorized by Judge Robert J. Bryan. (JL) (Entered: 01/11/2006)
01/12/2006	<a href="#">74</a>	INITIAL DISCLOSURES by Defendants Manorcare Health Services, Inc, Stacey Mesaros.(Kirkwood, Jan) (Entered: 01/12/2006)
01/12/2006	<a href="#">75</a>	CERTIFICATE OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Debra Isome's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 01/12/2006)
01/12/2006	<a href="#">76</a>	CERTIFICATE OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Michael-Jay Isome's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 01/12/2006)
01/13/2006	<a href="#">77</a>	STIPULATION AND PROPOSED ORDER TO EXTEND THE DEADLINE FOR CONDUCTING EXPERT DEPOSITIONS by parties. (Kirkwood, Jan) (Entered: 01/13/2006)
01/17/2006	<a href="#">78</a>	STIPULATION AND AGREED ORDER TO EXTEND THE DEADLINE FOR CONDUCTING EXPERT DEPOSITIONS.IT IS HEREBY ORDERED that the deadline for conducting expert depositions is extended to February 28, 2006. Signed by Judge Robert J. Bryan. (JL) (Entered: 01/17/2006)
01/18/2006	<a href="#">79</a>	ORDER CHANGING TRIAL DATE. It is ORDERED that the trial date in the above case is reset to May 22, 2006, to commence at 9:30 a.m., and the pretrial conference is reset to May 12, 2006, at 8:30 a.m. Signed by Judge Robert J. Bryan. (JL) (Entered: 01/18/2006)
01/19/2006	<a href="#">80</a>	CERTIFICATE OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Paul Konney's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 01/19/2006)
01/24/2006	<a href="#">83</a>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA upon George Deering served on 1/17/06. (DK, ) (Entered: 01/27/2006)
01/25/2006	<a href="#">81</a>	CERTIFICATE OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey

**Date Discrepancy Cases 741**

		Mesaros Joan Kaplin's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 01/25/2006)
01/26/2006	<a href="#">82</a>	INITIAL DISCLOSURES by Defendants Manorcare Health Services, Inc, Stacey Mesaros.(Kirkwood, Jan) (Entered: 01/26/2006)
01/30/2006	<a href="#">84</a>	RESPONSE, by Interested Party United States of America, to <a href="#">69</a> MOTION to Amend <a href="#">19</a> Amended Complaint to Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery Deadlines. Oral Argument Requested. (Winn, Peter) (Entered: 01/30/2006)
01/30/2006	<a href="#">85</a>	RESPONSE, by Defendants Manorcare Health Services, Inc, Stacey Mesaros, to <a href="#">69</a> MOTION to Amend <a href="#">19</a> Amended Complaint to Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery Deadlines. (Attachments: # <a href="#">1</a> Proposed Order Denying Plaintiff's Motion to Amend Complaint)(Kirkwood, Jan) (Entered: 01/30/2006)
01/30/2006	<a href="#">86</a>	DECLARATION of Jan C. Kirkwood in Opposition to Plaintiff's Motion for(Part 1) <a href="#">69</a> MOTION to Amend <a href="#">19</a> Amended Complaint to Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery Deadlines (Kirkwood, Jan) Modified duplicative text on 1/31/2006 (ECS, ). (Entered: 01/30/2006)
01/30/2006	<a href="#">87</a>	DECLARATION of Jan C. Kirkwood in Opposition to Plaintiff's (Part 2) <a href="#">69</a> MOTION to Amend <a href="#">19</a> Amended Complaint to Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery Deadlines (Kirkwood, Jan) Modified duplicative text on 1/31/2006 (ECS, ). (Entered: 01/30/2006)
01/30/2006	<a href="#">88</a>	DECLARATION of Jan C. Kirkwood in Opposition to Plaintiff's (Part 3) <a href="#">69</a> MOTION to Amend <a href="#">19</a> Amended Complaint to Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery Deadlines (Kirkwood, Jan) Modified duplicative text on 1/31/2006 (ECS, ). (Entered: 01/30/2006)
01/30/2006	<a href="#">89</a>	DECLARATION of Gayle Seyl filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros re <a href="#">69</a> MOTION to Amend <a href="#">19</a> Amended Complaint to Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery Deadlines (Kirkwood, Jan) (Entered: 01/30/2006)
01/30/2006	<a href="#">90</a>	DECLARATION of Barry Lazarus filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros re <a href="#">69</a> MOTION to Amend <a href="#">19</a> Amended Complaint to Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery Deadlines (Kirkwood, Jan) (Entered: 01/30/2006)
01/30/2006	<a href="#">91</a>	DECLARATION of Mathilde Halfen filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros re <a href="#">69</a> MOTION to Amend <a href="#">19</a> Amended Complaint to Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery Deadlines (Kirkwood, Jan) (Entered: 01/30/2006)
01/30/2006	<a href="#">92</a>	DECLARATION of Estella Kaufholtz filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros re <a href="#">69</a> MOTION to Amend <a href="#">19</a> Amended Complaint to Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery Deadlines (Kirkwood, Jan) (Entered: 01/30/2006)
01/31/2006	<a href="#">99</a>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA upon Mary Jo Morrissey served on 1/22/06. (DK, ) (Entered: 02/03/2006)
02/02/2006	<a href="#">93</a>	MEMORANDUM filed by Plaintiff Sheri Sweeney re <a href="#">85</a> Response to Motion,, <a href="#">84</a> Response to Motion,, <a href="#">69</a> MOTION to Amend <a href="#">19</a> Amended Complaint to Compel Further Discovery on Issue of Medicare/Medicaid Reimbursement and to Continue Discovery

**Date Discrepancy Cases 742**

		Deadlines (Attachments: # <a href="#">1</a> Exhibit Exhibit "A" to Brief in Support of Motion to Amend Complaint etc)(Cloud, Douglas) (Entered: 02/02/2006)
02/02/2006	<a href="#">94</a>	MOTION to Amend <a href="#">19</a> Amended Complaint by Plaintiff Sheri Sweeney. Noting Date 2/10/2006.Oral Argument Requested. (Attachments: # <a href="#">1</a> Exhibit "A"# <a href="#">2</a> Proposed Order) (Cloud, Douglas) (Entered: 02/02/2006)
02/02/2006	<a href="#">95</a>	MOTION TO STRIKE WITNESSES AND TO LIMIT WITNESS TESTIMONY by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 2/17/2006. (Attachments: # <a href="#">1</a> <b>Error in image - duplicate of Motion</b> - Proposed Order to be filed) (Kirkwood, Jan) Modified duplicative text on 2/3/2006 (ECS, ). Attachment name modified on 2/3/2006 (DM, ). (Entered: 02/02/2006)
02/02/2006	<a href="#">96</a>	DECLARATION of Jan C. Kirkwood re <a href="#">95</a> MOTION TO STRIKE WITNESSES AND TO LIMIT WITNESS TESTIMONY (Kirkwood, Jan) Modified duplicative text on 2/3/2006 (ECS, ). (Entered: 02/02/2006)
02/03/2006	<a href="#">97</a>	PROPOSED ORDER (Unsigned) re <a href="#">95</a> MOTION TO STRIKE WITNESSES AND TO LIMIT WITNESS TESTIMONY. (Kirkwood, Jan) (Entered: 02/03/2006)
02/03/2006	<a href="#">98</a>	INITIAL DISCLOSURES by Plaintiff Sheri Sweeney.(Cloud, Douglas) (Entered: 02/03/2006)
02/07/2006	<a href="#">100</a>	SUPPLEMENT re <a href="#">95</a> MOTION TO STRIKE WITNESSES AND TO LIMIT WITNESS TESTIMONY by Defendants Manorcare Health Services, Inc, Stacey Mesaros. (Kirkwood, Jan) (Entered: 02/07/2006)
02/07/2006	<a href="#">101</a>	PROPOSED ORDER (Unsigned) re <a href="#">95</a> MOTION TO STRIKE WITNESSES AND TO LIMIT WITNESS TESTIMONY (REVISED) (Kirkwood, Jan) (Entered: 02/07/2006)
02/08/2006	<a href="#">102</a>	MOTION to Amend <a href="#">94</a> MOTION to Amend <a href="#">19</a> Amended Complaint, <a href="#">19</a> Amended Complaint by Plaintiff Sheri Sweeney. Noting Date 2/17/2006.Oral Argument Requested. (Attachments: # <a href="#">1</a> Exhibit "A"# <a href="#">2</a> Proposed Order)(Cloud, Douglas) (Entered: 02/08/2006)
02/09/2006	<a href="#">103</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">95</a> MOTION TO STRIKE WITNESSES AND TO LIMIT WITNESS TESTIMONY. (Cloud, Douglas) (Entered: 02/09/2006)
02/09/2006	<a href="#">104</a>	AFFIDAVIT of Douglas R. Cloud filed by Plaintiff Sheri Sweeney re <a href="#">95</a> MOTION TO STRIKE WITNESSES AND TO LIMIT WITNESS TESTIMONY, <a href="#">103</a> Response to Motion to Strike Witnesses (Cloud, Douglas) (Entered: 02/09/2006)
02/13/2006	<a href="#">105</a>	ORDER SETTING BRIEFING SCHEDULE AND RENOTING PLAINTIFF'S FOURTH MOTION TO AMEND COMPLAINT AND RELATED MOTIONS. it is hereby ORDERED that: Plaintiff's Motion to Amend Complaint, to Compel Further Discovery on Issue of Medicare /Medicaid Reimbursement and to Continue Discovery Deadlines <a href="#">69</a> , and Qui Tam Plaintiff's Motion to Amend Second Amended Complaint <a href="#">94</a> and Qui Tam Plaintiff's Amended and Renoted Motion to Amend Second Amended Complaint <a href="#">102</a> are all RENOTED for February 17, 2006. Sweeney should identify which proposed Third Amended Complaint she intends the Court to consider by February 14, 2006, ManorCare or other interested parties should file their supplemental Responses, with any new additional argument, if any, by February 16, 2006 and Sweeney should file a Reply, if any, February 17, 2006. Signed by Judge Robert J. Bryan. (JL) (Entered: 02/13/2006)
02/14/2006	<a href="#">106</a>	RESPONSE by Plaintiff Sheri Sweeney re <a href="#">105</a> Order,,,. (Cloud, Douglas) (Entered: 02/14/2006)
02/16/2006	<a href="#">107</a>	RESPONSE, by Defendants Manorcare Health Services, Inc, Stacey Mesaros, to <a href="#">102</a> MOTION to Amend <a href="#">94</a> MOTION to Amend <a href="#">19</a> Amended Complaint, <a href="#">19</a> Amended

**Date Discrepancy Cases 743**

		Complaint. (Kirkwood, Jan) (Entered: 02/16/2006)
02/16/2006	<a href="#">108</a>	Supplemental DECLARATION of Barry Lazarus filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros re <a href="#">102</a> MOTION to Amend <a href="#">94</a> MOTION to Amend <a href="#">19</a> Amended Complaint, <a href="#">19</a> Amended Complaint (Kirkwood, Jan) (Entered: 02/16/2006)
02/16/2006	<a href="#">109</a>	<b>INCOMPLETE IMAGE, refiled as doc # <a href="#">110</a></b> , MEMORANDUM filed by Plaintiff Sheri Sweeney re <a href="#">102</a> MOTION to Amend <a href="#">94</a> MOTION to Amend <a href="#">19</a> Amended Complaint, <a href="#">19</a> Amended Complaint Supplemental Brief (Cloud, Douglas) Modified on 2/17/2006 (ECS, ). (Entered: 02/16/2006)
02/16/2006	<a href="#">110</a>	MEMORANDUM filed by Plaintiff Sheri Sweeney re <a href="#">102</a> MOTION to Amend <a href="#">94</a> MOTION to Amend <a href="#">19</a> Amended Complaint, <a href="#">19</a> Amended Complaint Supplemental Brief (Cloud, Douglas) (Entered: 02/16/2006)
02/16/2006	<a href="#">111</a>	MOTION for Summary Judgment re: Defamation/Slander Claim by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 3/10/2006. (Attachments: # <a href="#">1</a> Proposed Order Granting Defendants' Motion for Partial Summary Judgment of Dismissal of Plaintiff's Defamation/Slander Claim)(Kirkwood, Jan) (Entered: 02/16/2006)
02/16/2006	<a href="#">112</a>	DECLARATION of Jan C. Kirkwood in Support of Defendants <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim (Attachments: # <a href="#">1</a> Exhibit A Part 1# <a href="#">2</a> Exhibit A Part 2# <a href="#">3</a> Exhibit A Part 3# <a href="#">4</a> Exhibit A Part 4# <a href="#">5</a> Exhibit A Part 5# <a href="#">6</a> Exhibit A Part 6# <a href="#">7</a> Exhibit B Part 1# <a href="#">8</a> Exhibit B Part 2# <a href="#">9</a> Exhibit B Part 3/Exhibit C Part 1# <a href="#">10</a> Exhibit D/E/F# <a href="#">11</a> Exhibit G/H/I)(Kirkwood, Jan) Modified duplicative text on 2/17/2006 (ECS, ). (Entered: 02/16/2006)
02/16/2006	<a href="#">113</a>	DECLARATION of Stacy Mesaros in Support of Defendants' <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim (Attachments: # <a href="#">1</a> Exhibit D/E (Part 1)# <a href="#">2</a> Exhibit E (Part 2))(Kirkwood, Jan) Modified duplicative text on 2/17/2006 (ECS, ). (Entered: 02/16/2006)
02/16/2006	<a href="#">114</a>	DECLARATION of George Deering filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros re <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim (Kirkwood, Jan) (Entered: 02/16/2006)
02/16/2006	<a href="#">115</a>	DECLARATION of Robert Friar filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros re <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim (Kirkwood, Jan) (Entered: 02/16/2006)
02/16/2006	<a href="#">116</a>	MOTION for Summary Judgment on FCA Retaliation Claim by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 3/10/2006. (Attachments: # <a href="#">1</a> Proposed Order Granting Defendants' Motion for Partial Summary Judgment of Dismissal of Plaintiff's Retaliation Claim)(Kirkwood, Jan) (Entered: 02/16/2006)
02/16/2006	<a href="#">117</a>	MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 3/10/2006. (Attachments: # <a href="#">1</a> Proposed Order Granting Defendants' Motion for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim)(Kirkwood, Jan) (Entered: 02/16/2006)
02/17/2006	<a href="#">118</a>	REPLY, filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros, TO RESPONSE to <a href="#">95</a> MOTION TO STRIKE WITNESSES AND TO LIMIT WITNESS TESTIMONY (Kirkwood, Jan) (Entered: 02/17/2006)
02/27/2006	<a href="#">119</a>	ORDER denying <a href="#">69</a> Motion to Amend, denying <a href="#">94</a> Motion to Amend, denying <a href="#">102</a> Motion to Amend. It is hereby ORDERED that: Plaintiff's Motion to Amend Complaint, to Compel Further Discovery on Issue of Medicare /Medicaid Reimbursement and to Continue Discovery Deadlines <a href="#">69</a> is DENIED, and Qui Tam Plaintiff's Motion to Amend

Date Discrepancy Cases 744

		Second Amended Complaint <a href="#">94</a> is DENIED and Qui Tam Plaintiff's Amended and Renoted Motion to Amend Second Amended Complaint <a href="#">102</a> is DENIED.Signed by Judge Robert J. Bryan.(JL) (Entered: 02/27/2006)
02/28/2006	<a href="#">120</a>	ORDER denying <a href="#">95</a> Motion to Strike Witnesses and to Limit Witness Testimony. It is hereby ORDERED that: Defendants' Motion to Strike Witnesses and to Limit Witness Testimony <a href="#">95</a> is DENIED WITHOUT PREJUDICE.Signed by Judge Robert J. Bryan.(JL) (Entered: 02/28/2006)
02/28/2006	<a href="#">121</a>	STIPULATION and Agreed Order to Further Extend the Deadline for Conducting Expert Depositions by parties. (Kirkwood, Jan) (Entered: 02/28/2006)
02/28/2006	<a href="#">122</a>	INITIAL DISCLOSURES by Plaintiff Sheri Sweeney.(Cloud, Douglas) (Entered: 02/28/2006)
03/01/2006	<a href="#">123</a>	STIPULATION AND ORDER re <a href="#">121</a> Stipulation filed by Manorcare Health Services, Inc., Stacey Mesaros. IT IS HEREBY ORDERED that the deadline for conducting expert depositions is extended to March 20, 2006. Signed by Judge Robert J. Bryan. (JL) (Entered: 03/01/2006)
03/01/2006	<a href="#">127</a>	Deposition Notice filed by court reporter of Stacy H. Mesaros on 1/13/06(DK, ) (Entered: 03/03/2006)
03/02/2006	<a href="#">129</a>	REPORT from Mediator Harry Goldman regarding failure of mediation on 2/17/06. (DK, ) (Entered: 03/06/2006)
03/03/2006	<a href="#">124</a>	ERRATA re <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim by Defendants Manorcare Health Services, Inc, Stacey Mesaros. (Kirkwood, Jan) (Entered: 03/03/2006)
03/03/2006	<a href="#">125</a>	ERRATA re <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim by Defendants Manorcare Health Services, Inc, Stacey Mesaros. (Kirkwood, Jan) (Entered: 03/03/2006)
03/03/2006	<a href="#">126</a>	STIPULATION AND PROPOSED ORDER to Change the Noting Date re <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim, <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim. (Kirkwood, Jan) Modified duplicative text on 3/6/2006 (ECS, ). (Entered: 03/03/2006)
03/06/2006	<a href="#">128</a>	STIPULATION AND AGREED ORDER TO CHANGE THE NOTING DATE OF DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT. Motions designated by docket numbers <a href="#">111</a> , <a href="#">116</a> & <a href="#">117</a> are re-noted to 3/17/2006.Signed by Judge Robert J. Bryan. (JL) (Entered: 03/06/2006)
03/09/2006	<a href="#">130</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim. (Cloud, Douglas) (Entered: 03/09/2006)
03/09/2006	<a href="#">131</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim. (Cloud, Douglas) (Entered: 03/09/2006)
03/09/2006	<a href="#">132</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim. (Cloud, Douglas) (Entered: 03/09/2006)
03/09/2006	<a href="#">133</a>	DECLARATION of Joan Kaplin filed by Plaintiff Sheri Sweeney re <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim, <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim, <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of

**Date Discrepancy Cases 745**

		Plaintiff's Wrongful Termination in Violation of Public Policy Claim (Cloud, Douglas) (Entered: 03/09/2006)
03/09/2006	<a href="#">134</a>	DECLARATION of Sheri Sweeney filed by Plaintiff Sheri Sweeney re <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim, <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim, <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim (Attachments: # <a href="#">1</a> Exhibit "A")(Cloud, Douglas) (Entered: 03/09/2006)
03/09/2006	<a href="#">135</a>	DECLARATION of Douglas R. Cloud filed by Plaintiff Sheri Sweeney re <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim, <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim, <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim (Attachments: # <a href="#">1</a> Exhibit "A"# <a href="#">2</a> Exhibit "B"# <a href="#">3</a> Exhibit "C"# <a href="#">4</a> Exhibit "D"# <a href="#">5</a> Exhibit "E"# <a href="#">6</a> Exhibit "F")(Cloud, Douglas) (Entered: 03/09/2006)
03/10/2006	<a href="#">136</a>	INITIAL DISCLOSURES by Defendants Manorcare Health Services, Inc, Stacey Mesaros.(Kirkwood, Jan) (Entered: 03/10/2006)
03/16/2006	<a href="#">137</a>	Letter from Jan Kirkwood Attorney for Defendants re <a href="#">128</a> Stipulation and Order and Motion to Strike Certain Evidence. (Kirkwood, Jan) (Entered: 03/16/2006)
03/16/2006	<a href="#">138</a>	MOTION to Strike Inadmissible Evidence and Argument Based Thereon from Plaintiff's Oppositions to Defendants <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim, <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim, <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim by Defendant Manorcare Health Services, Inc. Noting Date 3/17/2006. (Attachments: # <a href="#">1</a> Proposed Order)(Kirkwood, Jan) Modified duplicative text on 3/17/2006 (ECS, ). (Entered: 03/16/2006)
03/16/2006	<a href="#">139</a>	Supplemental DECLARATION of Jan C. Kirkwood in Support of Defendants <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim, <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim, <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim (Attachments: # <a href="#">1</a> Exhibit J# <a href="#">2</a> Exhibit K# <a href="#">3</a> Exhibit L# <a href="#">4</a> Exhibit M# <a href="#">5</a> Exhibit N# <a href="#">6</a> Exhibit O)(Kirkwood, Jan) Modified duplicative text on 3/17/2006 (ECS, ). (Entered: 03/16/2006)
03/16/2006	<a href="#">140</a>	Supplemental DECLARATION of Stacy Mesaros in Support of Defendants' <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim, <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim, <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim (Attachments: # <a href="#">1</a> Exhibit F# <a href="#">2</a> Exhibit G# <a href="#">3</a> Exhibit H# <a href="#">4</a> Exhibit I# <a href="#">5</a> Exhibit J) (Kirkwood, Jan) Modified duplicative text on 3/17/2006 (ECS, ). (Entered: 03/16/2006)
03/16/2006	<a href="#">141</a>	DECLARATION of Peggy Dusenbury filed by Defendant Manorcare Health Services, Inc re <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim, <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim, <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim (Kirkwood, Jan) (Entered: 03/16/2006)
03/16/2006	<a href="#">142</a>	DECLARATION of Alan Hash filed by Defendant Manorcare Health Services, Inc re <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim, <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim, <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim (Kirkwood, Jan) (Entered: 03/16/2006)
03/16/2006	<a href="#">143</a>	DECLARATION of Jeri Swank filed by Defendant Manorcare Health Services, Inc re <a href="#">116</a>

**Date Discrepancy Cases 746**

		MOTION for Summary Judgment on FCA Retaliation Claim, <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim, <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim (Kirkwood, Jan) (Entered: 03/16/2006)
03/16/2006	<a href="#">144</a>	REPLY, filed by Defendant Manorcare Health Services, Inc, TO RESPONSE to <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim (Kirkwood, Jan) (Entered: 03/16/2006)
03/16/2006	<a href="#">145</a>	PROPOSED ORDER (Unsigned) re <a href="#">144</a> Reply to Response to Motion, <a href="#">117</a> MOTION for Partial Summary Judgment of Dismissal of Plaintiff's Wrongful Termination in Violation of Public Policy Claim (Kirkwood, Jan) (Entered: 03/16/2006)
03/16/2006	<a href="#">146</a>	REPLY, filed by Defendant Manorcare Health Services, Inc, TO RESPONSE to <a href="#">111</a> MOTION for Summary Judgment re: Defamation/Slander Claim (Attachments: # <a href="#">1</a> Proposed Order Proposed Order)(Kirkwood, Jan) (Entered: 03/16/2006)
03/16/2006	<a href="#">147</a>	REPLY, filed by Defendant Manorcare Health Services, Inc, TO RESPONSE to <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim (Attachments: # <a href="#">1</a> Proposed Order Proposed Order)(Kirkwood, Jan) (Entered: 03/16/2006)
03/17/2006	<a href="#">148</a>	STIPULATION (2nd) and Agreed Proposed Order to Further Extend the Deadline for Conducting Expert Depositions by parties. (Kirkwood, Jan) Modified/Added 'proposed' on 3/20/2006 (ECS, ). (Entered: 03/17/2006)
03/17/2006	<a href="#">150</a>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA upon Connie Richie served on 3/15/06. (DK, ) (Entered: 03/22/2006)
03/17/2006	<a href="#">151</a>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA upon Judy Marshall served on 3/15/06. (DK, ) (Entered: 03/22/2006)
03/17/2006	<a href="#">152</a>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA upon Eileen H. Varley served on 3/15/06. (DK, ) (Entered: 03/22/2006)
03/20/2006	<a href="#">149</a>	SECOND STIPULATION AND AGREED ORDER TO FURTHER EXTEND THE DEADLINE FOR CONDUCTING EXPERT DEPOSITIONS. IT IS HEREBY ORDERED that the deadline for conducting expert depositions is extended to May 1, 2006 and that no depositions will be scheduled between April 17 and April 25, 2006. Signed by Judge Robert J. Bryan. (JL) (Entered: 03/20/2006)
03/20/2006	<a href="#">153</a>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA upon Sara Olson served on 3/14/06. (DK, ) (Entered: 03/22/2006)
03/23/2006	<a href="#">154</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">138</a> MOTION Motion to Strike Inadmissible Evidence and Argument Based Thereon from Plaintiff's Oppositions to Defendants Motions for Summary Judgment re <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim, <a href="#">117</a> MOTION for Partial Summar. (Cloud, Douglas) (Entered: 03/23/2006)
03/23/2006	<a href="#">155</a>	DECLARATION of George Deering filed by Plaintiff Sheri Sweeney re <a href="#">138</a> MOTION Motion to Strike Inadmissible Evidence and Argument Based Thereon from Plaintiff's Oppositions to Defendants Motions for Summary Judgment re <a href="#">116</a> MOTION for Summary Judgment on FCA Retaliation Claim, <a href="#">117</a> MOTION for Partial Summar (Cloud, Douglas) (Entered: 03/23/2006)
03/23/2006	<a href="#">156</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">138</a> MOTION Motion to Strike Inadmissible Evidence and Argument Based Thereon from Plaintiff's Oppositions to Defendants Motions for Summary Judgment re <a href="#">116</a> MOTION for Summary Judgment on FCA

**Date Discrepancy Cases 747**

		Retaliation Claim, <a href="#">117</a> MOTION for Partial Summar. (Cloud, Douglas) (Entered: 03/23/2006)
03/23/2006	<a href="#">157</a>	Amended Deposition Notice filed by court reporter of Stacy H. Mesaros on 1/13/06.(DK, ) (Entered: 03/24/2006)
03/23/2006	<a href="#">159</a>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA upon Brenda Stagner served on 3/18/06. (DK, ) (Entered: 03/29/2006)
03/23/2006	<a href="#">160</a>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA upon Reanna Pardo served on 3/16/06. (DK, ) (Entered: 03/29/2006)
03/28/2006	<a href="#">158</a>	NOTICE of Unavailability of counsel Douglas Richard Cloud for Plaintiff Sheri Sweeney from 04/10/2006 to 04/18/2006 (Cloud, Douglas) (Entered: 03/28/2006)
04/05/2006	<a href="#">161</a>	ORDER granting <a href="#">111</a> Motion for Partial Summary Judgment; denying <a href="#">116</a> Motion for Partial Summary Judgment; denying <a href="#">117</a> Motion for Partial Summary Judgment; and granting <a href="#">138</a> Motion to Strike Inadmissible Evidence and Argument Based thereon from Plaintiff's Oppositions to Defendants' Motions for Summary Judgment. Signed by Judge Robert J. Bryan.(JL) (Entered: 04/05/2006)
04/13/2006	<a href="#">162</a>	MOTION for Reconsideration or to Clarify Order Denying Partial SJ on FCA Retaliation Claim - Individual Liability by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 5/5/2006. (Attachments: # <a href="#">1</a> Proposed Order Granting Def Mesaros' Motion to Clarify or Reconsider Order Denying Partial SJ on FCA Retaliation Claim - Individual Liability)(Kirkwood, Jan) (Entered: 04/13/2006)
04/13/2006	<a href="#">163</a>	MOTION to Compel Production of E-mails and Manorcare Documents by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 5/5/2006. (Attachments: # <a href="#">1</a> Proposed Order Granting Def's Motion to Compel Production of E-mails and Manorcare Documents)(Kirkwood, Jan) (Entered: 04/13/2006)
04/13/2006	<a href="#">164</a>	DECLARATION of Jan C. Kirkwood in Support of Def's <a href="#">163</a> MOTION to Compel Production of E-mails and Manorcare Documents (Attachments: # <a href="#">1</a> Exhibit C - E) (Kirkwood, Jan) Modified duplicative text on 4/14/2006 (ECS, ). (Entered: 04/13/2006)
04/13/2006	<a href="#">165</a>	DECLARATION of Stacy Mesaros in Support of Def's <a href="#">163</a> MOTION to Compel Production of E-mails and Manorcare Documents (Kirkwood, Jan) Modified duplicative text on 4/14/2006 (ECS, ). (Entered: 04/13/2006)
04/13/2006	<a href="#">166</a>	DECLARATION of Tara Lucas in Support of Defendants' <a href="#">163</a> MOTION to Compel Production of E-mails and Manorcare Documents (Kirkwood, Jan) Modified duplicative text on 4/14/2006 (ECS, ). (Entered: 04/13/2006)
04/13/2006	<a href="#">167</a>	MOTION for Judgment on the Pleadings For Lack of Supervisory Liability For Wrongful Termination by Defendant Stacey Mesaros. Noting Date 5/5/2006. (Attachments: # <a href="#">1</a> Proposed Order Granting Mesaros Motion for Judgment on the Pleadings Re: Supervisory Liability)(Kirkwood, Jan) (Entered: 04/13/2006)
04/19/2006	<a href="#">168</a>	ORDER re <a href="#">162</a> MOTION for Reconsideration or to Clarify Order Denying Partial SJ on FCA Retaliation Claim - Individual Liability filed by Manorcare Health Services, Inc et al. This matter should not be handled as a motion to reconsider under Rule 7(h), but as a motion to clarify, and may be responded to in accord with Rule 7 so that it is ripe for decision on May 5, 2006. Signed by Judge Robert J. Bryan. (JL) (Entered: 04/19/2006)
04/26/2006	<a href="#">169</a>	MOTION to Dismiss Party Defendant Stacey Mesaros by Plaintiff Sheri Sweeney. Noting Date 5/5/2006. (Attachments: # <a href="#">1</a> Proposed Order for Voluntary Dismissal of Defendant Mesaros)(Cloud, Douglas) (Entered: 04/26/2006)

**Date Discrepancy Cases 748**



04/26/2006	<a href="#">181</a>	AFFIDAVIT OF SERVICE OF SUBPOENA upon Liz Herald served on 4/22/06, filed by Plaintiff Sheri Sweeney. (CAR, ) (Entered: 05/02/2006)
04/27/2006	<a href="#">170</a>	DECLARATION of Sheri Sweeney in Response to <a href="#">163</a> MOTION to Compel Production of E-mails and Manorcare Documents (Cloud, Douglas) Modified duplicative text on 4/28/2006 (ECS, ). (Entered: 04/27/2006)
04/27/2006	<a href="#">171</a>	MOTIONS IN LIMINE No. 1 by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 5/12/2006. (Kirkwood, Jan) (Entered: 04/27/2006)
04/27/2006	<a href="#">172</a>	MOTIONS IN LIMINE No. 2 by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 5/12/2006. (Attachments: # <a href="#">1</a> Proposed Order)(Kirkwood, Jan) (Entered: 04/27/2006)
04/27/2006	<a href="#">173</a>	DECLARATION of Robin Warren filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros re <a href="#">171</a> MOTIONS IN LIMINE No. 1 (Kirkwood, Jan) (Entered: 04/27/2006)
04/27/2006	<a href="#">174</a>	MOTIONS IN LIMINE No. 3 by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 5/12/2006. (Attachments: # <a href="#">1</a> Proposed Order)(Kirkwood, Jan) (Entered: 04/27/2006)
04/27/2006	<a href="#">175</a>	MOTIONS IN LIMINE No. 4 by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 5/12/2006. (Attachments: # <a href="#">1</a> Proposed Order)(Kirkwood, Jan) (Entered: 04/27/2006)
04/27/2006	<a href="#">176</a>	MOTIONS IN LIMINE No. 5 by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 5/12/2006. (Attachments: # <a href="#">1</a> Proposed Order)(Kirkwood, Jan) (Entered: 04/27/2006)
04/27/2006	<a href="#">177</a>	MOTIONS IN LIMINE No. 6 by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 5/12/2006. (Attachments: # <a href="#">1</a> Proposed Order)(Kirkwood, Jan) (Entered: 04/27/2006)
04/27/2006	<a href="#">178</a>	PROPOSED ORDER (Unsigned) re <a href="#">171</a> MOTIONS IN LIMINE No. 1 (Kirkwood, Jan) (Entered: 04/27/2006)
04/27/2006	<a href="#">179</a>	DECLARATION of Jan Kirkwood filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros re <a href="#">175</a> MOTIONS IN LIMINE No. 4, <a href="#">177</a> MOTIONS IN LIMINE No. 6, <a href="#">176</a> MOTIONS IN LIMINE No. 5, <a href="#">174</a> MOTIONS IN LIMINE No. 3, <a href="#">172</a> MOTIONS IN LIMINE No. 2, <a href="#">171</a> MOTIONS IN LIMINE No. 1 (Attachments: # <a href="#">1</a> Exhibit # <a href="#">2</a> Exhibit # <a href="#">3</a> Exhibit # <a href="#">4</a> Exhibit # <a href="#">5</a> Exhibit # <a href="#">6</a> Exhibit # <a href="#">7</a> Exhibit # <a href="#">8</a> Exhibit # <a href="#">9</a> Exhibit # <a href="#">10</a> Exhibit # <a href="#">11</a> Exhibit # <a href="#">12</a> Exhibit # <a href="#">13</a> Exhibit # <a href="#">14</a> Exhibit)(Kirkwood, Jan) (Entered: 04/27/2006)
04/27/2006	<a href="#">182</a>	AFFIDAVIT OF SERVICE OF SUBPOENA upon Linda Cerbone served on 4/25/06, filed by Plaintiff Sheri Sweeney. (CAR, ) (Entered: 05/02/2006)
05/01/2006	<a href="#">180</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Alan Hash's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/01/2006)
05/02/2006	<a href="#">183</a>	RESPONSE with Proposed Order, by Defendant Stacey Mesaros, to <a href="#">169</a> MOTION to Dismiss Party Defendant Stacey Mesaros. (Kirkwood, Jan) Modified on 5/3/2006: indicated proposed order as part of response (KN, ). (Entered: 05/02/2006)
05/02/2006	<a href="#">184</a>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA upon Karen Walker served on 4/28/06, filed by Plaintiff Sheri Sweeney. (CAR, ) (Entered: 05/03/2006)
05/03/2006	<a href="#">185</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey

**Date Discrepancy Cases 749**

		Mesaros Mathilde Halfen's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/03/2006)
05/03/2006	<a href="#">186</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Pam Voss' Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/03/2006)
05/03/2006	<a href="#">187</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Jody Gauthier's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/03/2006)
05/03/2006	<a href="#">188</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Tara Lucas' Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/03/2006)
05/03/2006	<a href="#">189</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Valerie McClement's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/03/2006)
05/03/2006	<a href="#">190</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Joyce Van Arsdale's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/03/2006)
05/03/2006	<a href="#">191</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Mari Kvinsland's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/03/2006)
05/03/2006	<a href="#">192</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Mary Hicks' Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/03/2006)
05/03/2006	<a href="#">193</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Virginia McKain's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/03/2006)
05/03/2006	<a href="#">194</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Estella Kaufholtz's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/03/2006)
05/03/2006	<a href="#">195</a>	MOTIONS IN LIMINE by Plaintiff Sheri Sweeney. Noting Date 5/12/2006. (Attachments: # <a href="#">1</a> Proposed Order Granting Plaintiff's Motion in Limine)(Cloud, Douglas) (Entered: 05/03/2006)
05/03/2006	<a href="#">196</a>	DECLARATION of Douglas R. Cloud in Support of Plaintiff's <a href="#">195</a> MOTIONS IN LIMINE (Attachments: # <a href="#">1</a> Exhibit "A"# <a href="#">2</a> Exhibit "B")(Cloud, Douglas) Modified duplicative text on 5/4/2006 (ECS, ). (Entered: 05/03/2006)
05/03/2006	<a href="#">197</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Jan Kendall's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/03/2006)
05/03/2006	<a href="#">198</a>	AFFIDAVIT OF SERVICE OF SUBPOENA upon Linda Kabrich served on 4/28/06, filed by Plaintiff Sheri Sweeney. (CAR, ) (Entered: 05/04/2006)
05/03/2006	<a href="#">199</a>	AFFIDAVIT OF SERVICE OF SUBPOENA upon Mathilde Halfen served on 4/28/06, filed by Plaintiff Sheri Sweeney. (CAR, ) (Entered: 05/04/2006)
05/03/2006	<a href="#">200</a>	AFFIDAVIT OF SERVICE OF SUBPOENA upon Marti Worrell served on 4/30/06, filed by Plaintiff Sheri Sweeney. (CAR, ) (Entered: 05/04/2006)

**Date Discrepancy Cases 750**

05/04/2006	<a href="#">201</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Joe Swinney's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/04/2006)
05/04/2006	<a href="#">202</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Peggy Dusenbury's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/04/2006)
05/04/2006	<a href="#">203</a>	AFFIDAVIT OF SERVICE OF SUBPOENA upon Peggy Dusenbury served on 4/24/06, filed by Plaintiff Sheri Sweeney. (CAR, ) (Entered: 05/04/2006)
05/04/2006	<a href="#">204</a>	MOTIONS IN LIMINE by Plaintiff Sheri Sweeney. Noting Date 5/19/2006. (Attachments: # <a href="#">1</a> Proposed Order Granting Plaintiff's Motion in Limine)(Cloud, Douglas) (Entered: 05/04/2006)
05/04/2006	<a href="#">205</a>	DECLARATION of Douglas R. Cloud in Support of Plaintiff's <a href="#">204</a> MOTIONS IN LIMINE (Attachments: # <a href="#">1</a> Exhibit "A"# <a href="#">2</a> Exhibit "B")(Cloud, Douglas) Modified duplicative text on 5/5/2006 (ECS, ). (Entered: 05/04/2006)
05/04/2006	<a href="#">206</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">175</a> MOTIONS IN LIMINE No. 4, <a href="#">176</a> MOTIONS IN LIMINE No. 5, <a href="#">174</a> MOTIONS IN LIMINE No. 3, <a href="#">177</a> MOTIONS IN LIMINE No. 6, <a href="#">172</a> MOTIONS IN LIMINE No. 2, <a href="#">171</a> MOTIONS IN LIMINE No. 1. (Cloud, Douglas) (Entered: 05/04/2006)
05/04/2006	<a href="#">207</a>	REPLY, filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros, TO RESPONSE to <a href="#">163</a> MOTION to Compel Production of E-mails and Manorcare Documents (Kirkwood, Jan) (Entered: 05/04/2006)
05/04/2006	<a href="#">208</a>	DECLARATION of Mathilde Halfen filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros re <a href="#">163</a> MOTION to Compel Production of E-mails and Manorcare Documents (Kirkwood, Jan) (Entered: 05/04/2006)
05/04/2006	<a href="#">209</a>	Supplemental DECLARATION of Jan C. Kirkwood re: <a href="#">163</a> MOTION to Compel Production of E-mails and Manorcare Documents (Attachments: # <a href="#">1</a> Part 2# <a href="#">2</a> Part 3) (Kirkwood, Jan) Modified duplicative text on 5/5/2006 (ECS, ). (Entered: 05/04/2006)
05/04/2006	<a href="#">210</a>	REPLY, filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros, TO RESPONSE to <a href="#">162</a> MOTION for Reconsideration or to Clarify Order Denying Partial SJ on FCA Retaliation Claim - Individual Liability (Kirkwood, Jan) (Entered: 05/04/2006)
05/04/2006	<a href="#">211</a>	REPLY, filed by Defendants Manorcare Health Services, Inc, Stacey Mesaros, TO RESPONSE to <a href="#">167</a> MOTION for Judgment on the Pleadings For Lack of Supervisory Liability For Wrongful Termination (Kirkwood, Jan) (Entered: 05/04/2006)
05/04/2006	<a href="#">212</a>	MOTION to Exclude Defendants' Renewed Motion to Strike Certain Witnesses by Defendants Manorcare Health Services, Inc, Stacey Mesaros. Noting Date 5/19/2006. (Attachments: # <a href="#">1</a> Proposed Order)(Kirkwood, Jan) Modified/Described Attachment on 5/5/2006 (ECS, ). (Entered: 05/04/2006)
05/04/2006	<a href="#">213</a>	DECLARATION of Jan C. Kirkwood in Support of Defendants' <a href="#">212</a> MOTION to Exclude Defendants' Renewed Motion to Strike Certain Witnesses (Attachments: # <a href="#">1</a> Exh D)(Kirkwood, Jan) Modified duplicative text on 5/5/2006 (ECS, ). (Entered: 05/04/2006)
05/05/2006	<a href="#">214</a>	AFFIDAVIT OF SERVICE OF SUBPOENA upon Sharon Fitzpatrick Imes served on 5/1/06, filed by Plaintiff Sheri Sweeney. (CAR, ) (Entered: 05/08/2006)
05/08/2006	<a href="#">215</a>	ORDER DISMISSING ALL CLAIMS AGAINST DEFENDANT STACEY MESAROS AND DISMISSING STACEY MESAROS WITH PREJUDICE, granting <a href="#">162</a> Motion for

**Date Discrepancy Cases 751**

		Reconsideration, granting <a href="#">167</a> Motion for Judgment on the Pleadings, granting in part <a href="#">169</a> Motion to Dismiss Party. Signed by Judge Robert J. Bryan.(JL) (Entered: 05/08/2006)
05/08/2006	<a href="#">216</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Alisha Kinsland's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/08/2006)
05/08/2006	<a href="#">217</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Rosemary Rousso's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/08/2006)
05/08/2006	<a href="#">218</a>	AFFIDAVIT OF SERVICE by Defendants Manorcare Health Services, Inc, Stacey Mesaros Moorea McNeil's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/08/2006)
05/09/2006	<a href="#">219</a>	ORDER DENYING DEFENDANTS' MOTION TO COMPEL PRODUCTION OF E-MAILS AND MANORCARE DOCUMENTS, denying <a href="#">163</a> Motion to Compel. Signed by Judge Robert J. Bryan.(JL) (Entered: 05/09/2006)
05/10/2006	<a href="#">220</a>	AFFIDAVIT OF SERVICE by Defendant Manorcare Health Services, Inc Patti Anderson Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/10/2006)
05/10/2006	<a href="#">221</a>	AFFIDAVIT OF SERVICE by Defendant Manorcare Health Services, Inc Gayle Seyl Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/10/2006)
05/10/2006	<a href="#">228</a>	AFFIDAVIT OF SERVICE OF TRIAL SUBPOENA upon Sara Olson served on 5/4/06. (DK, ) (Entered: 05/11/2006)
05/11/2006	<a href="#">222</a>	AFFIDAVIT OF SERVICE by Defendant Manorcare Health Services, Inc Kathy Dean Weidel's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/11/2006)
05/11/2006	<a href="#">223</a>	AFFIDAVIT OF SERVICE by Defendant Manorcare Health Services, Inc Jeri Swank's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/11/2006)
05/11/2006	<a href="#">224</a>	AFFIDAVIT OF SERVICE by Defendant Manorcare Health Services, Inc Kasey Kemmet's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/11/2006)
05/11/2006	<a href="#">225</a>	Proposed Pretrial Order by Defendant Manorcare Health Services, Inc (Attachments: # <a href="#">1</a> Pretrial Order Part 2# <a href="#">2</a> Pretrial Order Part 3)(Kirkwood, Jan) (Entered: 05/11/2006)
05/11/2006	<a href="#">226</a>	RESPONSE, by Plaintiff Sheri Sweeney, to <a href="#">212</a> MOTION to Exclude Defendants' Renewed Motion to Strike Certain Witnesses. (Cloud, Douglas) (Entered: 05/11/2006)
05/11/2006	<a href="#">227</a>	DECLARATION of Douglas R. Cloud filed by Plaintiff Sheri Sweeney re <a href="#">212</a> MOTION to Exclude Defendants' Renewed Motion to Strike Certain Witnesses (Attachments: # <a href="#">1</a> Exhibit "A")(Cloud, Douglas) (Entered: 05/11/2006)
05/11/2006	<a href="#">229</a>	REPLY, filed by Defendant Manorcare Health Services, Inc, TO RESPONSE to <a href="#">171</a> MOTIONS IN LIMINE No. 1 (Kirkwood, Jan) (Entered: 05/11/2006)
05/11/2006	<a href="#">230</a>	REPLY, filed by Defendant Manorcare Health Services, Inc, TO RESPONSE to <a href="#">172</a> MOTIONS IN LIMINE No. 2 (Kirkwood, Jan) (Entered: 05/11/2006)
05/11/2006	<a href="#">231</a>	REPLY, filed by Defendant Manorcare Health Services, Inc, TO RESPONSE to <a href="#">174</a> MOTIONS IN LIMINE No. 3 (Kirkwood, Jan) (Entered: 05/11/2006)
05/11/2006	<a href="#">232</a>	REPLY, filed by Defendant Manorcare Health Services, Inc, TO RESPONSE to <a href="#">175</a> MOTIONS IN LIMINE No. 4 (Kirkwood, Jan) (Entered: 05/11/2006)
05/11/2006	<a href="#">233</a>	REPLY, filed by Defendant Manorcare Health Services, Inc, TO RESPONSE to <a href="#">176</a> MOTIONS IN LIMINE No. 5 (Kirkwood, Jan) (Entered: 05/11/2006)

**Date Discrepancy Cases 752**

05/11/2006	<a href="#">234</a>	REPLY, filed by Defendant Manorcare Health Services, Inc, TO RESPONSE to <a href="#">177</a> MOTIONS IN LIMINE No. 6 (Kirkwood, Jan) (Entered: 05/11/2006)
05/11/2006	<a href="#">237</a>	AFFIDAVIT OF SERVICE OF SUBPOENA upon Lorraine Riche served on 5/4/06, filed by Plaintiff Sheri Sweeney. (CAR, ) (Entered: 05/15/2006)
05/11/2006	<a href="#">238</a>	<b>DISREGARD ENTRY - CLERK ENTERED IN WRONG CASE</b> AFFIDAVIT OF SERVICE OF SUBPOENA Duces Tecum upon Harrison Hospital served on 5/8/06, filed by Plaintiff Sheri Sweeney. (CAR, ) Modified on 5/16/2006:clerical error - posted to wrong case (CAR, ). (Entered: 05/15/2006)
05/12/2006	<a href="#">235</a>	AFFIDAVIT OF SERVICE OF SUBPOENA upon George Deering served on 5/8/06, filed by Plaintiff Sheri Sweeney. (CAR, ) (Entered: 05/12/2006)
05/12/2006	249	MINUTE ENTRY for proceedings held before Judge Robert J. Bryan - Dep Clerk: D Kaleel; Pla Counsel: D Cloud; Def Counsel: J Kirkwood/D Feider; CR: T Hendrix; <b>Pretrial Conference</b> held on 5/12/2006. Court rules orally on the record on pending motions & motions in limine; remaining claims and attorneys' fees discussed; Court reminds counsel attorneys' fees are not allowed for Qui Tam action; Court instructs counsel to reduce and modify witness/exhibit lists as they are too voluminous; parties advise this is a 5 -7 day case; trial schedule, current trailing status and options regarding start date of this case discussed; parties Sheri Sweeney and Stacey Mesaros are no longer Qui Tam parties; counsel to supplement sections for the pretrial order regarding witnesses & exhibits, as discussed; court inquires re: settlement status and a settlement conference with magistrate judge suggested, if beneficial; voir dire/jury selection discussed; trial briefs, proposed voir dire/jury instructions, supplemental portions regarding witness & exhibit lists for pretrial order due 5/17/06. (DK, ) (Entered: 05/16/2006)
05/15/2006	<a href="#">236</a>	PRETRIAL ORDER. Signed by Judge Robert J. Bryan. (JL) (Entered: 05/15/2006)
05/16/2006		NOTICE of Docket Text Modification re <a href="#">238</a> Affidavit of Service of Deposition Subpoena: clerical error - posted to wrong case (CAR, ) (Entered: 05/16/2006)
05/16/2006	<a href="#">239</a>	AFFIDAVIT OF SERVICE by Defendant Manorcare Health Services, Inc Cherie Crawford's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/16/2006)
05/16/2006	<a href="#">240</a>	AFFIDAVIT OF SERVICE by Defendant Manorcare Health Services, Inc Joan Kaplin's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/16/2006)
05/16/2006	<a href="#">241</a>	AFFIDAVIT OF SERVICE by Plaintiff Sheri Sweeney Acceptance of Service by Estella Kaufholtz. (Cloud, Douglas) (Entered: 05/16/2006)
05/16/2006	<a href="#">242</a>	AFFIDAVIT OF SERVICE by Plaintiff Sheri Sweeney Acceptance of Service by Cheri Crawford. (Cloud, Douglas) (Entered: 05/16/2006)
05/16/2006	<a href="#">243</a>	AFFIDAVIT OF SERVICE by Plaintiff Sheri Sweeney Acceptance of Service by Mari Kvinsland. (Cloud, Douglas) (Entered: 05/16/2006)
05/16/2006	<a href="#">244</a>	AFFIDAVIT OF SERVICE by Plaintiff Sheri Sweeney Acceptance of Service by Joyce Van Arsdale. (Cloud, Douglas) (Entered: 05/16/2006)
05/16/2006	<a href="#">245</a>	AFFIDAVIT OF SERVICE by Plaintiff Sheri Sweeney Acceptance of Service by Alan Hash. (Cloud, Douglas) (Entered: 05/16/2006)
05/16/2006	<a href="#">246</a>	AFFIDAVIT OF SERVICE by Plaintiff Sheri Sweeney Acceptance of Service by Stacy Mesaros. (Cloud, Douglas) (Entered: 05/16/2006)
05/16/2006	<a href="#">247</a>	DECLARATION of Douglas R. Cloud, RE: Service of Subpoena for Trial upon Eileen H. Varley by Plaintiff Sheri Sweeney. (Cloud, Douglas) (Entered: 05/16/2006)

**Date Discrepancy Cases 753**

05/16/2006	<a href="#">248</a>	DECLARATION of Douglas R. Cloud, RE: Service of Subpoena for Trial upon Connie Richie by Plaintiff Sheri Sweeney. (Cloud, Douglas) (Entered: 05/16/2006)
05/16/2006	<a href="#">250</a>	MINUTE ORDER Re: Motions In Limine <a href="#">175</a> , <a href="#">204</a> , <a href="#">177</a> , <a href="#">195</a> , <a href="#">212</a> , <a href="#">176</a> , <a href="#">174</a> , <a href="#">172</a> , <a href="#">171</a> , 249 Pretrial Conference. by direction of Judge Robert J. Bryan. (DK, ) (Entered: 05/16/2006)
05/16/2006	<a href="#">251</a>	NOTICE of Appearance by attorney Darren Anthony Feider on behalf of Defendant Manorcare Health Services, Inc (Feider, Darren) (Entered: 05/16/2006)
05/16/2006	<a href="#">252</a>	AFFIDAVIT OF SERVICE by Defendant Manorcare Health Services, Inc David Duff's Acceptance of Service by Mail. (Kirkwood, Jan) (Entered: 05/16/2006)
05/16/2006	<a href="#">253</a>	DECLARATION OF SERVICE OF TRIAL SUBPOENA upon Mary Jo Morrissey served on 5/6/06. (DK, ) (Entered: 05/17/2006)
05/17/2006	254	MINUTE ORDER REASSIGNING CASE. Case reassigned to Judge James L. Robart in Seattle, Washington, for all further proceedings. All future pleadings filed in this case shall bear case number C03-5320JLR. by direction of Judge Robert J. Bryan. (DK, ) (Entered: 05/17/2006)
05/17/2006	255	MINUTE ENTRY for proceedings held before Judge James L. Robart - Pla Counsel: Douglas Cloud; Def Counsel: Jan Kirkwood, Darren Feider; <b>Telephone Conference</b> held on 5/17/2006. (CC, ) (Entered: 05/17/2006)
05/17/2006	<a href="#">256</a>	Proposed Voir Dire by Defendant Manorcare Health Services, Inc (Kirkwood, Jan) (Entered: 05/17/2006)
05/17/2006	<a href="#">260</a>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA & witness fee check upon Wanda Ferguson served on 5/14/06. (PL, ) (Entered: 05/18/2006)
05/18/2006	<a href="#">257</a>	TRIAL BRIEF by Defendant Manorcare Health Services, Inc (Kirkwood, Jan) (Entered: 05/18/2006)
05/18/2006	<a href="#">258</a>	Proposed Jury Instructions by Defendant Manorcare Health Services, Inc (Kirkwood, Jan) (Entered: 05/18/2006)
05/18/2006	<a href="#">259</a>	AFFIDAVIT OF SERVICE OF DEPOSITION SUBPOENA & witness fee check upon Mike Kuhlman served on 5/15/06. (PL, ) (Entered: 05/18/2006)
05/18/2006	<a href="#">261</a>	Proposed Voir Dire by Plaintiff Sheri Sweeney (Cloud, Douglas) (Entered: 05/18/2006)
05/18/2006	<a href="#">262</a>	TRIAL BRIEF by Plaintiff Sheri Sweeney (Cloud, Douglas) (Entered: 05/18/2006)
05/18/2006	<a href="#">263</a>	TRANSCRIPT of Proceedings held on 5/12/06 before Judge Robert J. Bryan. Court Reporter: Teri Hendrix. (PVO, ) (Entered: 05/18/2006)
05/18/2006	<a href="#">264</a>	Proposed Jury Instructions by Plaintiff Sheri Sweeney (Cloud, Douglas) (Entered: 05/18/2006)
05/18/2006	<a href="#">265</a>	Proposed Special Jury Verdict Form by Plaintiff Sheri Sweeney (Cloud, Douglas) (Entered: 05/18/2006)
05/18/2006	<a href="#">266</a>	Witness List by Defendant Manorcare Health Services, Inc (Attachments: # <a href="#">1</a> Part 2) (Kirkwood, Jan) (Entered: 05/18/2006)
05/18/2006	<a href="#">267</a>	DESIGNATION OF DEPOSITION TRANSCRIPT by Defendant Manorcare Health Services, Inc.(Kirkwood, Jan) (Entered: 05/18/2006)
05/18/2006	<a href="#">268</a>	AFFIDAVIT OF SERVICE OF TRIAL SUBPOENA upon Marla Lee served on 5/15/06. (DK, ) (Entered: 05/23/2006)

**Date Discrepancy Cases 754**

07/06/2006	<a href="#">269</a>	STIPULATION AND ORDER of dismissal with prejudice but without costs or attorney's fees awarded to any party by Judge James L. Robart. (MD, ) (Entered: 07/06/2006)
08/25/2006	<a href="#">270</a>	STIPULATION AND PROPOSED ORDER OF DISMISSAL OF CLAIMS OF UNITED STATES WITHOUT PREJUDICE by parties. (Winn, Peter) Modified text on 8/28/2006 (MD, ). (Entered: 08/25/2006)
09/06/2006	<a href="#">271</a>	STIPULATION AND ORDER OF DISMISSAL WITHOUT PREJUDICE CLAIMS OF THE UNITED STATES OF AMERICA re <a href="#">270</a> Stipulation filed by United States of America, by Judge James L. Robart. (MD, ) (Entered: 09/06/2006)

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01/30/2019 10:56:46			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:03-cv-05320-JLR
<b>Billable Pages:</b>	18	<b>Cost:</b>	1.80

**U.S. District Court  
District of Maryland (Baltimore)  
CIVIL DOCKET FOR CASE #: 1:04-cv-03017-AMD**

United States of America, ex rel. Swift-Freeman v. Bon Secours  
Baltimore Health System et al  
Assigned to: Judge Andre M Davis  
Demand: \$2,750,000  
Cause: 31:3729 False Claims Act - Liability

Date Filed: 09/20/2004  
Date Terminated: 03/31/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Benjene Swift-Freeman**  
*ex rel*

represented by **Candace Smith McCall**  
Law Office of Candace McCall PC  
11350 Random Hills Rd Ste 700  
Fairfax, VA 22030  
17033855251  
Fax: 17033521301  
*TERMINATED: 04/20/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Edward Smith , Jr**  
Law Office of Edward Smith Jr  
2225 Saint Paul St  
Baltimore, MD 21218  
14103660494  
Fax: 14103666182  
Email: edwardsmith2225@comcast.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Bon Secours Baltimore Health System**  
*doing business as*  
Bon Secours Hospital  
*doing business as*  
Community Institute of Behavioral Sciences

represented by **David William O Brien**  
Crowell and Moring LLP  
1001 Pennsylvania Ave NW  
Washington, DC 20004-2595  
12026242500  
Fax: 12026285116  
Email: dobrien@crowell.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Urban Behavioral Associates, LLC**

**Defendant**

**Luis Ferrer**

**Date Discrepancy Cases 756**



*M.D.***Defendant****Ardena Reddish**represented by **David William O Brien**  
(See above for address)  
*LEAD ATTORNEY***Defendant****Carolyn Haynie***M.D.***Defendant****Christa Taylor***LCSW***Defendant****Bon Secours Hospital System, Inc.**represented by **David William O Brien**  
(See above for address)  
*LEAD ATTORNEY*

V.

**Movant****UNITED STATES OF AMERICA**represented by **Thomas F Corcoran**  
Office of the United States Attorney  
36 S Charles St Fourth Fl  
Baltimore, MD 21201  
14102094834  
Fax: 14109629947  
Email: Thomas.Corcoran@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/20/2004	1	COMPLAINT against Bon Secours Baltimore Health System, Bon Secours Hospital System, Inc., Luis Ferrer, Carolyn Haynie, Ardena Reddish, Christa Taylor, Urban Behavioral Associates, LLC ( Filing fee \$ 150 receipt number 1207234), filed by Swift-Freeman.(ljss, Deputy Clerk) (Entered: 09/21/2004)
09/28/2006	10	NOTICE of Election to Decline Intervention by UNITED STATES OF AMERICA. (c/s 9/29/06 mcbs, Deputy Clerk) (Entered: 09/29/2006)
10/02/2006	<a href="#">11</a>	ORDER LIFTING the seal on the complaint, this Order, the Government's Notice of Election to Decline Intervention and all other matters occurring after this Order; All other contents shall remain under SEAL. Signed by Judge Andre M Davis on 10/2/06. (hmls, Deputy Clerk) (Entered: 10/03/2006)
01/24/2007	12	Correspondence re: DISMISSAL OF ACTION. THE PARTIES ARE HEREBY NOTIFIED THAT THE COURT INTENDS TO DISMISS THIS ACTION ON OR BEFORE JANUARY 30, 2007, UNLESS OTHERWISE ADVISED BY COUNSEL ON OR BEFORE JANUARY 29, 2007 (Judge Davis) (Entered: 01/24/2007)
02/08/2007	<a href="#">13</a>	STATUS REPORT <i>Text of Proposed Order</i> by Beniene Swift-Freeman. (Attachments: # <a href="#">1</a>

**Date Discrepancy Cases 757**

		Text of Proposed Order Status Report)(McCall, Candace) (Entered: 02/08/2007)
03/09/2007	14	STATUS REPORT ORDER Status Report due from plaintiff by 3/26/2007. (Judge Davis) (Entered: 03/09/2007)
03/19/2007	<a href="#">15</a>	Status Report Submitted <i>March 19, 2007</i> by Benjene Swift-Freeman (McCall, Candace) (Entered: 03/19/2007)
04/12/2007	<a href="#">16</a>	NOTICE of Appearance by Edward Smith, Jr on behalf of Benjene Swift-Freeman (Smith, Edward) (Entered: 04/12/2007)
04/16/2007	<a href="#">17</a>	NOTICE by Benjene Swift-Freeman <i>Corporate Disclosure Statement</i> (Smith, Edward) (Entered: 04/16/2007)
04/17/2007	<a href="#">18</a>	Correspondence re: Request For Summons (Smith, Edward) (Entered: 04/17/2007)
04/18/2007	<a href="#">19</a>	Correspondence re: Request for Summons (Smith, Edward) (Entered: 04/18/2007)
04/18/2007	<a href="#">20</a>	Summons Issued 20 days as to Carolyn Haynie, Christa Taylor, Bon Secours Hospital System, Inc., Bon Secours Baltimore Health System, Urban Behavioral Associates, LLC, Luis Ferrer, Ardena Reddish. (c/m 4/18/07 mcb, Deputy Clerk) (Entered: 04/18/2007)
04/20/2007	<a href="#">21</a>	MOTION to Withdraw as Attorney <i>withdraw as counsel</i> by Benjene Swift-Freeman. Responses due by 5/7/2007 (McCall, Candace) (Entered: 04/20/2007)
04/20/2007	22	PAPERLESS ORDER granting <a href="#">21</a> Motion to Withdraw as Attorney. Attorney Candace Smith McCall terminated (Judge Davis) (Entered: 04/20/2007)
05/14/2007	<a href="#">23</a>	STIPULATION <i>Extension of Time</i> by Bon Secours Hospital System, Inc., Bon Secours Baltimore Health System, Ardena Reddish. (O Brien, David) (Entered: 05/14/2007)
06/04/2007	<a href="#">24</a>	SUMMONS Returned Executed by Benjene Swift-Freeman. Ardena Reddish served on 4/24/2007, answer due 5/14/2007; Christa Taylor served on 4/24/2007, answer due 5/14/2007; Bon Secours Hospital System served on 4/24/2007, answer due 5/14/2007; Bon Secours Baltimore Health System served on 4/24/2007, answer due 5/14/2007. (Attachments: # <a href="#">1</a> Certificate of Service# <a href="#">2</a> Civil Cover Sheet Cover Letter to Clerk) (Smith, Edward) Modified on 6/5/2007 (mcb, Deputy Clerk). (Entered: 06/04/2007)
07/02/2007	<a href="#">25</a>	MOTION to Dismiss by Bon Secours Hospital System, Inc., Bon Secours Baltimore Health System, Ardena Reddish. Responses due by 7/19/2007 (Attachments: # <a href="#">1</a> Supplement Memo of points and authorities# <a href="#">2</a> Exhibit Exhibit One)(O Brien, David) (Entered: 07/02/2007)
07/19/2007	<a href="#">26</a>	RESPONSE to Motion re <a href="#">25</a> MOTION to Dismiss filed by Benjene Swift-Freeman.Replies due by 8/2/2007. (Attachments: # <a href="#">1</a> )(Smith, Edward) (Entered: 07/19/2007)
07/20/2007	<a href="#">27</a>	EXHIBITS to <a href="#">28</a> MOTION to Amend/Correct by Benjene Swift-Freeman. Responses due by 8/6/2007 (Attachments: # <a href="#">2</a> Redlined version of Amended Complaint # <a href="#">3</a> Amended Complaint # <a href="#">4</a> # <a href="#">5</a> # <a href="#">6</a> # <a href="#">7</a> # <a href="#">8</a> # <a href="#">9</a> # <a href="#">10</a> # <a href="#">11</a> # <a href="#">12</a> )(Smith, Edward) Modified on 7/23/2007 (mcb, Deputy Clerk). (Exhibit rec'd 7/24/07; Unredacted exhibits placed under seal) Modified on 7/24/2007 (jnl, Deputy Clerk). (Entered: 07/20/2007)
07/20/2007	<a href="#">28</a>	MOTION to Amend/Correct by Benjene Swift-Freeman. Responses due by 8/6/2007 (Smith, Edward) (Entered: 07/20/2007)
07/31/2007	29	PAPERLESS ORDER finding as moot <a href="#">25</a> Motion to Dismiss; granting <a href="#">28</a> Motion to Amend/Correct (Judge Davis) (Entered: 07/31/2007)
07/31/2007	<a href="#">30</a>	AMENDED COMPLAINT against Carolyn Haynie, Christa Taylor, Bon Secours Hospital System, Inc., Bon Secours Baltimore Health System, Urban Behavioral Associates, LLC,

**Date Discrepancy Cases 758**

		Luis Ferrer, Ardena Reddish, filed by Benjene Swift-Freeman. (Attachments: # <a href="#">1</a> Redlined version of Amended Complaint)(mcb, Deputy Clerk) (Entered: 08/01/2007)
08/10/2007	<a href="#">31</a>	MOTION to Dismiss <i>Relator's Amended Complaint</i> by Bon Secours Hospital System, Inc., Bon Secours Baltimore Health System, Ardena Reddish. Responses due by 8/27/2007 (Attachments: # <a href="#">1</a> Memo of Points and Authorities)(O'Brien, David) (Entered: 08/10/2007)
08/21/2007	<a href="#">32</a>	RESPONSE to Motion re <a href="#">31</a> MOTION to Dismiss <i>Relator's Amended Complaint</i> filed by Benjene Swift-Freeman.Replies due by 9/4/2007. (Attachments: # <a href="#">1</a> )(Smith, Edward) (Entered: 08/21/2007)
09/04/2007	<a href="#">33</a>	REPLY to Response to Motion re <a href="#">31</a> MOTION to Dismiss <i>Relator's Amended Complaint</i> filed by Bon Secours Hospital System, Inc., Bon Secours Baltimore Health System, Ardena Reddish. (O'Brien, David) (Entered: 09/04/2007)
02/08/2008	<a href="#">34</a>	Setting date for Motions Hearing scheduled for Friday, March 28, 2008 @ 2:00 p.m. Judge Andre M. Davis (Entered: 02/08/2008)
03/28/2008	<a href="#">35</a>	Motion Hearing held on 3/28/2008 re <a href="#">31</a> MOTION to Dismiss <i>Relator's Amended Complaint</i> filed by Ardena Reddish, Bon Secours Baltimore Health System, Bon Secours Hospital System, Inc. held before Judge Andre M Davis - ARGUED - Oral opinion rendered by the Court (Court Reporter M. Zajac) (bma, CRD) (Entered: 03/28/2008)
03/31/2008	<a href="#">36</a>	MEMORANDUM OPINION. Signed by Judge Andre M Davis on 3/31/08. (mcb, Deputy Clerk) (Entered: 03/31/2008)
03/31/2008	<a href="#">37</a>	ORDER granting <a href="#">31</a> Motion of Defendants to Dismiss; this case is DISMISSED and directing the Clerk to CLOSE this case. Signed by Judge Andre M Davis on 3/31/08. (mcb, Deputy Clerk) (Entered: 03/31/2008)
09/26/2008	<a href="#">38</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 3/28/08, before Judge Andre M. Davis. Court Reporter/Transcriber Mary M. Zajac, Telephone number 410-962-4544. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained from the Court Reporter or through PACER... Redaction Request due 10/14/2008. Redacted Transcript Deadline set for 10/24/2008. Release of Transcript Restriction set for 12/22/2008. (mmz, Court Reporter) (Entered: 09/26/2008)
11/06/2008	<a href="#">39</a>	Correspondence from Judge Andre M. Davis re: return pleading to Plaintiff. (c/m 11/6/08 mcb, Deputy Clerk) (Entered: 11/06/2008)
11/12/2008	<a href="#">40</a>	ORDER RETURNING document to plaintiff. Signed by Judge Andre M Davis on 11/12/08. (Attachments: # <a href="#">1</a> Returned Pleading)(hmls, Deputy Clerk) (Entered: 11/12/2008)

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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:04-cv-03017-AMD
<b>Billable Pages:</b>	3	<b>Cost:</b>	0.30

**Date Discrepancy Cases 759**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:08-cv-03927-R-VBK**

United States of America et al v. Furukawa Electric Co. Ltd et al  
Assigned to: Judge Manuel L. Real  
Referred to: Magistrate Judge Victor B. Kenton  
Demand: \$9,999,000  
Case in other court: 9th CCA, 09-55783  
Cause: 31:3729 False Claims Act

Date Filed: 06/16/2008  
Date Terminated: 12/16/2011  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**  
*ex rel.*

represented by **Lisa A Palombo**  
AUSA - Office of US Attorney  
Civil Division  
300 N Los Angeles Street  
Suite 7516  
Los Angeles, CA 90012  
213-894-4042  
Fax: 213-894-2380  
Email: lisa.palombo@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Gary Klein**  
Robert G Klein Law Offices  
555 W 5th Street 31st Fl  
Los Angeles, CA 90013-1010  
213-996-8508  
Fax: 213-947-1441  
Email: robert@kleinlitigation.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Alvin Tamanaha**  
*Qui Tam*

represented by **Robert Gary Klein**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Furukawa Electric Co. Ltd**  
*a Japanese corporation*

**Defendant**

**Furukawa America, Inc.**  
*a Delaware corporation*

represented by **Kurt Osenbaugh**  
Alston & Bird LLP

**Date Discrepancy Cases 760**

333 South Hope Street 16th Floor  
 Los Angeles, CA 90071-2901  
 213-576-1000  
 Fax: 213-576-1100  
 Email: kurt.osenbaugh@alston.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Zweiback**  
 Alston and Bird LLP  
 333 South Hope Street 16th Floor  
 Los Angeles, CA 90071  
 213-576-1000  
 Fax: 213-576-1100  
 Email: michael.zweiback@zfcflaw.com  
**TERMINATED: 10/17/2011**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jessica L Sharron**  
 Alston & Bird LLP  
 333 South Hope Street  
 16th Floor  
 Los Angeles, CA 90071  
 213-576-1000  
 Fax: 213-576-1100  
 Email: jessica.sharron@alston.com  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Timothy Yu**  
*an individual*

**Defendant**

**Does**  
*1 through 10, inclusive*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/16/2008	<a href="#">1</a>	COMPLAINT against Defendants Furukawa Electric Co. Ltd, Furukawa America, Inc., Timothy Yu, Does 1 through 10, inclusive.(Filing fee \$ 350 PAID.) Jury Demanded., filed by plaintiff Alvin Tamanaha.(ghap) (Ira). (Additional attachment(s) added on 2/13/2009: # <a href="#">1</a> 20 day summons issued) (pj). (Entered: 06/20/2008)
01/14/2009	<a href="#">9</a>	United States' Election to Decline Intervention and Unsealing of Complaint. (mat) Modified on 1/29/2009 (Ira). (Entered: 01/20/2009)
01/23/2009	<a href="#">10</a>	ORDER by Judge Manuel L. Real, re: United States' Notice of Election to Decline Intervention (Ira) (Entered: 01/29/2009)
02/04/2009		20 day DAY Summons Issued re Complaint - (Discovery) <a href="#">1</a> as to defendants Furukawa Electric Co. Ltd, Furukawa America, Inc., Timothy Yu, Does. (pj) (Entered: 02/10/2009)
03/04/2009	<a href="#">11</a>	NOTICE OF MOTION AND MOTION to Dismiss Case filed by Defendant Furukawa America, Inc.. Motion set for hearing on 5/18/2009 at 10:00 AM before Judge Manuel L.

**Date Discrepancy Cases 761**

		Real. (Attachments: # <a href="#">1</a> Proposed Order Proposed Order To Motion To Dismiss) (Zweiback, Michael) (Entered: 03/04/2009)
03/04/2009	<a href="#">12</a>	<i>Cerification and Notice</i> of Interested Parties filed by Defendants Furukawa America, Inc., identifying Furukawa America Inc.. (Zweiback, Michael) (Entered: 03/04/2009)
03/11/2009	<a href="#">13</a>	NOTICE of Change of Attorney Information for attorney Lisa A Palombo counsel for Plaintiff United States of America. Adding Lisa A. Palombo as attorney as counsel of record for United States of America for the reason indicated in the G-06 Notice. Filed by plaintiff United States of America (Palombo, Lisa) (Entered: 03/11/2009)
03/24/2009	<a href="#">14</a>	Plaintiff's Opposition to Motion to Dismiss for Failure to State a Claim re: MOTION to Dismiss Case <a href="#">11</a> filed by Plaintiff Alvin Tamanaha. (Klein, Robert) (Entered: 03/24/2009)
05/05/2009	<a href="#">15</a>	EX PARTE APPLICATION for Leave to File Amicus Brief <i>in Opposition to Defendant Furukawa America's Motion to Dismiss; Memo of Points and Authorities; Declaration of Lisa A. Palombo; [Proposed] Order</i> filed by Real-Party-In-Interest United States of America. (Attachments: # <a href="#">1</a> Proposed Order, # <a href="#">2</a> United States' Amicus Curiae Brief in Opposition to Defendant Furukawa America's Motion to Dismiss)(Palombo, Lisa) (Entered: 05/05/2009)
05/06/2009	<a href="#">16</a>	ORDER by Judge Manuel L. Real: GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the United States of Americas application to file an amicus curiae brief in opposition to the Motion of Defendant Furukawa America, Inc.s Motion To Dismiss For Failure To State A Claim Under The False Claims Act is GRANTED. <a href="#">15</a> (pj) (Entered: 05/07/2009)
05/11/2009	<a href="#">17</a>	REPLY in support of a motion MOTION to Dismiss Case <a href="#">11</a> filed by Defendant Furukawa America, Inc.. (Zweiback, Michael) (Entered: 05/11/2009)
05/15/2009	<a href="#">18</a>	SUPPLEMENT to MOTION to Dismiss Case <a href="#">11</a> <i>Supplemental Exhibits</i> filed by Defendant Furukawa America, Inc.. (Zweiback, Michael) (Entered: 05/15/2009)
05/18/2009	<a href="#">20</a>	MINUTES OF Defendant Furukawa America Inc's motion to dismiss for failure to state a claim under the False Claims Act held before Judge Manuel L. Real: The Court hears arguments of counsel. The Court GRANTS the motion, with prejudice, for reasons as stated on the record. The Court will sign the proposed order. <a href="#">11</a> Court Reporter: Sheri Kleeger. (ake) (Entered: 05/21/2009)
05/20/2009	<a href="#">19</a>	NOTICE OF LODGING filed by <i>Defendants Furukawa America Inc.</i> re MOTION to Dismiss Case <a href="#">11</a> (Attachments: # <a href="#">1</a> Proposed Order Order Granting Defendant Furukawa America's Motion to Dismiss For Failure to State A Claim Under the False Claims Act) (Zweiback, Michael) (Entered: 05/20/2009)
05/20/2009	<a href="#">21</a>	ORDER by Judge Manuel L. Real Granting Defendant Furukawa America, Inc.'s MOTION to Dismiss <a href="#">11</a> for Failure to State a Claim Under the False Claims Act. Defendant's Motion to Dismiss is hereby GRANTED and Relator's Complaint is dismissed in its entirety with prejudice and without leave to amend. (Made JS-6. Case Terminated.) (mg) (Entered: 05/22/2009)
05/22/2009	<a href="#">22</a>	NOTICE OF APPEAL to the 9th CCA filed by Plaintiff Qui tam Alvin Tamanaha. (Filing fee \$455, receipt number 0973000000005354705.) (Klein, Robert) (Entered: 05/22/2009)
05/26/2009	<a href="#">23</a>	NOTIFICATION by Circuit Court of Appellate Docket Number 09-55783, 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals <a href="#">22</a> as to Plaintiff Alvin Tamanaha. (car) (Entered: 05/26/2009)
05/26/2009	<a href="#">24</a>	NOTIFICATION by Circuit Court of Appellate Docket Number 09-55783, 9th CCA regarding Notice of Appeal to 9th Circuit Court of Appeals <a href="#">22</a> as to Plaintiff Alvin

**Date Discrepancy Cases 762**

		Tamanaha. (cbr) (Entered: 05/27/2009)
06/03/2009	<a href="#">25</a>	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: May 18, 2009; Court Reporter: Sherri Kleeger; Court of Appeals Case Number: 09-55783; Re: <a href="#">22</a> (Attachments: # <a href="#">1</a> Supplement Order form, # <a href="#">2</a> Supplement Transcript purchase order) (Klein, Robert) (Entered: 06/03/2009)
06/03/2009	<a href="#">26</a>	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: May 18, 2009; Court Reporter: Sheri Kleeger; Court of Appeals Case Number: 09-55783; Re: <a href="#">22</a> (Klein, Robert) (Entered: 06/03/2009)
09/25/2009	<a href="#">27</a>	TRANSCRIPT for proceedings held on 5/18/2009 10:00 a.m.. Court Reporter/Electronic Court Recorder: Sheri Kleeger, phone number 213-894-6604. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 10/16/2009. Redacted Transcript Deadline set for 10/26/2009. Release of Transcript Restriction set for 12/24/2009. (Kleeger, Sheri) (Entered: 09/25/2009)
09/28/2009	<a href="#">28</a>	CERTIFICATE OF RECORD Transmitted to USCA re Notice of Appeal to 9th Circuit Court of Appeals, <a href="#">22</a> filed by Alvin Tamanaha. (dmap) (Entered: 09/28/2009)
11/09/2009	<a href="#">29</a>	Opening Brief AMENDED NOTICE OF APPEAL to 9th CIRCUIT filed by Plaintiff Alvin Tamanaha. Filed On: 5/2/2009; (Klein, Robert) (Entered: 11/09/2009)
09/27/2011	<a href="#">30</a>	MANDATE of 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals <a href="#">22</a> , CCA # 09-55783. The Decision of the District Court is REVERSED AND REMANDED WITH INSTRUCTION. Upon remand, the district court is instructed to allow amendment to the complain.. Mandate received in this district on 9/27/2011. (lr) (Additional attachment(s) added on 10/4/2011: # <a href="#">1</a> 9th CCA Bill of Costs received in amount of \$102.40) (lr). (Entered: 09/29/2011)
10/07/2011	<a href="#">31</a>	MINUTE ORDER SETTING HEARING on Mandate USCA 9TH Circuit by Judge Manuel L. Real: re: USCA Mandate, <a href="#">30</a> COUNSEL ARE NOTIFIED that the Court NOW SETS a hearing on the Mandate of U.S.C.A. 9th Circuit Reversing and Remanding for further proceedings on OCTOBER 31, 2011 at 11:00 a.m. IT IS SO ORDERED. (Case reopened. MD JS-5.) (pj) (Entered: 10/07/2011)
10/17/2011	<a href="#">32</a>	NOTICE of Change of Attorney Information for attorney Jessica L Sharron counsel for Defendant Furukawa America, Inc.. Adding Jessica L. Sharron as attorney as counsel of record for Furukawa America, Inc. for the reason indicated in the G-06 Notice. Filed by Defendant Furukawa America, Inc. (Sharron, Jessica) (Entered: 10/17/2011)
10/17/2011	<a href="#">33</a>	NOTICE of Change of Attorney Information for attorney Jessica L Sharron counsel for Defendant Furukawa America, Inc.. Adding Kurt Osenbaugh as attorney as counsel of record for Furukawa America, Inc. for the reason indicated in the G-06 Notice. Filed by Defendant Furukawa America, Inc. (Sharron, Jessica) (Entered: 10/17/2011)
10/31/2011	<a href="#">34</a>	NOTICE of Order Re Filing Amended Complaint filed by Defendant Furukawa America, Inc.. (Osenbaugh, Kurt) (Entered: 10/31/2011)
10/31/2011	<a href="#">35</a>	MINUTES: PROCEEDINGS: HEARING ON MANDATE Reversing and Remanding for further proceedings before Judge Manuel L. Real: The Mandate of the U.S.C.A. is filed and spread upon the minutes of this Court. The Court gives plaintiff 10 days leave to file an amended complaint. Failure to file the amended complaint within the 10 days will result in dismissal of the action. Defendants to give notice of this ruling to plaintiff. Court Reporter: Sheri Kleeger. (jp) (Entered: 11/02/2011)

**Date Discrepancy Cases 763**

12/16/2011

[36](#)

MINUTE ORDER IN CHAMBERS by Judge Manuel L. Real: On October 31, 2011, this Court issued an Order, pursuant to the Mandate of the U.S.C.A. 9th Circuit remanding, to reopen this action and allow plaintiff 10 days to file an amended complaint. After a month and a half, plaintiff has failed to file any amended complaint, or to file anything else in regards to this case. Therefore: IT IS ORDERED that this action is DISMISSED for lack of prosecution. (Made JS-6. Case Terminated.) (pj) (Entered: 12/19/2011)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/23/2019 13:19:59			
<b>PACER Login:</b>	KK0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:08-cv-03927-R-VBK End date: 1/23/2019
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.50



CLOSED,DISC-ONLY,JURY

**U.S. District Court  
Southern District of Ohio (Cincinnati)  
CIVIL DOCKET FOR CASE #: 1:06-cv-00235-SAS-TSB**

United States of America ex rel. Philip A Tetsuwari v. Fluor  
Fernald Inc  
Assigned to: S Arthur Spiegel  
Referred to: Judge Timothy S. Black  
Cause: 31:3729 False Claims Act

Date Filed: 04/24/2006  
Date Terminated: 05/05/2010  
Jury Demand: Both  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**

represented by **Gerald Francis Kaminski**  
US Attorney  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Philip A Tetsuwari**

represented by **James Burdette Helmer , Jr.**  
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V.

**Defendant**

**Fluor Fernald Inc**

represented by **Eric Wade Richardson**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/24/2006	<u>1</u>	COMPLAINT and Jury Demand filed by Plaintiffs United States of America, Philip A Tetsuwari against Defendant Fluor Fernald Inc. 48BE (Filing fee \$ 350.) (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Receipt)(scot1, ) (Entered: 04/26/2006)
04/24/2006		Filing fee: \$ 350, receipt number 430320 (scot1, ) (Entered: 04/26/2006)
04/24/2006	<u>2</u>	CERTIFICATE OF SERVICE by Plaintiff Philip A Tetsuwari (scot1, ) (Entered: 04/26/2006)
04/24/2006	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice (William D Hughes) by Plaintiff Philip A Tetsuwari. (Attachments: # <u>1</u> Certificate of Good Standing# <u>2</u> Receipt)(scot1, ) (Entered: 04/26/2006)
04/24/2006		Filing fee for PHV: \$50, receipt number 430321 (scot1, ) (Entered: 04/26/2006)
04/28/2006	<u>4</u>	ORDER by Judge Susan J. Dlott granting <u>3</u> Motion for Leave to Appear Pro Hac Vice for attorney William D Hughes. (wam1, ) (Entered: 04/28/2006)
05/02/2006	<u>5</u>	ORDER by Judge Susan J. Dlott partially unsealing the complaint and this order for limited purposes. (wam1, ) (Entered: 05/02/2006)
06/27/2006	<u>7</u>	ORDER by Judge Susan J. Dlott granting unopposed <u>6</u> Motion for Extension of Time until 12/23/06 in which the U.S. shall have to intervene or to notify the Court that it declines to do so. All filings in this case shall remain under unless the Courts orders the seal to be lifted. (wam1, ) (Entered: 06/27/2006)
07/25/2006	<u>8</u>	ORDER REASSIGNING CASE. Case reassigned to Judge S Arthur Spiegel for all further proceedings. Judge Susan J. Dlott no longer assigned to case (wam1, ) (Entered: 07/25/2006)
10/26/2006	<u>9</u>	FIRST AMENDED COMPLAINT with Jury Demand filed by Plaintiff Philip A Tetsuwari against Defendant Fluor Fernald Inc.(scot1, ) (Entered: 10/26/2006)
12/26/2006	<u>11</u>	ORDER granting <u>10</u> Unopposed Ex Parte Motion for Extension of Time. The United States shall have until and including June 21,2007, to intervene in the above-captioned action or to notify theCourt that it declines to do so. All filings in this case shall remain under seal until June 21,2007,except as otherwise previously ordered by this Court or unless the United States requests and theCourt orders that the seal be lifted prior to that date. Signed by Judge S Arthur Spiegel on 12/26/06. (scot1, ) (Entered: 12/26/2006)
06/27/2007	<u>13</u>	ORDER by Judge S. Arthur Spiegel granting <u>12</u> UNOPPOSED EX PARTE MOTION for Extension of Time to Consider Election to Intervene. The United States shall have until and including 8/20/07, to intervene in this action or notify th Court that it declines to do so. (scot1, ) (Entered: 06/27/2007)
08/14/2007	<u>15</u>	ORDER granting <u>14</u> Ex Parte Unopposed Motion for Extension of Time Until 9/7/2007 to maintain case under seal. Signed by Judge S Arthur Spiegel on 8/14/2007. (km1, ) (Entered: 08/14/2007)
08/15/2007	<u>16</u>	NOTICE OF WITHDRAWAL OF <u>14</u> Relator's Unopposed Ex Parte Application for an Eighteen Day Extension to Seal by Plaintiff Philip A Tetsuwari (scot1, ) (Entered: 08/15/2007)
08/20/2007	<u>17</u>	NOTICE of Election to Decline Intervention by Plaintiff United States of America (Attachments: # <u>1</u> Text of Proposed Order) (scot1, ) (Entered: 08/21/2007)
08/21/2007	<u>18</u>	ORDER In consideration of Relator's Notice of Withdrawal of itsUnopposed Application for an Eighteen Day Extension of the Seal inthis matter <u>16</u> , the Court hereby SETS ASIDE its Order of 8/14/2007, which previously granted the requested

		extension to 9/7/2007 <u>15</u> . Pursuant to this Courts Order of June 27, 2007 <u>13</u> , the United States shall notify the Court of its intention to intervene in this matter no later than 8/20/2007. Signed by Judge S Arthur Spiegel on 8/21/2007. (km1, ) (Entered: 08/21/2007)
08/22/2007	<u>19</u>	ORDER The United States, having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. Section 3730(b)(4)(B), the Court rules as follows: (1) the amended complaint, the United States' Notice of Election to Decline Intervention, and this Order be unsealed and that the Amended Complaint be served upon the Defendant by the Relator; (2) this order and the United States' Notice of Election to Decline Intervention be served by the Relator upon the Defendant after service of the Amended Complaint; (3) all other contents of the Court's file in this action remain under seal and not be made public or served upon the Defendant; (4) the seal be lifted as to all other matters occurring in this action after the date of this Order; (5) the parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States. The United States may order any deposition transcripts and is entitled to intervene in this for good cause, at any time; (6) the parties shall serve all notices of appeal upon the United States; (7) all orders of this Court shall be sent to the United States; and that (8) should the Relator or the Defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.Signed by Judge S Arthur Spiegel on 8/22/2007. (km1, ) (Entered: 08/22/2007)
08/27/2007	<u>20</u>	Mail Returned as Undeliverable (Doc. 15). Mail sent to WILLIAM D. HUGHES. Marked Attempted – Not Known. Unable To Forward. (tt1, ) (Entered: 08/27/2007)
10/25/2007	<u>21</u>	NOTICE by Plaintiff Philip A Tetsuwari of <i>Withdrawal and Substitution of Trial Attorneys for the Relator</i> (Martins, Paul) (Entered: 10/25/2007)
12/06/2007	<u>22</u>	REQUEST FOR WAIVER of Service sent to CSC Lawyers Incorporating Service, Statutory Agent for Fluor Fernald, Inc. on November 8, 2007 by Plaintiff Philip A Tetsuwari.Waiver of Service due by 12/10/2007. (Martins, Paul) (Entered: 12/06/2007)
12/06/2007	<u>23</u>	WAIVER OF SERVICE Returned Executed by Plaintiff Philip A Tetsuwari, Defendant Fluor Fernald Inc. Fluor Fernald Inc waiver sent on 11/8/2007, answer due 1/11/2008. (tt1, ) (Entered: 12/06/2007)
01/04/2008	<u>24</u>	NOTICE of Appearance by Glenn Virgil Whitaker Defendant Fluor Fernald Inc (Whitaker, Glenn) (Entered: 01/04/2008)
01/04/2008	<u>25</u>	NOTICE of Appearance by Eric W. Richardson for Defendant Fluor Fernald Inc (Whitaker, Glenn) Modified on 1/7/2008 to edit text (srj ). (Entered: 01/04/2008)
01/04/2008	<u>26</u>	NOTICE of Appearance by Victor A Walton, Jr Defendant Fluor Fernald Inc (Walton, Victor) (Entered: 01/04/2008)
01/04/2008	<u>27</u>	NOTICE of Appearance by Michael J Bronson Defendant Fluor Fernald Inc (Bronson, Michael) (Entered: 01/04/2008)
01/04/2008	<u>28</u>	Corporate Disclosure Statement by Fluor Fernald Inc. (Whitaker, Glenn) (Entered: 01/04/2008)
01/04/2008	<u>29</u>	STIPULATION by parties for Extension of Time Until 1/28/2008 for Defendant Fluor Fernald Inc to Answer, Move, or Otherwise Plead to Relator's Complaint. (Whitaker, Glenn) Docket Text Modified on 1/7/2008 to reflect that document is stipulation per Local Rule 6.1 and not a motion (km1, ). (Entered: 01/04/2008)
01/28/2008	<u>30</u>	ANSWER to <u>9</u> Amended Complaint <i>With Jury Demand</i> by Defendant Fluor Fernald Inc. (Whitaker, Glenn) (Entered: 01/28/2008)
01/29/2008	<u>31</u>	NOTICE of Hearing:Preliminary Pretrial Conference set for 4/22/2008 10:00 AM in chambers before Judge S Arthur Spiegel. (km1, ) (Entered: 01/29/2008)
04/15/2008	<u>32</u>	NOTICE by Plaintiff Philip A Tetsuwari <i>Relator's Initial Disclosures</i> (Attachments: # <u>1</u> Exhibit A) (Rice, Robert) (Entered: 04/15/2008)

04/15/2008	<u>33</u>	RULE 26(f) REPORT by Plaintiff Philip A Tetsuwari. (Attachments: # <u>1</u> Proposed Agreed Protective Order) (Rice, Robert) (Entered: 04/15/2008)
04/16/2008		Pursuant to this Court's General Order of Reference filed 3/25/1991, Magistrate Judge Timothy S. Black is added for purposes of discovery. (km1, ) (Entered: 04/16/2008)
04/22/2008	<u>34</u>	AGREED PROTECTIVE ORDER re Discovery. Signed by Judge S Arthur Spiegel on 4/22/2008. (km1, ) (Entered: 04/22/2008)
04/23/2008	<u>35</u>	PRELIMINARY PRETRIAL ORDER: Discovery due by 9/14/2009. Dispositive Motions not directed to pleadings due by 10/15/2009. Settlement Conference tentatively set for 12/4/2008 02:00 PM. Final Pretrial Conference tentatively set for 12/3/2009 02:00 PM. 20-day Jury Trial tentatively set for 2/8/2010 09:30 AM on an on-deck basis. Signed by Judge S Arthur Spiegel on 4/23/2008. (km1, ) (Entered: 04/23/2008)
05/19/2008	<u>36</u>	MOTION to Unseal Case by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit A) (Whitaker, Glenn) (Entered: 05/19/2008)
06/26/2008	<u>37</u>	NOTICE of Appearance by Whitney C. Gibson Defendant Fluor Fernald Inc (Gibson, Whitney) (Entered: 06/26/2008)
06/26/2008	<u>38</u>	STIPULATION re <u>36</u> MOTION to Unseal Case by Defendant Fluor Fernald Inc. (Gibson, Whitney) (Entered: 06/26/2008)
06/27/2008		Notice of Correction re: 38 Stipulation. This is actually a Stipulated Order requiring the signature of the Court. Pursuant to current CM/ECF policies and procedures, all proposed orders shall be submitted to judge's chambers via e-mail. The proposed order has been removed from the docket, saved to file and printed for the Court's use. The Order will be re-docketed after signature of the Court is received. (km1, ) (Entered: 06/27/2008)
06/27/2008	<u>39</u>	STIPULATED ORDER re <u>36</u> Motion to Unseal Case. Upon agreement of the parties, the Court Orders that: (1) the following docket entries in this action, including all documents and attachments, shall be unsealed: docket numbers <u>1 2 3 4 5 7 8 11 13 15 16</u> and <u>18</u> . The following docket entries are to remain under seal: docket numbers 6, 10, 12 and 14. Signed by Judge S Arthur Spiegel on 6/26/2008. (km1, ) (Entered: 06/27/2008)
07/23/2008	<u>40</u>	NOTICE by Defendant Fluor Fernald Inc of <i>Subpoena</i> (Walton, Victor) (Entered: 07/23/2008)
07/23/2008	<u>41</u>	NOTICE by Defendant Fluor Fernald Inc re <u>40</u> Notice (Other) <i>Subpoena</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit A-1, # <u>3</u> Exhibit A-2, # <u>4</u> Exhibit B) (Walton, Victor) (Entered: 07/23/2008)
08/27/2008	<u>42</u>	NOTICE by Plaintiff Philip A Tetsuwari of <i>Filing Department of Engergy Subpoenas</i> (Attachments: # <u>1</u> DoE Subpoena duces tecum, # <u>2</u> DoE Subpoena ad testificandum) (Martins, Paul) (Entered: 08/27/2008)
08/28/2008	<u>43</u>	NOTICE by Plaintiff Philip A Tetsuwari re <u>42</u> Notice (Other) of <i>Filing Department of Energy Subpoena</i> (Attachments: # <u>1</u> DoE Subpoena) (Martins, Paul) (Entered: 08/28/2008)
09/25/2008	<u>44</u>	NOTICE by Defendant Fluor Fernald Inc of <i>Subpoena</i> (Attachments: # <u>1</u> Supplement Subpoena, # <u>2</u> Exhibit A to Subpoena, # <u>3</u> Exhibit A-1 to Subpoena, # <u>4</u> Exhibit B to Supoena) (Whitaker, Glenn) (Entered: 09/25/2008)
09/30/2008	<u>45</u>	NOTICE by Defendant Fluor Fernald Inc of <i>Subpoena</i> (Attachments: # <u>1</u> Supplement Subpoena to EPA, # <u>2</u> Exhibit A, # <u>3</u> Exhibit A1, # <u>4</u> Exhibit B) (Whitaker, Glenn) (Entered: 09/30/2008)
10/01/2008	<u>46</u>	NOTICE of Hearing: Settlement Conference set for 12/4/2008 02:00 PM in chambers before Judge S Arthur Spiegel. (km1, ) (Entered: 10/01/2008)
10/06/2008	<u>47</u>	NOTICE by Defendant Fluor Fernald Inc of <i>Subpoena to USEPA</i> (Attachments: # <u>1</u> Supplement Subpoena, # <u>2</u> Exhibit A, # <u>3</u> Exhibit A-1) (Whitaker, Glenn) (Additional attachment(s) added on 10/6/2008: # <u>4</u> Exhibit B) (mr1, ). (Entered: 10/06/2008)

10/10/2008	<u>48</u>	MOTION to Compel <i>Responses To Interrogatories</i> by Plaintiff Philip A Tetsuwari. (Attachments: # <u>1</u> Rice Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G) (Rice, Robert) (Entered: 10/10/2008)
10/14/2008		MOTIONS REFERRED: <u>48</u> MOTION to Compel Responses To Interrogatories REFERRED to Magistrate Judge Timothy S. Black. (km1, ) (Entered: 10/14/2008)
11/03/2008	<u>49</u>	RESPONSE in Opposition re <u>48</u> MOTION to Compel <i>Responses To Interrogatories</i> filed by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Affidavit Exhibit A) (Whitaker, Glenn) (Entered: 11/03/2008)
11/13/2008	<u>50</u>	NOTICE of Hearing: Settlement Conference RESET for 12/11/2008 10:00 AM in chambers before Judge S Arthur Spiegel. (km1, ) (Entered: 11/13/2008)
11/17/2008	<u>51</u>	REPLY to Response to Motion re <u>48</u> MOTION to Compel <i>Responses To Interrogatories</i> filed by Plaintiff Philip A Tetsuwari. (Rice, Robert) (Entered: 11/17/2008)
11/20/2008	<u>52</u>	NOTICE of Hearing: Settlement Conference RESET for 12/17/2008 09:00 AM in chambers before Judge S Arthur Spiegel. (km1, ) (Entered: 11/20/2008)
11/21/2008		NOTICE: Discovery hearing in chambers of Magistrate Judge Black on Motion to Compel (Doc.48) scheduled for Dec. 3, 2008 @ 11:00 a.m. (j11, ) Modified on 11/24/2008 (j11, ). (Entered: 11/21/2008)
12/03/2008	<u>53</u>	ORDER finding as moot <u>48</u> Motion to Compel. Relator to respond to defendant's interrogatories 1-17 and defendant to respond to Relator's interrogatories 1-14. Signed by Magistrate Judge Timothy S. Black on 12/3/08. (j11, ) (Entered: 12/03/2008)
12/18/2008	<u>54</u>	SUMMARY JURY TRIAL ORDER: Summary Jury Trial set for 2/8/2010, with a Charging Conference set for 1/28/2010 02:00 PM. If the parties jointly request that a detailed jury questionnaire be sent to prospective jurors and results made available to counsel prior to the summary jury trial, they shall submit to the Court for its review and approval at the 12/3/2009 Final Pretrial Conference, an agreed upon proposed questionnaire. Unless excused by the Court, the parties shall submit proposed voir dire questions, jury instructions, special interrogatories, and briefs on any issues of law by 12/10/2009. The 20-day Jury Trial is RESET for 3/16/2010. Signed by Judge S Arthur Spiegel on 12/18/2008. (km1, ) Modified Docket Text to Correct Date of Charging Conference on 12/18/2008 (km1, ). (Entered: 12/18/2008)
12/18/2008		Notice of Correction re: <u>54</u> Summary Jury Trial Order. Date of Charging Conference corrected in body of docket text to read 1/28/2010 at 2:00 PM. (km1, ) (Entered: 12/18/2008)
07/16/2009		Minute Entry for proceedings held before Magistrate Judge Timothy S. Black: Counsel conferred with Magistrate Judge Black by phone at plaintiff's deposition regarding whether the deposition could be recorded by videotape. Magistrate Judge Black concluded it could. (j11, ) (Entered: 07/16/2009)
09/03/2009	<u>55</u>	NOTICE of Hearing: Final Pretrial Conference set for 12/3/2009 02:00 PM in Chambers before Judge S Arthur Spiegel. Charging Conference set for 1/28/2010 02:00 PM in Chambers before Judge S Arthur Spiegel. Summary Jury Trial set for 2/8/2010 09:30 AM in Courtroom 842 before Judge S Arthur Spiegel on an on-deck basis. 20-day Jury Trial set for 3/16/2010 09:30 AM in Courtroom 842 before Judge S Arthur Spiegel on an on-deck basis. (km1, ) (Entered: 09/03/2009)
09/30/2009	<u>56</u>	MOTION to Exclude <i>Certain Testimony of Relator's Expert Dr. Daniel B. Bullen</i> by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Bullen Deposition, # <u>2</u> Exhibit Bullen Report, # <u>3</u> Exhibit Dwyer Opinion, # <u>4</u> Exhibit Dwyer e-mail, # <u>5</u> Exhibit Tetsuwari depo excerpt) (Whitaker, Glenn) (Entered: 09/30/2009)
10/15/2009	<u>57</u>	NOTICE by Defendant Fluor Fernald Inc of <i>Filing Depositions of Beckman, Bullen, Carr, Cherry, Chiou, J.D., Chiou Jyh-Dong, Dwyer, Eger, Holland, Lohner, Miller, Nixon, Osborn, Parsons, Reising, Saric, Schneider, Spotts, Tabor, Tetsuwari and Tomczak</i> (Whitaker, Glenn) (Entered: 10/15/2009)

10/15/2009	<u>58</u>	DEPOSITION of Stephen Mark Beckman taken on 8/21/2009 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 63, # <u>2</u> Exhibit Ex. 64, # <u>3</u> Exhibit Ex. 65, # <u>4</u> Exhibit Ex. 66, # <u>5</u> Exhibit Ex. 67, # <u>6</u> Exhibit Ex. 68, # <u>7</u> Exhibit Ex. 69, # <u>8</u> Exhibit Ex. 70, # <u>9</u> Exhibit Ex. 71, # <u>10</u> Exhibit Ex. 72, # <u>11</u> Exhibit Ex. 73, # <u>12</u> Exhibit Ex. 74, # <u>13</u> Exhibit Ex. 75, # <u>14</u> Exhibit Ex. 76, # <u>15</u> Exhibit Ex. 77, # <u>16</u> Exhibit Ex. 78, # <u>17</u> Exhibit Ex. 79, # <u>18</u> Exhibit Ex. 80) (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>59</u>	DEPOSITION of Daniel B. Bullen, Ph.D., P.E. taken on 08/05/2009 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 1, # <u>2</u> Exhibit Ex. 2, # <u>3</u> Exhibit Ex. 3, # <u>4</u> Exhibit Ex. 4, # <u>5</u> Exhibit Ex. 5, # <u>6</u> Exhibit Ex. 6) (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>60</u>	DEPOSITION of J.D. Chiou, PhD., PE taken on 11/11/2008 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 39, # <u>2</u> Exhibit Ex. 40, # <u>3</u> Exhibit Ex. 41) (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>61</u>	DEPOSITION of Jyh-Dong Chiou, Phd, RPE taken on 09/19/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 126, # <u>2</u> Exhibit Ex. 127, # <u>3</u> Exhibit Ex. 128, # <u>4</u> Exhibit Ex. 129, # <u>5</u> Exhibit Ex. 130, # <u>6</u> Exhibit Ex. 131, # <u>7</u> Exhibit Ex. 132) (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>62</u>	DEPOSITION of Kenneth John Eger taken on 09/09/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 117, # <u>2</u> Exhibit Ex. 118, # <u>3</u> Exhibit Ex. 119) (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>63</u>	NOTICE by Defendant Fluor Fernald Inc of <i>Filing Deposition of Christopher Eric Hall Under Seal</i> (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>64</u>	DEPOSITION of William Glenn Lohner taken on 08/12/2009 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 20, # <u>2</u> Exhibit Ex. 21, # <u>3</u> Exhibit Ex. 22, # <u>4</u> Exhibit Ex. 23) (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>65</u>	MOTION for Partial Summary Judgment by Plaintiff Philip A Tetsuwari. Responses due by 11/9/2009 (Attachments: # <u>1</u> Exhibit A, Fernald Closure Contract Excerpts, # <u>2</u> Exhibit B, Holland Depo Excerpts, # <u>3</u> Exhibit C, OU5 Record of Decision Excerpts, # <u>4</u> Exhibit D, Reising Depo Excerpts, # <u>5</u> Exhibit E, OU4 Record of Decision Excerpts, # <u>6</u> Exhibit F, Murphy Depo Excerpts, # <u>7</u> Exhibit G, Fluor Fernald Rule 30(b)(6) Depo Excerpts, # <u>8</u> Exhibit H, Waste Acceptance Criteria, # <u>9</u> Exhibit I, OU4 Amended Record of Decision Excerpts, # <u>10</u> Exhibit J, Tetsuwari Depo Excerpts, # <u>11</u> Exhibit K, Lohner Depo Excerpts, # <u>12</u> Exhibit L, Silos Project Completion Report, # <u>13</u> Exhibit M, Osborn Depo Excerpts, # <u>14</u> Exhibit N, Chiou Depo Excerpts, # <u>15</u> Exhibit O, 5/3/05 Emails, # <u>16</u> Exhibit P, Bullen Expert Report, # <u>17</u> Exhibit Q, Fluor Fernald Invoices) (Rice, Robert) (Entered: 10/15/2009)
10/15/2009	<u>66</u>	DEPOSITION of Frank Lee Miller II taken on 08/31/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 93, # <u>2</u> Exhibit Ex. 94, # <u>3</u> Exhibit Ex. 95, # <u>4</u> Exhibit Ex. 96, # <u>5</u> Exhibit Ex. 97, # <u>6</u> Exhibit Ex. 98, # <u>7</u> Exhibit Ex. 99, # <u>8</u> Exhibit Ex. 100) (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>67</u>	DEPOSITION of Dennis A. Nixon taken on 08/06/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 60) (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>68</u>	DEPOSITION of Scott Osborn taken on 08/13/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 61) (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>69</u>	DEPOSITION of Johnny Wayne Reising taken on 09/14/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 1, # <u>2</u> Exhibit Ex. 2) (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>70</u>	DEPOSITION of Phillip Brian Spotts taken on 08/13/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 62) (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>71</u>	MOTION for Summary Judgment by Defendant Fluor Fernald Inc. Responses due by 11/9/2009 (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>72</u>	DEPOSITION of Larry Mark Tomczak taken on 08/25/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 81) (Whitaker, Glenn) (Entered: 10/15/2009)

10/15/2009	<u>73</u>	NOTICE by Defendant Fluor Fernald Inc of Service of Appendix in Support re <u>71</u> Motion for Summary Judgment (Whitaker, Glenn) Modified Docket Text to Clarify on 10/16/2009 (km1). (Entered: 10/15/2009)
10/15/2009	<u>74</u>	DEPOSITION of Dennis John Carr taken on 09/30/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 133) (Whitaker, Glenn) (Entered: 10/15/2009)
10/15/2009	<u>75</u>	DEPOSITION of Mark Jay Cherry taken on 09/11/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 120, # <u>2</u> Exhibit Ex. 121, # <u>3</u> Exhibit Ex. 122, # <u>4</u> Exhibit Ex. 123, # <u>5</u> Exhibit Ex. 124, # <u>6</u> Exhibit Ex. 125) (Whitaker, Glenn) (Entered: 10/15/2009)
10/16/2009	<u>76</u>	DEPOSITION of Cynthia Lee Tabor taken on 08/04/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 42 (1), # <u>2</u> Exhibit Ex. 42 (2), # <u>3</u> Exhibit Ex. 42 (3), # <u>4</u> Exhibit Ex. 42 (4), # <u>5</u> Exhibit Ex. 42 (5), # <u>6</u> Exhibit Ex. 42 (6), # <u>7</u> Exhibit Ex. 42 (7), # <u>8</u> Exhibit Ex. 43, # <u>9</u> Exhibit Ex. 44, # <u>10</u> Exhibit Ex. 45, # <u>11</u> Exhibit Ex. 46, # <u>12</u> Exhibit Ex. 47, # <u>13</u> Exhibit Ex. 48, # <u>14</u> Exhibit Ex. 49, # <u>15</u> Exhibit Ex. 50, # <u>16</u> Exhibit Ex. 51, # <u>17</u> Exhibit Ex. 52, # <u>18</u> Exhibit Ex. 53, # <u>19</u> Exhibit Ex. 54, # <u>20</u> Exhibit Ex. 55, # <u>21</u> Exhibit Ex. 56, # <u>22</u> Exhibit Ex. 57, # <u>23</u> Exhibit Ex. 58, # <u>24</u> Exhibit Ex. 59) (Whitaker, Glenn) (Entered: 10/16/2009)
10/16/2009	<u>77</u>	NOTICE by Defendant Fluor Fernald Inc re <u>71</u> MOTION for Summary Judgment <i>Appendix of Exhibits</i> (Attachments: # <u>1</u> Appendix A, # <u>2</u> Appendix B, # <u>3</u> Appendix C, # <u>4</u> Appendix D, # <u>5</u> Appendix E, # <u>6</u> Appendix F, # <u>7</u> Appendix G, # <u>8</u> Appendix H, # <u>9</u> Appendix I, # <u>10</u> Appendix J, # <u>11</u> Appendix K (1), # <u>12</u> Appendix K (2), # <u>13</u> Appendix L, # <u>14</u> Appendix M, # <u>15</u> Appendix N, # <u>16</u> Appendix O, # <u>17</u> Appendix P, # <u>18</u> Appendix Q, # <u>19</u> Appendix R, # <u>20</u> Appendix S, # <u>21</u> Appendix T, # <u>22</u> Appendix U, # <u>23</u> Appendix V, # <u>24</u> Appendix W (1), # <u>25</u> Appendix W (2), # <u>26</u> Appendix W (3), # <u>27</u> Appendix W (4), # <u>28</u> Appendix X, # <u>29</u> Appendix Y, # <u>30</u> Appendix Z, # <u>31</u> Appendix AA, # <u>32</u> Appendix BB, # <u>33</u> Appendix CC, # <u>34</u> Appendix DD) (Whitaker, Glenn) (Entered: 10/16/2009)
10/16/2009	<u>78</u>	DEPOSITION of Phillip Anthony Tetsuwari taken on 07/17/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex. 1, # <u>2</u> Exhibit Ex. 2, # <u>3</u> Exhibit Ex. 3, # <u>4</u> Exhibit Ex. 4, # <u>5</u> Exhibit Ex. 5, # <u>6</u> Exhibit Ex. 6, # <u>7</u> Exhibit Ex. 7, # <u>8</u> Exhibit Ex. 8, # <u>9</u> Exhibit Ex. 9, # <u>10</u> Exhibit Ex. 10, # <u>11</u> Exhibit Ex. 11, # <u>12</u> Exhibit Ex. 12, # <u>13</u> Exhibit Ex. 13, # <u>14</u> Exhibit Ex. 14, # <u>15</u> Exhibit Ex. 15, # <u>16</u> Exhibit Ex. 16, # <u>17</u> Exhibit Ex. 17, # <u>18</u> Exhibit Ex. 18, # <u>19</u> Exhibit Ex. 19, # <u>20</u> Exhibit Ex. 20, # <u>21</u> Exhibit Ex. 21, # <u>22</u> Exhibit Ex. 22, # <u>23</u> Exhibit Ex. 23, # <u>24</u> Exhibit Ex. 24, # <u>25</u> Exhibit Ex. 25, # <u>26</u> Exhibit Ex. 26, # <u>27</u> Exhibit Ex. 27) (Whitaker, Glenn) (Entered: 10/16/2009)
10/16/2009	<u>79</u>	DEPOSITION of Stephen F. Dwyer taken on 08/28/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit Ex 101, # <u>2</u> Exhibit Ex 102, # <u>3</u> Exhibit Ex 103, # <u>4</u> Exhibit Ex 104) (Whitaker, Glenn) (Entered: 10/16/2009)
10/16/2009	<u>81</u>	DEPOSITION of James A. Saric taken on 8/26/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit 82, # <u>2</u> Exhibit 83, # <u>3</u> Exhibit 84, # <u>4</u> Exhibit 85, # <u>5</u> Exhibit 86, # <u>6</u> Exhibit 87, # <u>7</u> Exhibit 88 (1), # <u>8</u> Exhibit 88 (2), # <u>9</u> Exhibit 88 (3), # <u>10</u> Exhibit 88 (4), # <u>11</u> Exhibit 88 (5), # <u>12</u> Exhibit 88 (6), # <u>13</u> Exhibit 88 (7), # <u>14</u> Exhibit 88 (8), # <u>15</u> Exhibit 88 (9), # <u>16</u> Exhibit 88 (10), # <u>17</u> Exhibit 88 (11), # <u>18</u> Exhibit 89, # <u>19</u> Exhibit 90, # <u>20</u> Exhibit 91) (Whitaker, Glenn) (Entered: 10/16/2009)
10/16/2009	<u>82</u>	DEPOSITION of Thomas Aaron Schneider taken on 08/12/09 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19 (1), # <u>20</u> Exhibit 19 (2), # <u>21</u> Exhibit 19 (3), # <u>22</u> Exhibit 19 (4), # <u>23</u> Exhibit 19 (5), # <u>24</u> Exhibit 19 (6), # <u>25</u> Exhibit 19 (7), # <u>26</u> Exhibit 19 (8), # <u>27</u> Exhibit 19 (9), # <u>28</u> Exhibit 19 (10)) (Whitaker, Glenn) (Entered: 10/16/2009)
10/16/2009	<u>83</u>	DEPOSITION of Loretta Elizabeth Parsons taken on 11/06/08 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit 13, # <u>2</u> Exhibit 14, # <u>3</u> Exhibit 15 (1), # <u>4</u> Exhibit 15 (2), # <u>5</u> Exhibit 15 (3), # <u>6</u> Exhibit 15 (4), # <u>7</u> Exhibit 15 (5), # <u>8</u> Exhibit 15 (6), # <u>9</u> Exhibit 15 (7), # <u>10</u> Exhibit 15 (8), # <u>11</u> Exhibit 15 (9), # <u>12</u> Exhibit 15 (10), # <u>13</u> Exhibit 16, # <u>14</u> Exhibit 17, # <u>15</u> Exhibit 18 (1), # <u>16</u> Exhibit 18 (2), # <u>17</u> Exhibit



		18 (3), # <u>18</u> Exhibit 18 (4), # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23 (1), # <u>24</u> Exhibit 23 (2), # <u>25</u> Exhibit 23 (3), # <u>26</u> Exhibit 23 (4), # <u>27</u> Exhibit 23 (5), # <u>28</u> Exhibit 23 (6), # <u>29</u> Exhibit 23 (7), # <u>30</u> Exhibit 23 (8)) (Whitaker, Glenn) (Entered: 10/16/2009)
10/16/2009	<u>84</u>	DEPOSITION of Ralph Edward Holland taken on 11/07/08 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit 25, # <u>2</u> Exhibit 26, # <u>3</u> Exhibit 27, # <u>4</u> Exhibit 28 (1), # <u>5</u> Exhibit 28 (2), # <u>6</u> Exhibit 28 (3), # <u>7</u> Exhibit 28 (4), # <u>8</u> Exhibit 28 (5), # <u>9</u> Exhibit 28 (6), # <u>10</u> Exhibit 28 (7), # <u>11</u> Exhibit 29 (1), # <u>12</u> Exhibit 29 (2), # <u>13</u> Exhibit 29 (3), # <u>14</u> Exhibit 29 (4), # <u>15</u> Exhibit 29 (5), # <u>16</u> Exhibit 29 (6), # <u>17</u> Exhibit 29 (7), # <u>18</u> Exhibit 29 (8), # <u>19</u> Exhibit 30 (1), # <u>20</u> Exhibit 30 (2), # <u>21</u> Exhibit 30 (3), # <u>22</u> Exhibit 30 (4), # <u>23</u> Exhibit 30 (5), # <u>24</u> Exhibit 31 (1), # <u>25</u> Exhibit 31 (2), # <u>26</u> Exhibit 31 (3), # <u>27</u> Exhibit 31 (4), # <u>28</u> Exhibit 31 (5), # <u>29</u> Exhibit 32 (1), # <u>30</u> Exhibit 32 (2), # <u>31</u> Exhibit 32 (3), # <u>32</u> Exhibit 32 (4), # <u>33</u> Exhibit 32 (5), # <u>34</u> Exhibit 32 (6), # <u>35</u> Exhibit 32 (7)) (Whitaker, Glenn) (Entered: 10/16/2009)
10/16/2009	<u>85</u>	CONTINUED EXHIBITS in DEPOSITION of Ralph Edward Holland taken on 11/07/08 by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Exhibit 33 (2), # <u>2</u> Exhibit 33 (3), # <u>3</u> Exhibit 33 (4), # <u>4</u> Exhibit 33 (5), # <u>5</u> Exhibit 33 (6), # <u>6</u> Exhibit 33 (7), # <u>7</u> Exhibit 33 (8), # <u>8</u> Exhibit 33 (9), # <u>9</u> Exhibit 33 (10), # <u>10</u> Exhibit 33 (11), # <u>11</u> Exhibit 33 (12), # <u>12</u> Exhibit 34 (1), # <u>13</u> Exhibit 34 (2), # <u>14</u> Exhibit 34 (3), # <u>15</u> Exhibit 34 (4), # <u>16</u> Exhibit 34 (5), # <u>17</u> Exhibit 34 (6), # <u>18</u> Exhibit 34 (7), # <u>19</u> Exhibit 34 (8), # <u>20</u> Exhibit 34 (9), # <u>21</u> Exhibit 34 (10), # <u>22</u> Exhibit 34 (11), # <u>23</u> Exhibit 34 (12), # <u>24</u> Exhibit 34 (13), # <u>25</u> Exhibit 34 (14), # <u>26</u> Exhibit 34 (15), # <u>27</u> Exhibit 35 (1), # <u>28</u> Exhibit 35 (2), # <u>29</u> Exhibit 35 (3), # <u>30</u> Exhibit 35 (4), # <u>31</u> Exhibit 35 (5), # <u>32</u> Exhibit 35 (6), # <u>33</u> Exhibit 35 (7), # <u>34</u> Exhibit 35 (8), # <u>35</u> Exhibit 35 (9), # <u>36</u> Exhibit 35 (10), # <u>37</u> Exhibit 35 (12), # <u>38</u> Exhibit 35 (13), # <u>39</u> Exhibit 35 (14), # <u>40</u> Exhibit 35 (15), # <u>41</u> Exhibit 35 (16), # <u>42</u> Exhibit 35 (17), # <u>43</u> Exhibit 35 (18), # <u>44</u> Exhibit 35 (19), # <u>45</u> Exhibit 35 (20), # <u>46</u> Exhibit 35 (21), # <u>47</u> Exhibit 35 (22), # <u>48</u> Exhibit 35 (23), # <u>49</u> Exhibit 35 (24), # <u>50</u> Exhibit 35 (25)) (Whitaker, Glenn) Modified to clarify docket text on 10/19/2009 (jlw1). (Entered: 10/16/2009)
10/19/2009	<u>86</u>	NOTICE by Defendant Fluor Fernald Inc of <i>Filing Signature Page of Frank Lee Miller, II and Signature Page and Errata Sheet of Dennis J. Carr</i> (Attachments: # <u>1</u> Errata Signature Page, # <u>2</u> Errata Errata & Signature Page) (Whitaker, Glenn) (Entered: 10/19/2009)
10/20/2009	<u>87</u>	ORDER re <u>65</u> Plaintiffs' Motion for Partial Summary Judgment, <u>71</u> Defendants' Motion for Summary Judgment. The parties have requested oral argument pursuant to S. D. Ohio Civ. R. 7.1(b)(2), to which the Court finds necessary, due to the complexity of the factual and legal issues presented. Accordingly, the Court hereby VACATES and CONVERTS the Final Pretrial Conference set for 12/3/2009 at 2:00 p.m. to oral argument on the pending dispositive motions. The Court further RESETS the Final Pretrial Conference for 1/13/2010 at 11:00 a.m. All other deadlines contained in this Courts Scheduling Orders <u>35</u> <u>54</u> remain in effect. Signed by Judge S Arthur Spiegel on 10/20/2009. (km1) (Entered: 10/20/2009)
10/26/2009	<u>88</u>	RESPONSE in Opposition re <u>56</u> MOTION to Exclude <i>Certain Testimony of Relator's Expert Dr. Daniel B. Bullen</i> filed by Plaintiff Philip A Tetsuwari. (Attachments: # <u>1</u> Exhibit A 6/9/2009 Rice Letter, # <u>2</u> Exhibit B Bullen Report, # <u>3</u> Exhibit C 7/9/2009 Walton Letter, # <u>4</u> Exhibit D Dwyer Report, # <u>5</u> Exhibit E Bullen Depo Excerpts, # <u>6</u> Exhibit F Dwyer Depo Excerpts, # <u>7</u> Exhibit G 8/17/09 Hughes Letter, # <u>8</u> Exhibit H Chiou Depo Excerpts) (Rice, Robert) (Entered: 10/26/2009)
11/09/2009	<u>89</u>	RESPONSE in Opposition re <u>65</u> MOTION for Partial Summary Judgment filed by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Appendix, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L) (Whitaker, Glenn) (Entered: 11/09/2009)
11/09/2009	<u>90</u>	REPLY to Response to Motion re <u>56</u> MOTION to Exclude <i>Certain Testimony of Relator's Expert Dr. Daniel B. Bullen Defendant Fluor Fernald, Inc.'s Reply to Relator's Memorandum in Opposition (Doc. #88)</i> filed by Defendant Fluor Fernald Inc. (Whitaker, Glenn) (Entered: 11/09/2009)

11/09/2009	<u>91</u>	RESPONSE in Opposition re <u>71</u> MOTION for Summary Judgment filed by Plaintiff Philip A Tetsuwari. (Attachments: # <u>1</u> Exhibit A, Contract Excerpts, # <u>2</u> Exhibit B, Holland Depo Excerpts, # <u>3</u> Exhibit C, OU4 Record of Decision Excerpts, # <u>4</u> Exhibit D, OU5 Record of Decision Excerpts, # <u>5</u> Exhibit E, Murphy Depo Excerpts, # <u>6</u> Exhibit F, Rule 30(b)(6) Depo Excerpts, # <u>7</u> Exhibit G, OU4 Remedial Investigation Excerpts, # <u>8</u> Exhibit H, Reising Depo Excerpts, # <u>9</u> Exhibit I, Waste Acceptance Criteria, # <u>10</u> Exhibit J, Bullen Depo Excerpts, # <u>11</u> Exhibit K, Tetsuwari Depo Excerpts, # <u>12</u> Exhibit L, Saric Depo Excerpts, # <u>13</u> Exhibit M, Schneider Depo Excerpts, # <u>14</u> Exhibit N, Osborn Depo Excerpts, # <u>15</u> Exhibit O, Chiou Depo Excerpts, # <u>16</u> Exhibit P, Bullen Expert Report, # <u>17</u> Exhibit Q, OU4 Amended Record of Decision Excerpts, # <u>18</u> Exhibit R, Carr Depo Excerpts, # <u>19</u> Exhibit S, Silos Project Completion Report, # <u>20</u> Exhibit T, Lohner Depo Excerpts, # <u>21</u> Exhibit U, 5/3/05 Emails, # <u>22</u> Exhibit V, OU3 Record of Decision Excerpts, # <u>23</u> Exhibit W, 5/10/05 Email, # <u>24</u> Exhibit X, Tabor Depo Excerpts, # <u>25</u> Exhibit Y, 3/4/05 Email, # <u>26</u> Exhibit Z, 2005 Site Environmental Report Excerpts, # <u>27</u> Exhibit AA, Spotts Depo Excerpts, # <u>28</u> Exhibit BB, Silos Project Completion Report, # <u>29</u> Exhibit CC, Eger Depo Excerpts, # <u>30</u> Exhibit DD, Jacobs Engineering October 2003 Calculation Excerpts, # <u>31</u> Exhibit EE, 4/19/05 Email, # <u>32</u> Exhibit FF, 9/5/05 Email, # <u>33</u> Exhibit GG, 3/28/06 Email, # <u>34</u> Exhibit HH, 4/17/06 Email, # <u>35</u> Exhibit II, 4/26/06 SM Stoller Letter, # <u>36</u> Exhibit JJ, Fluor Fernald Invoices) (Rice, Robert) (Entered: 11/09/2009)
11/10/2009	<u>92</u>	NOTICE by Defendant Fluor Fernald Inc of <i>Filing Signature Pages and Errata Sheets</i> (Attachments: # <u>1</u> Affidavit Mark Cherry, # <u>2</u> Errata Stephen Dwyer, # <u>3</u> Affidavit James Saric) (Whitaker, Glenn) (Entered: 11/10/2009)
11/18/2009	<u>93</u>	OPINION AND ORDER denying <u>56</u> Motion to Exclude Certain Testimony of Relator's Expert Dr. Daniel B. Bullen. Signed by Judge S Arthur Spiegel on 11/18/2009. (km1) (Entered: 11/18/2009)
11/23/2009	<u>94</u>	REPLY to Response to Motion re <u>71</u> MOTION for Summary Judgment <i>As to All False Claims Act and Retaliation Causes of Action</i> filed by Defendant Fluor Fernald Inc. (Attachments: # <u>1</u> Appendix Index, # <u>2</u> Appendix Tab A, # <u>3</u> Appendix Tab B, # <u>4</u> Appendix Tab C, # <u>5</u> Appendix Tab D, # <u>6</u> Appendix Tab E, # <u>7</u> Appendix Tab F, # <u>8</u> Appendix Tab G, # <u>9</u> Appendix Tab H, # <u>10</u> Appendix Tab I, # <u>11</u> Appendix Tab J, # <u>12</u> Appendix Tab K, # <u>13</u> Appendix Tab L, # <u>14</u> Appendix Tab M, # <u>15</u> Appendix Tab N, # <u>16</u> Appendix Tab O, # <u>17</u> Appendix Tab P, Part 1, # <u>18</u> Appendix Tab P, Part 2, # <u>19</u> Appendix Tab P, Part 3, # <u>20</u> Appendix Tab P, Part 4, # <u>21</u> Appendix Tab Q, # <u>22</u> Appendix Tab R, # <u>23</u> Appendix Tab S) (Whitaker, Glenn) (Entered: 11/23/2009)
11/23/2009	<u>95</u>	REPLY to Response to Motion re <u>65</u> MOTION for Partial Summary Judgment filed by Plaintiff Philip A Tetsuwari. (Attachments: # <u>1</u> Exhibit R, OU4 Record of Decision Excerpts, # <u>2</u> Exhibit S, OU4 Remedial Investigation Excerpts, # <u>3</u> Exhibit T, OU5 Record of Decision Excerpts, # <u>4</u> Exhibit U, Carr Depo Excerpts, # <u>5</u> Exhibit V, Tetsuwari Depo Excerpts, # <u>6</u> Exhibit W, OU3 Record of Decision Excerpts, # <u>7</u> Exhibit X, Reising Depo Excerpts, # <u>8</u> Exhibit Y, Saric Depo Excerpts, # <u>9</u> Exhibit Z, Schneider Depo Excerpts) (Rice, Robert) (Entered: 11/23/2009)
12/03/2009		Minute Entry for proceedings held before Judge S Arthur Spiegel: Motion Hearing held on 12/3/2009 re <u>65</u> MOTION for Partial Summary Judgment filed by Philip A Tetsuwari, <u>71</u> MOTION for Summary Judgment filed by Fluor Fernald Inc. Arguments of counsel heard. Matters taken under advisement. Written opinion to follow. (Court Reporter Luke Lavin (Official).) (km1) (Entered: 12/03/2009)
12/08/2009	<u>96</u>	NOTICE of Change of Address by William D Hughes (Hughes, William) (Entered: 12/08/2009)
12/10/2009	<u>97</u>	Proposed Voir Dire by Defendant Fluor Fernald Inc. (Whitaker, Glenn) (Entered: 12/10/2009)
12/10/2009	<u>98</u>	Proposed Jury Instructions by Defendant Fluor Fernald Inc. (Whitaker, Glenn) (Entered: 12/10/2009)
12/10/2009	<u>99</u>	Proposed Voir Dire by Plaintiff Philip A Tetsuwari. (Rice, Robert) (Entered: 12/10/2009)

12/10/2009	<u>100</u>	Proposed Jury Instructions by Plaintiff Philip A Tetsuwari. (Rice, Robert) (Entered: 12/10/2009)
12/10/2009	<u>101</u>	TRIAL BRIEF <i>On Issues Of Law For The Summary Jury Trial</i> by Plaintiff Philip A Tetsuwari. (Attachments: # <u>1</u> Exhibit A, Sanders Order re Multiple Damages and Attorneys Fees, # <u>2</u> Exhibit B, Sanders Order re Government Non-Intervention) (Rice, Robert) (Entered: 12/10/2009)
12/16/2009	<u>102</u>	<p>Transcript of Proceedings (Motions Hearing) held on 12/3/2009, before Judge S. Arthur Spiegel. Court Reporter/Transcriber Luke Lavin (Official), Telephone number (513) 564-7675 (no. pgs: 91). Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.</p> <p>NOTICE RE: REDACTION OF TRANSCRIPTS: Within 5 business days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at <a href="http://www.ohsd.uscourts.gov">www.ohsd.uscourts.gov</a> (Forms – Electronic Availability of Transcripts). Please read this policy carefully.</p> <p>For a complete copy of a transcript, please contact the Court Reporter or the Clerk's Office. Redaction Request due 1/6/2010. Redacted Transcript Deadline set for 1/19/2010. Release of Transcript Restriction set for 3/16/2010. (km1) (Entered: 12/16/2009)</p>
12/30/2009	<u>105</u>	ORDER: The Court VACATES the January 13, 2010 Final Pretrial Conference, the January 28, 2010 charging conference, the February 8, 2010 summary jury trial and the March 16, 2010 jury trial. All such dates for the vacated proceedings will be rescheduled, if necessary, in the Court's forthcoming Order on the parties' cross motions. Signed by Judge S Arthur Spiegel on 12/30/2009. (jlw1) (Entered: 01/04/2010)
12/31/2009	<u>103</u>	Response re <u>100</u> Proposed Jury Instructions by Defendant Fluor Fernald Inc. (Whitaker, Glenn) (Entered: 12/31/2009)
12/31/2009	<u>104</u>	Response re <u>101</u> Trial Brief, by Defendant Fluor Fernald Inc. (Whitaker, Glenn) (Entered: 12/31/2009)
02/24/2010	<u>106</u>	NOTICE by Defendant Fluor Fernald Inc re <u>71</u> MOTION for Summary Judgment of <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit A) (Whitaker, Glenn) (Entered: 02/24/2010)
05/05/2010	<u>107</u>	OPINION AND ORDER denying <u>65</u> Relator's Motion for Partial Summary Judgment; granting <u>71</u> Defendants' Motion for Summary Judgment as to All False Claims Act and Retaliation Causes of Action. This matter is DISMISSED from the Courtsdocket. Signed by Judge S Arthur Spiegel on 5/5/2010. (km1) (Entered: 05/05/2010)
05/05/2010	<u>108</u>	JUDGMENT entered by Clerk affirming Court Order <u>107</u> . (km1) (Entered: 05/05/2010)

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IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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UNITED STATES OF AMERICA *ex rel.*  
MORRIS TOLD, and MORRIS TOLD,  
individually,

Plaintiffs,

vs.

INTERWEST CONSTRUCTION CO., INC.,  
a Utah corporation, and DOES 1–100,  
inclusive,

Defendants.

ORDER GRANTING DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT

Case No. 2:03-CV-00751 PGC

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Morris Told filed this suit, as a *qui tam* action, on August 26, 2003. In his complaint, Mr. Told alleges Interwest Construction Co., Inc., violated the False Claims Act.<sup>1</sup> Mr. Told also lodges fraud and unjust enrichment claims against Interwest. But all of Mr. Told's claims against Interwest fail, as they are barred by the applicable statutes of limitations. The statute of limitations of the False Claims Act bars relator claims for violations occurring more than six years before the filing of the suit — the tolling limitation applies only to claims by the United States. And under Utah law, the statutes of limitations for unjust enrichment and fraud are four

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<sup>1</sup> 31 U.S.C. §§ 3729 *et seq.*

years and three years, respectively. Because Mr. Told has failed to show he filed his claims within the allowable time periods, the court finds his claims to be time-barred. The court, therefore, must grant summary judgment to Interwest.

### **BACKGROUND**

In 1990, Interwest entered into a contract with the United States of America (via the Veterans Administration) related to the remodeling and expansion of the Veterans Administration Hospital in Salt Lake City, Utah. The United States contracted responsibility for the construction management of Phase I of the project to Interwest. Interwest subcontracted with M.T. Enterprises, Inc., to perform certain work on Phase I. Phase I of the project lasted from 1990 to 1994.

On July 19, 1995, M.T. filed suit against Interwest due to disputes that arose between Interwest and M.T. as to obligations arising pursuant to their subcontract. M.T. filed the suit, *United States of America for and on Behalf of M.T. Enterprises, Inc. v. Interwest Construction Co. Inc.*,<sup>2</sup> in the United States District Court for the District of Utah. In the suit, M.T. alleged various acts of wrongdoing by Interwest relating to the subcontract, from 1990 to 1994.

Interwest denied M.T.'s allegations in an answer filed on September 26, 1995. Judge Benson, who presided over the case, dismissed M.T.'s case for failure to prosecute on October 28, 2004.

On August 29, 2003, Morris Told, president and chief executive officer of M.T., filed the present action under seal, as a relator. On October 12, 2005, the United States declined to intervene as a party in this case. On April 3, 2006, the complaint was served on Interwest. In his

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<sup>2</sup> 2:95-cv-00668 (Benson, J., presiding).

complaint, Mr. Told alleges that during Phase I of the project — from 1990 to 1994 — Interwest violated the False Claims Act. Additionally, Mr. Told makes fraud and unjust enrichment claims against Interwest. Specifically, Mr. Told alleges Interwest wrongfully retained M.T.’s funds, as well as those of other subcontractors, during the construction. He also alleges Interwest failed to timely pay M.T. and other subcontractors for work performed during the project. In his opposing memorandum, Mr. Told implies Interwest’s wrongdoing persisted into 1999, but Mr. Told provided no evidence to support such a finding, and his own complaint belies this claim.

Interwest denied Mr. Told’s allegations in its answer. As affirmative defenses, Interwest asserted that Mr. Told’s claims were barred by the doctrine of res judicata, as well as the statutes of limitations in 31 U.S.C. § 3731(b), and sections 78-121-26(3) and 78-12-25 of the Utah Code. Interwest bases its current motion for summary judgment on these same grounds, as well as on Mr. Told’s lack of standing.

### STANDARD OF REVIEW

The court should grant summary judgment “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.”<sup>3</sup> In determining the appropriateness of summary judgment, the court must “view the evidence, and draw reasonable inferences therefrom, in the light most favorable to the non-moving party.”<sup>4</sup> However, “[t]he mere existence of a scintilla of evidence in support of the

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<sup>3</sup> Fed. R. Civ. P. 56(c).

<sup>4</sup> *Combs v. PriceWaterhouse Coopers, LLP*, 382 F.3d 1196, 1199 (10th Cir. 2004).

plaintiff's position will be insufficient [to overcome a motion for summary judgment]; there must be evidence on which the jury could reasonably find for the plaintiff."<sup>5</sup>

## DISCUSSION

The court finds it must grant summary judgment to Interwest because Mr. Told filed all of his claims outside the applicable statute of limitations periods. Because Mr. Told's claims are clearly time-barred, the court need not (and does not) address Interwest's claims relating to res judicata and standing, or its motion to strike.

### I. Statutes of Limitations

#### A. *False Claims Act Violations*

Interwest argues the six year statute of limitations in 31 U.S.C. § 3731(b) bars the claims Mr. Told asserts under the False Claims Act. Mr. Told counters that the second part of the statute, tolling the limitations period, saves his claims. The court finds Mr. Told's claims to be time-barred.

The statute of limitations provision of the False Claims Act reads:

- (b) A civil action under section 3730 may not be brought —
  - (1) more than 6 years after the date on which the violation is committed, or
  - (2) more than 3 years after the date when facts material to the right or action are known or reasonably should have been known by the official of the United States charged with responsibility to act in the circumstances, but in no event more than 10 years after the date on which the violation is committed, whichever occurs last.<sup>6</sup>

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<sup>5</sup> *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 252 (1986).

<sup>6</sup> 31 U.S.C. § 3730.

Although there is a circuit split on the effect of this provision,<sup>7</sup> the Tenth Circuit has definitively addressed the issue. In *United States of America ex rel. Sikkenga v. Regence BlueCross BlueShield of Utah*,<sup>8</sup> the Tenth Circuit squarely addressed whether the ten-year statute of limitations of § 3731(b) applies to relators or only to the United States itself. In short, the court determined that Congress did not intend for the tolling provision to apply to private *qui tam* suits.<sup>9</sup> The court found that because *qui tam* suits are meant to rapidly expose fraud against public money “unencumbered by the lack of resources or the bureaucracy inherent in enforcement by public authorities,” § 3731(b)(2) does not apply to relators at all.<sup>10</sup> “[T]his result is more in accord with the FCA’s stated purpose of encouraging prompt action on the part of relators and would discourage those relators who chose to delay in bringing an FCA claim . . . to allow increasing damages to accrue. Congress cannot have intended such a result.”<sup>11</sup> In other words, where the government does not intervene, the second subsection of § 3731(b) excludes relators. Instead, this tolling provision only applies to the government.

In this case, the United States has not intervened as a party. Even though the United States is a real party in interest because the suit is brought on behalf of the government, the suit is a private *qui tam* suit. The tolling provision in § 3731(b)(2), therefore, excludes a relator such as

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<sup>7</sup> See *United States ex rel. Pogue v. Diabetes Treatment Ctrs. of Am., Inc.*, 474 F. Supp. 2d 75, 83 (D.D.C. 2006).

<sup>8</sup> 472 F.3d 702 (10th Cir. 2006).

<sup>9</sup> *Id.* at 725.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 725–26.



Mr. Told. This effectively negates Mr. Told's claims under the False Claims Act. Mr. Told filed his complaint in this case on August 29, 2003. Therefore, under *Sikkenga*, the statute of limitations bars any claims for violations of the False Claims Act alleged to have occurred before August 29, 1997. All of the claims in Mr. Told's complaint fall outside this time period — as such, all of the claims are time-barred.

Mr. Told makes only two arguments against Interwest's False Claims Act statute-of-limitations argument. The court has already rejected his first argument — that the tolling provision applies to him. Second, Mr. Told alleges he was made aware of certain wrongdoing by Interwest only after he filed his complaint, and the wrongdoing would not be time-barred, as it occurred in 1999. This 1999 claim is the only claim Mr. Told specifies that falls within the six year limitations period of § 3731(b)(2). But Mr. Told first mentioned this new claim in his opposition to Interwest's motion for summary judgment. And even liberally construing Mr. Told's reference to this new argument as a motion for leave to amend his complaint, his motion fails.

1. Mr. Told's New Claim

Although the court expects plaintiffs to file formal motions to amend their pleadings if they want to add entirely new claims to their complaints, Mr. Told has not done so. Nonetheless, he attempts to avoid summary judgment by asserting a new claim, which he alleges escapes the time-barred fate of the other claims because it occurred in 1999. The court construes this attempt liberally as a motion to amend his pleadings, since Mr. Told's reliance on the argument effectively stands as a request to raise a new claim.

Rule 15(a) of the Federal Rules of Civil Procedure governs leave to amend pleadings. Under Rule 15, parties have a limited time to amend their pleadings absent leave of the court. After this permissive period expires, “a party may amend the party’s pleading only by leave of the court or by written consent of the adverse party; and leave shall be freely given when justice so requires.”<sup>12</sup> The ““decision to grant leave to amend a complaint, after the permissive period is within the trial court’s discretion and will not be disturbed absent an abuse of that discretion.””<sup>13</sup>

With this in mind, as a general rule:

[A] plaintiff should not be prevented from pursuing a valid claim just because she did not set forth in the complaint a theory on which she could recover, provided always that a late shift in the thrust of the case will not prejudice the other party in maintaining his defense upon the merits.<sup>14</sup>

This liberal rule, however, does not negate defendants’ need for “fair notice” of the claims against them.<sup>15</sup> Therefore, the court must not

permit plaintiffs to wait until the last minute to ascertain and refine those theories on which they intend to build their case. This practice, if permitted, would waste the parties’ resources, as well as judicial resources, on discovery aimed at ultimately unavailing legal theories and would unfairly surprise defendants, requiring the court to grant further time for discovery or continuances.<sup>16</sup>

In this case, the first time Mr. Told raised the allegation of wrongdoing from 1999 against

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<sup>12</sup> Fed. R. Civ. P. 15(a).

<sup>13</sup> *Orr v. City of Albuquerque*, 417 F.3d 1144, 1153 (10th Cir. 2005) (quoting *Woolsey v. Marion Labs, Inc.*, 934 F.2d 1452, 1462 (10th Cir. 1991)).

<sup>14</sup> *Evans v. McDonald’s Corp.*, 936 F.2d 1087, 1090–91 (10th Cir. 1991).

<sup>15</sup> *Id.* at 1091.

<sup>16</sup> *Id.*

Interwest was in his opposition to Interwest's motion for summary judgment. In full, Mr. Told describes his new claim as follows:

Interwest obtained a \$375,000 award from the United States for "delay damages" in 1999. In obtaining this award, Interwest presented the claims of MT Enterprises and others subcontractors. In other words, Interwest made a claim for delay damages on behalf of MT Enterprises and certain of the other subcontractors. Interwest had a duty to pay all or a portion of these funds to its subcontractors, or to advise the United States that it was not going to do so and refund an appropriate portion of that award back to the United States. You can not obtain and keep monies from the United States which are not properly yours.

Assuming that this award violated the False Claims Act, this violation clearly occurred within six years of the filing of the complaint.<sup>17</sup>

From the last sentence, the court infers that Mr. Told attempts to bring this claim under the False Claims Act — but even this is not entirely clear. Basically, other than the above-quoted paragraph, Mr. Told has made no claim Interwest wrongfully retained money in 1999. Even read liberally, Mr. Told's complaint contains no such allegations. Until now, he has made no effort to amend his complaint or otherwise assert this claim. In other words, Mr. Told never brought this possible claim to the attention of the court or Interwest, even though he first filed his complaint in August 2003 — nearly four years ago.

In addition to the argument above, Mr. Told submitted an affidavit explaining he was unaware the government had paid Interwest \$375,000 in delay damages until after he "was told that information by a government investigator who was investigating the facts herein."<sup>18</sup> A reasonable inference from this quoted language is that Mr. Told obtained the information on this

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<sup>17</sup> Errata to Mem. Opp'n Mot. Summ. J. 17 (Docket No. 62).

<sup>18</sup> Told Aff. 2 (Exh. 5, Docket No. 63).

possible claim while the government was actively investigating the case — before it decided not to intervene. The government elected not to intervene in the case in October 2005, yet at no time before or since has Mr. Told attempted to add any claims in this case.

The court could overlook Mr. Told's failure to timely add this claim if pursuing it now would not subject Interwest to prejudice. But at this point in the proceedings, an amendment to Mr. Told's pleadings would substantially prejudice Interwest and would lead to judicial inefficiency. For one thing, Mr. Told's new allegation does not effectively put Interwest on notice of what type of violation is being alleged, when Mr. Told learned of the violation, or whether it even definitively relates to the False Claims Act. And Mr. Told alleges a set of entirely new facts — facts never alleged in the complaint and not foreseeable from the complaint. It would substantially burden Interwest to try to defend such an ill-defined claim so late in the process.

For another thing, the fact discovery period ended over two months ago — on April 2, 2007.<sup>19</sup> Allowing Mr. Told to raise this new claim so long after the discovery period has ended would put this case in a serious backslide. It would necessitate additional preparation and discovery periods, and require significant time continuances. This would lead to judicial inefficiency and would place a serious burden Interwest, effectively putting the parties back at square one. Permitting Mr. Told to redefine his theories, claims, and factual allegations at this late date would be to require Interwest to shoot at a moving target, constantly forging new and different defenses. For Interwest, such a result would be unreasonable and unfairly prejudicial.

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<sup>19</sup> See Scheduling Order 2 (Docket No. 29).

For these reasons, the court denies Mr. Told's attempt to amend his pleadings at this late date. Therefore, Mr. Told's claim of Interwest's wrongful detention of delay damages in 1999 is not part of this suit. As discussed above, the only remaining violations of the False Claims Act alleged by Mr. Told occurred prior to August 29, 1997. Because they are time-barred, the court grants summary judgment to Interwest with respect to Mr. Told's claims under the False Claims Act.

*B. State/Common Law Claims*

Interwest also argues that Mr. Told's remaining claims — fraud and unjust enrichment — are barred by Utah statutes of limitations. This contention prevails procedurally, because of Mr. Told's failure to respond to Interwest's argument as to this point. Interwest's argument also prevails on the merits.

Section 78-12-26(3) of the Utah Code relates to fraud claims. It provides that “[a]n action may be brought within three years . . . for relief on the ground of fraud or mistake.”<sup>20</sup> Similarly, an action for unjust enrichment must be brought within four years. Specifically, section 78-12-25 of the Utah Code provides that “[a]n action may be brought within four years . . . upon a contract, obligation, or liability not founded upon an instrument in writing.”<sup>21</sup>

Mr. Told has failed to even respond to Interwest's contention that his unjust enrichment and fraud claims are barred by Utah statutes of limitations. The court deems arguments not

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<sup>20</sup> Utah Code Ann. § 78-12-26.

<sup>21</sup> *Id.* § 78-12-25.

addressed in an opposition to be abandoned.<sup>22</sup> For this reason alone, the court finds it proper to grant Interwest's motion for summary judgment with regard to these claims.

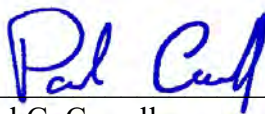
Further, even if Mr. Told had responded to Interwest's claims, Interwest would have succeeded on the merits. Mr. Told bases his fraud and unjust enrichment claims on events occurring from 1990 to 1994 — during Phase I of the project. Mr. Told filed his complaint in August 2003. Accordingly, his fraud and unjust enrichment claims fall far outside the limitations periods provided for in the Utah Code. The court, therefore, dismisses these claims procedurally as well as on the merits.

#### CONCLUSION

Because the court finds Mr. Told's claims to be barred by the statutes of limitations under the False Claims Act and Utah law, the court must GRANT summary judgment to the defendants [# 57]. Moreover, the court need not address Interwest's claims relating to res judicata and standing, and in light of this order, Interwest's motion to strike [#66] is MOOT. The clerk's office is directed to enter judgment accordingly and to close the case.

DATED this 8th day of June, 2007.

BY THE COURT:



Paul G. Cassell  
United States District Judge

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<sup>22</sup> See *Buckly Constr., Inc. v. Shawnee Civic & Cultural Dev. Authority*, 933, F.2d 853, 855 n.2 (10th Cir. 1991); *O'Connor v. City & County of Denver*, 894 F.2d 1210 1214 (10th Cir. 1990).

March 4, 2008

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker  
Clerk of Court

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UNITED STATES OF AMERICA  
*ex rel.* MORRIS TOLD; and MORRIS  
TOLD, on his own behalf,

Plaintiff-Appellant,

v.

INTERWEST CONSTRUCTION CO.,  
INC., a Utah Corporation; and  
DOES 1-100, inclusive,

Defendant-Appellee.

No. 07-4156  
(D.C. No. 2:03-CV-751-PGC)  
(D. Utah)

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**ORDER AND JUDGMENT\***

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Before **LUCERO, HARTZ, and HOLMES**, Circuit Judges.

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Morris Told filed this *qui tam* action, as a relator, against Interwest Construction Co., Inc. (“Interwest”), alleging: (1) violations of the False Claims Act (“FCA”), *see* 31 U.S.C. §§ 3729(a) & 3730(b),(h); and (2) acts of common law fraud and unjust enrichment under Utah law. The district court found that all

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\* After examining the briefs and appellate record, this panel has determined unanimously to grant the parties’ request for a decision on the briefs without oral argument. *See* Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, *res judicata*, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

of Told's claims were time barred under the applicable statutes of limitations, and granted summary judgment to Interwest. Exercising jurisdiction under 28 U.S.C. § 1291, we **AFFIRM**.

## I

Between 1992 and 1994, Told's company, M.T. Enterprises, Inc. ("Enterprises"), worked as a subcontractor for Interwest, the general contractor selected by the United States to perform construction work at the Veterans Administration Hospital in Salt Lake City, Utah ("VA project").<sup>1</sup> In August 2003, Told filed the present action against Interwest, claiming that it had violated the FCA and state common law by: (1) wrongfully retaining funds owed to Enterprises, as well as other subcontractors, in relation to the VA project, and (2) failing to timely pay Enterprises and other subcontractors for work performed during the project.

Following the completion of scheduled discovery, Interwest moved for summary judgment, arguing that Told's federal and state claims were barred by the applicable statutes of limitations. The district court agreed. It concluded that all of Told's claims were time barred. See 31 U.S.C. § 3731(b)(1) (setting forth a six-year statute of limitations for FCA actions brought by relators); Utah Code Ann. §§ 78-12-26(3) & 78-12-25 (setting forth statutes of limitations for state law

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<sup>1</sup> In 1995, Enterprises sued Interwest over the parties' respective obligations under their VA project subcontract. The district court dismissed that suit in 2004 for failure to prosecute.



claims of fraud and unjust enrichment). Additionally, the court concluded that insofar as Told's opposition to Interwest's motion for summary judgment could be read to assert a new allegation of a timely claim under the FCA, such a claim would not be allowed at the summary judgment stage. Otherwise, the court reasoned, Interwest would be unfairly prejudiced.<sup>2</sup> The court therefore entered summary judgment in favor of Interwest on all claims. This timely appeal followed.

## II

"We review the district court's grant of summary judgment de novo, applying the same legal standard employed by the district court. Summary judgment is appropriate only where there is no genuine issue of material fact and one party is entitled to judgment as a matter of law." MediaNews Group, Inc. v. McCarthy, 494 F.3d 1254, 1260 (10th Cir. 2007) (quotations omitted). Told brings three arguments on appeal.<sup>3</sup> He first claims that we should revisit the prior

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<sup>2</sup> The scheduling order entered by the district court provided deadlines of March 2, 2007, to amend the pleadings, and April 2, 2007, to complete discovery. Nevertheless, rather than request permission from the district court to amend his complaint to include new claims prior to the end of either the amendment period or the discovery period, see Fed. R. Civ. P. 15(a), Told waited to raise the two additional claims he now asserts until he filed his opposition to Interwest's motion for summary judgment on May 18, 2007.

<sup>3</sup> Because Told does not address that portion of the district court's summary judgment order holding that his state law claims for fraud and unjust enrichment were barred by the applicable state statutes of limitations, Told has waived those issues on appeal. See State Farm Fire & Cas. Co. v. Mhoon, 31 F.3d 979, 984 n.7 (continued...)

Tenth Circuit precedent that required the district court to determine that his well-pleaded FCA claims were time barred. Told next contends that the district court erred in dismissing an additional FCA claim related to the VA project that would have been timely, urging that his original complaint was sufficiently broad to encompass this claim, or alternatively, that the district court should have allowed him to amend his complaint to include it. Finally, Told alleges that he raised yet another FCA claim in both his complaint and his opposition to Interwest's motion for summary judgment that was unrelated to the VA project, and that the district court failed to rule on that claim.

A

As to the statute of limitations issue, Told concedes that his claims are time barred under this court's interpretation of 31 U.S.C. § 3731(b) in United States ex rel. Sikkenga v. Regence Bluecross Blueshield of Utah, 472 F.3d 702, 725 (10th Cir. 2006), in which we held that the FCA's six-year statute of limitations applies to actions pursued by private qui tam relators. Nonetheless, he "believes that this Court should reconsider and reverse itself on this issue for sound policy reasons." Because "[w]e are bound by the precedent of prior panels absent en banc reconsideration or a superseding contrary decision by the Supreme Court,"

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<sup>3</sup>(...continued)  
(10th Cir. 1994). He has also waived challenges to any other orders issued by the district court that he has not addressed in his briefings, despite his declared intent to appeal from more than simply the district court's summary judgment order. See id.

United States v. Meyers, 200 F.3d 715, 720 (10th Cir. 2000) (quotation omitted), we decline Told's novel invitation to revisit our decision in Sikkenga.

**B**

Told next urges that the district court erred in granting summary judgment to Interwest on an additional VA project claim that was unrelated to his time-barred claims. Specifically, he complains that the district court should have considered the merits of his allegations that Interwest violated the FCA in relation to its 1999 receipt of a \$375,000 settlement from the government in relation to the VA project. According to Told, this claim was not time barred because it “occurred on or after August 29, 1997,” and his lawsuit was filed within six years of that date.

As to this claim, the district court found that Told had failed to state the relevant allegations in the complaint itself, and thus construed the argument Told raised in his opposition motion as an implicit motion to amend the pleadings. It then denied that motion. Before us, Told contends that his complaint did, in fact, plead this additional claim, or, in the alternative, that the court should have allowed him to amend his complaint to add it. We disagree.

The “heightened pleading requirements [of Rule 9(b) of the Federal Rules of Civil Procedure] apply to actions under the FCA.” Sikkenga, 472 F.3d at 726. “At a minimum, Rule 9(b) requires that a plaintiff set forth the who, what, when, where and how of the alleged fraud.” Id. at 726-27 (quotation omitted). In

reviewing whether the complaint pleads fraud with the requisite particularity, “we accept as true all well-pleaded facts, as distinguished from conclusory allegations, and view those facts in the light most favorable to the non-moving party.” Id. at 726. Our analysis is necessarily limited to the text of the complaint. Id.

According to Told, the following paragraph in his complaint set forth his additional FCA claim with the particularity required:

Upon information and [b]elief, these defendants almost certainly have committed these same kinds of violations of the False Claims Act in connection with all other projects that they have been engaged which were funded in any way by Federal funds; and have violated said False Claims Act in connection with all said projects up through the filing of this complaint and through the date of trial.

As we see it, this statement, when considered together with the remainder of the complaint, “falls woefully short of adequately pleading” an FCA violation in relation to the claim Told now attempts to put forth. See id. at 727. Although we read the complaint to generally set forth the “who,” and perhaps the “what,” of the additional claim, that pleading clearly fails to allege well-pleaded facts related to the “when,” “where,” and “how” of the purported FCA violation.

Furthermore, Told’s contention that the district court should have allowed him to amend his complaint is without merit. “The decision to grant leave to amend a complaint, after the permissive period, is within the trial court’s discretion, and will not be disturbed absent an abuse of that discretion.” Orr v. City of Albuquerque, 417 F.3d 1144, 1153 (10th Cir. 2005) (quotations omitted).

Such an abuse does not occur unless the district court's decision "is arbitrary, capricious, whimsical, or manifestly unreasonable." *Id.* (quotations omitted). In providing Told the benefit of the doubt in entertaining a potential amendment, the district court stated that it "could overlook [his] failure to timely add this claim if pursuing it now would not subject Interwest to prejudice. But at this point in the proceedings, an amendment to [the] pleadings would substantially prejudice Interwest and would lead to judicial inefficiency."

On the record before us, we cannot say that the district court abused its discretion in disallowing this additional claim, particularly considering that discovery was already complete and the court had a fully submitted motion for summary judgment before it. "Courts typically find prejudice . . . when the amendment unfairly affects the defendants in terms of preparing their defense to the amendment. Most often, this occurs when the amended claims arise out of a subject matter different from what was set forth in the complaint and raise significant new factual issues." *Minter v. Prime Equip. Co.*, 451 F.3d 1196, 1208 (10th Cir. 2006) (citation and quotation omitted). Although Told's belated claim purportedly arose under the FCA, it involved entirely different facts (i.e., the settlement agreement between the government and Interwest). As the district court recognized, requiring Interwest to defend against this claim late in the proceedings would "place a serious burden on Interwest, effectively putting the parties back at square one."

C

Lastly, Told argues that the district court erred by failing to dispose of his claim regarding Interwest's alleged FCA violations on certain United States post office projects. Although we conclude that the district court should have explicitly addressed this additional claim, we discern no reversible error on this issue.

As an initial matter, it is apparent that Told never alleged any FCA violations in his complaint in relation to Interwest's activities on federally funded post office projects, at least not with the specificity required under Rule 9(b). See Sikkenga, 472 F.3d at 726-27. His contention on appeal related to this alleged claim can therefore only be based on his argument that he raised an implicit motion to amend the complaint when he mentioned the post office allegations in his opposition to Interwest's motion for summary judgment.

Told is correct that the district court failed to rule separately on his alleged post office claim; the court's order disposing of the case mentions only Told's attempt to add the claim related to the \$375,000 settlement payment. In light of the court's failure to address the post offices claim, we consider the district court's decision to be an implicit denial of the purported motion to amend, and will review that decision for an abuse of discretion. See Orr, 417 F.3d at 1153 (setting forth abuse of discretion standard of review); cf. Spencer v. Wal-Mart Stores, Inc., 203 F. App'x 193, 195 (10th Cir. 2006) (unpublished) (construing a

district court's failure to explicitly deny a motion to amend as an implicit denial of such motion).

As the Supreme Court has recognized, an “outright refusal to grant [] leave [to amend] without any justifying reason appearing for the denial is not an exercise of discretion; it is merely abuse of that discretion and inconsistent with the Federal Rules” of Civil Procedure. Foman v. Davis, 371 U.S. 178, 182 (1962). We therefore assume that the district court abused its discretion in not providing any reasons to justify its refusal to allow Told to add his post office claim. Nevertheless, we need not reverse the judgment based on such an error if the error is otherwise harmless. See Lambertsen v. Utah Dep't of Corr., 79 F.3d 1024, 1029 (10th Cir. 1996). Harmless error in this context occurs if “the record contains an apparent reason justifying the denial of [the] motion to amend.” Id. Based on our independent review of the record, we conclude that there is a clear reason for the implicit denial. To be sure, the very same reasons given by the district court for its explicit denial of Told's implicit motion to amend the complaint to add a claim related to the \$375,000 settlement payment also support the denial of Told's attempt to add any claims related to federal post office projects. See id.

**AFFIRMED.**

ENTERED FOR THE COURT

Carlos F. Lucero  
Circuit Judge

**US District Court Electronic Case Filing System**  
**District of Utah (Central)**  
**CIVIL DOCKET FOR CASE #: 2:03-cv-00751-PGC**

Told v. Interwest Construction  
Assigned to: Judge Paul G. Cassell  
Demand: \$0  
Case in other court: Tenth Circuit, 07-04156  
Cause: 31:3729 False Claims Act

Date Filed: 08/29/2003  
Date Terminated: 06/08/2007  
Jury Demand: None  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Morris Told**

represented by **Brian W. Steffensen**  
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ATTORNEY TO BE NOTICED

V.

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 ATTORNEY TO BE NOTICED

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/29/2003	<a href="#">1</a>	Complaint filed, assigned to Judge J. Thomas Greene Receipt no.: 132968 (jmr) Additional attachment(s) added on 10/19/2005 (asp, ). (Entered: 09/03/2003)
09/12/2003	2	NTC of recusal of Judge J.T. Greene and reassignment to Judge Paul G. Cassell. cc: atty (kvs) (Entered: 09/15/2003)
10/18/2005	<a href="#">15</a>	ORDER TO UNSEAL CASE. Signed by Judge Paul G. Cassell on 10/17/05. (asp) (Entered: 10/19/2005)
02/24/2006	<a href="#">16</a>	ORDER TO SHOW CAUSE - Relator is directed to respond in writing within 15 days from the date of this order and show cause why defendant has not yet been served. Failure to do so may result in dismissal of the case. Signed by Judge Paul G. Cassell on 2/24/06. (ce, ) (Entered: 02/27/2006)
03/10/2006	<a href="#">17</a>	MOTION to Withdraw as Attorney filed by Plaintiff Morris Told. (kla, ) (Entered: 03/13/2006)
03/10/2006	<a href="#">18</a>	MOTION for Extension of Time to Obtain New Counsel and Serve Defendants filed by Plaintiff Morris Told. (kla, ) (Entered: 03/13/2006)
03/10/2006	<a href="#">19</a>	MEMORANDUM in Support re <a href="#">18</a> MOTION for Extension of Time to Obtain New Counsel and Serve Defendants, <a href="#">17</a> MOTION to Withdraw as Attorney filed by Plaintiff Morris Told. (kla, ) (Entered: 03/13/2006)
03/22/2006	<a href="#">20</a>	ORDER denying <a href="#">17</a> Motion to Withdraw as Attorney, denying <a href="#">18</a> Motion for Extension of Time and Ordering Plaintiff to Effect Service of Process within 20 days of the date of this order. No further extensions of time to serve process will be granted. Failure to serve process as directed in this order and provide proof of service to this court within 15 days of completing service will result in dismissal of the case under Rule 4(m) of the Federal Rules of Civil Procedure. Signed by Judge Paul G. Cassell on 3/22/06. (kla, ) (Entered: 03/22/2006)
04/04/2006	<a href="#">21</a>	<b>**RESTRICTED DOCUMENT**</b> SUMMONS Returned Executed by Morris Told as to Interwest Construction Company, Inc. served on 4/3/2006, answer due 5/3/2006. (kla, ) (Entered: 04/06/2006)
05/02/2006	<a href="#">22</a>	Interwest Construction Company's ANSWER to Complaint of United States of America ex rel. Morris Told, and Morris Told, Individually filed by Interwest Construction Company, Inc..(Scott, Kent) (Entered: 05/02/2006)
05/02/2006	<a href="#">23</a>	CERTIFICATE OF SERVICE by Interwest Construction Company, Inc. Defendant's First Set of Interrogatories to Plaintiffs and Defendant's First Request for Production of Documents to Plaintiffs (Scott, Kent) (Entered: 05/02/2006)
05/02/2006	24	<b><u>NOTICE OF INITIAL PRETRIAL CONFERENCE:</u></b> (Notice generated by PMW chambers) <b>The Attorneys Planning Meeting Report and Proposed Scheduling Order forms,</b> <b>Date Discrepancy Cases 797</b>

		<p>available on the court web site at <a href="http://www.utd.uscourts.gov/documents/formpage.html">http://www.utd.uscourts.gov/documents/formpage.html</a>, should be prepared 30 days before the Initial Pretrial Conference hearing date.</p> <p><b><u>NOTICE TO COUNSEL</u></b>, The Court may enter a scheduling order and vacate the hearing if counsel</p> <p>(a) file a stipulated <b>Attorneys Planning Meeting Report</b>; and</p> <p>(b) e-mail a <b>Proposed Scheduling Order</b> to <a href="mailto:ipt@utd.uscourts.gov">ipt@utd.uscourts.gov</a> 30 days before the scheduled hearing. See instructions at <a href="http://www.utd.uscourts.gov/documents/ipt.html">http://www.utd.uscourts.gov/documents/ipt.html</a></p> <p><b>Initial Pretrial Conference set for 7/19/2006 11:00 AM in Room 436 before Magistrate Judge David Nuffer.</b> (kvs, ) (Entered: 05/02/2006)</p>
06/27/2006	25	<p><b>NOTICE REMINDER</b> of Attorneys' Planning Meeting Report due five days from receipt of this notice. This is a reminder of the notice filed 5/2/06</p> <p><b>24 NOTICE OF INITIAL PRETRIAL CONFERENCE:</b> (Notice generated by PMW chambers)</p> <p>The <b>Attorneys Planning Meeting Report</b> and <b>Proposed Scheduling Order</b> forms, available on the court web site at <a href="http://www.utd.uscourts.gov/documents/formpage.html">http://www.utd.uscourts.gov/documents/formpage.html</a>, should be prepared 30 days before the Initial Pretrial Conference hearing date.</p> <p><b><u>NOTICE TO COUNSEL</u></b>, The Court may enter a scheduling order and vacate the hearing if counsel</p> <p>(a) file a stipulated <b>Attorneys Planning Meeting Report</b>; and</p> <p>(b) e-mail a <b>Proposed Scheduling Order</b> to <a href="mailto:ipt@utd.uscourts.gov">ipt@utd.uscourts.gov</a> 30 days before the scheduled hearing. See instructions at <a href="http://www.utd.uscourts.gov/documents/ipt.html">http://www.utd.uscourts.gov/documents/ipt.html</a></p> <p><b>Initial Pretrial Conference set for 7/19/2006 11:00 AM in Room 436 before Magistrate Judge David Nuffer.</b> (kvs, ) (tsh, ) (Entered: 06/27/2006)</p>
07/19/2006	26	<p>Minute Entry for proceedings held before Judge David Nuffer : Initial Pretrial Conference held on 7/19/2006. Attorney for Plaintiff: Brian Steffensen, Attorney for Defendant Kent Scott.(Court Reporter Electronic, Tape #424, Log #2452-2843, Room 477.) (asb, ) (Entered: 07/19/2006)</p>
07/19/2006	<a href="#">27</a>	<p>*THIS IS NOT THE CORRECT ORDER - SEE LATER SCHEDULING ORDER*SCHEDULING ORDER: Initial Pretrial Hearing vacated. Amended Pleadings due by 9/1/06 for plaintiff and by 10/1/2006 for defendant. Joinder of Parties due by 9/1/06 for plaintiff and by 10/1/2006 for defendant. Fact discovery due by 3/1/07. Expert discovery due by 4/1/2007. Motions due by 5/1/2007. Final Pretrial Conference set for 9/21/2007 at 03:00 PM in Room 103 before Judge Paul G. Cassell. 4 day Jury Trial set for 10/9/2007 at 08:00 AM in Room 103 before Judge Paul G. Cassell. Signed by Judge David Nuffer on 7/19/06. (kla, ) Modified on 7/19/2006 to add text that this in the incorrect order(kla, ). (Entered: 07/19/2006)</p>
07/19/2006	28	<p>Modification of Docket: Error: The incorrect order was docketed in <a href="#">27</a> Scheduling Order. Correction: The court will docket the correct Scheduling Order. re <a href="#">27</a> Scheduling Order. (kla, ) (Entered: 07/19/2006)</p>
07/19/2006	<a href="#">29</a>	<p>SCHEDULING ORDER: Amended Pleadings due by 3/2/2007. Joinder of Parties due by 3/2/2007. Fact discovery due by 4/2/07. Expert discovery due by 8/2/2007. Motions due by 8/7/2007. Final Pretrial Conference set for 12/20/2007 at 03:00 PM in Room 103 before Judge Paul G. Cassell. 5 day Jury Trial set for 1/14/2008 at 08:00 AM in Room 103 before Judge Paul G. Cassell. Signed by Judge David Nuffer on 7/19/06. (kla, ) (Entered: 07/19/2006)</p>

**Date Discrepancy Cases 798**

08/18/2006	<a href="#">30</a>	CERTIFICATE OF SERVICE by Interwest Construction Company, Inc. for Defendant's Initial Disclosures (Scott, Justin) (Entered: 08/18/2006)
08/18/2006	<a href="#">31</a>	NOTICE of Appearance by Justin E. Scott on behalf of Interwest Construction Company, Inc. (Scott, Justin) (Entered: 08/18/2006)
12/22/2006	<a href="#">32</a>	First MOTION to Compel Motion to Compel Discovery With Supporting Memorandum filed by Defendant Interwest Construction Company, Inc.. (Scott, Justin) (Entered: 12/22/2006)
01/04/2007	<a href="#">33</a>	ORDER REFERRING CASE to Magistrate Judge Paul M. Warner under 28:636 (b)(1)(A), Magistrate to hear and determine all nondispositive pretrial matters. Motions referred to Paul M. Warner.Signed by Judge Paul G. Cassell on 1/4/2007. (yre) (Entered: 01/04/2007)
01/10/2007	<a href="#">34</a>	Objection and/or MOTION for Extension of Time to File Response/Reply as to <a href="#">32</a> First MOTION to Compel Motion to Compel Discovery With Supporting Memorandum filed by Plaintiff Morris Told. Motions referred to Paul M. Warner.(kla) (Entered: 01/11/2007)
01/11/2007	<a href="#">35</a>	RESPONSE to Motion re <a href="#">34</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">32</a> First MOTION to Compel Motion to Compel Discovery With Supporting Memorandum filed by Defendant Interwest Construction Company, Inc.. (Scott, Justin) (Entered: 01/11/2007)
01/17/2007	<a href="#">36</a>	ORDER OF RECUSAL Judge Paul M. Warner recused. Case reassigned to Judge David Nuffer for all further proceedings. Motions referred to David Nuffer. Signed by Judge Paul M. Warner on 1/17/07. (kla) (Entered: 01/17/2007)
01/17/2007	37	<b>ORDER TO SHOW CAUSE</b> <b>IT IS HEREBY ORDERED</b> that within fifteen days all counsel of record in this case who are not registered e-filers in the court's electronic filing system shall register as electronic filers or shall file an affidavit or declaration stating their reasons for not complying. "As of May 1, 2006, all members of the Court's Bar, active and pro hac vice, must electronically file all civil case filings. All criminal case filings by attorneys must be filed electronically as of November 1, 2005." <a href="http://www.utd.uscourts.gov/documents/announce8.html">http://www.utd.uscourts.gov/documents/announce8.html</a> Signed by Judge David Nuffer on January 17, 2007. (DN) Modified on 1/17/2007 to remove erroneous signature date.(Nuffer, David). (Entered: 01/17/2007)
01/26/2007	38	DOCKET TEXT ORDER finding as moot <a href="#">34</a> Motion for Extension of Time to File Response/Reply to <a href="#">32</a> First Motion to Compel Discovery. The parties have agreed on the extension of time to January 26, 2007. Signed by Judge David Nuffer on 1/26/07.No attached document. (DN) (Entered: 01/26/2007)
01/26/2007	<a href="#">39</a>	MEMORANDUM in Opposition re <a href="#">32</a> First MOTION to Compel Motion to Compel Discovery With Supporting Memorandum filed by Plaintiff Morris Told. (kla) (Entered: 01/29/2007)
01/31/2007	<a href="#">40</a>	RESPONSE TO ORDER TO SHOW CAUSE re 37 Order to Show Cause, filed by Plaintiff Morris Told. (kla) (Entered: 02/01/2007)
02/05/2007	41	NOTICE FROM THE COURT re 37 Order to Show Cause and <a href="#">40</a> Response to Order to Show Cause. The response satisfies the order to show cause. The court greatly appreciates the cooperation of counsel. (DN) (Entered: 02/05/2007)
02/07/2007	<a href="#">42</a>	REPLY to Response to Motion re <a href="#">32</a> First MOTION to Compel Motion to Compel Discovery With Supporting Memorandum Reply Memorandum in Support of Defendant's

**Date Discrepancy Cases 799**

		Motion to Compel filed by Defendant Interwest Construction Company, Inc.. (Scott, Justin) (Entered: 02/07/2007)
02/28/2007	<a href="#">43</a>	ORDER granting <a href="#">32</a> Motion to Compel. Plaintiffs shall respond to the previously requested discovery on or before March 22, 2007, and certain other action is required as specified in order. Plaintiffs are WARNED that failure to comply with a discovery obligation may result in sanctions which may include dismissal of claims and significant monetary sanctions. Signed by Judge David Nuffer on 2/28/07. (DN) (Entered: 02/28/2007)
03/02/2007	<a href="#">44</a>	Proposed Witness List Designation of Lay Witnesses by Interwest Construction Company, Inc.. (Scott, Justin) (Entered: 03/02/2007)
03/05/2007	<a href="#">45</a>	CERTIFICATE OF SERVICE by Interwest Construction Company, Inc. Defendant's Answers to Plaintiffs' First Set of Interrogatories to Defendant and Defendant's Responses to Plaintiff's First Set of Requests for Production of Documents to Defendant (Scott, Justin) (Entered: 03/05/2007)
03/09/2007	<a href="#">46</a>	Plaintiff's MOTION Clarification of February 28, 2007 Order Re Defendant's Motion to Compel re <a href="#">43</a> Order on Motion to Compel, filed by Plaintiff Morris Told. (Attachments: # <a href="#">1</a> Exhibit A - Plaintiffs' Answers to Defendant's First Set of Interrogatories to Plaintiffs# <a href="#">2</a> Exhibit B - Plaintiffs' Responses to Defendant's First Request for Production of Documents to Plaintiffs) Motions referred to David Nuffer.(Steffensen, Brian) (Entered: 03/09/2007)
03/09/2007	<a href="#">47</a>	Plaintiff's MOTION Modification of Scheduling Order filed by Plaintiff Morris Told. (Attachments: # <a href="#">1</a> Text of Proposed Order Order Granting Plaintiffs' Motion to Modify Scheduling Order) Motions referred to David Nuffer.(Steffensen, Brian) (Entered: 03/09/2007)
03/09/2007	<a href="#">48</a>	Plaintiff's MEMORANDUM in Support re <a href="#">47</a> Plaintiff's MOTION Modification of Scheduling Order filed by Plaintiff Morris Told. (Steffensen, Brian) (Entered: 03/09/2007)
03/14/2007		Motions No Longer Referred: <a href="#">47</a> Plaintiff's MOTION Modification of Scheduling Order. Judge Cassell to handle all amended scheduling. (asb) (Entered: 03/14/2007)
03/14/2007	<a href="#">49</a>	Proposed Witness List Plaintiff by Morris Told. (Steffensen, Brian) (Entered: 03/14/2007)
03/19/2007	<a href="#">50</a>	ORDER denying <a href="#">47</a> Motion to Modify Scheduling Order. The plaintiffs should complete discovery by 4/2/07. The rest of the dates in the scheduling order will also remain as currently scheduled. Signed by Judge Paul G. Cassell on 3/19/07. (ce) (Entered: 03/19/2007)
03/19/2007	<a href="#">51</a>	Defendant's RESPONSE to <a href="#">46</a> Plaintiff's Request for Clarification of February 28, 2007 Order Re: Defendants' Motion to Compel filed by Defendant Interwest Construction Company, Inc. (Scott, Justin) Modified on 3/19/2007 - Added docket relationship to doc 46. (rlr). (Entered: 03/19/2007)
03/20/2007	<a href="#">52</a>	MEMORANDUM DECISION granting <a href="#">46</a> Motion for Clarification. It is further ordered that the court affirms its previous <a href="#">43</a> Order compelling Plaintiffs to supplement their responses to Defendant's discovery requests, modified as outlined in the order. Signed by Judge David Nuffer on 3/20/07. (kla) (Entered: 03/20/2007)
03/30/2007	<a href="#">53</a>	Plaintiff's MOTION re <a href="#">52</a> Order on Motion for Miscellaneous Relief, Memorandum Decision,, filed by Plaintiff Morris Told. Motions referred to David Nuffer.(Steffensen, Brian) (Entered: 03/30/2007)
04/02/2007	54	DOCKET TEXT ORDER denying <a href="#">53</a> Motion for Clarification. Signed by Judge David Nuffer on 04/02/07. No attached document. (lcl) (Entered: 04/02/2007)

**Date Discrepancy Cases 800**

04/11/2007	<a href="#">55</a>	First MOTION for Summary Judgment With Supporting Memorandum filed by Defendant Interwest Construction Company, Inc.. (Scott, Justin) (Entered: 04/11/2007)
04/12/2007	56	NOTICE OF DEFICIENCY re <a href="#">55</a> First MOTION for Summary Judgment With Supporting Memorandum. The document is a combined motion and memorandum in support. These documents must be filed separately. This motion has been terminated. The court asks the filer of the original document to file the pleadings as separate documents, a motion for summary judgment and a memorandum in support of motion. The new pleadings will receive new document numbers on the docket. (kla) (Entered: 04/12/2007)
04/12/2007	<a href="#">57</a>	First MOTION for Summary Judgment filed by Defendant Interwest Construction Company, Inc.. (Scott, Justin) (Entered: 04/12/2007)
04/12/2007	<a href="#">58</a>	First MEMORANDUM in Support re <a href="#">57</a> First MOTION for Summary Judgment filed by Defendant Interwest Construction Company, Inc.. (Scott, Justin) (Entered: 04/12/2007)
05/11/2007	<a href="#">59</a>	First MOTION for Extension of Time to File Response/Reply as to <a href="#">58</a> Memorandum in Support of Motion, <a href="#">57</a> First MOTION for Summary Judgment filed by Plaintiff Morris Told. (Attachments: # <a href="#">1</a> Text of Proposed Order) Motions referred to David Nuffer. (Steffensen, Brian) (Entered: 05/11/2007)
05/11/2007	<a href="#">60</a>	MEMORANDUM in Support re <a href="#">59</a> First MOTION for Extension of Time to File Response/Reply as to <a href="#">58</a> Memorandum in Support of Motion, <a href="#">57</a> First MOTION for Summary Judgment First MOTION for Extension of Time to File Response/Reply as to <a href="#">58</a> Memorandum in Support of Motion, <a href="#">57</a> First MOTION for Summary Judgment, <a href="#">57</a> First MOTION for Summary Judgment filed by Plaintiff Morris Told. (Steffensen, Brian) (Entered: 05/11/2007)
05/12/2007	61	DOCKET TEXT ORDER granting <a href="#">59</a> Motion for Extension of Time to File Response/Reply re <a href="#">57</a> First MOTION for Summary Judgment. Response to <a href="#">57</a> First MOTION for Summary Judgment due by 5/18/2007. Signed by Judge David Nuffer on 5/12/07.No attached document. (DN) (Entered: 05/12/2007)
05/18/2007	<a href="#">62</a>	MEMORANDUM in Opposition re <a href="#">57</a> First MOTION for Summary Judgment filed by Plaintiff Morris Told. (Attachments: # <a href="#">1</a> Exhibit Exhibit A# <a href="#">2</a> Exhibit Exhibit B# <a href="#">3</a> Exhibit Exhibit C# <a href="#">4</a> Exhibit Exhibit D)(Steffensen, Brian) (Entered: 05/18/2007)
05/18/2007	<a href="#">63</a>	DECLARATION of Morris Told re <a href="#">62</a> Memorandum in Opposition to Motion for summary judgment filed by Morris Told. (Steffensen, Brian) (Entered: 05/18/2007)
06/01/2007	<a href="#">64</a>	DESIGNATION OF EXPERTS Kenneth Cutler and Roger Cox filed by Defendant Interwest Construction Company, Inc..(Scott, Justin) (Entered: 06/01/2007)
06/04/2007	<a href="#">65</a>	ERRATA to <a href="#">62</a> Memorandum in Opposition to Motion filed by Plaintiff Morris Told. (Attachments: # <a href="#">1</a> Exhibit Exhibit A# <a href="#">2</a> Exhibit Exhibit B# <a href="#">3</a> Exhibit Exhibit C# <a href="#">4</a> Exhibit Exhibit D# <a href="#">5</a> Affidavit Declaration of Morris Told)(Steffensen, Brian) (Entered: 06/04/2007)
06/07/2007	<a href="#">66</a>	MOTION to Strike <a href="#">63</a> Declaration filed by Defendant Interwest Construction Company, Inc.. Motions referred to David Nuffer.(Scott, Justin) (Entered: 06/07/2007)
06/07/2007	<a href="#">67</a>	ENTRY ERROR- This entry is missing the actual Memorandum. The Memorandum has been filed as entry <a href="#">69</a> without the exhibits. See this entry for the exhibits. MEMORANDUM in Support re <a href="#">66</a> MOTION to Strike <a href="#">63</a> Declaration filed by Defendant Interwest Construction Company, Inc.. (Attachments: # <a href="#">1</a> Exhibit Exhibit A# <a href="#">2</a> Exhibit Exhibit B# <a href="#">3</a> Exhibit Exhibit C# <a href="#">4</a> Exhibit Exhibit D# <a href="#">5</a> Exhibit Exhibit E)(Scott, Justin) Modified on 6/7/2007 - Added text to reflect there is an error with this entry. (rlr). (Entered: 06/07/2007)

**Date Discrepancy Cases 801**

06/07/2007	<a href="#">68</a>	REPLY to Response to Motion re <a href="#">57</a> First MOTION for Summary Judgment filed by Defendant Interwest Construction Company, Inc.. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1# <a href="#">2</a> Exhibit Exhibit 2# <a href="#">3</a> Exhibit Exhibit 3# <a href="#">4</a> Exhibit Exhibit 4# <a href="#">5</a> Exhibit Exhibit 5# <a href="#">6</a> Exhibit Exhibit 6# <a href="#">7</a> Exhibit Exhibit 7 Part 1# <a href="#">8</a> Exhibit Exhibit 7 Part 2# <a href="#">9</a> Exhibit Exhibit 8# <a href="#">10</a> Exhibit Exhibit 9# <a href="#">11</a> Exhibit Exhibit 10# <a href="#">12</a> Exhibit Exhibit 11# <a href="#">13</a> Exhibit Exhibit 12# <a href="#">14</a> Exhibit Exhibit 13# <a href="#">15</a> Exhibit Exhibit 14)(Scott, Justin) (Entered: 06/07/2007)
06/07/2007	<a href="#">69</a>	MEMORANDUM in Support re <a href="#">66</a> MOTION to Strike <a href="#">63</a> Declaration filed by Defendant Interwest Construction Company, Inc. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1)(Scott, Justin) Modified on 6/7/2007 - SEE ENTRY <a href="#">67</a> FOR THE EXHIBITS TO THIS ENTRY. (rlr). (Entered: 06/07/2007)
06/08/2007	<a href="#">70</a>	ORDER granting <a href="#">57</a> Motion for Summary Judgment. Judge David Nuffer no longer assigned to case; finding as moot <a href="#">66</a> Motion to Strike <a href="#">63</a> Declaration. The clerk's office is directed to enter judgment accordingly and to close the case. Signed by Judge Paul G. Cassell on 6/8/07. (kla) (Entered: 06/08/2007)
07/09/2007	<a href="#">71</a>	NOTICE OF APPEAL as to <a href="#">43</a> Order on Motion to Compel, <a href="#">70</a> Order on Motion for Summary Judgment, Order on Motion to Strike,, 54 Order on Motion for Miscellaneous Relief, <a href="#">50</a> Order on Motion for Miscellaneous Relief, <a href="#">52</a> Order on Motion for Miscellaneous Relief, Memorandum Decision,, filed by Morris Told. Appeals to the USCA for the Tenth Circuit. Fee Status: Fee Paid. Filing fee \$455, receipt number 4681018790. (Steffensen, Brian) Modified on 7/9/2007 to add filing fee information(jmr). (Entered: 07/09/2007)
07/09/2007	<a href="#">72</a>	Transmission of Preliminary Record to USCA re <a href="#">71</a> Notice of Appeal ; packets to counsel. (jmr) (Entered: 07/09/2007)
07/16/2007	<a href="#">73</a>	USCA Case Number Case Appealed to Tenth Circuit Case Number 07-4156 for <a href="#">71</a> Notice of Appeal, filed by Morris Told. (jmr) (Entered: 07/16/2007)
07/25/2007	<a href="#">74</a>	TRANSCRIPT REQUEST by Morris Told. A transcript is not necessary for this appeal. (jmr) (Entered: 07/26/2007)
07/27/2007	<a href="#">75</a>	Please be advised the Record is complete for purposes of appeal for USCA case number 07-4156 re <a href="#">71</a> Notice of Appeal. (jmr) (Entered: 07/27/2007)
09/19/2007	<a href="#">76</a>	DECLARATION of Brian W. Steffensen filed by Morris Told. (Attachments: # <a href="#">1</a> Exhibit Defendant's Initial Disclosures# <a href="#">2</a> Exhibit Letter from BWS to RB dated 02-02-07# <a href="#">3</a> Exhibit Def's Answers to Pltf's First Set of Rogs to Defs# <a href="#">4</a> Exhibit Def's Responses to 1st Set of RFP to Defs# <a href="#">5</a> Exhibit Ltr from BWS to RB 03-14-07# <a href="#">6</a> Exhibit Pltfs Rule 30(b) (6) Depo of Interwest# <a href="#">7</a> Exhibit Pltfs' 1st Supp Responses to Discovery# <a href="#">8</a> Exhibit Told Depo Transcript# <a href="#">9</a> Exhibit Told Depo Tr - Exhibits# <a href="#">10</a> Exhibit Cutler Depo Tr# <a href="#">11</a> Exhibit Cutler Depo Tr - changes# <a href="#">12</a> Exhibit Cutler Depo Tr - Exhibits)(Steffensen, Brian) (Entered: 09/19/2007)
03/26/2008	<a href="#">77</a>	MANDATE of USCA as to <a href="#">71</a> Notice of Appeal(07-4156), filed by Morris Told. According to the USCA the decision of the USDC for the Dist of UT is AFFIRMED. Judgement included with mandate: Yes. (Attachments: # <a href="#">1</a> Mandate Cover Letter)(jmr) (Entered: 03/26/2008)

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**Date Discrepancy Cases 802**

<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:03-cv-00751- PGC
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60

**U.S. District Court  
Southern District of Illinois (East St. Louis)  
CIVIL DOCKET FOR CASE #: 3:06-cv-00662-JPG-CJP**

People of the United States of America v. Nayak  
Assigned to: Judge J. Phil Gilbert  
Referred to: Magistrate Judge Clifford J. Proud  
Demand: \$9,999,000  
Cause: 28:1331 Fed. Question

Date Filed: 08/25/2006  
Date Terminated: 06/15/2009  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**People of the United States of America**  
*ex rel Pam Tucker*

represented by **Gerald M. Burke**  
Assistant U.S. Attorney – Fairview  
Heights  
9 Executive Drive  
Suite 300  
Fairview Heights, IL 62208  
618-628-3710  
Fax: 618-622-3810  
Email: [gerald.burke@usdoj.gov](mailto:gerald.burke@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**USA**

represented by **Gerald M. Burke**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Pam Tucker**

represented by **H. Kent Heller**  
Heller, Holmes et al.  
1101 Broadway Avenue  
P.O. Box 889  
Mattoon, IL 61938  
217-235-2700  
Email: [Kent@HHLAWOFF.com](mailto:Kent@HHLAWOFF.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**P.D.L. Nayak**  
*M.D.*

represented by **David B. Honig**  
Hall, Render et al.  
500 North Meridian Street  
Suite 400  
Indianapolis, IN 46204-1293  
317-633-4884  
Fax: 317-633-4878  
Email: [dhonig@hallrender.com](mailto:dhonig@hallrender.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Gerri Papushkewych**  
Wolfson & Papushkewych LLP  
1224 Centre West Drive  
Suite #400 B  
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217-787-3210  
 Fax: 217-787-1752  
 Email: [gerrip@wpllplaw.com](mailto:gerrip@wpllplaw.com)  
 TERMINATED: 10/02/2008

Date Filed	#	Docket Text
09/05/2006	<u>2</u>	COMPLAINT against P.D.L. Nayak (Filing fee \$ 350.), filed by People of the United States of America.(Heller, H.) (Entered: 09/05/2006)
07/10/2007	<u>11</u>	NOTICE by United States of America of <i>Election to Decline Intervention</i> (Burke, Gerald) (Entered: 07/10/2007)
07/17/2007	<u>12</u>	EX PARTE ORDER to Unseal Case. Signed by Judge J. Phil Gilbert on 7/17/07. (msd, ) (Entered: 07/17/2007)
08/29/2007	<u>13</u>	WAIVER OF SERVICE Returned Executed by Pam Tucker. P.D.L. Nayak waiver sent on 8/20/2007, answer due 10/19/2007. (Heller, H.) (Entered: 08/29/2007)
09/13/2007	<u>14</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Gerri Papushkewych for P.D.L. Nayak. \$100.00 fee paid, receipt number 3462501255 (dkd ) (Entered: 09/13/2007)
09/14/2007	<u>15</u>	NOTICE of Appearance by Gerri Papushkewych on behalf of P.D.L. Nayak (Papushkewych, Gerri) (Entered: 09/14/2007)
09/21/2007	<u>16</u>	MOTION to Dismiss <i>Complaint</i> by P.D.L. Nayak.Responses due by 10/24/2007 (Papushkewych, Gerri) (Entered: 09/21/2007)
09/21/2007	<u>17</u>	MEMORANDUM in Support re <u>16</u> MOTION to Dismiss <i>Complaint</i> filed by P.D.L. Nayak. (Papushkewych, Gerri) (Entered: 09/21/2007)
10/24/2007	<u>18</u>	RESPONSE in Opposition re <u>16</u> MOTION to Dismiss <i>Complaint</i> filed by Pam Tucker. (Heller, H.) (Entered: 10/24/2007)
10/25/2007	<u>19</u>	REPLY to Response to Motion re <u>16</u> MOTION to Dismiss <i>Complaint</i> filed by P.D.L. Nayak. (Papushkewych, Gerri) (Entered: 10/25/2007)
11/06/2007	<u>20</u>	CJRA TRACK B assigned:Final Pretrial Conference set for 10/3/2008 at 09:30 AM in Benton Court House before Judge J. Phil Gilbert.,Jury Trial set for 10/14/2008 at 09:00 AM in Benton Court House before Judge J. Phil Gilbert. (by:kjr) (Entered: 11/06/2007)
11/06/2007	<u>21</u>	NOTICE of Scheduling and Discovery Conference: Telephone Scheduling/Discovery Conference set for 12/5/2007 09:00 AM in East St. Louis Court House before Mag/Judge Clifford J. Proud. (amv) (Entered: 11/06/2007)
11/08/2007	<u>22</u>	MOTION to Stay <i>Rule 26 Proceedings and All Discovery</i> by P.D.L. Nayak. (Papushkewych, Gerri) (Entered: 11/08/2007)
12/04/2007		Set/Reset Hearings: Telephone Scheduling Conference reset for 12/28/2007 at 9:00 AM in East St. Louis Court House before Mag/Judge Clifford J. Proud. Parties should follow directions in the Notice to Counsel. (amv) The Telephone Scheduling Conference set 12/5/07 is canceled. (Entered: 12/04/2007)
12/05/2007	<u>23</u>	ORDER denying <u>22</u> Motion to Stay. Signed by Judge Clifford J. Proud on 12/4/07. (amv) (Entered: 12/05/2007)
12/18/2007	<u>24</u>	MOTION to Continue by P.D.L. Nayak. (Papushkewych, Gerri) (Entered: 12/18/2007)
12/21/2007		Set/Reset Hearings: Telephone Scheduling Conference reset for 1/9/2008 at 9:00 AM in East St. Louis Court House before Mag/Judge Clifford J. Proud. Parties should follow directions in the Notice to Counsel. The conference on 12/28/07 is cancelled. (amv) (Entered: 12/21/2007)
01/04/2008	<u>25</u>	NOTICE of Appearance by David B. Honig on behalf of P.D.L. Nayak (Honig, David) (Entered: 01/04/2008)

01/07/2008	<u>26</u>	MOTION to Clarify <i>and/or Reconsider the Order of 12/4/07 and Memorandum in Support of</i> by P.D.L. Nayak. (Attachments: # <u>1</u> Exhibit Order re Camillo matter)(Honig, David) (Entered: 01/07/2008)
01/08/2008	<u>27</u>	ORDER, Denying <u>26</u> MOTION to Clarify <i>and/or Reconsider the Order of 12/4/07 and Memorandum in Support of</i> filed by P.D.L. Nayak. The Court will enter a Scheduling Order. Plaintiff shall Show Cause by 1/16/2008 in writing why she failed to submit a proposed schedule. The Telephone Scheduling Conference set for 1/9/08 is cancelled. Signed by Judge Clifford J. Proud on 1/8/08. (amv) (Entered: 01/08/2008)
01/10/2008	<u>28</u>	SCHEDULING ORDER:Discovery due by 6/15/2008. Dispositive Motions due by 6/30/2008. Signed by Judge Clifford J. Proud on 1/9/08. (amv) (Entered: 01/10/2008)
01/11/2008	<u>29</u>	ORDER FOR SETTLEMENT CONFERENCE:Settlement Conference set for 8/21/2008 09:30 AM in East St. Louis Court House before Mag/Judge Clifford J. Proud. Signed by Judge Clifford J. Proud on 8/21/08. (amv) (Entered: 01/11/2008)
01/11/2008	<u>30</u>	MEMORANDUM AND OPINION granting <u>16</u> MOTION to Dismiss <i>Complaint</i> filed by P.D.L. Nayak. Case dismissed without prejudice. Signed by Judge J. Phil Gilbert on 1/11/08. (dka, ) Modified on 1/22/2008 (dka, ). (Entered: 01/11/2008)
01/14/2008	<u>31</u>	RESPONSE to <u>27</u> Order filed by Pam Tucker. (Attachment: # <u>1</u> Exhibits A-D)(Heller, H.) Modified on 1/15/2008 (dmw). (Entered: 01/14/2008)
01/15/2008	<u>32</u>	NOTICE OF ERRORS AND/OR DEFICIENCIES re <u>31</u> Response filed by Pam Tucker. See attached document for specifics (dmw) (Entered: 01/15/2008)
02/13/2008	<u>33</u>	MOTION to Seal <i>or designate redaction</i> by Pam Tucker. (Heller, H.) (Entered: 02/13/2008)
02/13/2008	<u>34</u>	MOTION to Amend/Correct <i>first amended complaint</i> by Pam Tucker. (Heller, H.) (Entered: 02/13/2008)
02/14/2008	<u>35</u>	RESPONSE in Opposition re <u>34</u> MOTION to Amend/Correct <i>first amended complaint</i> filed by P.D.L. Nayak. (Honig, David) (Entered: 02/14/2008)
03/26/2008	<u>36</u>	First MOTION to Compel <i>and for sanctions</i> by Pam Tucker. (Attachments: # <u>1</u> Exhibit A & B)(Heller, H.) (Entered: 03/26/2008)
03/27/2008	<u>37</u>	NOTICE OF ERRORS AND/OR DEFICIENCIES re <u>36</u> Motion to Compel filed by Pam Tucker. See attached document for specifics (myz) (Entered: 03/27/2008)
04/02/2008	<u>38</u>	MEMORANDUM AND OPINION, Grants <u>33</u> MOTION to Seal <i>or designate redaction</i> filed by Pam Tucker; Grants <u>34</u> MOTION to Amend/Correct <i>first amended complaint</i> filed by Pam Tucker; Orders Tucker shall electronically file a redacted amended complaint with exhibits filed under seal as a separate event; Orders Tucker shall electronically file an unredacted copy of her amended complaint under seal using the ECF event "Sealed Document"; Directs Clerk of Court to reopen case. Signed by Judge J. Phil Gilbert on 4/2/08. (bkl) (Entered: 04/02/2008)
04/04/2008	<u>39</u>	RESPONSE to Motion re <u>36</u> First MOTION to Compel <i>and for sanctions</i> filed by P.D.L. Nayak. (Honig, David) (Entered: 04/04/2008)
04/16/2008	<u>40</u>	First MOTION for Extension of Time to Complete Discovery by Pam Tucker. (Attachment: # <u>1</u> DELETED (proposed scheduling order)(Heller, H.) Modified on 4/17/2008 (dmw). (Entered: 04/16/2008)
04/17/2008	<u>41</u>	NOTICE OF ERRORS AND/OR DEFICIENCIES re <u>40</u> Motion for Extension of Time to Complete Discovery filed by Pam Tucker. See attached document for specifics (dmw) (Entered: 04/17/2008)
04/18/2008	<u>42</u>	RESPONSE to Motion re <u>40</u> First MOTION for Extension of Time to Complete Discovery filed by P.D.L. Nayak. (Honig, David) (Entered: 04/18/2008)
04/21/2008	<u>43</u>	Sealed Document. (Heller, H.) (Entered: 04/21/2008)
04/21/2008	<u>44</u>	AMENDED COMPLAINT <i>redacted per order</i> against P.D.L. Nayak, filed by Pam Tucker.(Heller, H.) (Entered: 04/21/2008)

04/21/2008	<u>45</u>	Sealed Document. (Attachments: # <u>1</u> Exhibit b, # <u>2</u> Exhibit c)(Heller, H.) (Entered: 04/21/2008)
05/01/2008	<u>46</u>	ANSWER to <u>44</u> Amended Complaint <i>and Affirmative Defenses</i> by P.D.L. Nayak.(Honig, David) (Entered: 05/01/2008)
05/30/2008	<u>47</u>	ENTRY STRICKEN: NOTICE by P.D.L. Nayak of <i>Service of Initial Disclosures Pursuant to Rule 26(a)(1) of Federal Rules of Civil Procedure</i> (Honig, David) Modified on 6/4/2008 (lmb). (Entered: 05/30/2008)
05/30/2008	<u>48</u>	MOTION for Hearing <i>In-Person Pre-Trial Conference and Proposed Scheduling and Discovery Order</i> by P.D.L. Nayak. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Honig, David) (Entered: 05/30/2008)
06/04/2008	<u>49</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>47</u> Notice (Other) filed by P.D.L. Nayak. See attached document for specifics (lmb) (Entered: 06/04/2008)
08/06/2008	<u>50</u>	ORDER denying as premature <u>36</u> Motion to Compel. Signed by Magistrate Judge Clifford J. Proud on 8/6/08. (amv) (Entered: 08/06/2008)
08/06/2008	<u>51</u>	ORDER denying as premature <u>40</u> Motion for Extension of Time to Complete Discovery. Signed by Magistrate Judge Clifford J. Proud on 8/6/08. (amv) (Entered: 08/06/2008)
08/06/2008	<u>52</u>	ORDER granting <u>48</u> Motion for Hearing. In that a new scheduling order will be entered. Discovery shall be completed by 1/6/09. Dispositive motions shall be filed by 1/21/09. Settlement Conference set 3/23/09 at 9:30 am before Judge Proud. Final pretrial conference set 5/7/09 at 9:30 am before Judge Gilbert. Jury Trial set 5/18/09 at 9:00 am before Judge Gilbert. Signed by Magistrate Judge Clifford J. Proud on 8/6/08. (amv) (Entered: 08/06/2008)
08/06/2008		Set/Reset Deadlines: Discovery due by 1/6/2009. Dispositive Motions due by 1/21/2009. Set/Reset Hearings: Final Pretrial Conference set for 5/7/2009 at 9:30 AM in Benton Court House before Judge J. Phil Gilbert. Jury Trial set for 5/18/2009 at 9:00 AM in Benton Court House before Judge J. Phil Gilbert. Settlement Conference set for 3/23/2009 at 9:30 AM in East St. Louis Court House before Magistrate Judge Clifford J. Proud.) (amv) (Entered: 08/06/2008)
09/16/2008	<u>53</u>	MOTION to Withdraw as Attorney by P.D.L. Nayak. (Papushkewych, Gerri) (Entered: 09/16/2008)
10/02/2008	54	ORDER granting <u>53</u> Motion to Withdraw as Attorney. Attorney Gerri Papushkewych terminated. Signed by Magistrate Judge Clifford J. Proud on 10/2/08.(amv) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 10/02/2008)
12/19/2008	<u>55</u>	MOTION to Compel by P.D.L. Nayak. (Attachments: # <u>1</u> Exhibit)(Honig, David) (Entered: 12/19/2008)
01/08/2009	<u>56</u>	Emergency MOTION for Protective Order by P.D.L. Nayak. (Honig, David) (Entered: 01/08/2009)
01/09/2009	<u>57</u>	ORDER granting <u>55</u> Motion to Compel. Signed by Magistrate Judge Clifford J. Proud on 1/9/09. (amv) (Entered: 01/09/2009)
01/12/2009	<u>58</u>	ORDER granting <u>56</u> Motion for Protective Order. Signed by Magistrate Judge Clifford J. Proud on 1/12/09. (amv) (Entered: 01/12/2009)
01/20/2009	<u>59</u>	MOTION for Order to Show Cause by P.D.L. Nayak. (Attachments: # <u>1</u> Exhibit)(Honig, David) (Entered: 01/20/2009)
01/21/2009	<u>60</u>	MOTION for Summary Judgment by P.D.L. Nayak. Responses due by 2/23/2009 (Honig, David) (Entered: 01/21/2009)
01/21/2009	<u>61</u>	MEMORANDUM in Support re <u>60</u> MOTION for Summary Judgment filed by P.D.L. Nayak. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Honig, David) (Entered: 01/21/2009)

02/24/2009	<u>62</u>	STRICKEN AND SEALED BY COURT ORDER (Doc. 65) RESPONSE in Opposition re <u>60</u> MOTION for Summary Judgment filed by Pam Tucker. (Attachments: # <u>1</u> Exhibit Tucker deposition exerpts, # <u>2</u> Exhibit Williams deposition)(Heller, H.) (Entered: 02/24/2009)
02/25/2009	<u>63</u>	Emergency MOTION to Strike <u>62</u> Response in Opposition to Motion , <i>Petition for Rule to Show Cause and Motion to Strike</i> by P.D.L. Nayak. (Honig, David) (Entered: 02/25/2009)
02/26/2009	<u>64</u>	ORDER regarding <u>59</u> Motion for Order to Show Cause. The Clerk of Court shall have the record reflect that the portion of defendant Nayaks Petition to Show Cause regarding witness tampering is no longer referred to the undersigned magistrate judge. Relator Tucker shall respond in writing to the portion of defendant Nayaks Petition to Show Cause pertaining to Tuckers alleged failure to comply with the Courts January 9, 2009, order directing her to respond to interrogatories and requests for production on or before 3/10/09. Magistrate Judge Clifford J. Proud on 2/26/09. (amv) (Entered: 02/26/2009)
02/26/2009		Set/Reset Deadlines as to <u>59</u> MOTION for Order to Show Cause. Responses due by 3/10/2009 (am ) (Entered: 02/26/2009)
02/27/2009	<u>65</u>	ORDER granting in part and denying in part <u>63</u> Motion to Strike <u>62</u> Response in Opposition to Motion. The Clerk of Court shall strike and seal Response (doc. 62). Tucker shall file response with all redactions by 3/10/09. Tucker shall show cause why she should not be held in contempt of Court for violating the Court's limited Protective Order by 3/10/09. Signed by Magistrate Judge Clifford J. Proud on 2/27/09. (amv) (Entered: 02/27/2009)
02/27/2009		Set/Reset Deadlines as to <u>60</u> MOTION for Summary Judgment. Responses due by 3/10/2009. (amv) (Entered: 02/27/2009)
02/27/2009		Tucker shall show cause in writing why she should not be held in contempt of Court for violating the Court's limited protective order. Action due by 3/10/2009. (amv) (Entered: 02/27/2009)
03/03/2009	<u>66</u>	MEMORANDUM AND OPINION, ORDER TO SHOW CAUSE. Signed by Judge J. Phil Gilbert on 3/3/09. (bkl) (Entered: 03/03/2009)
03/10/2009	<u>67</u>	RESPONSE <i>to order to show cause re witness tampering</i> filed by Pam Tucker. (Heller, H.) (Entered: 03/10/2009)
03/10/2009	<u>68</u>	RESPONSE to <u>65</u> Order on Motion to Strike, <i>to show cause re redactions</i> filed by Pam Tucker. (Heller, H.) (Entered: 03/10/2009)
03/10/2009	<u>69</u>	MEMORANDUM in Opposition re <u>60</u> MOTION for Summary Judgment filed by Pam Tucker. (Attachments: # <u>1</u> Exhibit tucker deposition redacted, # <u>2</u> Exhibit williams deposition)(Heller, H.) (Entered: 03/10/2009)
03/16/2009	<u>70</u>	REPLY to Response to Motion re <u>60</u> MOTION for Summary Judgment filed by P.D.L. Nayak. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Honig, David) (Entered: 03/16/2009)
03/16/2009	<u>71</u>	RESPONSE <i>to Documents 67 and 68</i> filed by P.D.L. Nayak. (Attachments: # <u>1</u> Exhibit)(Honig, David) (Entered: 03/16/2009)
03/17/2009	72	MINUTE ORDER: Show Cause Satisfied. Plaintiff has satisfied the Court that the publication of patient names and identifying information in violation of the Limited Protective Order, (Doc. 58) was inadvertent; re <u>65</u> Order on Motion to Strike. Signed by Magistrate Judge Clifford J. Proud on 3/17/09. (amv) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/17/2009)
03/18/2009	73	NOTICE OF CANCELLATION of Hearing: The Settlement Conference set for March 23, 2009 at 9:30 am before Magistrate Judge Clifford J. Proud is canceled. The Court may, on its own discretion, reset the settlement conference at a later date. (amv)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/18/2009)

04/22/2009	<u>74</u>	MINUTE ORDER (kjr); Final Pretrial Conference reset for 5/4/2009 09:30 AM in Benton Courthouse before Judge J. Phil Gilbert.(dka, ) (Entered: 04/22/2009)
04/23/2009	<u>75</u>	MOTION re <u>74</u> Order, Terminate Hearings, Set Hearings to <i>Change Pre-Trial Conference to a Telephonic Status Conference</i> by P.D.L. Nayak. (Honig, David) (Entered: 04/23/2009)
04/29/2009	<u>76</u>	MOTION for Sanctions by P.D.L. Nayak. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Honig, David) (Entered: 04/29/2009)
04/29/2009	<u>77</u>	MOTION for Leave to File <i>Unilateral Proposed Pretrial Order</i> by P.D.L. Nayak. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Honig, David) (Entered: 04/29/2009)
04/30/2009	<u>78</u>	NOTICE OF ERRORS AND/OR DEFICIENCIES re <u>77</u> Motion for Leave to File filed by P.D.L. Nayak. See attached document for specifics (dka, ) (Entered: 04/30/2009)
05/01/2009	<u>79</u>	RESPONSE to Motion re <u>75</u> MOTION re <u>74</u> Order, Terminate Hearings, Set Hearings to <i>Change Pre-Trial Conference to a Telephonic Status Conference</i> filed by Pam Tucker. (Heller, H.) (Entered: 05/01/2009)
05/01/2009	<u>80</u>	RESPONSE to Motion re <u>77</u> MOTION for Leave to File <i>Unilateral Proposed Pretrial Order</i> filed by Pam Tucker. (Heller, H.) (Entered: 05/01/2009)
05/01/2009	<u>81</u>	MINUTE ORDER (kjr); granting <u>75</u> MOTION filed by P.D.L. Nayak. Final Pretrial Conference reset via telephone for 5/4/2009 09:00 AM before Judge J. Phil Gilbert. Defense counsel responsible for placing call.(dka, ) (Entered: 05/01/2009)
05/04/2009	<u>82</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert (kjr): Final Pretrial Conference held via telephone on 5/4/2009. Final Pretrial Conference reset for 7/17/2009 09:30 AM in Benton Courthouse before Judge J. Phil Gilbert. Jury Trial reset for 7/27/2009 09:00 AM in Benton Courthouse before Judge J. Phil Gilbert. (Court Reporter N/A.) (dka, ) (Entered: 05/04/2009)
05/13/2009	83	ORDER denying <u>77</u> Motion for Leave to File. Motion is moot in light of new final pretrial and trial settings. Joint proposed final pretrial order must be submitted consistent with those dates. Signed by Judge J. Phil Gilbert on 5/13/09. (tlp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/13/2009)
06/15/2009	<u>84</u>	MEMORANDUM AND ORDER granting <u>60</u> MOTION for Summary Judgment filed by P.D.L. Nayak, finding as moot <u>76</u> MOTION for Sanctions filed by P.D.L. Nayak and outstanding Show Cause Orders <u>64</u> and <u>66</u> . Clerk of Court to enter judgment accordingly. Signed by Judge J. Phil Gilbert on 6/15/09. (dka, ) (Entered: 06/16/2009)
06/15/2009	<u>85</u>	CLERK'S JUDGMENT (JF/dka) in favor of P.D.L. Nayak against People of the United States of America, United States of America, Pam Tucker. Signed by Judge J. Phil Gilbert on 6/15/09. (dka, ) (Entered: 06/16/2009)

CLOSED,JURY

**U.S. District Court  
Eastern District of Virginia – (Richmond)  
CIVIL DOCKET FOR CASE #: 3:06-cv-00180-RLW**

United States, ex. rel. Lokesh Vuyyuru, M.D. v. Jadhav, et al  
Assigned to: District Judge Richard L. Williams  
Demand: \$95,000,000  
Case in other court: 4th Circuit Court of Appeals, 7-1455  
FCCA, 7-1922  
Cause: 31:3729 False Claims Act

Date Filed: 03/13/2006  
Date Terminated: 03/28/2007  
Jury Demand: Plaintiff  
Nature of Suit: 370 Other Fraud  
Jurisdiction: Federal Question

**Plaintiff**

**UNITED STATES OF AMERICA**  
*ex rel. Lokesh Vuyyuru, M.D. and  
Individually*

represented by **Thomas Hunt Roberts**  
Thomas H. Roberts & Associates PC  
105 S First St  
Suite A  
Richmond, VA 23219  
(804) 783-2000  
Email: [thr@robertslaw.org](mailto:thr@robertslaw.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Riverside Physician Services, Inc.**  
*TERMINATED: 07/27/2006*

**Defendant**

**Riverside Healthcare Association**  
*TERMINATED: 07/27/2006*

**Defendant**

**Sealed Defendant 3**  
*TERMINATED: 07/27/2006*

**Defendant**

**Sealed Defendant 4**  
*TERMINATED: 07/27/2006*

**Defendant**

**Sealed Defendant 5**  
*TERMINATED: 07/27/2006*

**Defendant**

**Gopinath Jadhav, M.D.**

represented by **William Benjamin Pace**  
Williams Mullen (Richmond)  
200 South 10th Street  
Suite 1600  
PO Box 1320  
Richmond, VA 23219  
(804) 643-1991  
Email: [wpace@williamsmullen.com](mailto:wpace@williamsmullen.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Anne Margaret Glenn**  
Goodman Allen Donnelly PLLC (Glen  
Allen)  
4501 Highwoods Pkwy

Suite 210  
Glen Allen, VA 23060  
804-346-5158  
Fax: 804-346-5954  
*TERMINATED: 09/05/2006*

**Charles Michael Sims**  
O'Hagan Meyer PLLC (Richmond)  
411 East Franklin St  
Suite 500  
Richmond, VA 23219  
(804) 403-7111  
Fax: (804) 237-0250  
Email: [csims@ohaganmeyer.com](mailto:csims@ohaganmeyer.com)  
*TERMINATED: 09/05/2006*

**Martin A. Donlan , Jr.**  
Williams Mullen (Richmond)  
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804-783-6934  
Fax: 804-783-6507

**Robert Lee Harris , Jr.**  
LeClair Ryan PLLC (Richmond)  
919 East Main Street  
24th Floor  
Richmond, VA 23219  
804-545-1505  
Fax: 804-783-7666  
*TERMINATED: 09/05/2006*

**Defendant**

**Southside Gastroenterology Associates,  
Ltd.**

represented by **William Benjamin Pace**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Anne Margaret Glenn**  
(See above for address)  
*TERMINATED: 09/05/2006*

**Charles Michael Sims**  
(See above for address)  
*TERMINATED: 09/05/2006*

**Martin A. Donlan , Jr.**  
(See above for address)

**Robert Lee Harris , Jr.**  
(See above for address)  
*TERMINATED: 09/05/2006*

**Defendant**

**Community Health Systems  
Professional Services, Inc.**  
*TERMINATED: 08/29/2006*

represented by **Rita Poindexter Davis**  
Office of the Attorney General  
(Richmond)  
202 North 9th Street  
Richmond, VA 23219  
804-786-6549  
Fax: 804-371-2087  
Email: [rpdavis@oag.state.va.us](mailto:rpdavis@oag.state.va.us)

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Petersburg Hospital, Incorporated**  
*TERMINATED: 08/30/2006*

represented by **Samuel Pettaway Johnson , III**  
The Raven Building  
43 Rives Road  
Petersburg, Va 23805  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Columbia/HCA John Randolph, Inc.**

represented by **Nathan Adam Kottkamp**  
McGuireWoods LLP (Richmond)  
800 East Canal Street  
Richmond, VA 23219  
(804) 775-1000  
Fax: (804) 775-1061  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Charles William McIntyre , Jr.**  
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**John William Boland**  
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Email: [wboland@mcguirewoods.com](mailto:wboland@mcguirewoods.com)

**Defendant**

**Petersburg Hospital Company, LLC**

represented by **Rita Poindexter Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**The Cameron Foundation**  
*a Virginia non-profit corporation*

represented by **Rita Poindexter Davis**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Movant**

**Sealed Movant**  
*TERMINATED: 07/27/2006*

represented by **Tara Louise Casey**  
Office of the U.S. Attorney  
600 E Main St  
Suite 1800  
Richmond, VA 23219  
(804) 819-5400

**Movant**

**UNITED STATES OF AMERICA**

represented by **Debra Jean Prillaman**  
Office Of The U.S. Attorney  
600 East Main Street  
Suite 1800  
Richmond, VA 23219



(804) 819-5400  
 Email: [debra.prillaman@usdoj.gov](mailto:debra.prillaman@usdoj.gov)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Tara Louise Casey**  
 (See above for address)

**Movant**

**Dr. John Reynolds**

represented by **Mary Margaret Priddy**  
 Goodman Allen & Filetti PLLC  
 4501 Highwoods Pkwy  
 Suite 210  
 Glen Allen, VA 23060  
 (804) 346-0600  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/13/2006	1	COMPLAINT against Sealed Defendant 1, Sealed Defendant 2, Sealed Defendant 3, Sealed Defendant 4, Sealed Defendant 5 (Filing fee \$250, receipt number 82258), filed by Sealed Plaintiff 1; with jury demand.(wtuc) (Entered: 03/13/2006)
03/16/2006	2	AMENDED COMPLAINT filed against Gopinath Jadhav, M.D., Southside Gastroenterology Associates, Ltd., Community Health Systems Professional Services, Inc., Petersburg Hospital, Incorporated and Columbia/HCA John Randolph, Inc. by pltf USA ex rel. Lokesh Vuyyuru, M.D.(wtuc) Modified on 7/28/2006 (wtuc). (Entered: 03/17/2006)
05/11/2006	3	Ex-Parte MOTION-UNDER SEAL. (wtuc) Modified on 7/28/2006 to add sealed text(wtuc). (Entered: 05/11/2006)
05/11/2006	4	Memorandum in Support re 3 Ex-Parte MOTION - UNDER SEAL. (wtuc) Modified on 7/28/2006 to add sealed text (wtuc). (Entered: 05/11/2006)
05/12/2006	5	ORDER on 3 Motion - UNDER SEAL. Signed by Judge Richard L. Williams on 5/12/06. Copies mailed.(wtuc) Modified on 7/28/2006 to add sealed text (wtuc). (Entered: 05/12/2006)
06/27/2006	6	Notice of Election to Decline Intervention by Sealed Movant. (wtuc) (Entered: 06/28/2006)
07/27/2006	7	ORDERED that the complaint shall be unsealed and served upon the dfts by the relator; all other contents of the Court's file in this action shall remain under seal and not made public or served upon the dfts, except for this order and the govt's notice of election to decline intervention, which the relator will serve upon the dfts only after service of the complaint; the seal shall be lifted as to all other matters occurring in this action after the date of this order; the parties shall serve all pleadings and motions filed in this action upon the United States; the U.S. may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time; all orders of this Court shall be sent to the United States; should the relator or dfts propose that this action be dismissed, settled or otherwise discontinued, the Court will solicit the written consent of the U.S. before ruling or granting its approval. Signed by Judge Richard L. Williams on 7/27/06. Copies mailed.(wtuc) (Entered: 07/27/2006)
07/28/2006	8	AMENDED ORDER; amending 7 order to read that the amended complaint shall be unsealed and served upon the dfts by the relator; all other aspects of 7 order remain the same. Signed by Judge Richard L. Williams on 7/28/06. Copies mailed.(wtuc) (Entered: 07/28/2006)
07/28/2006		Summons Issued as to Gopinath Jadhav, MD, Southside Gastroenterology Associates, Ltd., Community Health Systems Professional Services, Inc., Petersburg Hospital, Incorporated, Columbia/HCA John Randolph, Inc. w/complaint & amended complaint. (mailed to pltf's counsel) (wtuc) (Entered: 07/28/2006)

08/11/2006	9	SUMMONS Returned Executed by UNITED STATES OF AMERICA Petersburg Hospital, Incorporated served on 8/7/2006, answer due 8/28/2006.(wtuc) (Entered: 08/11/2006)
08/14/2006	10	MOTION for Extension of Time to File Response as to 1 Complaint and 2 Amended Complaint by Gopinath Jadhav, MD and Southside Gastroenterology Associates, Ltd. (wtuc) (Entered: 08/14/2006)
08/14/2006	11	SUMMONS Returned Executed by UNITED STATES OF AMERICA; Gopinath Jadhav, MD served on 8/3/2006, answer due 8/23/2006; Southside Gastroenterology Associates, Ltd. served on 8/3/2006, answer due 8/23/2006.(wtuc) (Entered: 08/14/2006)
08/16/2006		So Ordered re 10 MOTION for Extension of Time to File Response as to 1 Complaint, 2 Amended Complaint, filed by Gopinath Jadhav, M.D., Southside Gastroenterology Associates, Ltd., Motion terminated. Response due by 9/6/06. Signed by Judge Richard L. Williams on 8/16/06. Copies mailed.(wtuc) (Entered: 08/16/2006)
08/21/2006	12	Financial Interest Disclosure Statement (Local Rule 7.1) by Community Health Systems Professional Services, Inc. (wtuc) (Entered: 08/21/2006)
08/21/2006	13	MOTION for Extension of Time to File Response to the Amended Complaint by Community Health Systems Professional Services, Inc. (wtuc) (Entered: 08/21/2006)
08/22/2006	14	ORDER GRANTING 13 Motion for Extension of Time to File Response; Responses due by 9/6/2006. Signed by Judge Richard L. Williams on 8/22/06. Copies mailed. (wtuc) (Entered: 08/22/2006)
08/23/2006	15	Summons Returned Unexecuted by UNITED STATES OF AMERICA as to Columbia/HCA John Randolph, Inc. (wtuc) (Entered: 08/23/2006)
08/23/2006		Summons Reissued as to Columbia/HCA John Randolph, Inc. (given to counsel) (wtuc) (Entered: 08/23/2006)
08/24/2006	16	MOTION under FRCP 15(c) to Amend 2 Amended Complaint by UNITED STATES OF AMERICA. (Second Amended Complaint rcvd and placed on left) (wtuc) (Entered: 08/24/2006)
08/24/2006	17	Memorandum in Support re 16 MOTION under 15(c) to Amend 2 Amended Complaint filed by UNITED STATES OF AMERICA. (wtuc) (Entered: 08/24/2006)
08/25/2006	18	MOTION to Dismiss and Brief in Support by Petersburg Hospital, Incorporated. (wtuc) (Entered: 08/28/2006)
08/28/2006	19	SUMMONS Returned Executed by UNITED STATES OF AMERICA Columbia/HCA John Randolph, Inc. served on 8/23/2006, answer due 9/12/2006. (wtuc) (Entered: 08/28/2006)
08/29/2006	20	ORDER GRANTING in part 16 Motion to file Second Amended Complaint; the Court GRANTS the motion to the extent that the Clerk is DIRECTED to FILE the second amended complaint; the Court RESERVES JUDGMENT on whether the second amended complaint "relates back" to the original complaint. Signed by Judge Richard L. Williams on 8/29/06. Copies mailed. (wtuc) (Entered: 08/29/2006)
08/29/2006	21	SECOND AMENDED COMPLAINT against Petersburg Hospital Company, LLC, Gopinath Jadhav, MD, Southside Gastroenterology Associates, Ltd., Petersburg Hospital, Incorporated, Columbia/HCA John Randolph, Inc., filed by UNITED STATES OF AMERICA, ex rel. Lokesh Vuyyuru, M.D.(jtho, ) (Entered: 08/29/2006)
08/29/2006	22	MOTION for Leave to File Third Amended Complaint to substitute The Cameron Foundation for Petersburg Hospital, Incorporated by UNITED STATES OF AMERICA ex rel. Lokesh Vuyyuru, M.D. (jtho, ) (Entered: 08/29/2006)
08/29/2006	23	Memorandum in Support of 22 MOTION for Leave to File Third Amended Complaint filed by UNITED STATES OF AMERICA ex rel. Lokesh Vuyyuru, M.D. (Third Amended Complaint RECEIVED ONLY and placed on left pending ruling by Court)(jtho, ) (Entered: 08/29/2006)

08/30/2006	24	ORDER GRANTING 22 Motion for Leave to File Third Amended Complaint; the Court GRANTS the motion to the extent that the Clerk is DIRECTED to FILE the third amended complaint and the Court RESERVES JUDGMENT on whether the third amended complaint "relates back" to the original complaint. Signed by Judge Richard L. Williams on 8/30/06. Copies mailed. (wtuc) (Entered: 08/30/2006)
08/30/2006	25	THIRD AMENDED COMPLAINT against Cameron Foundation, Gopinath Jadhav, MD, Southside Gastroenterology Associates, Ltd., Columbia/HCA John Randolph, Inc., Petersburg Hospital Company, LLC, filed by UNITED STATES OF AMERICA.(wtuc) (Entered: 08/30/2006)
08/30/2006	26	Service of Amended Order of 7/28/06 and Govt's Notice of Election to Decline Intervention on Defendants on August 28, 2006, filed by UNITED STATES OF AMERICA. (pursuant to instructions in 7/28/06 order) (wtuc) (Entered: 08/30/2006)
09/05/2006	27	ORDERED that Martin A. Donlan, Jr. and Benjamin Pace of Williams Mullen law firm shall be SUBSTITUTED for Robert L. Harris, Jr., Charles M. Sims and Anne Glenn of the law firm of LeClair Ryan law firm as to dfts Gopinath Jadhav, M.D. and Southside Gastroenterology Associates, Ltd. Signed by Judge Richard L. Williams on 9/5/06. Copies mailed.(wtuc) (Entered: 09/05/2006)
09/05/2006	28	Joint MOTION to Set Uniform Response Date by Columbia/HCA John Randolph, Inc. (wtuc) (Entered: 09/05/2006)
09/05/2006	29	Memorandum in Support re 28 Joint MOTION to Set Uniform Response Date filed by Columbia/HCA John Randolph, Inc. (wtuc) (Entered: 09/05/2006)
09/05/2006	30	Financial Interest Disclosure Statement (Local Rule 7.1) by Columbia/HCA John Randolph, Inc. (wtuc) (Entered: 09/06/2006)
09/06/2006	31	ORDER GRANTING 28 Motion to Set Uniform Response Date; ORDERED that dfts' file a consolidated motion to dismiss not to exceed 50 pgs by 10/6/06; pltf will file a response by 10/24/06; dfts will file a consolidated reply by 11/1/06; if the Court denies dfts' motion to dismiss in whole or in part, dfts' respective answers shall be due w/in 10 days of the Court's order denying such motion to dismiss. Signed by Judge Richard L. Williams on 9/6/06. Copies mailed. (wtuc) (Entered: 09/06/2006)
09/06/2006	32	Financial Interest Disclosure Statement (Local Rule 7.1) by Cameron Foundation. (wtuc) (Entered: 09/07/2006)
09/15/2006	33	Financial Interest Disclosure Statement (Local Rule 7.1) by Southside Gastroenterology Associates, Ltd. (wtuc) (Entered: 09/15/2006)
10/06/2006	34	MOTION to Dismiss Pursuant to Rule 12(b)(1) & 12(b)(6) by Gopinath Jadhav, MD and Southside Gastroenterology Associates, Ltd. (cgar, ) (Entered: 10/10/2006)
10/06/2006	35	MOTION to Dismiss Pursuant to Rules 12(b)(1) AND 12(b)(6) by Cameron Foundation and Petersburg Hospital Company, LLC. (cgar, ) (Entered: 10/10/2006)
10/06/2006	36	MOTION to Dismiss Pursuant to FRCivP 12(B)(1) AND 12(b)(6) by Columbia/HCA John Randolph, Inc. (cgar, ) (Entered: 10/10/2006)
10/06/2006	37	Consolidated Memorandum in Support re 34 35 36 MOTIONS to Dismiss, filed by Cameron Foundation, Gopinath Jadhav, MD, Southside Gastroenterology Associates, Ltd., Columbia/HCA John Randolph, Inc. and Petersburg Hospital Company, LLC. (Exhibits placed in brown expandable) (cgar, ) (Entered: 10/10/2006)
10/24/2006	38	RESPONSE in Opposition re 35 MOTION to Dismiss, 18 MOTION to Dismiss, 36 MOTION to Dismiss, 34 MOTION to Dismiss filed by UNITED STATES OF AMERICA. (wtuc) (Entered: 10/25/2006)
11/01/2006	39	Reply to Response to 35 , 36 and 34 MOTION to Dismiss filed by Cameron Foundation, Gopinath Jadhav, MD, Southside Gastroenterology Associates, Ltd., Columbia/HCA John Randolph, Inc., Petersburg Hospital Company, LLC. (wtuc) (Entered: 11/01/2006)
11/21/2006		Set/Reset Deadlines as to 34 MOTION to Dismiss, 36 MOTION to Dismiss, 35 MOTION to Dismiss. Motion Hearing set for 1/26/2007 10:00 AM before District Judge Richard L. Williams. (lmcd, ) (Entered: 11/21/2006)

11/30/2006	40	NOTICE of Hearing on Motion ( 34 , 35 and 36 MOTIONS to Dismiss) filed by dfts for hearing set for 1/26/07 at 10:00 a.m. (wtuc) (Entered: 11/30/2006)
12/28/2006	41	MOTION to Quash and for Protective Order by Cameron Foundation, Gopinath Jadhav, MD, Southside Gastroenterology Associates, Ltd., Columbia/HCA John Randolph, Inc. and Petersburg Hospital Company, LLC. (wtuc) (Entered: 12/29/2006)
12/28/2006	42	Memorandum in Support re 41 MOTION to Quash filed by Cameron Foundation, Gopinath Jadhav, MD, Southside Gastroenterology Associates, Ltd., Columbia/HCA John Randolph, Inc. and Petersburg Hospital Company, LLC. (wtuc) (Entered: 12/29/2006)
01/03/2007	43	OBJECTION and MOTION to Quash subpoena duces tecum by Dr. John Reynolds. (wtuc) (Entered: 01/04/2007)
01/08/2007	44	RESPONSE to Motion re 41 MOTION to Quash, 43 Objection and MOTION to Quash filed by UNITED STATES OF AMERICA. (wtuc) (Entered: 01/08/2007)
01/11/2007	45	ORDERED that the hearing scheduled in this matter for January 26, 2007 be held at 10:30 a.m. before the Hon. Robert E. Payne. Signed by Judge Richard L. Williams on 1/11/07. Copies mailed.(wtuc) (Entered: 01/11/2007)
01/17/2007	46	REPLY to Response to Motion re 41 MOTION to Quash and 43 MOTION to Quash filed by Cameron Foundation, Gopinath Jadhav, MD, Southside Gastroenterology Associates, Ltd., Columbia/HCA John Randolph, Inc., Petersburg Hospital Company, LLC. (wtuc) (Entered: 01/17/2007)
01/26/2007	47	SUPPLEMENTAL Declaration of Lokesh Vuyyuru, M.D. by UNITED STATES OF AMERICA. (wtuc) (Entered: 01/26/2007)
01/26/2007	48	Minute Entry for proceedings held before Judge Robert E. Payne : Motion Hearing held on 1/26/2007 re 35 MOTION to Dismiss filed by Petersburg Hospital Company, LLC, Cameron Foundation, 34 MOTION to Dismiss filed by Southside Gastroenterology Associates, Ltd., Gopinath Jadhav, M.D., 18 MOTION to Dismiss filed by Petersburg Hospital, Incorporated, 36 MOTION to Dismiss filed by Columbia/HCA John Randolph, Inc. Plf. was represented by Thomas Roberts, Esq., Gopinath Jadhav, MD, & Gastroenterology Associates were represented by William Pace, Esq., Petersburg Hospital and The Cameron Foundation were represented by Rita Davis, Esq., Columbia HCA John Randolph was represented by William Boland, Esq. Dfts presented evidence, plf. responded, arguments of counsel heard. Matter taken under advisement. Order to enter. (Court Reporter Gil Halasz, OCR.) (khan, ) (Entered: 01/26/2007)
01/30/2007	49	TRANSCRIPT of Proceedings held on January 26, 2006 before Judge Robert E. Payne. Court Reporter: Gilbert Halasz, OCR. (1 vol.—placed on brown expandable) (wtuc) (Entered: 01/31/2007)
03/28/2007	<u>50</u>	MEMORANDUM OPINION. Signed by Judge Robert E. Payne on 3/28/07. Copies mailed.(wtuc) Additional attachment(s) added on 3/28/2007 (wtuc, ). (Entered: 03/28/2007)
03/28/2007	51	ORDER GRANTING 34 , 35 and 36 Motions to Dismiss; this matter is DISMISSED for lack of subject matter jurisdiction. Signed by Judge Robert E. Payne on 3/28/07. Copies mailed and faxed as directed. (wtuc) Modified on 3/29/07 to correct signing judge. (wtuc) (Entered: 03/28/2007)
03/30/2007	52	VACATED BY ORDER ENTERED 4/5/07 — ORDER re 51 Order and <u>50</u> Memorandum Opinion; appearing that the defendant, The Cameron Foundation, was erroneously named as Petersburg Hospital Company, LLC, it is ORDERED that the Memorandum Opinion and Order are amended to reflect the correct name of the defendant, The Cameron Foundation. Signed by Judge Robert E. Payne on 3/30/07. Copies mailed and faxed as directed.(wtuc) Modified on 4/5/2007 (wtuc, ). (Entered: 03/30/2007)
04/05/2007	53	ORDERED that 51 Order and <u>50</u> Memorandum Opinion are amended to add as a defendant, The Cameron Foundation, and to leave the Petersburg Hospital Company, LLC as a defendant; further ORDERED that the Corrective Order 52 is vacated and of no effect. Signed by Judge Robert E. Payne on 4/5/07. Copies mailed and faxed as

		directed.(wtuc) (Entered: 04/05/2007)
04/11/2007	54	MOTION for Attorney's Fees by Cameron Foundation. (wtuc) (Entered: 04/12/2007)
04/11/2007	55	Memorandum in Support re 54 MOTION for Attorney Fees filed by Cameron Foundation. (wtuc) (Entered: 04/12/2007)
04/25/2007	56	RESPONSE in Opposition re 54 MOTION for Attorney Fees filed by UNITED STATES OF AMERICA. (wtuc) (Entered: 04/26/2007)
04/27/2007	57	NOTICE OF APPEAL as to 51 Order on Motion to Dismiss entered 3/28/07 by UNITED STATES OF AMERICA. Filing fee \$455, receipt number 3-375. (wtuc) (Entered: 04/30/2007)
05/01/2007		Transmission of Notice of Appeal, Final Order, Memorandum Opinion and Certified Docket Sheet to US Court of Appeals re 57 Notice of Appeal (jgra, ) (Entered: 05/01/2007)
05/01/2007	58	NOTICE of Appearance and Substitution of Counsel by Debra Jean Prillaman on behalf of UNITED STATES OF AMERICA (wtuc) (Entered: 05/03/2007)
05/03/2007	59	REPLY to Response to Motion re 54 MOTION for Attorney Fees filed by Cameron Foundation. (wtuc) (Entered: 05/04/2007)
05/07/2007	60	NOTICE by UNITED STATES OF AMERICA of Filing Transcript on January 30, 2007 re 49 Transcript (wtuc) (Entered: 05/08/2007)
05/14/2007	61	ORDERED that The Cameron Foundation submit a revised fee application and that pltf provide specific financial information detailing his inability to pay attorney's fee; the supplemental submission may be accompanied by briefs and shall be filed no later than 5/30/07; responses to these supplemental submissions shall be filed by each party by 6/8/07. Signed by Judge Robert E. Payne on 5/11/07. Copies mailed and faxed.(wtuc) (Entered: 05/14/2007)
05/23/2007		USCA Case Number 7-1455, Case Manager: Alecia F. Dohnal, 4th Circuit Court of Appeals for 57 Notice of Appeal filed by UNITED STATES OF AMERICA. (cgar, ) (Entered: 05/24/2007)
05/30/2007	62	REVISED MOTION for Attorney Fees and Brief in Support by Cameron Foundation. (wtuc) (Entered: 05/30/2007)
05/30/2007	63	MOTION to Seal by UNITED STATES OF AMERICA (document to be sealed-personal financial statement-rcvd pending motion). (wtuc) (Entered: 05/31/2007)
06/01/2007		So Ordered, Motion terminated: 63 MOTION to Seal filed by UNITED STATES OF AMERICA.Signed by Judge Richard L. Williams on 6/1/07. Copies mailed.(wtuc) (Entered: 06/01/2007)
06/08/2007	64	Alternative MOTION for Discovery by UNITED STATES OF AMERICA. (wtuc) (Entered: 06/11/2007)
06/08/2007	65	RESPONSE in Opposition re 62 Revised MOTION for Attorney Fees filed by UNITED STATES OF AMERICA. (wtuc) (Entered: 06/11/2007)
06/08/2007	66	Response to pltf's personal financial statement filed by Cameron Foundation. (with motion for leave to conduct limited expedited discovery) (wtuc) (Entered: 06/11/2007)
06/08/2007	67	MOTION for Leave to Conduct Limited Expedited Discovery by Cameron Foundation. (with response to pltf's personal financial statement) (wtuc) (Entered: 06/11/2007)
06/08/2007	68	MOTION to Seal its Memorandum in Support of its Motion for Leave to Conduct Limited Expedited Discovery by Cameron Foundation. (mot. for lv. to conduct discovery rcvd pending ruling on motion) (wtuc) Modified on 6/11/2007- added "Memorandum in Support" (wtuc). (Entered: 06/11/2007)
06/14/2007	69	RESPONSE in Opposition to the Cameron Foundation's Motion to Conduct Discovery (rcvd under seal pending ruling on 68 motion to seal) filed by UNITED STATES OF AMERICA. (brief in support of response in opposition rcvd under seal pending ruling

		on doc. 68) (wtuc) (Entered: 06/20/2007)
06/20/2007	70	RESPONSE in Opposition re 64 Alternative MOTION for Discovery filed by UNITED STATES OF AMERICA. (wtuc) (Entered: 06/20/2007)
06/20/2007	71	NOTICE of Filing Reply in Support of its Motion for Leave to Conduct Limited Expedited Discovery by Cameron Foundation (Reply rcvd under seal pending ruling on 68 MOTION to Seal) (wtuc) (Entered: 06/20/2007)
06/25/2007		So Ordered, Motion terminated: 68 MOTION to Seal the Cameron Foundation's Memorandum in Support of Motion for Leave to Conduct Limited Expedited Discovery filed by Cameron Foundation. Signed by Judge Robert E. Payne on 6/25/07. Copies mailed.(wtuc) (Entered: 06/25/2007)
06/25/2007	72	Memorandum in Support re 67 MOTION for Leave to Conduct Limited Expedited Discovery filed by Cameron Foundation. [FILED UNDER SEAL] (wtuc) (Entered: 06/25/2007)
06/25/2007	73	Brief in Support of 69 Response in Opposition to Motion to Conduct Limited Expedited Discovery filed by Cameron Foundation. [FILED UNDER SEAL] (wtuc) (Entered: 06/25/2007)
06/25/2007	74	AGREED ORDER that the time allowed for pltf to file a reply to the Cameron Foundations's 70 Response in Opposition to Motion filed by UNITED STATES OF AMERICA shall be extended to July 3, 2007. Signed by Judge Robert E. Payne on 6/25/07. Copies mailed.(wtuc) (Entered: 06/25/2007)
06/25/2007	75	REPLY to Response to Motion re 67 MOTION for Leave to Conduct Limited Expedited Discovery filed by Cameron Foundation. [FILED UNDER SEAL] (wtuc) (Entered: 06/26/2007)
06/29/2007	76	Certificate of Completion re 57 Notice of Appeal (lbre, ) (Entered: 06/29/2007)
07/02/2007	77	ORDER granting 67 Motion for Limited Expedited Discovery; The Cameron Foundation may conduct discovery on Pltf's financial affairs up until Aug. 1, 2007; Supplemental briefing on this issue must be submitted to the Court by Aug. 8, 2007. Signed by Judge Robert E. Payne on 7/2/2007. Copies mailed and by facsimile (cgar, ) (Entered: 07/02/2007)
07/03/2007	78	REPLY to Response to 64 MOTION for Discovery filed by UNITED STATES OF AMERICA. (jtho, ) (Entered: 07/05/2007)
07/17/2007	79	MOTION to Quash and for Protective Order by UNITED STATES OF AMERICA. (wtuc) (Entered: 07/17/2007)
07/17/2007	80	Memorandum in Support re 79 MOTION to Quash and for Protective Order filed by UNITED STATES OF AMERICA. (wtuc) (Entered: 07/17/2007)
07/17/2007	81	Objections to Discovery Propounded by the Cameron Foundation filed by UNITED STATES OF AMERICA. (wtuc) (Entered: 07/17/2007)
07/24/2007	82	ORDER GRANTING 64 Motion for Leave to Conduct Limited Discovery (see order for details). Signed by Judge Robert E. Payne on 7/24/07. Copies mailed. (wtuc) (Entered: 07/24/2007)
07/24/2007	83	AGREED PROTECTIVE ORDER. Signed by Judge Robert E. Payne on 7/24/07. Copies mailed.(wtuc) (Entered: 07/24/2007)
08/01/2007	84	ORDER denying as moot 79 Motion to Quash; finding that this matter was resolved by protective order entered on 7/24/07. Signed by Judge Robert E. Payne on 8/1/07. (jtho, ) (Entered: 08/01/2007)
08/08/2007	85	SUPPLEMENTAL Brief to 62 MOTION for Attorney Fees filed by Cameron Foundation. (wtuc) (Entered: 08/09/2007)
08/08/2007	86	SUPPLEMENTAL Brief re 62 MOTION for Attorney Fees by Cameron Foundation filed by UNITED STATES OF AMERICA. (wtuc) (Entered: 08/09/2007)
08/09/2007	87	MOTION to Strike with Brief in Support 86 Supplemental Brief and Declaration of Lokesh Vuyyuru by Cameron Foundation. (wtuc) (Entered: 08/09/2007)

08/17/2007	88	RESPONSE in Opposition re 87 MOTION to Strike 86 Rebuttal Brief filed by UNITED STATES OF AMERICA. (wtuc) (Entered: 08/17/2007)
08/22/2007	89	REPLY to Response to Motion re 87 MOTION to Strike 86 Rebuttal Brief filed by Cameron Foundation. (wtuc) (Entered: 08/23/2007)
08/27/2007	<u>90</u>	MEMORANDUM OPINION. Signed by Judge Robert E. Payne on 8/27/07. Copies mailed.(wtuc) (Entered: 08/27/2007)
08/27/2007	91	ORDER GRANTING 62 Motion for Attorney Fees and the plaintiff shall pay to the defendants the sum of \$68, 228.75 and costs; further ORDERED that 87 Motion to Strike is GRANTED. Signed by Judge Robert E. Payne on 8/27/07. Copies mailed. (wtuc) (Entered: 08/27/2007)
09/14/2007	92	NOTICE OF APPEAL as to 91 Order on Motion for Attorney Fees by UNITED STATES OF AMERICA. Filing fee \$455, receipt number 3-2029. (wtuc) (Entered: 09/14/2007)
09/18/2007		Transmission of Notice of Appeal, Order, Memorandum Opinion, and Certified Docket Sheet to US Court of Appeals re 92 Notice of Appeal (jgra, ) (Entered: 09/18/2007)
09/20/2007		USCA Case Number 7-1922 FCCA for 92 Notice of Appeal filed by UNITED STATES OF AMERICA; case manager: Alecia F. Dohnal. (wtuc) (Entered: 09/21/2007)
09/20/2007	93	ORDER of USCA as to 57 and 92 Notices of Appeal filed by UNITED STATES OF AMERICA; FCCA consolidates 07-1455 and 07-1922 for further appellate action. (wtuc) (Entered: 09/21/2007)
03/12/2008	94	ORDER of USCA as to 92 Notice of Appeal filed by UNITED STATES OF AMERICA; David J. Chizewer is substituted as counsel for appellee on appeal. (cmcc, ) (Entered: 04/02/2008)
02/12/2009	95	Opinion of USCA, AFFIRMED District Court's decision re 92 Notice of Appeal, 57 Notice of Appeal attached copy of judgment will not take effect until issuance of the mandate. (jgra, ) (Entered: 02/12/2009)
02/12/2009	96	USCA JUDGMENT, AFFIRMED Judgment of District Court as to 92 Notice of Appeal filed by UNITED STATES OF AMERICA (jgra, ) (Entered: 02/12/2009)
03/03/2009		USCA notice STAY OF MANDATE pending disposition of a petition for panel and/or en banc rehearing. (jgra, ) (Entered: 03/03/2009)
04/10/2009	97	ORDER of USCA DENIED petition for rehearing en banc as to 92 Notice of Appeal filed by UNITED STATES OF AMERICA (jgra, ) (Entered: 04/10/2009)
04/20/2009	98	USCA Mandate, Judgment of this court entered 02/12/09 takes effect 04/20/09 re 92 Notice of Appeal (jgra, ) (Entered: 04/20/2009)

**U.S. District Court  
Northern District of Alabama (Southern)  
CIVIL DOCKET FOR CASE #: 2:03-cv-02533-KOB**

Wilson, et al v. Callahan Eye Found, et al  
Assigned to: Chief Judge Karon O Bowdre  
Demand: \$0  
Cause: 31:3729 False Claims Act

Date Filed: 09/15/2003  
Date Terminated: 09/18/2006  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Valorie Wilson**

represented by **Charles Clyde Tatum , Jr**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Valorie Wilson**  
*individually*

represented by **Charles Clyde Tatum , Jr**  
(See above for address)  
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**Roderick D Graham**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Callahan Eye Foundation Hospital**

represented by **Richard Lee Sharff , Jr**  
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**Date Discrepancy Cases 820**



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*ATTORNEY TO BE NOTICED***Defendant****Lynne Lanier**represented by **Richard Lee Sharff, Jr**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Ty E Dedmon**

(See above for address)

*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/15/2003	1	COMPLAINT filed, amount paid \$ 150.00, receipt # 200 195199 (KWC) (Entered: 09/15/2003)
11/24/2003	2	MOTION by movant USA to extend time for its decision to intervene , and for order for case to remain under seal filed cs (KLL) (Entered: 11/24/2003)
11/24/2003	3	2 - ORDER granting motion to extend time for its decision to intervene [2-1], but US must prove good cause for any additional extension; case remaining under seal ( by Judge Karon O. Bowdre entered cm (KLL) (Entered: 11/25/2003)
04/30/2004	4	MOTION (Unopposed) by movant USA for order for partial lifting of seal , and to extend time to consider election to intervene filed no cs (KLL) (Entered: 05/03/2004)
04/30/2004	5	BRIEF in support of unopposed motion for partial lifting of seal and for extension of time to consider election to intervene by movant USA filed no cs (KLL) (Entered: 05/03/2004)
05/24/2004	6	ORDER granting motion for order for partial lifting of seal [4-1], granting motion to extend time to 8/27/04 to consider election to intervene [4-2]; this order, together w/govt's application and brief in support thereof, shall be sealed until further order of the court filed ( by Judge Karon O. Bowdre ) cm (KLL) (Entered: 05/24/2004)
08/20/2004	7	MOTION by movant USA to extend time to consider election to intervene filed no cs

**Date Discrepancy Cases 821**

		(KLL) (Entered: 08/23/2004)
08/20/2004	8	BRIEF in support of motion for extension of time to consider election to intervene by movant USA filed cs (KLL) (Entered: 08/23/2004)
08/30/2004	9	ORDER granting motion to extend time to consider election to intervene [7-1]; no further extensions filed ( by Judge Karon O. Bowdre ) cm (KLL) (Entered: 08/30/2004)
11/12/2004	<a href="#">10</a>	NOTICE of election to decline intervention by United States of America (KLL, ) (Entered: 11/18/2004)
11/22/2004	<a href="#">11</a>	ORDER that complaint be unsealed and served upon the dfts by the relator as further set out in order; seal will be lifted as to all other documents after the date of this order . Signed by Judge Karon O Bowdre on 11/22/2004. (KLL, ) (Entered: 11/22/2004)
12/22/2004	<a href="#">12</a>	Consent MOTION for Extension of Time to File Response/Reply as to 1 Complaint by Callahan Eye Foundation Hospital, Lynne Lanier. (Sharff, Richard) (Entered: 12/22/2004)
12/30/2004		ORDER granting <a href="#">12</a> Motion for Extension of Time to File Initial Response to Complaint. Response is due by 1/27/2005. Signed by Judge Karon O Bowdre on 12/30/2004. (KOBLC1, ) (Entered: 12/30/2004)
01/07/2005	<a href="#">13</a>	AMENDED DOCUMENT by United States of America: Amended Certificate of Service re <a href="#">10</a> Notice to decline intervention . (Owen, Callie) (Entered: 01/07/2005)
01/27/2005	<a href="#">14</a>	MOTION to Dismiss by Callahan Eye Foundation Hospital, Lynne Lanier. (Sharff, Richard) (Entered: 01/27/2005)
01/31/2005	<a href="#">15</a>	ORDER SETTING BRIEFING SCHEDULE re <a href="#">14</a> MOTION to Dismiss filed by dft: Pla's response due by 2/15/2005, movant's Reply Brief due by 2/23/2005; all submissions should comply w/Exh A to scheduling order located on court's website. Signed by Judge Karon O Bowdre on 1/31/2005. (KLL, ) (Entered: 01/31/2005)
01/31/2005	<a href="#">16</a>	INITIAL ORDER governing proceedings in this action; parties are reminded of their obligations under FRCP 26(f). Signed by Judge Karon O Bowdre on 1/31/2005. (KLL, ) (Entered: 01/31/2005)
02/15/2005	<a href="#">17</a>	RESPONSE in Opposition re <a href="#">14</a> MOTION to Dismiss filed by Valorie Wilson. (Graham, Roderick) (Entered: 02/15/2005)
02/23/2005	<a href="#">18</a>	REPLY to <i>Plaintiff's Opposition to Motion to Dismiss</i> filed by Callahan Eye Foundation Hospital, Lynne Lanier. (Sharff, Richard) (Entered: 02/23/2005)
04/15/2005	<a href="#">19</a>	ORDER that unless Rule 26 Meeting Report is filed by 4/22/2005, conference is scheduled in judge's chambers 4/29/05 at 3:30 pm for the purpose of delivering required report. Signed by Judge Karon O Bowdre on 4/15/05. (KLL, ) (Entered: 04/15/2005)
04/21/2005	<a href="#">20</a>	REPORT of Rule 26(f) Planning Meeting. (Sharff, Richard) (Entered: 04/21/2005)
04/26/2005	<a href="#">21</a>	SCHEDULING ORDER:Pla ddl to Amend Pleadings/join additional parties 8/18/2005, dft ddl to amend pleadings/join additional parties 9/1/05; Discovery due by 12/2/2005; Dispositive Motions due by 12/16/2005 and must comply w/Appendix II located on court's website; joint status report by parties due 10/17/05; pretrial conference set for 2/24/06 in judge's chambers. Signed by Judge Karon O Bowdre on 4/26/05. (KLL, ) (Entered: 04/26/2005)
09/21/2005	<a href="#">22</a>	ORDER ON MOTION TO DISMISS denying <a href="#">14</a> Motion to Dismiss as set out, dft must file an answer within 20 days . Signed by Judge Karon O Bowdre on 9/20/2005. (KSS, ) (Entered: 09/21/2005)
10/10/2005	<a href="#">23</a>	ANSWER to Complaint by Callahan Eye Foundation Hospital, Lynne Lanier.(Sharff,

Date Discrepancy Cases 822

		Richard) (Entered: 10/10/2005)
10/17/2005	<a href="#">24</a>	JOINT STATUS REPORT by Valorie Wilson, Callahan Eye Foundation Hospital, Lynne Lanier. (Sharff, Richard) (Entered: 10/17/2005)
11/22/2005	<a href="#">25</a>	MOTION to Compel by Callahan Eye Foundation Hospital, Lynne Lanier. (Attachments: # <a href="#">1</a> Exhibit 1 - Wilson's Responses to 1st RFP# <a href="#">2</a> Exhibit 2 - 9/27/05 email from C.Tatum to R.Sharff# <a href="#">3</a> Exhibit 3 - 10/7/05 letter R.Sharff to C.Tatum)(Dedmon, Ty) (Entered: 11/22/2005)
12/01/2005	<a href="#">26</a>	Consent MOTION for Extension of Time to Complete Discovery <i>and for Extension of Deadlines</i> by Callahan Eye Foundation Hospital, Lynne Lanier. (Dedmon, Ty) (Entered: 12/01/2005)
12/08/2005	<a href="#">27</a>	REVISED SCHEDULING ORDER: Discovery due by 1/11/2006; Dispositive Motions due by 1/25/2006 and must comply w/Appendix II located on court's website; pretrial conference set for 4/28/06 in judge's chambers; joint status report by parties due by 3/20/06. Motions terminated: <a href="#">26</a> Joint Consent MOTION for Extension of Time to Complete Discovery and for Extension of Deadlines. Signed by Judge Karon O Bowdre on 12/8/05. (KLL, ) (Entered: 12/08/2005)
01/10/2006	<a href="#">28</a>	First MOTION for Extension of Time to Complete Discovery by Valorie Wilson, Valorie Wilson(individually). (Graham, Roderick) (Entered: 01/10/2006)
01/11/2006	<a href="#">29</a>	MOTION to Amend/Correct <a href="#">28</a> First MOTION for Extension of Time to Complete Discovery by Valorie Wilson, Valorie Wilson(individually). (Graham, Roderick) (Entered: 01/11/2006)
01/11/2006	<a href="#">30</a>	RESPONSE to Motion re <a href="#">29</a> MOTION to Amend/Correct <a href="#">28</a> First MOTION for Extension of Time to Complete Discovery, <a href="#">28</a> First MOTION for Extension of Time to Complete Discovery filed by Callahan Eye Foundation Hospital, Lynne Lanier. (Dedmon, Ty) (Entered: 01/11/2006)
01/12/2006	<a href="#">31</a>	FINAL REVISED SCHEDULING ORDER: Discovery due by 2/1/2006; Dispositive motions due by 2/15/2006 and must comply w/Appendix II located on court's website; joint status report by parties due by 3/20/06; pretrial conference set for 4/28/06 in judge's chambers. Motions terminated: <a href="#">29</a> AMENDED MOTION for Extension of Time to Complete Discovery, <a href="#">28</a> First MOTION for Extension of Time to Complete Discovery. NO FURTHER EXTENSIONS WILL BE GRANTED Signed by Judge Karon O Bowdre on 1/12/06. (KLL, ) (Entered: 01/12/2006)
02/06/2006	<a href="#">32</a>	MOTION for Leave to File <i>Joint Brief in Support of Motion for Summary Judgment</i> by Callahan Eye Foundation Hospital, Lynne Lanier. (Dedmon, Ty) (Entered: 02/06/2006)
02/08/2006		ORDER granting defendants' motion for leave to submit joint brief in support of motion for summary judgment <a href="#">32</a> . Signed by Judge Karon O Bowdre on 02-08-06. (PCL, ) (Entered: 02/08/2006)
02/15/2006	<a href="#">33</a>	MOTION for Summary Judgment by Callahan Eye Foundation Hospital, Lynne Lanier. (Dedmon, Ty) (Entered: 02/15/2006)
02/15/2006	<a href="#">34</a>	Brief re <a href="#">33</a> MOTION for Summary Judgment. (Dedmon, Ty) (Entered: 02/15/2006)
02/15/2006	<a href="#">35</a>	Evidentiary Material re: <a href="#">34</a> Brief, <a href="#">33</a> MOTION for Summary Judgment. (Attachments: # <a href="#">1</a> Exhibit Declaration of Lynne Lanier# <a href="#">2</a> Exhibit Declaration of Herb Schroeter# <a href="#">3</a> Exhibit Deposition of Herb Schroeter# <a href="#">4</a> Exhibit Declaration of Leigh Aufdemorte# <a href="#">5</a> Exhibit Deposition of Leigh Aufdemorte# <a href="#">6</a> Exhibit Declaration of Paula Cox# <a href="#">7</a> Exhibit Declaration of Libby Bailey# <a href="#">8</a> Exhibit Deposition of Valorie Wilson# <a href="#">9</a> Exhibit

**Date Discrepancy Cases 823**

		Deposition of Lynne Lanier# <a href="#">10</a> Exhibit Declaration of Lisa Willard)(Dedmon, Ty) (Entered: 02/15/2006)
02/15/2006	<a href="#">36</a>	Evidentiary Material (Appendix of Government Publications) re: <a href="#">35</a> Evidentiary Material,, <a href="#">34</a> Brief, <a href="#">33</a> MOTION for Summary Judgment <i>Government Publications</i> . (Attachments: # <a href="#">1</a> Appendix Medicare Billing Guidance# <a href="#">2</a> Appendix FDA CDERDS Manual# <a href="#">3</a> Appendix Medicare National Coverage Determinations Manual# <a href="#">4</a> Appendix Medicare Claims Processing Manual# <a href="#">5</a> Appendix Medicare Program; Procedures for Coding and Payment# <a href="#">6</a> Appendix Medicare Provider Reimbursement Manual)(Dedmon, Ty) (Entered: 02/15/2006)
03/08/2006	<a href="#">37</a>	MOTION for Extension of Time to File Response/Reply <i>Defendants' Motion for Summary Judgment</i> by Valorie Wilson. (Tatum, Charles) (Entered: 03/08/2006)
03/10/2006		ORDER granting <a href="#">37</a> Motion for Extension of Time to File Response/Reply re Defendants' Motion for Summary Judgment, <a href="#">33</a> MOTION for Summary Judgment Responses due by 3/15/2006 Replies due by 3/27/2006. All submissions should comply with Appendix II on the court's website. Signed by Judge Karon O Bowdre on 03/10/2006. (JWT, ) (Entered: 03/10/2006)
03/15/2006	<a href="#">38</a>	MOTION for Leave to File <i>Brief in Excess of Page Limitation</i> by Valorie Wilson. (Tatum, Charles) (Entered: 03/15/2006)
03/15/2006	<a href="#">39</a>	MOTION to Strike <a href="#">35</a> Evidentiary Material,, <i>Hearsay Statements of Greg McKinney</i> by Valorie Wilson. (Tatum, Charles) (Entered: 03/15/2006)
03/15/2006	<a href="#">40</a>	RESPONSE to re <a href="#">34</a> , <a href="#">33</a> <i>Brief for Summary Judgment</i> filed by Valorie Wilson, Valorie Wilson(individually). (Graham, Roderick) (Entered: 03/15/2006)
03/15/2006	<a href="#">41</a>	NOTICE by Valorie Wilson <i>of filing of evidentiary submissions</i> (Tatum, Charles) (Entered: 03/15/2006)
03/15/2006	<a href="#">42</a>	Evidentiary Material re: <a href="#">41</a> Notice (Other) Exhibit A- Medicare Claim Processing Manual Chapter 17. (Tatum, Charles) (Entered: 03/15/2006)
03/15/2006	<a href="#">43</a>	Evidentiary Material re: <a href="#">41</a> Notice (Other) Exhibit B- Part I-Medicare Report: June, 2002, Pages 1-12. (Tatum, Charles) (Entered: 03/15/2006)
03/15/2006	<a href="#">44</a>	Evidentiary Material re: <a href="#">41</a> Notice (Other) Exhibit B- Part II Medicare Report: June, 2002, Pages 13-29. (Tatum, Charles) (Entered: 03/15/2006)
03/15/2006	<a href="#">45</a>	Evidentiary Material re: <a href="#">41</a> Notice (Other) Exhibit C-E-mail Dated 1/11/2005 from Maxine Nichols to Leigh Aufdemorte. (Tatum, Charles) (Entered: 03/15/2006)
03/15/2006	<a href="#">46</a>	Evidentiary Material re: <a href="#">41</a> Notice (Other) Exhibit I - Medicare Policy for Verteporfin (Visudyne) Injection, Dated June 5, 2000; Exhibit J- Cox Email July 2000; Exhibit K - Declaration of Valorie Wilson. (Tatum, Charles) (Entered: 03/15/2006)
03/20/2006	<a href="#">47</a>	JOINT STATUS REPORT by Valorie Wilson (individually), Callahan Eye Foundation Hospital, Lynne Lanier, United States of America. (Dedmon, Ty) (Entered: 03/20/2006)
03/21/2006	<a href="#">48</a>	MOTION for Leave to File <i>Joint Reply Brief Exceeding Ten Pages</i> by Callahan Eye Foundation Hospital, Lynne Lanier. (Dedmon, Ty) (Entered: 03/21/2006)
03/22/2006	<a href="#">49</a>	MOTION for Extension of Time to File Response/Reply by Callahan Eye Foundation Hospital, Lynne Lanier. (Dedmon, Ty) (Entered: 03/22/2006)
03/23/2006	<a href="#">50</a>	NOTICE of Appearance by Jack W Selden on behalf of Callahan Eye Foundation Hospital (Selden, Jack) (Entered: 03/23/2006)
03/27/2006		ORDER granting plaintiff's <a href="#">38</a> Motion for Leave to File Motion to Exceed page

Date Discrepancy Cases 824

		limitations. Signed by Judge Karon O Bowdre on 03-27-06. (PCL, ) (Entered: 03/27/2006)
03/27/2006		ORDER granting defendants' motion for leave to submit joint reply brief exceeding ten pages <a href="#">48</a> . Signed by Judge Karon O Bowdre on 03-27-06.(PCL, ) (Entered: 03/27/2006)
03/27/2006		ORDER granting defendants' Motion for Extension of Time to File Reply in support of motion for summary judgment re <a href="#">33</a> . The defendants' reply to the Motion for Summary Judgment is due by 4/3/2006. Signed by Judge Karon O Bowdre on 03-27-06. (PCL, ) (Entered: 03/27/2006)
04/03/2006	<a href="#">51</a>	RESPONSE in Opposition re <a href="#">39</a> MOTION to Strike <a href="#">35</a> Evidentiary Material,, <i>Hearsay Statements of Greg McKinney</i> filed by Callahan Eye Foundation Hospital, Lynne Lanier. (Attachments: # <a href="#">1</a> Exhibit A)(Dedmon, Ty) (Entered: 04/03/2006)
04/03/2006	<a href="#">52</a>	MOTION to Strike <a href="#">46</a> Evidentiary Material <i>Declaration Statements of Valorie Wilson</i> by Callahan Eye Foundation Hospital, Lynne Lanier. (Dedmon, Ty) (Entered: 04/03/2006)
04/03/2006	<a href="#">53</a>	REPLY Brief filed by Defendants Callahan Eye Foundation Hospital, Lynne Lanier re: <a href="#">34</a> Brief, <a href="#">40</a> Response (other), <a href="#">33</a> MOTION for Summary Judgment filed by Callahan Eye Foundation Hospital, Lynne Lanier. (Dedmon, Ty) (Entered: 04/03/2006)
04/03/2006	<a href="#">54</a>	Evidentiary Material re: <a href="#">53</a> Reply Brief. (Attachments: # <a href="#">1</a> Affidavit Aufdemorte# <a href="#">2</a> Affidavit Nichols# <a href="#">3</a> Affidavit Stephens# <a href="#">4</a> Affidavit Bailey# <a href="#">5</a> Affidavit Lanier# <a href="#">6</a> Affidavit Russell# <a href="#">7</a> Affidavit Schroeter)(Dedmon, Ty) (Entered: 04/03/2006)
04/03/2006	<a href="#">55</a>	NOTICE by Callahan Eye Foundation Hospital, Lynne Lanier re <a href="#">40</a> Response (other), <a href="#">53</a> Reply Brief, <a href="#">54</a> Evidentiary Material <i>Demonstrative Submission</i> (Attachments: # <a href="#">1</a> Exhibit)(Dedmon, Ty) (Entered: 04/03/2006)
04/05/2006		Set/Reset Hearings: The pretrial conference originally slated for April, 2006 has been moved to the court's June pretrial docket. An order will be entered in early June designating a day and time for this conference. (PRW) (Entered: 04/05/2006)
05/10/2006		Set/Reset Hearings: The pretrial conference previously designated for June 23, 2006 has been moved the the court's July 28, 2006 docket. An order will be entered in early July specifying the time for this pretrial conference. (PRW) (Entered: 05/10/2006)
06/06/2006	<a href="#">56</a>	ORDER TO SHOW CAUSE: Plaintiff is to Show Cause by 6/13/2006 why defendants' motion to compel should not be granted. Signed by Judge Karon O Bowdre on 6/6/06. (KLL, ) (Entered: 06/06/2006)
06/12/2006	<a href="#">57</a>	RESPONSE to Motion re <a href="#">25</a> MOTION to Compel filed by Valorie Wilson. (Tatum, Charles) (Entered: 06/12/2006)
06/26/2006	<a href="#">58</a>	ORDER: Plaintiff is to provide a copy of the disclosure statement she provided to the US in connection with the filing of her qui tam complaint to the court for an in camera inspection by 7/10/06; thereafter the court will enter an order on the motion to compel. Signed by Judge Karon O Bowdre on 6/26/06. (KLL, ) (Entered: 06/26/2006)
07/10/2006	<a href="#">59</a>	ORDER: Pretrial Conference set for 7/27/2006 at 10:30 AM in undersigned judge's chambers. Pretrial instructions attached. Signed by Judge Karon O Bowdre on 7/10/06. (KLL, ) (Entered: 07/10/2006)
07/18/2006	<a href="#">60</a>	ORDER: The 7/27/06 pretrial conference is continued generally; Oral argument on all pending motions set for 7/27/2006 at 10:00 AM in Courtroom 5-A in Bham, AL before Judge Karon O Bowdre. Signed by Judge Karon O Bowdre on 7/18/06. (KLL, ) (Entered: 07/18/2006)
07/19/2006	<a href="#">61</a>	ORDER granting <a href="#">25</a> Motion to Compel; pla is ORDERED to provide the disclosure statement provided by the pla in connection with the filing of the qui tam complaint by

**Date Discrepancy Cases 825**

		7/28/06. Signed by Judge Karon O Bowdre on 7/19/06. (KLL, ) (Entered: 07/19/2006)
07/19/2006	<a href="#">62</a>	MOTION to Take Deposition from Dr. Donald Stephens by Callahan Eye Foundation Hospital, Lynne Lanier. (Attachments: # <a href="#">1</a> Exhibit 1 - Declaration of Dr. Donald Stephens) (Dedmon, Ty) (Entered: 07/19/2006)
07/27/2006		Minute Entry for proceedings held before Judge Karon O Bowdre : Motion Hearing held on 7/27/2006 re <a href="#">33</a> MOTION for Summary Judgment filed by defendants. Oral arguments of counsel. Written order to be entered. (Court Reporter Teresa Roberson.) (PRW) (Entered: 07/27/2006)
09/06/2006	<a href="#">63</a>	TRANSCRIPT of Proceedings held on July 27, 2006 before Judge Karon O. Bowdre. Court Reporter: Teresa Roberson. [Contact court reporter for copy of transcript] (Attachments: # <a href="#">1</a> Court reporter's signature) (KLL, ) (Entered: 09/06/2006)
09/18/2006	<a href="#">64</a>	MEMORANDUM OPINION. Signed by Judge Karon O Bowdre on 9/18/2006. (KSS, ) (Entered: 09/18/2006)
09/18/2006	<a href="#">65</a>	ORDER OF FINAL JUDGMENT for the reasons stated in the memorandum opinion, it is ordered that dft's <a href="#">33</a> Motion for Summary Judgment is GRANTED on all pla's federal claims, the court declines to exercise jurisdiction of the remaining state law claims, therefore, counts IV-VIII and count XI are dismissed without prejudice with leave to re-file in state court, the pla's <a href="#">39</a> Motion to Strike, <a href="#">52</a> Motion to Strike and the <a href="#">62</a> Motion to Take Deposition of Dr. Donald Stephens are DENIED as moot. Signed by Judge Karon O Bowdre on 9/18/2006. (KSS, ) (Entered: 09/18/2006)

<b>PACER Service Center</b>			
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01/29/2019 08:48:06			
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<b>Billable Pages:</b>	6	<b>Cost:</b>	0.60

**U.S. District Court  
DISTRICT OF KANSAS (Topeka)  
CIVIL DOCKET FOR CASE #: 5:05-cv-04035-RDR-KGS**

Wynne v. Blue Cross-Blue Shield of Kansas, Inc.  
Assigned to: District Judge Richard D. Rogers  
Referred to: Magistrate Judge K. Gary Sebelius  
Case in other court: US District Court, District of Maryland,  
00-00452-AMD  
Cause: 31:3729 False Claims Act

Date Filed: 03/22/2005  
Date Terminated: 12/08/2006  
Jury Demand: Both  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**USA**

represented by **Ira Dennis Hawver**  
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**Plaintiff**

Rosalind L. Wynne

represented by **Bret D. Landrith**  
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TERMINATED: 11/01/2005  
LEAD ATTORNEY

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TERMINATED: 05/24/2006  
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V.

**Defendant**

**Blue Cross-Blue Shield of Kansas, Inc.**

represented by **Gary L. Ayers**  
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Date Filed	#	Docket Text
03/22/2005	<u>84</u>	Case transferred in from District of Maryland (Baltimore); Case Number 00-CV-00452-AMD. Original file with documents numbered 1 – 39, certified copy of transfer order and docket sheet received., filed by USA, Rosalind L Wynne.(sal) (hs). (Entered: 03/22/2005)
03/22/2005	<u>1</u>	COMPLAINT no summons issued , filed by Rosalind L Wynne. (Attachments: # <u>1</u> pages 13-27 of complaint# <u>2</u> pages 28-58 of complaint# <u>3</u> Exhibit A) (Originally filed on 2/16/2000 in the District of Maryland)(daw) (Entered: 03/24/2005)



03/22/2005		DEMAND for Trial by Jury by Rosalind L Wynne. (Originally filed on 2/16/00 in the District of Maryland)(daw) (Entered: 03/24/2005)
03/22/2005	<u>2</u>	NOTICE of Election to Decline Intervention by USA (Originally filed 9/1/04 in the District of Maryland) (daw) (Entered: 03/24/2005)
03/22/2005	<u>3</u>	Order to Unseal Complaint, Notice of Election to Decline Intervention and all other pleading filed after this date. Signed by Judge Andre Davis on 9/2/04. (Originally filed on 9/2/04 in the District of Maryland) (daw) (Entered: 03/24/2005)
03/22/2005	<u>4</u>	MEMORANDUM AND OPINION . Signed by Judge Andre Davis on 3/16/05. (Originally filed on 3/16/05 in the District of Maryland)(daw, ) (Entered: 03/24/2005)
03/22/2005	<u>5</u>	ORDER granting plaintiff's motion for extension of time to obtain counsel and to transfer case to the US District Court for the District of Kansas signed by Judge Andre Davis 3/16/05. (Originally filed on 3/16/05 in the District of Maryland)(daw) (Entered: 03/24/2005)
04/26/2005		Summons Issued as to Blue Cross–Blue Shield of Kansas, Inc.. (sal) (Entered: 04/26/2005)
04/27/2005	<u>6</u>	Summons Returned Executed — personal service by Rosalind L Wynne upon Mike Mattox, President, Blue Cross–Blue Shield of Kansas, Inc. served on 4/26/2005, answer due 5/16/2005 (ms) (Entered: 04/28/2005)
05/03/2005	<u>7</u>	CLERK'S ORDER extending time until May 31, 2005 for Defendants Blue Cross–Blue Shield of Kansas, Inc. to answer or otherwise plead. Signed by deputy clerk on 5/3/05. (sal) (Entered: 05/03/2005)
05/11/2005	<u>8</u>	ORDER SETTING TELEPHONE SCHEDULING CONFERENCE: Telephone Scheduling Conference set for 6/22/2005 at 03:30 PM before Magistrate Judge K. Gary Sebelius. Report of Parties Planning Meeting deadline 6/13/2005. Signed by Magistrate Judge K. Gary Sebelius on 5/11/2005. (djs) (Entered: 05/11/2005)
05/31/2005	<u>9</u>	MOTION to Dismiss by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 05/31/2005)
05/31/2005	<u>10</u>	MEMORANDUM IN SUPPORT of <u>9</u> MOTION to Dismiss by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 05/31/2005)
06/20/2005	<u>11</u>	MOTION to Stay Proceedings by Plaintiff Rosalind L Wynne (ms) (Entered: 06/21/2005)
06/20/2005	<u>12</u>	MOTION to Appoint Counsel by Plaintiff Rosalind L Wynne (ms) (Entered: 06/21/2005)
06/20/2005	<u>13</u>	NOTE: Access to document is restricted pursuant to the Court's privacy policy.) FINANCIAL AFFIDAVIT in support of Application for Appointment of Counsel <u>12</u> by Plaintiff Rosalind L Wynne. (ms) (Entered: 06/21/2005)
06/22/2005	<u>14</u>	Minute Entry for proceedings held before Magistrate Judge K. Gary Sebelius: Telephone Scheduling Conference held on 6/22/2005. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry) (djs) (Entered: 06/22/2005)
06/23/2005	<u>15</u>	SCHEDULING ORDER: Discovery deadline 1/6/2006. Dispositive motion deadline set for 3/3/2006. Mediation deadline 11/18/2005. Proposed Pretrial Order due by 1/24/2006. Final Pretrial Conference set for 2/3/2006 at 10:00 AM before Magistrate Judge K. Gary Sebelius. Signed by Magistrate Judge K. Gary Sebelius on 6/23/2005. (djs) (Entered: 06/23/2005)
07/03/2005	<u>16</u>	ENTRY OF APPEARANCE by Bret D. Landrith on behalf of Rosalind L. Wynne (Landrith, Bret) Modified on 10/20/2005 (daw). (Entered: 07/03/2005)
07/06/2005	<u>17</u>	NOTICE OF SERVICE by Rosalind L Wynne of Good Faith Settlement Offer (Landrith, Bret) (Entered: 07/06/2005)
07/11/2005	<u>18</u>	MOTION for Protective Order by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 07/11/2005)

07/12/2005	<u>19</u>	PROTECTIVE ORDER granting <u>18</u> Joint Motion for Protective Order. Counsel should note that the court modified the parties' proposed order with respect to the provisions for the use of confidential information in court filings. See Protective Order for details. Signed by Magistrate Judge K. Gary Sebelius on 7/12/2005. (djs) (Entered: 07/12/2005)
07/14/2005	<u>20</u>	ORDER denying <u>9</u> Motion to Dismiss, finding as moot <u>11</u> Motion to Stay, finding as moot <u>12</u> Motion to Appoint Counsel . Signed by Judge Richard D. Rogers on 7/14/05. (meh) (Entered: 07/14/2005)
07/21/2005	<u>21</u>	NOTICE OF SERVICE by Blue Cross–Blue Shield of Kansas, Inc. of Defendant's Rule 26 Initial Disclosure Statement (Ayers, Gary) (Entered: 07/21/2005)
07/22/2005	<u>22</u>	MOTION for Extension of Time to File Answer by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 07/22/2005)
07/25/2005	<u>23</u>	RESPONSE by Plaintiff Rosalind L Wynne re <u>22</u> MOTION for Extension of Time to File Answer (Landrith, Bret) (Entered: 07/25/2005)
07/25/2005	<u>24</u>	CERTIFICATE OF SERVICE by Rosalind L Wynne of <i>Initial Rule 26 Disclosures</i> . (Landrith, Bret) (Entered: 07/25/2005)
07/27/2005	<u>25</u>	ORDER granting <u>22</u> Motion for Extension of Time to Answer. Blue Cross–Blue Shield of Kansas, Inc. answer due 8/19/2005. Signed by Magistrate Judge K. Gary Sebelius on 7/27/2005. (djs) (Entered: 07/27/2005)
08/03/2005	<u>26</u>	ENTRY OF APPEARANCE by Stacy A. Jeffress on behalf of Blue Cross–Blue Shield of Kansas, Inc. (Ayers, Gary) Modified on 8/5/2005 to change attorney to conform with document (ms). (Entered: 08/03/2005)
08/15/2005	<u>27</u>	MEDIATION MINUTE ORDER – Mediation Deadline Terminated. Signed by Magistrate Judge K. Gary Sebelius on 8/15/2005. (djs) (Entered: 08/15/2005)
08/19/2005	<u>28</u>	ANSWER to Complaint by Blue Cross–Blue Shield of Kansas, Inc..(Ayers, Gary) (Entered: 08/19/2005)
08/19/2005	<u>29</u>	MOTION for Judgment <i>On the Pleadings for Failure to State a Claim</i> by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 08/19/2005)
08/19/2005	<u>30</u>	MEMORANDUM IN SUPPORT of <u>29</u> MOTION for Judgment <i>On the Pleadings for Failure to State a Claim</i> by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 08/19/2005)
08/22/2005	<u>31</u>	DEMAND for Trial by Jury by Blue Cross–Blue Shield of Kansas, Inc.. (Ayers, Gary) (Entered: 08/22/2005)
09/12/2005	<u>32</u>	RESPONSE by Plaintiffs Rosalind L Wynne re <u>29</u> MOTION for Judgment <i>On the Pleadings for Failure to State a Claim</i> (Landrith, Bret) (Entered: 09/12/2005)
10/04/2005	<u>33</u>	MOTION for Extension of Time as to <u>32</u> Response to Motion by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 10/04/2005)
10/10/2005	<u>34</u>	REPLY to Response to Motion by Defendant Blue Cross–Blue Shield of Kansas, Inc. re: <u>29</u> MOTION for Judgment <i>On the Pleadings for Failure to State a Claim</i> (Ayers, Gary) (Entered: 10/10/2005)
10/19/2005	<u>35</u>	MOTION to Withdraw as Attorney for Plaintiff Rosalind L Wynne(Landrith, Bret) (Entered: 10/19/2005)
10/31/2005	<u>36</u>	ORDER granting <u>33</u> Motion for Extension of Time to File Reply re: <u>29</u> MOTION for Judgment <i>On the Pleadings for Failure to State a Claim</i> . Reply deadline 10/10/2005. See order for details. Signed by Magistrate Judge K. Gary Sebelius on 10/31/2005. (djs) (Entered: 10/31/2005)
11/01/2005	<u>37</u>	ORDER granting <u>35</u> Motion to Withdraw as Attorney. Attorney Bret D. Landrith terminated. IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel (# 12) is denied. IT IS FURTHER ORDERED that plaintiff shall be allowed 20 days from the date of this order to find counsel to represent her in this action. If counsel has not entered an appearance within 20 days, the court shall dismiss this action. The clerk shall mail a copy of this memorandum and order to plaintiff, Bret D. Landrith, defense

		counsel and government counsel. Signed by Judge Richard D. Rogers on 11/1/05. (meh) Modified text on 11/7/2005 (ms). (Entered: 11/01/2005)
11/19/2005	<u>38</u>	ENTRY OF APPEARANCE by Ira Dennis Hawver on behalf of USA, Rosalind L Wynne (Hawver, Ira) (Entered: 11/19/2005)
11/21/2005	<u>39</u>	ENTRY OF APPEARANCE by Richard W. Benson on behalf of Rosalind L Wynne. (ms) (Entered: 11/22/2005)
11/23/2005	<u>40</u>	ORDER: Ira Dennis Hawver has entered an appearance for the plaintiff in this case. Therefore, the court will not consider the pending motion for judgment on the pleadings for failure to state a claim as quickly as possible. Signed by Judge Richard D. Rogers on 11/23/05.(meh) (Entered: 11/23/2005)
11/29/2005	<u>41</u>	AMENDED ENTRY OF APPEARANCE by Ira Dennis Hawver on behalf of Rosalind L Wynne (Hawver, Ira) Modified on 11/30/2005 (ms). (Entered: 11/29/2005)
12/01/2005	<u>42</u>	MOTION to Amend Scheduling Order by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 12/01/2005)
12/08/2005	<u>43</u>	AMENDED SCHEDULING ORDER granting <u>42</u> Motion to Amend Scheduling Order. Discovery deadline 4/6/2006. Dispositive motion deadline set for 5/30/2006. Proposed Pretrial Order due by 4/24/2006. Final Pretrial Conference set for 5/1/2006 at 09:30 AM before Magistrate Judge K. Gary Sebelius. Signed by Magistrate Judge K. Gary Sebelius on 12/8/2005. (djs) (Entered: 12/08/2005)
01/30/2006	<u>44</u>	NOTICE OF SERVICE by USA, Rosalind L Wynne of Request for Production (Attachments: # <u>1</u> Supplement 1)(Hawver, Ira) (Entered: 01/30/2006)
04/05/2006	<u>45</u>	MOTION to Amend Scheduling Order by Defendant Blue Cross–Blue Shield of Kansas, Inc. (Ayers, Gary) (Entered: 04/05/2006)
04/07/2006	<u>46</u>	SECOND AMENDED SCHEDULING ORDER granting <u>45</u> Joint Motion to Amend Scheduling Order. Discovery deadline 7/6/2006. Dispositive motion deadline set for 8/21/2006. Proposed Pretrial Order due by 7/17/2006. Final Pretrial Conference set for 7/24/2006 at 09:30 AM before Magistrate Judge K. Gary Sebelius. Signed by Magistrate Judge K. Gary Sebelius on 4/7/2006. (djs) (Entered: 04/07/2006)
04/11/2006	<u>47</u>	RETURN OF SERVICE of subpoena(s) filed by Plaintiff Rosalind L Wynne executed upon Patricia Hanower on March 14, 2006 by Certified Mail (Hawver, Ira) (Entered: 04/11/2006)
04/21/2006	<u>48</u>	MEMORANDUM AND ORDER regarding <u>29</u> Motion for Judgment. Defendant's motion for judgment on the pleadings for failure to state a claim be hereby held in abeyance pending the filing of an amended complaint by the plaintiff. Plaintiff shall have twenty (20) days in which to file the amended complaint. If an amended complaint is not timely filed, the court shall grant the defendant's motion. If an amended complaint is filed, the court will deny defendant's motion. Signed by Judge Richard D. Rogers on 4/21/06. (meh) (Entered: 04/21/2006)
05/08/2006	<u>49</u>	DISREGARD – REDOCKETED AS DOCUMENT NUMBER 53 FOR LINKING PURPOSES. Amended Complaint re <u>1</u> Complaint <i>as ordered by the court</i> by Plaintiffs USA, Rosalind L Wynne (Attachments: # <u>1</u> Witness Affidavit) (Hawver, Ira) Modified on 5/10/2006 (ms). Modified on 5/25/2006 (ms). (Entered: 05/08/2006)
05/08/2006	<u>53</u>	AMENDED COMPLAINT against Blue Cross–Blue Shield of Kansas, Inc. filed by Rosalind L Wynne. (Attachments: # <u>1</u> Witness Affidavit) (ms) REDOCKETED FOR LINKING PURPOSES (Entered: 05/25/2006)
05/11/2006	<u>50</u>	ORDER denying <u>29</u> Motion for Judgment on the Pleadings . Signed by Judge Richard D. Rogers on 5/11/06. (meh) (Entered: 05/11/2006)
05/18/2006	<u>51</u>	MOTION to Withdraw as Attorney by Plaintiff Rosalind L Wynne (Benson, Richard) (Entered: 05/18/2006)
05/24/2006	<u>52</u>	ORDER granting <u>51</u> Motion to Withdraw as Attorney for plaintiff. Attorney Richard W. Benson terminated . Signed by Judge Richard D. Rogers on 5/24/06. (meh) (Entered: 05/24/2006)

05/26/2006	<u>54</u>	MOTION for Extension of Time to File Answer to <i>Amended Complaint</i> by Defendant Blue Cross–Blue Shield of Kansas, Inc. (Ayers, Gary) (Entered: 05/26/2006)
05/31/2006	<u>55</u>	ORDER granting <u>54</u> Motion for Extension of Time to Answer. Blue Cross–Blue Shield of Kansas, Inc., answer due 6/13/2006. See order for details. Signed by Magistrate Judge K. Gary Sebelius on 5/31/2006. (djs) (Entered: 05/31/2006)
06/07/2006	<u>56</u>	NOTICE OF SERVICE by Rosalind L Wynne of first Interrogatories to Defendant (Hawver, Ira) (Entered: 06/07/2006)
06/13/2006	<u>57</u>	MOTION to Dismiss by Defendant Blue Cross–Blue Shield of Kansas, Inc. (Ayers, Gary) (Entered: 06/13/2006)
06/13/2006	<u>58</u>	MEMORANDUM IN SUPPORT of <u>57</u> MOTION to Dismiss by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 06/13/2006)
06/21/2006	<u>59</u>	NOTICE OF SERVICE by Blue Cross–Blue Shield of Kansas, Inc. of Defendant's Responses to Plaintiff's First Request for Production of Documents (Ayers, Gary) (Entered: 06/21/2006)
06/30/2006	<u>60</u>	MOTION to Modify <i>Amended Scheduling Order and for Scheduling Conference</i> by Defendant Blue Cross–Blue Shield of Kansas, Inc. (Ayers, Gary) (Entered: 06/30/2006)
07/05/2006	<u>61</u>	MOTION to Compel <i>Production of documents</i> by Plaintiff Rosalind L Wynne (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2) (Hawver, Ira) (Entered: 07/05/2006)
07/05/2006	<u>62</u>	RESPONSE by Plaintiff Rosalind L Wynne re <u>57</u> MOTION to Dismiss (Attachments: # <u>1</u> Exhibit 1)(Hawver, Ira) (Entered: 07/05/2006)
07/07/2006	<u>63</u>	NOTICE OF SERVICE by Blue Cross–Blue Shield of Kansas, Inc. of Interrogatory Responses (Ayers, Gary) (Entered: 07/07/2006)
07/07/2006	<u>64</u>	ORDER granting in part and denying in part <u>60</u> Motion to Modify Amended Scheduling Order and for Scheduling Conference. Telephone Status Conference set for 7/21/2006, at 1:30 p.m, before Magistrate Judge Sebelius. Written Status Report due to chambers by 7/18/2006. See order for details. Signed by Magistrate Judge K. Gary Sebelius on 7/7/2006. (djs) (Entered: 07/07/2006)
07/19/2006	<u>65</u>	RESPONSE by Defendant Blue Cross–Blue Shield of Kansas, Inc. re <u>61</u> MOTION to Compel <i>Production of documents</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E)(Ayers, Gary) (Entered: 07/19/2006)
07/21/2006	66	Minute Entry for proceedings held before Magistrate Judge K. Gary Sebelius: Telephone Status Conference held on 7/21/2006. The parties are to confer in an attempt to resolve plaintiff's pending motion to compel. Plaintiff shall, by 8/3/2006, submit to the court and opposing counsel a status report providing her position on the status of the parties' discovery dispute and their efforts to resolve it. Defendant shall, by 8/4/2006, submit to the court and opposing counsel, a status report providing its position in response to plaintiff's report. Ordered by Magistrate Judge K. Gary Sebelius on 7/21/2006. (This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (djs) (Entered: 07/21/2006)
07/21/2006	<u>67</u>	THIRD AMENDED SCHEDULING ORDER: Estimated Trial Time: 10 trial days. Discovery deadline 10/23/2006. Dispositive motion deadline set for 12/13/2006. Proposed Pretrial Order due by 11/8/2006. Final Pretrial Conference set for 11/15/2006 at 01:30 PM before Magistrate Judge K. Gary Sebelius. See order for details.Signed by Magistrate Judge K. Gary Sebelius on 7/21/2006.(djs) (Entered: 07/21/2006)
07/27/2006	<u>68</u>	MEMORANDUM IN SUPPORT of <u>57</u> MOTION to Dismiss by Defendant Blue Cross–Blue Shield of Kansas, Inc.(Ayers, Gary) (Entered: 07/27/2006)
08/14/2006	<u>69</u>	NOTICE by Defendant Blue Cross–Blue Shield of Kansas, Inc. of taking deposition of Rosalind L. Wynne on 08–31–2006 (Ayers, Gary) (Entered: 08/14/2006)
09/18/2006	70	ORDER Rescheduling final pretrial conference. At the request of the parties, the final pretrial conference is rescheduled from November 15, 2006 at 1:30 p.m. to November 16, 2006 at 10:00 a.m. Ordered by Magistrate Judge K. Gary Sebelius on

		9/18/2006.(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.)(ars) (Entered: 09/18/2006)
09/28/2006	<u>71</u>	CERTIFICATE OF SERVICE of Second Request for Answers to Interrogatories and Second request for Production of Documents by Rosalind L Wynne (Hawver, Ira) (Entered: 09/28/2006)
10/25/2006	<u>72</u>	NOTICE OF SERVICE by Blue Cross–Blue Shield of Kansas, Inc. of Defendant's Responses to Second Set of Interrogatories and Request for Production of Documents (Ayers, Gary) (Entered: 10/25/2006)
11/09/2006	73	Minute Entry for proceedings held before Magistrate Judge K. Gary Sebelius : Telephone Status Conference held on 11/9/2006. Counsel for both parties informed the court that no pending discovery issues existed. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ars) (Entered: 11/09/2006)
11/09/2006	<u>74</u>	ORDER denying <u>61</u> Motion to Compel as moot. See text of order for details. Signed by Magistrate Judge K. Gary Sebelius on 11/9/2006. (ars) (Entered: 11/09/2006)
11/14/2006	<u>75</u>	OBJECTION(S) to <i>Plaintiff's Proposed Additions to Pretrial Conference Order</i> by Blue Cross–Blue Shield of Kansas, Inc.. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u> # <u>12</u> # <u>13</u> # <u>14</u> )(Ayers, Gary) (Entered: 11/14/2006)
11/15/2006	76	Minute Entry for proceedings held before Magistrate Judge K. Gary Sebelius : Status Conference held on 11/15/2006. Plaintiff shall file a response in writing, if at all, to Defendant's Objections to Plaintiff's proposed pretrial order (Doc. 75) on or before November 28, 2006. Should plaintiff file such a response, defendant may file a reply in writing, if at all, on or before December 12, 2006. The court hereby suspends the parties' dispositive motion deadline and November 16, 2006 pretrial conference until subsequent order of the court. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ars) (Entered: 11/15/2006)
11/27/2006	<u>77</u>	RESPONSE by Plaintiffs USA, Rosalind L Wynne re 70 Order, <i>Order 76 Allowing Response to Defendant Objection</i> (Attachments: # <u>1</u> Exhibit exb 1# <u>2</u> Exhibit Exb 2 Wynne000# <u>3</u> Exhibit Exb 3 Wynne00000435# <u>4</u> Exhibit Exb 4 Wynne00000439)(Hawver, Ira) (Entered: 11/27/2006)
12/08/2006	<u>78</u>	MEMORANDUM AND ORDER granting <u>57</u> Defendant's Motion to Dismiss Plaintiff's amended complaint. Plaintiff's amended complaint shall be dismissed with prejudice for failure to state a claim upon which relief can be granted pursuant to Fed.R.Civ.P. 12(b)(6). Signed by Judge Richard D. Rogers on 12/8/06. (ms) (Entered: 12/08/2006)
12/08/2006	<u>79</u>	JUDGMENT pursuant to Memorandum and Order filed December 8, 2006, that defendant's motion to dismiss plaintiff's amended complaint is hereby granted. Plaintiff's amended complaint shall be dismissed with prejudice for failure to state a claim upon which relief can be granted pursuant to Fed.R.Civ.P. 12(b) (6). IT IS FURTHER ORDERED AND ADJUDGED that plaintiff take nothing and the defendant recover of the plaintiff its costs of action. Entered on the docket 12/8/06. Dated: December 8, 2006 RALPH L. DeLOACH, CLERK s/ M. StamperDeputy Clerk, ***Terminating Case. Signed by deputy clerk on 12/8/06. (ms) (Entered: 12/08/2006)
12/18/2006	<u>80</u>	MOTION for Reconsideration of <i>Dismissal and Judgment</i> by Plaintiffs USA, Rosalind L Wynne (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4) (Hawver, Ira) (Entered: 12/18/2006)
12/18/2006	<u>81</u>	AFFIDAVIT of Corrected Certificate of Service re <u>80</u> MOTION for Reconsideration of <i>Dismissal and Judgment</i> by Plaintiffs USA, Rosalind L Wynne(Hawver, Ira) (Entered: 12/18/2006)
01/02/2007	<u>82</u>	RESPONSE by Defendant Blue Cross–Blue Shield of Kansas, Inc. re <u>80</u> MOTION for Reconsideration of <i>Dismissal and Judgment</i> (Ayers, Gary) (Entered: 01/02/2007)
01/12/2007	<u>83</u>	ORDER denying <u>80</u> Motion for Reconsideration. Signed by Judge Richard D. Rogers on 1/12/07. (meh) (Entered: 01/12/2007)

**UNITED STATES DISTRICT COURT**

**DISTRICT OF KANSAS**

**JUDGMENT IN A CIVIL CASE**

**UNITED STATES OF AMERICA,  
ex rel, Rosalind L. Wynne,**

**Plaintiff,**

**v.**

**CIVIL NO. 05-4035-RDR**

**BLUE CROSS BLUE SHIELD  
OF KANSAS, INC.,**

**Defendant.**

- ( ) **JURY VERDICT.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ( X ) **DECISION BY THE COURT.** This action came before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** pursuant to Memorandum and Order filed December 8, 2006, that defendant's motion to dismiss plaintiff's amended complaint is hereby granted. Plaintiff's amended complaint shall be dismissed with prejudice for failure to state a claim upon which relief can be granted pursuant to Fed.R.Civ.P. 12(b)(6).

**IT IS FURTHER ORDERED AND ADJUDGED** that plaintiff take nothing and the defendant recover of the plaintiff its costs of action.

Entered on the docket 12/8/06

**Dated: December 8, 2006**

**RALPH L. DeLOACH, CLERK**

**s/ M. Stamper**

**Date Discrepancy Entry 064**

(CWx),CLOSED,DISCOVERY,RELATED-G

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Western Division – Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:06-cv-00568-SGL-CW**

Robert W Zeiler et al v. Paul Wrathall et al  
Assigned to: Judge Stephen G. Larson  
Referred to: Magistrate Judge Carla Woehrl  
Demand: \$30,000,000  
Cause: 31:3729 False Claims Act

Date Filed: 01/30/2006  
Date Terminated: 01/17/2007  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Robert William Zeiler, III**  
*qui tam Plaintiff on behalf of himself and  
ex. rel  
also known as  
Seal 1*

represented by **Kerry P Zeiler**  
Cota & Zeiler  
4160 Temescal Canyon Rd., Ste. 216  
Corona, CA 92883  
714-953-6600  
Fax: 714-459-8250  
Email: [kerry@cotazeiler.com](mailto:kerry@cotazeiler.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**The United States of America**  
*also known as  
Seal 2*

represented by **The United States of America**  
**PRO SE**

V.

**Defendant**

**Paul Wrathall**  
*an individual  
also known as  
Seal A*

**Defendant**

**Sonya Fowler**  
*an individual  
also known as  
Seal B*

**Defendant**

**Magneto Inductive Systems Limited  
(USA)**  
*a Delaware corporation  
also known as  
Seal C*

**Defendant**

**Magneto Inductive Systems Limited**  
*a Canadian corporation  
also known as  
Seal D*

**Defendant**

**Does 1-100 inclusive**  
*also known as  
Seal E*

Date Filed	#	Docket Text
01/30/2006	<u>1</u>	COMPLAINT against defendants Seal A, Seal B, Seal C, Seal D, Seal E.(Filing fee \$ 250) Jury Demanded. , filed by plaintiff Seal 1.(rrey, ) (Entered: 02/06/2006)
01/30/2006	<u>16</u>	20 Day Summons Issued re Complaint – (Discovery) 1 as to Seal A, Seal B, Seal C, Seal D, Seal E. (rrey, ) (kyc). (Entered: 02/06/2006)
01/30/2006		FAX number for Attorney Kerry P Zeiler is 714-459-8250. (rrey, ) (Entered: 02/06/2006)
09/18/2006	<u>6</u>	NOTICE of Election By the United States of America to Decline Intervention filed by Plaintiff Seal 1. (pbap, ) (Entered: 09/27/2006)
09/28/2006	<u>7</u>	ORDER by Judge Ronald S.W. Lew Re Election by the United States of America to Decline Intervention, and Re Unsealing of the Complaint.(pbap, ) (Entered: 09/28/2006)
11/03/2006		PREPARED ORDER RE TRANSFER Pursuant to General Order 224 (Related Case) by Clerk; related to EDCV 06-0098 SGL. (rn, ) (Entered: 11/03/2006)
11/09/2006	<u>8</u>	ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 224 –Related Case–filed. Related Case No: EDCV 06-0098 SGL. Case transfered from Judge Ronald S.W. Lew to Judge Stephen G. Larson for all further proceedings. The case number will now reflect the initials of the transferee Judge CV 06-568 SGL (CWx).Signed by Judge Stephen G. Larson (rn, ) (Entered: 11/09/2006)
11/09/2006		Case reassigned to Judge Stephen G. Larson. (wrong role previously selected) (tami, ) (Entered: 12/15/2006)
11/14/2006	<u>9</u>	NOTICE TO PARTIES that reference to the ADR Pilot Program is vacated. Further settlements procedures shall be pursuant to Local Rule 16-14.(kd, ) (Entered: 11/14/2006)
11/20/2006	<u>10</u>	STANDING ORDER by Judge Stephen G. Larson,(am, ) (Entered: 11/21/2006)
01/05/2007	<u>11</u>	MINUTES OF IN CHAMBERS ORDER TO SHOW CAUSE (OSC) RE DISMISSAL FOR LACK OF PROSECUTION held before Judge Stephen G. Larson : The Court, on its own motion, hereby ORDERS plaintiff(s) to show cause in writing, why this action should not be dismissed for lack of prosecution. Response to Order to Show Cause due by 1/16/2007.Court Reporter: None. (mrgo, ) (Entered: 01/09/2007)
01/16/2007	<u>13</u>	RESPONSE filed by Plaintiff Robert William Zeiler, III to Order to Show Cause <u>11</u> . (mrgo, ) (Entered: 01/24/2007)
01/17/2007	<u>12</u>	ORDER by Judge Stephen G. Larson the court hereby vacates all pending hearings and matters on the calendar. The court will retain jurisdiction of this matter as may be necessary to enforce the Settlement and/or Judgment. Counsel shall file a notice and stipulation of dismissal within 30 days of the completion of the settlment agreement. (See document for specifics)(Made JS-6. Case Terminated.)(la, ) (Entered: 01/17/2007)
01/30/2007	<u>14</u>	STIPULATION FOR VOLUNTARY DISMISSAL PER FRCP 41(a)(1) AS TO ALL DEFENDANTS AND ORDER by Judge Stephen G. Larson : This action is dismissed as to all parties, in its entirety. All parties will bear their own costs and attorneys fees.(mrgo, ) (Entered: 02/05/2007)
02/02/2007	<u>15</u>	NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Stephen G. Larson ORDERING stipulation for voluntary dismissal submitted by Plaintiffs Robert William Zeiler, III, The United States of America received on 1/30/07 to be filed and processed; filed date to be the date the document was stamped Received but not Filed with the Clerk.(mrgo, ) (Entered: 02/05/2007)



CLOSED

**U.S. District Court  
Southern District of Ohio (Cincinnati)  
CIVIL DOCKET FOR CASE #: 1:99-cv-00621-SJD**

John Zeller v Cleveland Construction, et al,  
Assigned to: Chief Judge Susan J. Dlott  
Demand: \$9,999,000  
Cause: 31:3729 False Claims Act

Date Filed: 08/12/1999  
Date Terminated: 11/26/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America**

represented by **Gerald Francis Kaminski**  
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Cincinnati, OH 45202  
513-684-3711  
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*LEAD ATTORNEY*  
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**Michael F Hertz**  
Department of Justice  
Civil Div/Commerical Litigation Branch  
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Room 9705  
Washington, DC 20530  
202-307-6697  
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**Plaintiff**

**John Zeller**

represented by **Robert Forsythe Croskery**  
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*TERMINATED: 04/18/2006*  
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**Ronald E Seibel**  
SUSPENDED – SEE 1:13-MC-034  
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V.

**Defendant**

**Cleveland Construction, Inc.**

represented by **Daniel Wireman**  
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**Defendant**

**Centex Construction Co**

represented by **Deborah Ruth Lydon**  
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**Lawrence Robert Elleman**  
(See above for address)  
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**David P Fornshell**  
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**Jack W. Selden**  
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Date Filed	#	Docket Text
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08/12/1999	<u>1</u>	SEALED COMPLAINT (Summonses issued) () (seal) Additional attachment(s) added on 9/21/2005 (ss1, ). (Entered: 08/13/1999)
08/12/1999		Filing Fee Paid: on 8/12/99 in the amount of \$ 150.00, receipt # 100 404804. (seal) (Entered: 08/13/1999)
08/12/1999	<u>2</u>	ORDER by Judge Herman J. Weber case sealed Case Sealed (cc: all counsel) ( no pgs: 1) (seal) Additional attachment(s) added on 9/21/2005 (ss1, ). (Entered: 08/13/1999)
11/03/2000	<u>3</u>	MOTION by plaintiff for order to unseal (FILED UNDER SEAL ) (seal) Additional attachment(s) added on 9/21/2005 (ss1, ). (Entered: 11/06/2000)
07/09/2002	<u>4</u>	MOTION by plaintiff to file amended complaint (Proposed complaint attached) (seal) Additional attachment(s) added on 9/21/2005 (ss1, ). (Entered: 07/09/2002)
07/09/2002	<u>5</u>	STATEMENT by plaintiff in support of motion to file amended complaint [4-1] () (seal) Additional attachment(s) added on 9/21/2005 (ss1, ). (Entered: 07/09/2002)
03/28/2005	<u>6</u>	NOTICE of Election to Decline Intervention by USA (Filed Manually Under Seal) (ph1, ) Additional attachment(s) added on 9/21/2005 (ss1, ). (Entered: 03/30/2005)
08/26/2005	<u>7</u>	MOTION to Unseal Case filed manually by Plaintiff Sealed Pltf 1. (ph1, ) Additional attachment(s) added on 9/21/2005 (ss1, ). (Entered: 08/30/2005)
08/31/2005	<u>8</u>	ORDER REASSIGNING CASE. Case reassigned to Clerk for reassignment. Judge Herman J. Weber no longer assigned to case. Signed by Judge Herman J. Weber on 8/31/05. (ph1, ) (Entered: 08/31/2005)
09/01/2005	<u>9</u>	NOTICE REASSIGNING CASE. Case reassigned to Judge Susan J. Dlott for all further proceedings. (wam1, ) (Entered: 09/01/2005)
09/30/2005	<u>10</u>	ORDER granting <u>4</u> Motion for Leave to File amended complaint. Signed by Judge Susan J. Dlott on 9/23/05. (ss1, ) (Entered: 09/30/2005)
09/30/2005	<u>11</u>	AMENDED COMPLAINT against Centex Construction Co, Cleveland Construction, Inc. filed by Plaintiff John Zeller.(ss1, ) (Entered: 09/30/2005)
09/30/2005	<u>12</u>	Order unsealing Case. Motion terminated: <u>7</u> MOTION to Unseal Case. Signed by Judge Susan J. Dlott on 9/30/05. (ss1, ) (Entered: 09/30/2005)
10/13/2005	<u>13</u>	SUMMONS Returned Executed Cleveland Construction, Inc. served on 10/10/2005, answer due 10/31/2005; Centex Construction Co served on 10/10/2005, answer due 10/31/2005. (Attachments: # <u>1</u> Order, Qui tam Complaint, Complaint)(mvl, ) (Entered: 10/17/2005)
10/21/2005	<u>14</u>	ANSWER to Amended Complaint by Defendant Cleveland Construction, Inc.(mvl, ) (Entered: 10/21/2005)
10/31/2005	<u>15</u>	STIPULATION re <u>11</u> Amended Complaint <i>Extending Time to Move, Answer or Otherwise Respond</i> by Defendant Centex Construction Co. (Wherley, James) (Entered: 10/31/2005)
11/21/2005	<u>16</u>	MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> by Defendant Centex Construction Co. Responses due by 12/15/2005 (Wherley, James) (Entered: 11/21/2005)
11/21/2005	<u>17</u>	Corporate Disclosure Statement by Centex Construction Co. (Wherley, James) (Entered: 11/21/2005)
11/23/2005	<u>18</u>	CORPORATE DISCLOSURE STATEMENT by Defendant Cleveland Construction, Inc.. (scot, ) (Entered: 11/23/2005)
11/28/2005	<u>19</u>	NOTICE of Deadline: Rule 26 Meeting Report (Joint Discovery Plan) due by 12/27/2005. (wam, ) (Entered: 11/28/2005)
12/02/2005	<u>20</u>	RESPONSE in Opposition re <u>16</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by Plaintiff John Zeller. (Croskery, Robert) (Entered: 12/02/2005)
12/13/2005	<u>21</u>	REPLY to Response to Motion re <u>16</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by Defendant Centex Construction Co. (Wherley, James) (Entered: 12/13/2005)

12/23/2005	<u>22</u>	Joint Discovery Plan by Plaintiffs United States Of America, John Zeller, Defendants Cleveland Construction, Inc., Centex Construction Co. (Elleman, Lawrence) Modified docket text on 1/4/2006 (wam, ). (Entered: 12/23/2005)
02/06/2006	<u>23</u>	NOTICE of Hearing: Preliminary Pretrial Conference set for 4/6/2006 11:00 AM in chambers (Rm.#227) before Susan J. Dlott. Susan J. Dlott. (wam, ) (Entered: 02/06/2006)
02/15/2006	<u>24</u>	ORDER by Judge Susan J Dlott granting in part <u>16</u> Motion to Dismiss and orders plaintiff to submit a more definite statement of his complaint w/in 30 days of this Order. (wam, ) Modified docket text on 2/16/2006 (scot, ). (Entered: 02/15/2006)
03/08/2006	<u>25</u>	AMENDED COMPLAINT against all defendants, filed by Plaintiffs United States Of America, John Zeller, Defendants Cleveland Construction, Inc., Centex Construction Co.(Croskery, Robert) Modified docket text on 3/9/2006 (scot, ). (Entered: 03/08/2006)
03/16/2006	<u>26</u>	ANSWER to <i>SECOND AMENDED COMPLAINT OF JOHN ZELLER</i> by Defendant Cleveland Construction, Inc.. (Wireman, Daniel) Modified docket text on 3/17/2006 (mvl, ). (Entered: 03/16/2006)
03/22/2006	<u>27</u>	MOTION to Dismiss <i>Plaintiff's Second Amended Complaint</i> by Defendant Centex Construction Co. Responses due by 4/17/2006 (Attachments: # <u>1</u> # <u>2</u> )(Wherley, James) (Entered: 03/22/2006)
04/05/2006	<u>28</u>	MOTION for Leave to Appear Pro Hac Vice of <i>Jack W. Selden</i> by Defendant Centex Construction Co. (Wherley, James) Additional attachment(s) added on 4/5/2006 (scot, ). (Entered: 04/05/2006)
04/05/2006	<u>29</u>	MOTION for Leave to Appear Pro Hac Vice of <i>Richard Lee Sharff, Jr.</i> by Defendant Centex Construction Co. (Wherley, James) Additional attachment(s) added on 4/5/2006 (scot, ). (Entered: 04/05/2006)
04/05/2006	<u>30</u>	NOTICE advising parties that the Preliminary Pretrial Conference set for 4/6/06 at 11:00 a.m. is now to be done by TELEPHONE. The court will initiate the phone call. (wam, ) (Entered: 04/05/2006)
04/05/2006		Filing fee for PHV of Jack Selden: \$ 50, receipt number 430151 (scot, ) (Entered: 04/05/2006)
04/05/2006		Filing fee for PHV of Richard Sharff: \$ 50, receipt number 430150 (scot, ) (Entered: 04/05/2006)
04/06/2006	<u>31</u>	ORDER by Judge Susan J. Dlott granting <u>28</u> Motion for Leave to Appear pro hac vice for attorney Jack W. Selden and granting <u>29</u> Motion for Leave to Appear pro hac vice for attorney Richard Lee Sharff (wam1, ) (Entered: 04/06/2006)
04/06/2006		Minute Entry for proceedings held before Judge Susan J. Dlott : Preliminary Pretrial Conference held on 4/6/2006. Discovery DDL is 18 months after ruling on pending motion to dismiss. (wam, ) (Entered: 04/06/2006)
04/17/2006	<u>32</u>	NOTICE by Plaintiff John Zeller <i>Notice of Substitution of Counsel</i> (Seibel, Ronald) (Entered: 04/17/2006)
04/17/2006	<u>33</u>	Unopposed MOTION for Extension of Time to File Response/Reply New date requested 4/17/2006. by Plaintiff John Zeller. (Seibel, Ronald) (Entered: 04/17/2006)
04/25/2006	<u>34</u>	NOTATION ORDER granting <u>33</u> Motion for Extension of Time to File Response re <u>27</u> MOTION to Dismiss <i>Plaintiff's Second Amended Complaint</i> Responses due by 5/17/2006. Signed by Judge Susan J. Dlott on 4/24/06. (wam1, ) (Entered: 04/25/2006)
05/17/2006	<u>35</u>	RESPONSE in Opposition re <u>27</u> MOTION to Dismiss <i>Plaintiff's Second Amended Complaint and Motion to Amend</i> filed by Plaintiff John Zeller. (Seibel, Ronald) (Entered: 05/17/2006)
05/17/2006	<u>36</u>	MOTION to Amend <u>1</u> Complaint by Plaintiff John Zeller. (wam, ) (Entered: 05/18/2006)
05/30/2006		[FORMER DOC. 37] RESPONSE in Support re <u>36</u> MOTION to Amend/Correct <u>1</u> Complaint <i>Reply Memorandum of Centex Construction, LLC in Support of Its Motion</i>

		<i>to Dismiss</i> filed by Defendant Centex Construction Co. (Elleman, Lawrence) Modified on 5/31/2006 to remove document. (eh, ). (Entered: 05/30/2006)
05/31/2006	<u>37</u>	Reply to Response to Motion re <u>27</u> MOTION to Dismiss <i>Plaintiff's Second Amended Complaint</i> filed by Defendant Centex Construction Co. (Elleman, Lawrence) Modified docket text on 6/1/2006 (scot, ). (Entered: 05/31/2006)
05/31/2006		Notice of Correction – Former doc. 37 incorrectly filed as Response in Support of <u>37</u> Motion to Amend Complaint. Clerk removed PDF and advised counsel to file under correct event. (eh, ) (Entered: 05/31/2006)
06/01/2006	<u>38</u>	RESPONSE in Opposition re <u>36</u> MOTION to Amend/Correct <u>1</u> Complaint <i>Memorandum in Opposition to Relator's Motion for Leave to File Third Amended Complaint</i> filed by Defendant Centex Construction Co. (Elleman, Lawrence) (Entered: 06/01/2006)
06/11/2006	<u>39</u>	REPLY to Response to Motion re <u>36</u> MOTION to Amend/Correct <u>1</u> Complaint filed by Plaintiff John Zeller. (Seibel, Ronald) (Entered: 06/11/2006)
09/26/2006	<u>40</u>	ORDER denying as MOOT <u>27</u> Motion to Dismiss the 2nd amended complaint and GRANTING <u>36</u> Motion for leave to file a 3rd amended complaint. (wam1, ) (Entered: 09/26/2006)
10/18/2006	<u>41</u>	AMENDED COMPLAINT <i>Third Amended Complaint</i> against all defendants, filed by Plaintiff John Zeller, Defendants Cleveland Construction, Inc., Centex Construction Co.(Seibel, Ronald) (Entered: 10/18/2006)
10/26/2006	<u>42</u>	<i>Cleveland Construction Inc.'s ANSWER to Amended Complaint John Zeller</i> by Defendant Cleveland Construction, Inc..(Wireman, Daniel) (Entered: 10/26/2006)
11/07/2006	<u>43</u>	MOTION to Dismiss <i>Plaintiff's Third Amended Complaint</i> by Defendant Centex Construction Co. Responses due by 12/1/2006 (Attachments: # <u>1</u> )(Elleman, Lawrence) (Entered: 11/07/2006)
11/30/2006	<u>44</u>	RESPONSE in Opposition re <u>43</u> MOTION to Dismiss <i>Plaintiff's Third Amended Complaint</i> filed by Plaintiff John Zeller. (Seibel, Ronald) (Entered: 11/30/2006)
12/11/2006	<u>45</u>	REPLY to RESPONSE to Motion re <u>43</u> MOTION to Dismiss <i>Plaintiff's Third Amended Complaint</i> filed by Defendant Centex Construction Co. (Elleman, Lawrence) Modified docket text on 12/11/2006 (eh1, ). (Entered: 12/11/2006)
03/22/2007	<u>46</u>	ORDER by Judge Susan J. Dlott granting Defendant Centex Construction's <u>43</u> Motion to Dismiss Pltf's 3rd amended complaint. Relator's 3rd amended complaint is dismissed with prejudice in part as it alleges fraud in the Omnibus Claim submitted by Dft Centex Construction unrelated to Dft Cleveland Construction Inc's portion of the Omnibus Claim (wam, ) (Entered: 03/22/2007)
04/05/2007	<u>47</u>	ANSWER to Amended Complaint <i>Third Amended</i> by Defendant Centex Construction Co.(Elleman, Lawrence) (Entered: 04/05/2007)
06/01/2007	<u>48</u>	NOTICE of Hearing:Status/Scheduling Conference set for 6/21/2007 03:00 PM in chambers before Judge Susan J. Dlott. (vp, ) (Entered: 06/01/2007)
06/21/2007		Minute Entry for proceedings held before Judge Susan J. Dlott : Scheduling Conference held on 6/21/2007. Order to follow. (Court Reporter Julie Wolfer (Official).) (wam1, ) (Entered: 06/21/2007)
06/22/2007	<u>49</u>	PRELIMINARY PRETRIAL ORDER:Plaintiff Primary Expert due by 6/20/2008.,Defendant Primary Expert due by 8/22/2008.,Discovery due by 1/2/2009.,Final Pretrial Conference set for 5/22/2009 09:30 AM in chambers before Susan J. Dlott.,Jury Trial set for 7/6/2009 09:30 AM in Courtroom 7 before Susan J. Dlott. (wam, ) (Entered: 06/22/2007)
06/26/2007	50	[FORMER DOC. 50} NOTICE of Appearance by Ronald E Seibel Plaintiff John Zeller (Seibel, Ronald) Modified to remove the pdf on 6/26/2007 (eh, ). (Entered: 06/26/2007)
06/26/2007		Notice of Correction re:[FORMER DOC. 50] Notice of Appearance removed from docket due to filing error. Additionally, counsel to refile using log-in and password of

		appearing attorney. (eh, ) (Entered: 06/26/2007)
06/26/2007	<u>51</u>	NOTICE of Appearance by Ann Louise Lugbill Plaintiff John Zeller (Lugbill, Ann) (Entered: 06/26/2007)
07/30/2007	<u>52</u>	TRANSCRIPT of Proceedings (Status/Scheduling Conference) held on June 21, 2007 before Judge Susan J. Dlott. Court Reporter: Julie Wolfer (Official).  NOTICE RE: REDACTION OF TRANSCRIPTS: Within 5 business days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.ohsd.uscourts.gov. Please read this policy carefully.  For a complete copy of a transcript, please contact the Court Reporter or the Clerk's Office. (scot1, ) (Entered: 07/30/2007)
08/06/2007	53	[FORMER DOC. 53] MOTION for Leave to Appear Pro HaC Vice. Filing fee \$ 200. by Defendant Cleveland Construction, Inc.. (Attachments: # 1 Certificate of Good Standing for Ed Page) (Wireman, Daniel) Modified to remove PDF on 8/7/2007 (mg1, ). (Entered: 08/06/2007)
08/06/2007	54	[FORMER DOC 54] MOTION for Leave to Appear Pro Hac Vice. Filing fee \$ 200. by Defendant Cleveland Construction, Inc.. (Attachments: # 1 Certificate of Good Standing Cary Wright) (Wireman, Daniel) Modified to remove PDF on 8/7/2007 (mg1, ). (Entered: 08/06/2007)
08/07/2007		Notice of Correction re:[Former Doc. 54] MOTION for Leave to Appear Pro Hac Vice and [Former Doc. 53] MOTION for Leave to Appear Pro HaC Vice remove from docket because PDFs were unsigned. Counsel contacted and will refile with appropriate signatures. (mg1, ) (Entered: 08/07/2007)
08/07/2007	<u>55</u>	MOTION for Leave to Appear Pro Hac Vice. Filing fee \$ 200. by Defendant Cleveland Construction, Inc.. (Attachments: # 1 Certificate of Good Standing) (Wireman, Daniel) (Entered: 08/07/2007)
08/07/2007	<u>56</u>	MOTION for Leave to Appear Pro Hac Vice. Filing fee \$ 200. by Defendant Cleveland Construction, Inc.. (Attachments: # 1 Certificate of Good Standing) (Wireman, Daniel) (Entered: 08/07/2007)
08/08/2007		Filing fee: \$ 200, receipt number 100 435172 for admission of Wm. Cary Wright pro hac vice <u>55</u> . (tt, ) (Entered: 08/08/2007)
08/08/2007		Filing fee: \$ 200, receipt number 100 435173 received for admission of attorney Edward J. Page pro hac vice <u>56</u> . (tt, ) (Entered: 08/08/2007)
08/09/2007	<u>57</u>	ORDER by Judge Susan J. Dlott granting <u>55</u> <u>56</u> Motions for Leave to Appear pro hac vice for attorneys Wm. Cary Wright and Edward J. Page (wam1, ) (Entered: 08/09/2007)
11/27/2007	<u>58</u>	NOTICE of Hearing:Status Conference set for 12/10/2007 at 10:30 AM in teleconference before Judge Susan J. Dlott. (vp, ) (Entered: 11/27/2007)
12/10/2007		Minute Entry for proceedings held before Judge Susan J. Dlott : Status Conference held on 12/10/2007.Additional status conference scheduled for 3/10/08 at 10:00 by telephone. (Court Reporter Julie Wolfer (Official).) (wam, ) (Entered: 12/10/2007)
12/10/2007	<u>59</u>	NOTICE of Hearing:Status Conference set for 3/10/2008 10:00 AM in teleconference before Judge Susan J. Dlott. (wam, ) (Entered: 12/10/2007)
12/20/2007	<u>60</u>	NOTICE by Defendant Centex Construction Co of <i>Withdrawal of Counsel</i> (Elleman, Lawrence) (Entered: 12/20/2007)
01/17/2008	<u>61</u>	NOTICE of Change of Address by Ann Louise Lugbill (Lugbill, Ann) (Entered: 01/17/2008)
02/20/2008	<u>62</u>	NOTICE of Hearing: Status Conference has been RESET for 4/3/2008 at 2:00 PM in teleconference before Judge Susan J. Dlott. (wam1, ) (Entered: 02/20/2008)

02/28/2008	<u>63</u>	TRANSCRIPT of Proceedings (Status Conference via Telephone) held on December 10, 2007 before Judge Susan J. Dlott. Court Reporter: Julie Wolfer (Official).  NOTICE RE: REDACTION OF TRANSCRIPTS: Within 5 business days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.ohsd.uscourts.gov (Forms – Electronic Availability of Transcripts). Please read this policy carefully.  For a complete copy of a transcript, please contact the Court Reporter or the Clerk's Office. (scot, ) (Entered: 02/28/2008)
04/01/2008		You will need the following information for the Status conference scheduled for 4/3/08 at 2:00. The dial in phone # is 866-210-2506. Confirmation # is 41962505 and the chairperson is Judge Susan J. Dlott. (wam1, ) (Entered: 04/01/2008)
04/03/2008		Minute Entry for proceedings held before Judge Susan J. Dlott: Status Conference held on 4/3/2008. Another status conference to be set for the early to middle part of October. (Court Reporter Julie Wolfer (Official).) (wam1, ) (Entered: 04/03/2008)
04/10/2008	<u>64</u>	NOTICE of Hearing: Status Conference set for 10/14/2008 02:00 PM in teleconference before Judge Susan J. Dlott. (wam1, ) (Entered: 04/10/2008)
05/08/2008	<u>65</u>	Transcript of Proceedings from Status Conference via Telephone held on 4/3/2008, before Judge Susan J. Dlott. Court Reporter/Transcriber Julie Wolfer (Official). Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.  NOTICE RE: REDACTION OF TRANSCRIPTS: Within 5 business days of this filing, each party shall inform the Court, by filing a Notice of Redaction, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The policy is located on our website at www.ohsd.uscourts.gov (Forms – Electronic Availability of Transcripts). Please read this policy carefully.  For a complete copy of a transcript, please contact the Court Reporter or the Clerk's Office. Redaction Request due 5/29/2008. Redacted Transcript Deadline set for 6/9/2008. Release of Transcript Restriction set for 8/6/2008. (mg1, ) (Entered: 05/08/2008)
06/06/2008	<u>66</u>	Notice of Withdrawal as Attorney (Ann Lugbill) by Plaintiff John Zeller. (Lugbill, Ann) Modified docket text on 6/6/2008 (scot1, ). (Entered: 06/06/2008)
06/06/2008		Notice of Correction re <u>66</u> MOTION to Withdraw as Attorney: Document was a notice filed incorrectly as a motion. Clerk terminated and modified docket to accurately reflect filing. (scot1, ) (Entered: 06/06/2008)
07/29/2008	<u>67</u>	MOTION for Leave to Appear Pro Hac Vice of Ethan Tidmore (Filing fee \$ 200) by Defendant Centex Construction Co. (Attachments: # <u>1</u> Exhibit A – Affidavit of Ethan Tidmore In Support) (Elleman, Lawrence) (Entered: 07/29/2008)
07/30/2008		Filing fee re <u>67</u> Motion to Appear PHV: \$ 200, receipt number 2639. (mg, ) (Entered: 07/30/2008)
07/31/2008	<u>68</u>	ORDER by Judge Susan J. Dlott granting <u>67</u> Motion for Leave to Appear Pro Hac Vice of attorney Ethan T. Tidmore (wam1, ) (Entered: 07/31/2008)
09/17/2008	<u>69</u>	NOTICE of Hearing: Status Conference previously scheduled for 10/14/08 has been RESET for 10/30/2008 10:00 AM in teleconference before Judge Susan J. Dlott. (wam1, ) (Entered: 09/17/2008)
10/02/2008	<u>70</u>	NOTICE of Appearance by Lawrence Robert Elleman Defendant Cleveland Construction, Inc. (Elleman, Lawrence) (Entered: 10/02/2008)
10/03/2008	<u>71</u>	NOTICE of Appearance by David P Fornshell Defendants Cleveland Construction, Inc., Centex Construction Co (Fornshell, David) (Entered: 10/03/2008)



10/03/2008	<u>72</u>	MOTION to Withdraw as Attorney by Defendant Cleveland Construction, Inc.. (Attachments: # <u>1</u> Text of Proposed Order) (Page, Edward) (Entered: 10/03/2008)
10/15/2008	<u>73</u>	ORDER granting <u>72</u> Motion to Withdraw as Attorney. Attorney Edward J Page and William Cary Wright terminated. Signed by Judge Susan J. Dlott on 10/14/08. (wam1, ) (Entered: 10/15/2008)
10/28/2008		The parties will need the following information for the conference call on 10/30/08 at 10:00 a.m. The dial in # is 866-210-2506. Confirmation ID is 71305158 and Judge Susan Dlott is the Chairperson. Please dial in 5-10 minutes prior to the start of the conference. (wam1, ) (Entered: 10/28/2008)
10/28/2008	<u>74</u>	NOTICE by the Court VACATING the Status Conference previously scheduled for 10/30/08 at 10:00 a.m. (wam1, ) (Entered: 10/28/2008)
11/26/2008	<u>75</u>	STIPULATION AN AGREED ORDER by Judge Susan J. Dlott DISMISSING CASE (wam1, ) (Entered: 11/26/2008)

**U.S. District Court**  
**United States District Court for the Western District of Washington (Seattle)**  
**CIVIL DOCKET FOR CASE #: 2:09-cv-00603-RSM**

United States of America ex rel Eva Zemplyeni v. Group Health  
Cooperative et al  
Assigned to: Judge Ricardo S. Martinez  
Cause: 31:3729 False Claims Act

Date Filed: 05/01/2009  
Date Terminated: 05/10/2012  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**  
*ex rel.*

represented by **Peter Angus Winn**  
US ATTORNEY'S OFFICE (SEA)  
700 STEWART ST  
STE 5220  
SEATTLE, WA 98101-1271  
206-553-4985  
Email: peter.a.winn@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**M.D. Eva Zemplyeni**  
*Relator*

represented by **Benjamin R Justus**  
LYBECK PEDREIRA & JUSTUS PLLC  
7900 SE 28TH ST. FL. 5  
MERCER IS, WA 98040-6005  
206-230-4255  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Lory R Lybeck**  
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7900 SE 28TH ST. FL. 5  
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Email: lory@lpjustus.com  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Group Health Cooperative**

represented by **David B Robbins**  
PERKINS COIE (SEA)  
1201 3RD AVE  
STE 4900  
SEATTLE, WA 98101-3099  
206-359-6745

**Date Discrepancy Cases 846**

Email: drobbins@perkinscoie.com  
*ATTORNEY TO BE NOTICED*

**Renee M. Howard**  
DAVIS WRIGHT TREMAINE (SEA)  
920 FIFTH AVE  
STE 3300  
SEATTLE, WA 98104-1610  
206-757-8207  
Email: reneehoward@dwt.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Group Health Permanente**

represented by **David B Robbins**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Renee M. Howard**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Group Health Options Inc**  
*TERMINATED: 09/15/2011*

represented by **David B Robbins**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Renee M. Howard**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**KPS Health Plans**  
*TERMINATED: 09/15/2011*

represented by **David B Robbins**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Renee M. Howard**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Group Health Northwest**  
*TERMINATED: 09/15/2011*

represented by **David B Robbins**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Renee M. Howard**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**M.D. Michael Lee**

represented by **David B Robbins**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Renee M. Howard**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**O.D. Terrence Clark**  
*TERMINATED: 10/13/2010*

represented by **David B Robbins**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Renee M. Howard**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**John Does**  
*1-20*

represented by **David B Robbins**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

**Renee M. Howard**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/01/2009	<a href="#">1</a>	MOTION to File Complaint In Camera and to Place Complaint Under Seal by Plaintiff Eva Zemplyeni. (Attachments: # <a href="#">1</a> Complaint, # <a href="#">2</a> Proposed Order, # <a href="#">3</a> Civil Cover Sheet)(PM) (Entered: 05/04/2009)
05/01/2009	<a href="#">2</a>	REQUEST by Plaintiff Eva Zemplyeni TO WITHHOLD ISSUE OF SUMMONS. (PM) (Entered: 05/04/2009)
05/06/2009	<a href="#">3</a>	ORDER granting <a href="#">1</a> Motion to file complaint in camera and under seal by Judge Ricardo S Martinez.(RS) (Entered: 05/07/2009)
05/06/2009	<a href="#">4</a>	SEALED COMPLAINT against defendant(s) Michael Lee, Terrence Clark, John Does, Group Health Cooperative, Group Health Permanente, Group Health Options Inc, KPS Health Plans, Group Health Northwest (Summons(es) not issued)(Receipt # SEA25858), filed by Eva Zemplyeni.(RS) (Entered: 05/07/2009)
06/30/2009	<a href="#">5</a>	<b>Ex Parte-Sealed MOTION</b> for an extension of time to consider election to intervene by Plaintiff United States of America. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 6/30/2009, (RS) (Entered: 07/01/2009)
07/02/2009	<a href="#">6</a>	<b>Ex Parte-Sealed ORDER</b> granting govt's ex parte motion to extend time to intervene to 1/6/10 by Judge Ricardo S Martinez.cc govt (RS) (Entered: 07/02/2009)
07/10/2009	<a href="#">7</a>	EX PARTE MOTION for an order lifting the seal in its entirety by Plaintiff United States of America. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 7/10/2009, (RS) (Entered: 07/13/2009)
07/16/2009	<a href="#">8</a>	ORDER granting govt's <a href="#">7</a> Ex Parte Motion to Unseal Case by Judge Ricardo S Martinez. (RS) (Entered: 07/16/2009)
12/10/2009	<a href="#">9</a>	NOTICE of Appearance by attorney David B Robbins on behalf of Defendants Michael Lee, Terrence Clark, John Does, Group Health Cooperative, Group Health Permanente,

**Date Discrepancy Cases 848**

		Group Health Options Inc, KPS Health Plans, Group Health Northwest. (Robbins, David) (Entered: 12/10/2009)
12/11/2009		Attorney Renee M. Howard for Michael Lee, Terrence Clark, John Does, Group Health Cooperative, Group Health Permanente, Group Health Options Inc, KPS Health Plans and Group Health Northwest added per <a href="#">9</a> Notice of Appearance. (KN) (Entered: 12/11/2009)
01/06/2010	<a href="#">10</a>	NOTICE OF ELECTION TO DECLINE INTERVENTION ; filed by Plaintiff United States of America. (Attachments: # <a href="#">1</a> Proposed Order)(Winn, Peter) (Entered: 01/06/2010)
01/11/2010	<a href="#">11</a>	ORDER the Relator has 45 days to effectuate service of complaint or case will be dismissed without prejudice by Judge Ricardo S Martinez. (RS) (Entered: 01/11/2010)
02/25/2010	<a href="#">12</a>	AMENDED COMPLAINT for Violations of the False Claims Act, Fraud, Unjust Enrichment, and Wrongful Termination in Violation of Public Policy against defendant(s) all defendants with JURY DEMAND, filed by Eva Zempenyi.(Justus, Benjamin) (Entered: 02/25/2010)
03/02/2010	<a href="#">13</a>	ACKNOWLEDGEMENT OF SERVICE of summons and complaint on Defendants by Plaintiff Eva Zempenyi on 02/25/10 (Justus, Benjamin) (Entered: 03/02/2010)
04/22/2010	<a href="#">14</a>	ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT Joint Status Report due by 6/3/2010, FRCP 26f Conference Deadline is 5/20/2010, Initial Disclosure Deadline is 5/27/2010, by Judge Ricardo S. Martinez. (LW) (Entered: 04/22/2010)
04/27/2010	<a href="#">15</a>	MOTION to Dismiss Amended Complaint Under Rules 9(b) and 12(b)(6) and Memorandum in Support by Defendants Michael Lee, Terrence Clark, John Does, Group Health Cooperative, Group Health Permanente, Group Health Options Inc, KPS Health Plans, Group Health Northwest. Oral Argument Requested. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 5/21/2010, (Robbins, David) (Entered: 04/27/2010)
05/17/2010	<a href="#">16</a>	RESPONSE, by Plaintiff Eva Zempenyi, to <a href="#">15</a> MOTION to Dismiss Amended Complaint Under Rules 9(b) and 12(b)(6) and Memorandum in Support. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Justus, Benjamin) (Entered: 05/17/2010)
05/21/2010	<a href="#">17</a>	REPLY, filed by Defendants Michael Lee, Terrence Clark, John Does, Group Health Cooperative, Group Health Permanente, Group Health Options Inc, KPS Health Plans, Group Health Northwest, TO RESPONSE to <a href="#">15</a> MOTION to Dismiss Amended Complaint Under Rules 9(b) and 12(b)(6) and Memorandum in Support (Robbins, David) (Entered: 05/21/2010)
06/03/2010	<a href="#">18</a>	JOINT STATUS REPORT signed by all parties estimated Trial Days: The parties deferred consideration of how many trial days will be required until Defendants' FRCP 12 motion is decided. Filed by Defendants Michael Lee, Terrence Clark, John Does, Group Health Cooperative, Group Health Permanente, Group Health Options Inc, KPS Health Plans, Group Health Northwest.(Robbins, David) (Entered: 06/03/2010)
09/10/2010	<a href="#">19</a>	ORDER granting in part and denying in part dfts' <a href="#">15</a> Motion to Dismiss by Judge Ricardo S Martinez.(RS) (Entered: 09/10/2010)
10/13/2010	<a href="#">20</a>	Second AMENDED COMPLAINT against defendant(s) All Defendants with JURY DEMAND, filed by Eva Zempenyi.(Justus, Benjamin) (Entered: 10/13/2010)
11/03/2010	<a href="#">21</a>	MOTION to Dismiss Second Amended Complaint Under Rules 9(b) and 12(b)(6) and Supporting Memorandum by Defendants Group Health Cooperative, Group Health Northwest, Group Health Options Inc, Group Health Permanente, KPS Health Plans. Oral Argument Requested. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 11/19/2010, (Robbins, David) (Entered: 11/03/2010)

**Date Discrepancy Cases 849**

11/03/2010	<a href="#">22</a>	ERRATA re <a href="#">21</a> MOTION to Dismiss <i>Second Amended Complaint Under Rules 9(b) and 12(b)(6) and Supporting Memorandum</i> MOTION to Dismiss <i>Second Amended Complaint Under Rules 9(b) and 12(b)(6) and Supporting Memorandum</i> by Defendants Group Health Cooperative, Group Health Northwest, Group Health Options Inc, Group Health Permanente, KPS Health Plans. (Robbins, David) (Entered: 11/03/2010)
11/22/2010	<a href="#">23</a>	RESPONSE, by Plaintiff Eva Zemplyeni, to <a href="#">21</a> MOTION to Dismiss <i>Second Amended Complaint Under Rules 9(b) and 12(b)(6) and Supporting Memorandum</i> MOTION to Dismiss <i>Second Amended Complaint Under Rules 9(b) and 12(b)(6) and Supporting Memorandum</i> . (Justus, Benjamin) (Entered: 11/22/2010)
11/24/2010	<a href="#">24</a>	REPLY, filed by Defendants Terrence Clark, John Does, Group Health Cooperative, Group Health Northwest, Group Health Options Inc, Group Health Permanente, KPS Health Plans, Michael Lee, TO RESPONSE to <a href="#">21</a> MOTION to Dismiss <i>Second Amended Complaint Under Rules 9(b) and 12(b)(6) and Supporting Memorandum</i> MOTION to Dismiss <i>Second Amended Complaint Under Rules 9(b) and 12(b)(6) and Supporting Memorandum</i> (Robbins, David) (Entered: 11/24/2010)
03/03/2011	<a href="#">25</a>	ORDER granting in part and denying in part dfts' <a href="#">21</a> Motion to Dismiss by Judge Ricardo S Martinez.(RS) (Entered: 03/03/2011)
03/21/2011	<a href="#">26</a>	ANSWER to <a href="#">20</a> Amended Complaint for Violations of the <del>Small</del> False Claims Act by Group Health Cooperative, Group Health Northwest, Group Health Options Inc, Group Health Permanente, KPS Health Plans.(Robbins, David) Modified on 3/21/2011 to correct typographical error per counsel (KN). (Entered: 03/21/2011)
03/21/2011		NOTICE of Docket Text Modification re <a href="#">26</a> Answer to Amended Complaint, : Corrected typographical error per counsel. Small Claims was corrected to read False Claims Act. (KN) (Entered: 03/21/2011)
03/25/2011	<a href="#">27</a>	ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT Joint Status Report due by 5/6/2011, FRCP 26f Conference Deadline is 4/22/2011, Initial Disclosure Deadline is 4/29/2011, by Judge Ricardo S. Martinez. (LW) (Entered: 03/25/2011)
05/06/2011	<a href="#">28</a>	JOINT STATUS REPORT signed by all parties estimated Trial Days: 6-14.. (Justus, Benjamin) (Entered: 05/06/2011)
05/17/2011	<a href="#">29</a>	ORDER SETTING TRIAL DATE AND RELATED DATES by Judge Ricardo S Martinez. Length of Trial: *6-14*. Jury Trial is set for 6/4/2012 at 09:00 AM before Judge Ricardo S Martinez. Joinder of Parties due by 6/14/2011, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 12/7/2011, Motions due by 1/6/2012, Discovery completed by 2/6/2012, Dispositive motions due by 3/6/2012, 39.1 mediation to be completed by 4/20/2012, Motions in Limine due by 5/7/2012, Pretrial Order due by 5/23/2012, Trial briefs to be submitted by 5/30/2012, Proposed voir dire/jury instructions due by 5/30/2012. (LC) (Entered: 05/17/2011)
09/14/2011	<a href="#">30</a>	STIPULATION AND PROPOSED ORDER re <i>Protective Order</i> by parties. (Robbins, David) (Entered: 09/14/2011)
09/14/2011	<a href="#">31</a>	DECLARATION of David B. Robbins in Support of the Parties' Stipulated Protective Order re <a href="#">30</a> Stipulation by Defendants Group Health Cooperative, Group Health Northwest, Group Health Options Inc, Group Health Permanente, KPS Health Plans. (Robbins, David) (Entered: 09/14/2011)
09/15/2011	<a href="#">32</a>	NOTICE of Voluntary Dismissal as to party(s) KPS Health Plans, Group Health Northwest and Group Health Options Inc, filed by Plaintiff Eva Zemplyeni. (Justus, Benjamin) (Entered: 09/15/2011)

**Date Discrepancy Cases 850**

09/16/2011	<a href="#">33</a>	STIPULATED PROTECTIVE ORDER by Judge Ricardo S Martinez. (RS) (Entered: 09/16/2011)
12/07/2011	<a href="#">34</a>	DISCLOSURE OF EXPERT WITNESSES Filed by Plaintiff Eva Zemplenyi.(Lybeck, Lory) (Entered: 12/07/2011)
01/26/2012	<a href="#">35</a>	NOTICE of Change of Address of Attorney David B Robbins. Filed by Defendants Group Health Cooperative, Group Health Permanente. (Robbins, David) Modified Firm Name and Address on 1/26/2012 (DS). (Entered: 01/26/2012)
01/31/2012	<a href="#">36</a>	NOTICE of Unavailability of counsel Lory R Lybeck for Plaintiff Eva Zemplenyi from February 17, 2012 to February 27, 2012. (Lybeck, Lory) (Entered: 01/31/2012)
03/06/2012	<a href="#">37</a>	MOTION for Summary Judgment by Defendants Group Health Cooperative, Group Health Permanente. Oral Argument Requested. (Attachments: # <a href="#">1</a> Declaration of Cyndee Wohlhueter in Support of Defendants' Motion for Summary Judgment, # <a href="#">2</a> Exhibit A of Cyndee Wohlhueter Declaration, # <a href="#">3</a> Exhibit B of Cyndee Wohlhueter Declaration, # <a href="#">4</a> Exhibit C of Cyndee Wohlhueter Declaration, # <a href="#">5</a> Exhibit D of Cyndee Wohlhueter Declaration, # <a href="#">6</a> Exhibit E of Cyndee Wohlhueter Declaration, # <a href="#">7</a> Exhibit F of Cyndee Wohlhueter Declaration, # <a href="#">8</a> Exhibit G of Cyndee Wohlhueter Declaration, # <a href="#">9</a> Exhibit H of Cyndee Wohlhueter Declaration, # <a href="#">10</a> Exhibit I of Cyndee Wohlhueter Declaration, # <a href="#">11</a> Exhibit J of Cyndee Wohlhueter Declaration, # <a href="#">12</a> Exhibit K of Cyndee Wohlhueter Declaration, # <a href="#">13</a> Exhibit L of Cyndee Wohlhueter Declaration, # <a href="#">14</a> Exhibit M of Cyndee Wohlhueter Declaration, # <a href="#">15</a> Exhibit N of Cyndee Wohlhueter Declaration, # <a href="#">16</a> Exhibit O of Cyndee Wohlhueter Declaration, # <a href="#">17</a> Exhibit P of Cyndee Wohlhueter Declaration, # <a href="#">18</a> Exhibit Q of Cyndee Wohlhueter Declaration, # <a href="#">19</a> Exhibit R of Cyndee Wohlhueter Declaration, # <a href="#">20</a> Exhibit S of Cyndee Wohlhueter Declaration, # <a href="#">21</a> Exhibit T of Cyndee Wohlhueter Declaration, # <a href="#">22</a> Exhibit U of Cyndee Wohlhueter Declaration, # <a href="#">23</a> Exhibit V of Cyndee Wohlhueter Declaration, # <a href="#">24</a> Exhibit W of Cyndee Wohlhueter Declaration, # <a href="#">25</a> Exhibit X of Cyndee Wohlhueter Declaration, # <a href="#">26</a> Exhibit Y of Cyndee Wohlhueter Declaration, # <a href="#">27</a> Declaration of Renee M. Howard in Support of Defendants' Motion for Summary Judgment, # <a href="#">28</a> Exhibit A of Renee M. Howard Declaration, # <a href="#">29</a> Exhibit B of Renee M. Howard Declaration, # <a href="#">30</a> Exhibit C of Renee M. Howard Declaration, # <a href="#">31</a> Exhibit D of Renee M. Howard Declaration, # <a href="#">32</a> Exhibit E of Renee M. Howard Declaration, # <a href="#">33</a> Exhibit F of Renee M. Howard Declaration, # <a href="#">34</a> Exhibit G of Renee M. Howard Declaration, # <a href="#">35</a> Exhibit H of Renee M. Howard Declaration, # <a href="#">36</a> Proposed Order) Noting Date 3/30/2012, (Howard, Renee) (Entered: 03/06/2012)
03/26/2012	<a href="#">38</a>	RESPONSE, by Plaintiff Eva Zemplenyi, to <a href="#">37</a> MOTION for Summary Judgment. (Justus, Benjamin) (Entered: 03/26/2012)
03/26/2012	<a href="#">39</a>	DECLARATION of Benjamin Justus filed by Plaintiff Eva Zemplenyi re <a href="#">37</a> MOTION for Summary Judgment (Attachments: # <a href="#">1</a> Exhibit A-G, # <a href="#">2</a> Exhibit H-M, # <a href="#">3</a> Exhibit N-V, # <a href="#">4</a> Exhibit W-GG)(Justus, Benjamin) (Entered: 03/26/2012)
03/26/2012	<a href="#">40</a>	DECLARATION of David Brandt, M.D. filed by Plaintiff Eva Zemplenyi re <a href="#">37</a> MOTION for Summary Judgment (Justus, Benjamin) (Entered: 03/26/2012)
03/30/2012	<a href="#">41</a>	NOTICE of Unavailability of counsel Lory R Lybeck for Plaintiff Eva Zemplenyi from 03/31/2012 to 04/08/2012. (Lybeck, Lory) (Entered: 03/30/2012)
03/30/2012	<a href="#">42</a>	REPLY, filed by Defendants Group Health Cooperative, Group Health Permanente, TO RESPONSE to <a href="#">37</a> MOTION for Summary Judgment (Howard, Renee) (Entered: 03/30/2012)
03/30/2012	<a href="#">43</a>	Second DECLARATION of Renee M. Howard filed by Defendants Group Health Cooperative, Group Health Permanente re <a href="#">37</a> MOTION for Summary Judgment (Howard, Renee) (Entered: 03/30/2012)

**Date Discrepancy Cases 851**

04/02/2012	<a href="#">44</a>	Letter from Benjamin Justus. (Justus, Benjamin) (Entered: 04/02/2012)
04/03/2012	<a href="#">45</a>	Letter from Renee M. Howard re <a href="#">44</a> Letter from Benjamin Justus. (Howard, Renee) (Entered: 04/03/2012)
04/18/2012	<a href="#">46</a>	NOTICE from Mediator Stew Cogan, that on April 16, 2012, the parties participated in a mediation. (Cogan, Stew) (Entered: 04/18/2012)
05/07/2012	<a href="#">47</a>	MOTIONS IN LIMINE to Exclude Testimony & Other Evidence by Defendants Group Health Cooperative, Group Health Permanente. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 5/25/2012, (Robbins, David) (Entered: 05/07/2012)
05/07/2012	<a href="#">48</a>	DECLARATION of David B. Robbins filed by Defendants Group Health Cooperative, Group Health Permanente re <a href="#">47</a> MOTIONS IN LIMINE to Exclude Testimony & Other Evidence (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H, # <a href="#">9</a> Exhibit I, # <a href="#">10</a> Exhibit J, # <a href="#">11</a> Exhibit K, # <a href="#">12</a> Exhibit L, # <a href="#">13</a> Exhibit M, # <a href="#">14</a> Exhibit N)(Robbins, David) (Entered: 05/07/2012)
05/07/2012	<a href="#">49</a>	MOTIONS IN LIMINE by Plaintiff Eva Zemplenyi. (Attachments: # <a href="#">1</a> Proposed Order) Noting Date 5/25/2012, (Justus, Benjamin) (Entered: 05/07/2012)
05/07/2012	<a href="#">50</a>	DECLARATION of Timothy T. Parker filed by Plaintiff Eva Zemplenyi re <a href="#">49</a> MOTIONS IN LIMINE (Attachments: # <a href="#">1</a> Exhibit A)(Justus, Benjamin) (Entered: 05/07/2012)
05/10/2012	<a href="#">51</a>	ORDER granting dfts' <a href="#">37</a> Motion for Summary Judgment by Judge Ricardo S Martinez. (RS) (Entered: 05/10/2012)
05/10/2012	<a href="#">52</a>	JUDGMENT BY COURT granting dfts' <a href="#">37</a> Motion for Summary Judgment (RS) (Entered: 05/10/2012)
06/06/2012	<a href="#">53</a>	NOTICE OF APPEAL (12-35466) to Ninth Circuit by Plaintiff Eva Zemplenyi. Filing Fee \$455, Receipt number 0981-2837605. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Justus, Benjamin) Modified on 6/7/2012; added CCA case number(LMK). (Entered: 06/06/2012)
11/28/2012	<a href="#">54</a>	MANDATE of USCA (12-35466) as to <a href="#">53</a> Notice of Appeal filed by Eva Zemplenyi Appellants unopposed motion to dismiss this appeal voluntarily is granted. Fed. R. App. P. 42(b). The parties shall bear their own costs.This order served on the district court shall act as and for the mandate of this court. (SA) (Entered: 11/28/2012)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 11:15:45			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:09-cv-00603-RSM
<b>Billable Pages:</b>	7	<b>Cost:</b>	0.70



**United States District Court  
District of Massachusetts (Worcester)  
CIVIL DOCKET FOR CASE #: 4:06-cv-40097-FDS**

Howrey v. Fallon Clinic, Inc.  
Assigned to: Judge F. Dennis Saylor, IV  
Cause: 31:3729 False Claims Act

Date Filed: 05/24/2006  
Date Terminated: 06/13/2007  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America**  
ex rel.

represented by **Patricia M. Connolly**  
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LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Plaintiff**

**Commonwealth of Massachusetts**  
ex rel.

**Plaintiff**

**Linda M. Howrey**

represented by **Robert M. Thomas , Jr.**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Fallon Clinic, Inc.**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/24/2006	<a href="#">4</a>	COMPLAINT against Fallon Clinic, Inc. filed by United States of America, Commonwealth of Massachusetts, Linda M. Howrey. Filing fee: \$ 350, receipt number 404804 (Attachments: # <a href="#">1</a> Civil Cover Sheet)(Shattuck, Deborah) (Entered: 05/24/2006)
06/08/2007	<a href="#">10</a>	NOTICE of Election to Decline Intervention by United States of America. (Attachments: # <a href="#">1</a> proposed order)(Jones, Sherry) (Entered: 06/08/2007)
06/08/2007	<a href="#">11</a>	Judge F. Dennis Saylor IV: ORDER entered unsealing the complaint. re <a href="#">10</a> Notice (Other) filed by United States of America. (Jones, Sherry) (Entered: 06/08/2007)
06/12/2007	<a href="#">12</a>	NOTICE of Voluntary Dismissal Without Prejudice by United States of America, Commonwealth of Massachusetts, Linda M. Howrey. (Hassett, Kathy) (Entered: 06/12/2007)
06/13/2007		Case Reopened (for the purpose of docketing order only) (Hassett, Kathy) (Entered: 06/13/2007)
06/13/2007	<a href="#">13</a>	Judge F. Dennis Saylor IV: ORDER entered. ORDER DISMISSING CASE(Hassett, Kathy) (Entered: 06/13/2007)
03/18/2008	<a href="#">14</a>	Judge F. Dennis Saylor, IV: ORDER entered. ORDER pursuant to Local Rule 7.2, re impounded documents in the Court's custody.(Hassett, Kathy) (Entered: 03/18/2008)
04/21/2008	<a href="#">15</a>	SEALED MOTION by Linda M. Howrey.(Hassett, Kathy) (Entered: 04/22/2008)
04/22/2008	<a href="#">16</a>	Sealed Document. (Hassett, Kathy) (Entered: 04/22/2008)
01/21/2009		Judge F. Dennis Saylor, IV: Electronic ORDER entered granting <a href="#">15</a> Sealed Motion. (Castles, Martin) (Entered: 01/21/2009)
06/12/2009	<a href="#">17</a>	Judge F. Dennis Saylor, IV: ORDER entered. ORDER pursuant to Local Rule 7.2, re impounded documents in the Court's custody.(Jones, Sherry) (Entered: 06/12/2009)

<b>PACER Service Center</b>			
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<b>Date Discrepancy Cases 854</b>			

<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:06-cv-40097-FDS
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

CLOSED,JURY

**U.S. District Court  
Eastern District of Virginia – (Richmond)  
CIVIL DOCKET FOR CASE #: 3:09–cv–00442–JRS**

Maria Antigua–Martinez v. Virginia Urology Center, P.C.  
Assigned to: District Judge James R. Spencer  
Case in other court: USCA, 10–02131  
Cause: 31:3729 False Claims Act

Date Filed: 07/13/2009  
Date Terminated: 09/01/2010  
Jury Demand: Both  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff****Maria Antigua–Martinez**

represented by **Harris Dewey Butler , III**  
Butler Royals PLC  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant****Virginia Urology Center, P.C.**

represented by **Jeremy Alan Ball**  
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804–775–3801  
Fax: 804–775–3800  
Email: [jball@lawmh.com](mailto:jball@lawmh.com)  
*ATTORNEY TO BE NOTICED*

**Interested Party****Commonwealth of Virginia**

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Fax: 804–786–0807  
Email: [cdeisher@oag.state.va.us](mailto:cdeisher@oag.state.va.us)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Interested Party****United States of America**

represented by **Robert P. McIntosh**  
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Richmond, VA 23219  
(804) 819–5400  
Email: [Robert.McIntosh@usdoj.gov](mailto:Robert.McIntosh@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
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07/13/2009	<u>1</u>	COMPLAINT against Virginia Urology Center, P.C. ( Filing fee \$ 350.00 receipt number 34683004469) filed by Maria Antigua–Martinez.(cgar) Unsealed per Order entered 1/27/2010 (cgar). (Entered: 07/14/2009)
09/18/2009	<u>3</u>	SEALED Memorandum in Support of 2 SEALED Ex Parte Motion filed by Sealed Movant. (jtho, ) (Entered: 09/21/2009)
09/23/2009	<u>4</u>	SEALED EX PARTE ORDER granting 2 Motion for Ex Parte Extension of time from 9/13/09 to 11/12/09. Signed by District Judge Robert E. Payne on 9/23/09. (jtho, ) (Entered: 09/23/2009)
11/10/2009	<u>6</u>	SEALED Memorandum in Support Of 5 Ex Parte Motion filed by Sealed Movant. (cgar) (Entered: 11/10/2009)
11/17/2009	<u>7</u>	SEALED ORDER. Signed by District Judge Robert E. Payne on 11/12/2009. (cgar) (Entered: 11/17/2009)
11/17/2009	<u>8</u>	SEALED ORDER . Signed by District Judge Robert E. Payne on 11/17/2009. (cgar) (Entered: 11/17/2009)
11/19/2009	<u>9</u>	Notice of Election to Decline Intervention (jtho) Unsealed per Order entered 1/27/2010 (cgar). (Entered: 11/19/2009)
11/30/2009	<u>10</u>	Notice of Declination by Commonwealth of Virginia (cgar) Unsealed per Order entered 1/27/2010 (cgar). (Entered: 11/30/2009)
01/27/2010	<u>11</u>	ORDER 1) Complaint and Notice of Declination by the United States and Commonwealth be UNSEALED and that Relator MAKE PROPER SERVICE of the Complaint on Defendant;All other filings previously submitted under seal shall REMAIN SEALED;2)Parties SHALL SERVE all pleadings, motions, and supporting memorandum on the United States and Commonwealth in accordance with 31 U.S.C. 3730(c)(3) and Virginia Code 8.01–216.6(F);3) Clerk SHALL SEND this and any further order issued by the Court to the United States and Commonwealth;4) United States and Commonwealth MAY ORDER any deposition transcripts, and MAY INTERVENE in this action for good cause at a later date;5)Action SHALL NOT BE SETTLED OR DISMISSED without the prior written approval of the United States and Commonwealth;6)Parties SHALL SERVE any notices of appeal on the United States and Commonwealth. Signed by District Judge James R. Spencer on 1/27/2010. (cgar, ) (Entered: 01/27/2010)
02/03/2010	<u>12</u>	Summons Issued as to Virginia Urology Center, P.C. Per Order entered summons prepared and issued to United States and Commonwealth of Virginia. (cgar) (Entered: 02/03/2010)
04/23/2010	<u>13</u>	MOTION to Dismiss by Virginia Urology Center, P.C.. (Ball, Jeremy) (Entered: 04/23/2010)
04/23/2010	<u>14</u>	Memorandum in Support re <u>13</u> MOTION to Dismiss filed by Virginia Urology Center, P.C.. (Ball, Jeremy) (Entered: 04/23/2010)
04/23/2010	<u>15</u>	Financial Interest Disclosure Statement (Local Rule 7.1) by Virginia Urology Center, P.C.. (Ball, Jeremy) (Entered: 04/23/2010)
05/07/2010	<u>16</u>	RESPONSE in Opposition re <u>13</u> MOTION to Dismiss filed by Maria Antigua–Martinez. (Butler, Harris) (Entered: 05/07/2010)
05/07/2010	<u>17</u>	Memorandum in Opposition re <u>13</u> MOTION to Dismiss filed by Maria Antigua–Martinez. (Butler, Harris) (Entered: 05/07/2010)
05/13/2010	<u>18</u>	Rebuttal Brief re <u>13</u> MOTION to Dismiss filed by Virginia Urology Center, P.C.. (Ball, Jeremy) (Entered: 05/13/2010)
05/14/2010	<u>19</u>	Notice of Hearing Date set for May 25, 2010 re <u>13</u> MOTION to Dismiss (Ball, Jeremy) (Entered: 05/14/2010)
05/17/2010		Set/Reset Deadlines as to <u>13</u> MOTION to Dismiss. Motion Hearing set for 5/25/2010 at 10:00 AM before District Judge James R. Spencer. (khan, ) (Entered: 05/17/2010)
05/25/2010	<u>20</u>	Minute Entry for proceedings held before District Judge James R. Spencer: Motion Hearing held on 5/25/2010 re <u>13</u> MOTION to Dismiss filed by Virginia Urology

		Center, P.C. Matter taken under advisement. (Court Reporter Jeff Kull, OCR.) (khan, ) (Entered: 05/25/2010)
07/29/2010	<u>21</u>	MEMORANDUM AND OPINION. Signed by District Judge James R. Spencer on 7/29/10. (jtho, ) (Entered: 07/29/2010)
07/29/2010	<u>22</u>	ORDER granting <u>13</u> Motion to Dismiss Counts I, II, III & IV of her Complaint. Signed by District Judge James R. Spencer on 7/29/10. (jtho, ) (Entered: 07/29/2010)
08/11/2010	<u>23</u>	ANSWER to <u>1</u> Complaint with Jury Demand by Virginia Urology Center, P.C..(Ball, Jeremy) (Entered: 08/11/2010)
09/01/2010	<u>24</u>	ORDER OF DISMISSAL; Case dismissed for Want of Jurisdiction. Signed by District Judge James R. Spencer on 9/1/2010. (lhin, ) (Entered: 09/01/2010)
09/30/2010	<u>25</u>	NOTICE OF APPEAL as to <u>24</u> Order Dismissing Case by Maria Antigua–Martinez. (Butler, Harris) (Entered: 09/30/2010)
10/01/2010	<u>26</u>	USCA Appeal Fees received \$ 455 receipt number 34683010036 re <u>25</u> Notice of Appeal filed by Maria Antigua–Martinez (lbre, ) (Entered: 10/01/2010)
10/05/2010	<u>27</u>	Transmission of Notice of Appeal to US Court of Appeals re <u>25</u> Notice of Appeal. (All case opening forms, plus the transcript guidelines, may be obtained from the Fourth Circuit's website at www.ca4.uscourts.gov) (lbre, ) (Entered: 10/05/2010)
10/06/2010		USCA Case Number 10–2131, Case Manager S.Wiley, for <u>25</u> Notice of Appeal filed by Maria Antigua–Martinez. (lbre, ) (Entered: 10/08/2010)
11/12/2010	<u>28</u>	TRANSCRIPT of proceedings for dates of May 25, 2010, Motion to Dismiss before Judge James R. Spencer, re <u>25</u> Notice of Appeal Court Reporter/Transcriber Jeff Kull, Telephone number 804–916–2258. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 12/13/2010. Redacted Transcript Deadline set for 1/12/2011. Release of Transcript Restriction set for 2/10/2011.(kull, jeff) (Entered: 11/12/2010)
11/12/2010	<u>29</u>	Notice of Filing of Official <u>28</u> Appeal Transcript. (jtho, ) (Entered: 11/12/2010)
01/04/2011	<u>30</u>	ORDER of USCA as to <u>25</u> Notice of Appeal filed by Maria Antigua–Martinez: Upon consideration of the stipulated motion to dismiss, the Court dismisses this appeal, upon such terms as have been agreed to by the parties, pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. (lbre, ) (Entered: 01/05/2011)
01/04/2011	<u>31</u>	USCA Mandate re <u>25</u> Notice of Appeal : This Court's order dismissing this appeal pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure takes effect today. This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. (lbre, ) (Entered: 01/05/2011)

**U.S. District Court  
Middle District of Florida (Orlando)  
CIVIL DOCKET FOR CASE #: 6:06-cv-01943-ACC-KRS**

United States of America et al v. The Walt Disney Company et al  
Assigned to: Chief Judge Anne C. Conway  
Referred to: Magistrate Judge Karla R. Spaulding  
Case in other court: USCA, 08-16350-D  
Northern District of Illinois, 06cv6049  
Cause: 31:3729 False Claims Act

Date Filed: 12/26/2006  
Date Terminated: 06/24/2008  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**USA**  
*ex rel*

represented by **Philip R. Lammens**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Samuel D. Armstrong**  
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352/547-3600  
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Email: sam.armstrong@usdoj.gov  
*TERMINATED: 05/16/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Florida**  
*ex rel*  
*TERMINATED: 01/28/2008*

**Plaintiff**

**L. Brown**

represented by **Mauricio Arcadier**  
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**Date Discrepancy Cases 859**

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V.

**Defendant**

**The Walt Disney Company**  
*TERMINATED: 01/28/2008*

**Defendant**

**Disney Destinations, LLC**  
*TERMINATED: 01/28/2008*

**Defendant**

**Walt Disney World Co.**

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**Defendant**

**Reedy Creek Improvement District**

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**Defendant**

**Bay Lake**

*city*

*TERMINATED: 01/28/2008*

**Defendant**

**Lake Buena Vista**

**Date Discrepancy Cases 861**

city

TERMINATED: 01/28/2008

Date Filed	#	Docket Text
12/26/2006	<a href="#">1</a>	Case transferred in from the Northern District of Illinois; Case Number 06cv6049. Original file received. (Case was sealed when transferred; no docket sheet)(JRM) (Entered: 09/06/2007)
12/26/2006	<a href="#">2</a>	COMPLAINT against Walt Disney World Co., Reedy Creek Improvement District, Bay Lake, Lake Buena Vista, The Walt Disney Company, Disney Destinations, LLC, filed by L. Brown. (Originally filed 11/6/06 in the Northern District of Illinois)(JRM) (Entered: 09/06/2007)
12/26/2006	<a href="#">3</a>	ORDER of Transfer from the Northern District of Illinois. (JRM) (Entered: 09/06/2007)
02/05/2007	<a href="#">4</a>	UNOPPOSED EX PARTE MOTION to extend time to make an election to intervene by United States of America. (JRM) (Entered: 09/06/2007)
02/07/2007	<a href="#">5</a>	ORDER granting <a href="#">4</a> Motion to extend time until 8/5//07. No further extensions will be given. Signed by Judge Anne C. Conway on 2/7/2007. (JRM) (Entered: 09/06/2007)
08/06/2007	<a href="#">6</a>	UNOPPOSED EX PARTE MOTION to extend time to make an election whether or not to intervene by United States of America. (JRM) (Entered: 09/06/2007)
08/15/2007	<a href="#">7</a>	ORDER granting <a href="#">6</a> Motion to extend time. Signed by Judge Anne C. Conway on 8/15/2007. (JRM) (Entered: 09/06/2007)
08/30/2007	<a href="#">8</a>	NOTICE of election to decline intervention by United States of America (JRM) (Entered: 09/06/2007)
09/05/2007	<a href="#">9</a>	ORDER Re: <a href="#">8</a> United States Notice of Election to Decline Intervention. The court file is unsealed. Relator shall either file a notice of voluntary dismissal with the consent of the United States or serve the defendants with the complaint and all papers filed herein. The United States shall be served with all documents filed in this case. Signed by Judge Anne C. Conway on 9/5/2007. (JRM) (Entered: 09/06/2007)
12/04/2007	<a href="#">10</a>	RELATED CASE ORDER; NOTICE of designation under Local Rule 3.05 - track 2; and ORDER Requiring Electronic Filing. (Notice of pendency of other actions due by 12/19/07.) Signed by Judge Anne C. Conway on 12/4/07. (CH) (Entered: 12/04/2007)
12/04/2007	<a href="#">11</a>	INTERESTED PERSONS ORDER. Certificate of interested persons and corporate disclosure statement due by 12/19/2007. Signed by Judge Anne C. Conway on 12/4/2007. (CH) (Entered: 12/04/2007)
12/04/2007	<a href="#">12</a>	NOTICE to plaintiff's counsel of Local Rule 2.02 (signed by deputy clerk). <b>Copies mailed to plaintiff's counsel.</b> (CH) (CH). (Entered: 12/04/2007)
12/19/2007	<a href="#">13</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">10</a> Related case order and notice of designation of track 2, <a href="#">11</a> Interested persons order and file pro hac vice motion and appearance by L. Brown. (JRM) Motion referred to Magistrate Judge Karla R. Spaulding. (Entered: 12/20/2007)
12/21/2007	<a href="#">14</a>	ORDER denying <a href="#">13</a> Motion for Extension of Time to File. Signed by Magistrate Judge Karla R. Spaulding on 12/21/2007. (JL) (Entered: 12/21/2007)
01/03/2008	<a href="#">15</a>	FIRST AMENDED COMPLAINT against Walt Disney World Co., Reedy Creek Improvement District with Jury Demand; terminating Lake Buena Vista; State of Florida; The Walt Disney Company; Bay Lake and Disney Destinations, LLC filed by L. Brown.

Date Discrepancy Cases 862

		Related document: <a href="#">2</a> Complaint filed by L. Brown.(JRM) *** <b>STRICKEN</b> per <a href="#">16</a> Order.*** Modified on 1/8/2008 (MJT). (Entered: 01/03/2008)
01/07/2008	<a href="#">16</a>	SHOW CAUSE ORDER Signed by Judge Anne C. Conway on 1/7/2008. (Conway, Anne) (Entered: 01/07/2008)
01/08/2008	<a href="#">17</a>	MOTION for extension of 60 days to serve complaint and for pro hac vice application by L. Brown. (JRM) (Entered: 01/09/2008)
01/10/2008	<a href="#">18</a>	ORDER granting in part and denying in part <a href="#">17</a> Motion to extend time. Signed by Judge Anne C. Conway on 1/10/2008. (CH) (Entered: 01/10/2008)
01/17/2008	<a href="#">19</a>	First MOTION for Raphael J. Musicus to appear pro hac vice by L. Brown. (Arcadier, Mauricio) Motions referred to Magistrate Judge Karla R. Spaulding. (Entered: 01/17/2008)
01/21/2008	<a href="#">20</a>	CERTIFICATE of interested persons and corporate disclosure statement re <a href="#">11</a> Interested persons order by L. Brown. (Arcadier, Mauricio) (Entered: 01/21/2008)
01/21/2008	<a href="#">21</a>	NOTICE of pendency of related cases re <a href="#">10</a> order of compliance to Local Rule by L. Brown. Related case(s): yes (Arcadier, Mauricio) (Entered: 01/21/2008)
01/21/2008	<a href="#">22</a>	RESPONSE TO ORDER TO SHOW CAUSE filed by L. Brown. (Arcadier, Mauricio) (Entered: 01/21/2008)
01/22/2008	<a href="#">23</a>	ORDER granting <a href="#">19</a> motion to appear pro hac vice. Signed by Magistrate Judge Karla R. Spaulding on 1/21/2008. (BJP) (Entered: 01/22/2008)
01/28/2008	<a href="#">24</a>	AMENDED COMPLAINT <i>First Amended Complaint For Violations of Federal False Claims Act (FCA)</i> against The Walt Disney Company with Jury Demand filed by United States of America.(Arcadier, Mauricio) Modified on 1/28/2008 (JRM) (DOCUMENT IS SIDEWAYS. ATTORNEY IS REFILING) (Entered: 01/28/2008)
01/28/2008	<a href="#">25</a>	AMENDED COMPLAINT <i>First Amended Complaint For Violations of Federal False Claims Act (FCA)</i> against The Walt Disney Company, Reedy Creek Improvement District with Jury Demand filed by L. Brown.(Arcadier, Mauricio) Modified on 1/29/2008 (JRM) (Entered: 01/28/2008)
01/30/2008		Summons issued as to Walt Disney World Co., United States of America. (JRM) (Entered: 01/30/2008)
02/01/2008		Summons issued as to Reedy Creek Improvement District. (MJT) (Entered: 02/01/2008)
02/14/2008	<a href="#">26</a>	ORDER -- No later than February 22, 2008 the Relator shall file proof of service, or shall show cause why this action should not be dismissed for lack of prosecution and for failure to comply with a Court Order. Signed by Judge Anne C. Conway on 2/14/2008. (CH) (Entered: 02/14/2008)
02/14/2008	<a href="#">27</a>	RESPONSE TO ORDER TO SHOW CAUSE filed by L. Brown. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Arcadier, Mauricio) Modified on 2/15/2008 (JRM) (Entered: 02/14/2008)
02/19/2008	<a href="#">28</a>	Joint MOTION for Extension of Time until 4/21/08 to File Response/Reply as to <a href="#">25</a> Amended complaint by Reedy Creek Improvement District, Walt Disney World Co. (Linscott, Jerry) Motions referred to Magistrate Judge Karla R. Spaulding. Modified on 2/20/2008 (JRM) (Entered: 02/19/2008)
02/20/2008	<a href="#">29</a>	ORDER granting <a href="#">28</a> Motion for Extension of Time to answer or otherwise respond to the amended complaint as to both defendants. New deadline: 4/21/2008. Signed by Magistrate Judge Karla R. Spaulding on 2/20/2008. (Spaulding, Karla) (Entered: 02/20/2008)
02/27/2008	<a href="#">30</a>	Consent MOTION for David W. Ogden, Jonathan E. Paikin and Brent Bickley to appear

Date Discrepancy Cases 865

		pro hac vice by Walt Disney World Co. (Houston, Mary) Motion referred to Magistrate Judge Karla R. Spaulding. Modified on 2/28/2008 (JRM) (Entered: 02/27/2008)
02/28/2008	<a href="#">31</a>	ORDER granting <a href="#">30</a> motion to appear pro hac vice. Signed by Magistrate Judge Karla R. Spaulding on 2/28/2008. (BJP) (Entered: 02/28/2008)
02/29/2008	<a href="#">32</a>	CERTIFICATE of interested persons and corporate disclosure statement re <a href="#">11</a> Interested persons order by Walt Disney World Co.. (Houston, Mary) (Entered: 02/29/2008)
04/04/2008	<a href="#">33</a>	CERTIFICATE of interested persons and corporate disclosure statement re <a href="#">11</a> Interested persons order by Reedy Creek Improvement District. (Linscott, Jerry) (Entered: 04/04/2008)
04/07/2008	<a href="#">34</a>	Joint MOTION for leave to file excess pages <i>and to Set Briefing Schedule; File Reply Brief for Defendants' Motions to Dismiss and to Stay Discovery Until After a Ruling on the Motion to Dismiss With Memorandum of Law</i> by Reedy Creek Improvement District. (Linscott, Jerry) (Entered: 04/07/2008)
04/07/2008	<a href="#">35</a>	CASE MANAGEMENT REPORT. (Linscott, Jerry) (Entered: 04/07/2008)
04/09/2008	<a href="#">36</a>	ORDER granting in part and denying in part <a href="#">34</a> Motion for Leave to File Excess Pages and setting hearing as to Defendants' Motion to Dismiss.. Signed by Judge Anne C. Conway on 4/8/2008. (CH) (Entered: 04/09/2008)
04/09/2008	37	NOTICE OF HEARING on Defendants' Motion to dismiss. Motion Hearing set for 6/5/2008 at 10:00 AM in Courtroom 6A before Judge Anne C. Conway. (CH) (Entered: 04/09/2008)
04/21/2008	<a href="#">38</a>	Joint MOTION to dismiss <i>and Memorandum of Law in Support Thereof</i> by Walt Disney World Co., Reedy Creek Improvement District. (Houston, Mary) (Entered: 04/21/2008)
04/21/2008	<a href="#">39</a>	DECLARATION of Brent R. Bickley re <a href="#">38</a> Joint MOTION to dismiss <i>and Memorandum of Law in Support Thereof</i> by Walt Disney World Co., Reedy Creek Improvement District. (Attachments: # <a href="#">1</a> Exhibit Index, plus Exhibits 1-6, # <a href="#">2</a> Exhibit Exhibits 7-17, # <a href="#">3</a> Exhibit Exhibits 18-31)(Houston, Mary) (Entered: 04/21/2008)
04/21/2008	<a href="#">40</a>	NOTICE of filing Exhibits 32-50 re <a href="#">39</a> Declaration, <i>of Brent R. Bickley</i> by Walt Disney World Co., Reedy Creek Improvement District(Attachments: # <a href="#">1</a> Exhibit Exhibits 32-37, # <a href="#">2</a> Exhibit Exhibits 38-44, # <a href="#">3</a> Exhibit Exhibits 45-50)(Houston, Mary) Modified on 4/21/2008 (JRM) (Entered: 04/21/2008)
04/21/2008	<a href="#">41</a>	NOTICE of filing Exhibits 51-66 re <a href="#">39</a> Declaration <i>of Brent R. Bickley</i> by Walt Disney World Co., Reedy Creek Improvement District (Attachments: # <a href="#">1</a> Exhibits 51-57, # <a href="#">2</a> Exhibits 58-65, # <a href="#">3</a> Exhibit 66)(Houston, Mary) Modified on 4/22/2008 (JRM) (Entered: 04/21/2008)
04/21/2008	<a href="#">42</a>	NOTICE of filing Exhibits 67-81 re <a href="#">39</a> Declaration <i>of Brent R. Bickley</i> by Walt Disney World Co., Reedy Creek Improvement District (Attachments: # <a href="#">1</a> Exhibits 67-74, # <a href="#">2</a> Exhibits 75-81)(Houston, Mary) Modified on 4/22/2008 (JRM) (Entered: 04/21/2008)
05/01/2008	<a href="#">43</a>	<i>Mediation</i> STIPULATION re <a href="#">35</a> Case Management Report by Reedy Creek Improvement District, L. Brown, Walt Disney World Co. (Linscott, Jerry) Modified on 5/2/2008 (JRM) (Entered: 05/01/2008)
05/14/2008	<a href="#">44</a>	RESPONSE in opposition re <a href="#">38</a> Joint MOTION to dismiss <i>and Memorandum of Law in Support Thereof</i> filed by L. Brown. (Attachments: # <a href="#">1</a> Exhibit P-1, # <a href="#">2</a> Exhibit P-2, # <a href="#">3</a> Exhibit P-3, # <a href="#">4</a> Exhibit P-4, # <a href="#">5</a> Exhibit P-5)(Arcadier, Mauricio) (Entered: 05/14/2008)
05/15/2008	45	ORDER: A paper copy of all documents filed electronically in support of, or in opposition to, Motion to Dismiss <a href="#">38</a> shall be delivered to the Clerk's office for use by chambers on or

**Date Discrepancy Cases 864**

		before May 23, 2008. Signed by Judge Anne C. Conway on 5/15/2008. (Conway, Anne) (Entered: 05/15/2008)
05/16/2008	<a href="#">46</a>	Notice of substitution of AUSA. Philip R. Lammens substituting for Samuel D. Armstrong. (Lammens, Philip) (Entered: 05/16/2008)
05/28/2008	<a href="#">47</a>	REPLY to response to motion re <a href="#">38</a> Joint MOTION to dismiss <i>and Memorandum of Law in Support Thereof</i> filed by Walt Disney World Co., Reedy Creek Improvement District. (Houston, Mary) (Entered: 05/28/2008)
06/05/2008	<a href="#">48</a>	Minute Entry. Proceedings held before Judge Anne C. Conway: Motion Hearing held on 6/5/2008 re <a href="#">38</a> Joint MOTION to dismiss. Court Reporter: Sandy Tremel (CH) (CH). (Entered: 06/05/2008)
06/24/2008	<a href="#">49</a>	ORDER granting <a href="#">38</a> Motion to dismiss. This case is Dismissed With Prejudice. The Clerk shall close the case. Signed by Judge Anne C. Conway on 6/24/2008. (CH) Modified on 8/1/2008 (JRM) (THIS ORDER IS CONVERTED TO A DISMISSAL WITHOUT PREJUDICE PURSUANT TO <a href="#">52</a> ORDER) (Entered: 06/24/2008)
07/09/2008	<a href="#">50</a>	MOTION to vacate , <i>Alter or Amend Judgment and Memorandum of Law in Support</i> by L. Brown. (Attachments: # <a href="#">1</a> Exhibits)(Arcadier, Mauricio) Modified on 7/10/2008 (JET). (Entered: 07/09/2008)
07/21/2008	<a href="#">51</a>	RESPONSE in opposition re <a href="#">50</a> MOTION to vacate <i>Relator's Motion to Vacate, Alter or Amend Judgment and Memorandum of Law in Support</i> filed by Walt Disney World Co., Reedy Creek Improvement District. (Houston, Mary) (Entered: 07/21/2008)
07/31/2008	<a href="#">52</a>	ORDER granting in part and denying in part <a href="#">50</a> Motion to vacate. Signed by Judge Anne C. Conway on 7/31/2008. (CH) (Entered: 07/31/2008)
08/14/2008	<a href="#">53</a>	MOTION to vacate, <i>Alter or Amend Final Judgment Entered 7/31/2008 Doc. No. <a href="#">52</a> And Memorandum of Law in Support</i> by L. Brown. (Arcadier, Mauricio) Modified on 8/14/2008 (JRM) (Entered: 08/14/2008)
08/20/2008	<a href="#">54</a>	ORDER denying <a href="#">53</a> Motion to vacate. Signed by Judge Anne C. Conway on 8/20/2008. (CH) (Entered: 08/20/2008)
09/04/2008	<a href="#">55</a>	MOTION to vacate <i>Relator's Two Motions: (1) Vacate, Alter or Amend Final Order of 8/20/08 Doc. <a href="#">54</a>, and (2) Leave to Amend Complaint Based on Newly Discovered Evidence and Memorandum of Law</i> by L. Brown. (Attachments: # <a href="#">1</a> Exhibit P-11, # <a href="#">2</a> Exhibit P-12, # <a href="#">3</a> Exhibit P-13, # <a href="#">4</a> Exhibit Exhibit P-14)(Arcadier, Mauricio) Modified on 9/5/2008 (JRM). (Entered: 09/04/2008)
09/18/2008	<a href="#">56</a>	RESPONSE in opposition re <a href="#">55</a> MOTION to vacate <i>Relator's Two Motions: (1) Vacate, Alter or Amend Final Order of 8/20/08 Doc. <a href="#">54</a>, and (2) Leave to Amend Complaint Based on Newly Discovered Evidence and Memorandum of Law</i> filed by Walt Disney World Co., Reedy Creek Improvement District. (Houston, Mary) Modified on 9/18/2008 (JRM) (Entered: 09/18/2008)
10/09/2008	<a href="#">57</a>	ORDER denying <a href="#">55</a> Motion to Vacate and Motion for Leave to Amend. Signed by Chief Judge Anne C. Conway on 10/9/2008. (CH) (Entered: 10/09/2008)
11/04/2008	<a href="#">58</a>	NOTICE OF APPEAL as to <a href="#">49</a> Order on motion to dismiss, <a href="#">57</a> Order on motion to vacate, <a href="#">52</a> Order on motion to vacate by L. Brown. (Filing fee not paid) (Arcadier, Mauricio) (Entered: 11/04/2008)
11/05/2008		USCA appeal fees received \$ 455 receipt number 29444 re <a href="#">58</a> Notice of appeal filed by L. Brown (VEF) (Entered: 11/05/2008)
11/05/2008		TRANSMITTAL of initial appeal package to USCA consisting of certified copies of notice

**Date Discrepancy Cases 865**

		of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re <a href="#">58</a> Notice of appeal. (VEF) (Entered: 11/05/2008)
11/06/2008	<a href="#">59</a>	TRANSCRIPT of qui tam hearing held on June 5, 2008 before Judge Anne C. Conway. Court Reporter/Transcriber Sandy Tremel, Telephone number 407-245-3110. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 11/28/2008, Redacted Transcript Deadline set for 12/8/2008, Release of Transcript Restriction set for 2/4/2009. (SKT) (Entered: 11/06/2008)
11/06/2008	60	NOTICE to counsel of filing of OFFICIAL TRANSCRIPT (doc #59) The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal. Court Reporter: Sandy Tremel (SKT) (Entered: 11/06/2008)
11/19/2008	<a href="#">61</a>	TRANSCRIPT information form filed by United States of America for proceedings held on 6/5/08 before Chief Judge Anne C. Conway re <a href="#">58</a> Notice of appeal. USCA number: 08-16350-D. (VEF) (Entered: 11/19/2008)
11/20/2008	<a href="#">62</a>	NOTIFICATION that transcript has been filed by Sandra Tremel re: <a href="#">58</a> Notice of appeal USCA number: 08-16350-D. (LAM) (Entered: 11/20/2008)
05/05/2009	<a href="#">63</a>	CERTIFICATE of readiness sent to USCA re: <a href="#">58</a> Notice of appeal. ROA consists of: volume of pleadings: 4 volume of transcripts: 1 USCA number: 08-16350-D (VEF) (Entered: 05/05/2009)
05/05/2009		RECORD on appeal sent to USCA re <a href="#">58</a> Notice of appeal. Transmittal includes certified copy of docket sheet, volume of pleadings: 4, volume of transcripts: 1, USCA number 08-16350-DD (VEF) Modified on 5/5/2009 (VEF). (Entered: 05/05/2009)
05/13/2009		ACKNOWLEDGMENT by USCA of receiving COR & ROA on 5/7/09 re <a href="#">58</a> Notice of appeal. USCA number: 08-16350-DD. (VEF) (Entered: 05/14/2009)
03/16/2010	<a href="#">64</a>	USCA judgment, affirming the district court ruling as to <a href="#">58</a> Notice of appeal filed by L. Brown Entered on docket 1/14/10. Issued as Mandate on: 3/11/10 ROA returned and consists of: volume of pleadings: 4, volume of transcripts: 1 USCA number: 08-16350-DD. (VEF) (Entered: 03/16/2010)
06/14/2010	<a href="#">65</a>	Notification from the U.S. Court of Appeals, 11th Circuit, that WRIT OF CERTIORARI has been denied by the U.S. Supreme Court as to <a href="#">58</a> Notice of appeal filed by L. Brown. The court's mandate having previously issued, no further action will be taken by this court. (MAA) (Entered: 06/16/2010)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
02/01/2019 14:53:02			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	6:06-cv-01943-ACC-KRS
<b>Billable</b>	6	<b>Cost:</b>	0.60
<b>Date Discrepancy Cases 866</b>			

<b>Pages:</b>				
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**United States District Court  
Western District of Michigan (Southern Division (1))  
CIVIL DOCKET FOR CASE #: 1:09-cv-00697-JTN**

Branch v Holland Community Hospital  
Assigned to: Judge Janet T. Neff  
Cause: 31:3729 Money and Finance False Claims

Date Filed: 07/29/2009  
Date Terminated: 08/19/2011  
Jury Demand: Both  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**plaintiff**

**Katrina Branch**  
*ex rel*  
United States of America  
*ex rel*  
Michigan, State of

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V.

**defendant**

**Holland Community Hospital**  
*a Michigan non-profit corporation*

represented by **Amanda May Fielder**  
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*ATTORNEY TO BE NOTICED*

**defendant**

**Lakeshore Internal Medicine and  
Pediatric Associates, PC**  
*a Michigan professional service corporation*

represented by **Neil Joseph Marchand**  
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Email: hillaryr@millerjohnson.com  
*ATTORNEY TO BE NOTICED*

**movant**

**Michigan, State of**

represented by **Ronald J. Styka (CWNS)**  
Michigan Department of Attorney General  
P.O. Box 30218  
Lansing, MI 48909  
(517) 241-6500  
*TERMINATED: 03/22/2011*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey M. Schroder**

MI Dept Attorney General (Criminal App-E  
Lansing)  
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E Lansing, MI 48909  
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*ATTORNEY TO BE NOTICED*

**movant**

**United States of America**

represented by **J. Joseph Rossi (AUSA)**  
U.S. Attorney (Grand Rapids)  
The Law Bldg.

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TERMINATED: 04/05/2010  
LEAD ATTORNEY  
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ATTORNEY TO BE NOTICED

V.

**mediator**

**Facilitative Mediator**

represented by **Bruce W. Neckers**  
Rhoades McKee P.C.  
300 Riverfront Plaza Bldg.  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/29/2009	<a href="#">1</a>	COMPLAINT with jury demand against Holland Community Hospital filed by Katrina Branch (Attachments: # <a href="#">1</a> Civil Cover Sheet)(rmw) (Entered: 04/01/2010)
07/29/2009		RECEIPT: in the amount of \$350.00, receipt number GR015646; for filing fees (rmw) (Entered: 04/01/2010)
07/29/2009		SUMMONS NOT ISSUED as to defendant Holland Community Hospital (rmw) (Entered: 04/01/2010)
07/29/2009	<a href="#">2</a>	MOTION to file under seal (rmw) (Additional attachment(s) added on 12/5/2011: # <a href="#">1</a> Main Document) (jlg). Modified on 12/5/2011 to unseal per order <a href="#">74</a> (jlg). (Entered: 04/01/2010)
07/29/2009	<a href="#">3</a>	ORDER re Sealed Motion <a href="#">2</a> ; signed by Judge Janet T. Neff (rmw) (Additional attachment(s) added on 12/5/2011: # <a href="#">1</a> Main Document) (jlg). Modified on 12/5/2011 to unseal per order <a href="#">74</a> (jlg). (Entered: 04/01/2010)
07/30/2009		Copy of Sealed Order <a href="#">3</a> sent via U.S. Mail to Patricia A. Stamler (rmw) (Entered: 04/01/2010)
08/18/2009	<a href="#">4</a>	NOTICE of reliance on extension of seal filed by State of Michigan (rmw) (Additional attachment(s) added on 12/5/2011: # <a href="#">1</a> Main Document) (jlg). Modified on 12/5/2011 to

		unseal per order <a href="#">74</a> (jlg). (Entered: 04/01/2010)
09/25/2009	<a href="#">5</a>	MOTION for extension of time with Memorandum of Law in Support and Proposed Order filed by United States of America and State of Michigan (rmw) (Additional attachment(s) added on 12/5/2011: # <a href="#">1</a> Main Document, # <a href="#">2</a> Memorandum of Law, # <a href="#">3</a> Proposed Order) (jlg). Modified on 12/5/2011 to unseal per order <a href="#">74</a> (jlg). (Entered: 04/01/2010)
09/28/2009	<a href="#">6</a>	ORDER re Motion <a href="#">5</a> ; signed by Judge Janet T. Neff (rmw) (Additional attachment(s) added on 12/5/2011: # <a href="#">1</a> Proposed Order) (jlg). Modified on 12/5/2011 to unseal per order <a href="#">74</a> (jlg). (Entered: 04/01/2010)
09/29/2009		Copy of Sealed Order <a href="#">6</a> sent via U.S. Mail to J. Joseph Rossi & Ronald J. Styka (rmw) (Entered: 04/01/2010)
03/25/2010	<a href="#">7</a>	NOTICE of Election to Decline Intervention by movant United States of America (rmw) (Entered: 04/01/2010)
03/25/2010	<a href="#">8</a>	CERTIFICATE OF SERVICE by movant United States of America re Notice (Other) <a href="#">7</a> (rmw) (Entered: 04/01/2010)
03/29/2010		CASE UNSEALED pursuant to order by Judge Neff signed 3/29/10 (elc) (Entered: 04/01/2010)
03/29/2010	<a href="#">9</a>	ORDER re <a href="#">1</a> , <a href="#">7</a> ; signed by Judge Janet T. Neff (rmw) (Entered: 04/01/2010)
03/30/2010		Copy of Order <a href="#">9</a> sent via U.S. Mail to Ryan D. Cobb (rmw) (Entered: 04/01/2010)
04/01/2010		Copy of Order <a href="#">9</a> sent via U.S. Mail to Ronald J. Styka (rmw) (Entered: 04/01/2010)
04/02/2010	<a href="#">10</a>	LETTER from Clerk to attorney Ronald J. Styka regarding mandatory electronic filing sent via U.S. Mail (rmw) (Entered: 04/02/2010)
04/02/2010	<a href="#">11</a>	ATTORNEY ADMISSION LETTER sent to attorney Ronald J. Styka via U.S. Mail; attorney admission deadline set for 4/30/2010; (rmw) (Entered: 04/02/2010)
04/05/2010	<a href="#">12</a>	ATTORNEY SUBSTITUTION adding attorney Ryan D. Cobb in the place of J. Joseph Rossi (Cobb, Ryan) (Entered: 04/05/2010)
04/05/2010	<a href="#">13</a>	CERTIFICATE OF SERVICE by movant United States of America re attorney substitution <a href="#">12</a> (Cobb, Ryan); modified document description on 4/6/2010 (pjw) (Entered: 04/05/2010)
04/05/2010	<a href="#">14</a>	NOTICE of Request for Entry of Summons by plaintiff Katrina Branch (Attachments: # <a href="#">1</a> Exhibit proposed summons)(Stamler, Patricia) (Entered: 04/05/2010)
04/06/2010		SUMMONS ISSUED as to defendant Holland Community Hospital (pjw) (Entered: 04/06/2010)
05/03/2010	<a href="#">15</a>	ATTORNEY ADMISSION LETTER - SECOND NOTICE sent to attorney Ronald J. Styka; attorney admission deadline set for 6/1/2010; (lep) (Entered: 05/03/2010)
06/02/2010	<a href="#">16</a>	ORDER that attorney Ronald J. Styka must register as an electronic filer by 6/30/2010 ; signed by Judge Janet T. Neff (Judge Janet T. Neff, sas) (Entered: 06/02/2010)
06/03/2010		Copy of Order Regarding Mandatory E-Filing and Service <a href="#">16</a> sent via U.S. Mail to Ronald J. Styka (pjw) (Entered: 06/03/2010)
07/29/2010	<a href="#">17</a>	SUMMONS returned executed; Holland Community Hospital served on 7/23/2010, answer due 8/13/2010 (Stamler, Patricia) (Entered: 07/29/2010)
08/02/2010	<a href="#">18</a>	ACKNOWLEDGMENT OF SERVICE on behalf of Holland Community Hospital served on 7/30/2010, answer due 8/20/2010 (Stamler, Patricia) (Entered: 08/02/2010)
		<b>Date Discrepancy Cases 871</b>

08/05/2010		(NON-DOCUMENT) ATTORNEY APPEARANCE of Matthew T. Nelson on behalf of defendant Holland Community Hospital (Nelson, Matthew) (Entered: 08/05/2010)
08/05/2010		(NON-DOCUMENT) ATTORNEY APPEARANCE of Dean F. Pacific on behalf of defendant Holland Community Hospital (Pacific, Dean) (Entered: 08/05/2010)
08/20/2010	<a href="#">19</a>	CORPORATE DISCLOSURE STATEMENT by Holland Community Hospital (Nelson, Matthew) (Entered: 08/20/2010)
08/20/2010	<a href="#">20</a>	ANSWER to complaint <a href="#">1</a> with affirmative defenses and jury demand by Holland Community Hospital(Nelson, Matthew) (Entered: 08/20/2010)
09/03/2010	<a href="#">21</a>	ORDER setting Rule 16 scheduling conference for 10/20/2010 at 03:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; status report due by 10/14/2010 ; signed by Judge Janet T. Neff (Judge Janet T. Neff, sas) (Entered: 09/03/2010)
09/28/2010		(NON-DOCUMENT) ATTORNEY APPEARANCE of Amanda May Fielder on behalf of defendant Holland Community Hospital (Fielder, Amanda) (Entered: 09/28/2010)
10/13/2010	<a href="#">22</a>	NOTICE rescheduling the Rule 16 scheduling conference for 10/20/2010 at 01:00 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; (Judge Janet T. Neff, sas) (Entered: 10/13/2010)
10/14/2010	<a href="#">23</a>	JOINT STATUS REPORT (Stamler, Patricia) (Entered: 10/14/2010)
10/20/2010	<a href="#">24</a>	MINUTES of scheduling conference held before Judge Janet T. Neff (Court Reporter: not reported) (Judge Janet T. Neff, sas) (Entered: 10/20/2010)
10/25/2010	<a href="#">25</a>	CASE MANAGEMENT ORDER: settlement conference set for 3/8/2012 at 02:00 PM at 666 Federal Building, Grand Rapids, MI before Magistrate Judge Ellen S. Carmody; final pretrial conference set for 4/16/2012 at 11:30 AM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; jury trial set for 5/8/2012 at 09:00 AM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; ; signed by Judge Janet T. Neff (Judge Janet T. Neff, sas) (Entered: 10/25/2010)
11/08/2010	<a href="#">26</a>	SELECTION of Bruce W. Neckers as facilitative mediator by plaintiff Katrina Branch(Stamler, Patricia) (Entered: 11/08/2010)
11/24/2010	<a href="#">27</a>	NOTICE of appointment of Facilitative Mediator Bruce W. Neckers ; plaintiff VFM fee to be submitted by 12/1/2010 and defendant VFM fee to be submitted by 12/1/2010(mkc) (Entered: 11/24/2010)
12/02/2010		VFM FEE RECEIVED in the amount of \$25.00, check number 41382 as to plaintiff Katrina Branch(mkc) (Entered: 12/06/2010)
12/07/2010	<a href="#">28</a>	DISCLOSURE STATEMENT <i>Rule 26</i> by defendant Holland Community Hospital (Nelson, Matthew) (Entered: 12/07/2010)
12/08/2010	<a href="#">29</a>	CERTIFICATE OF SERVICE by plaintiff Katrina Branch <i>Re: Rule 26(a)(1) Initial Disclosures</i> (Rucker, Daniel) (Entered: 12/08/2010)
12/13/2010	<a href="#">30</a>	REQUEST for pre-motion conference by defendant Holland Community Hospital (Nelson, Matthew) (Entered: 12/13/2010)
12/14/2010		VFM FEE RECEIVED in the amount of \$25.00, check number 461655 as to defendant Holland Community Hospital(mkc) (Entered: 12/14/2010)
12/16/2010	<a href="#">31</a>	PROPOSED STIPULATION and ORDER ( <i>Stipulated Protective Order</i> ) by defendant Holland Community Hospital (Fielder, Amanda) (Entered: 12/16/2010)
12/17/2010		(NON-DOCUMENT) ORDER REFERRING PROPOSED STIPULATION and ORDER

		( <i>Stipulated Protective Order</i> ) by defendant Holland Community Hospital <a href="#">31</a> to Magistrate Judge Ellen S. Carmody pursuant to 28 U.S.C. 636(b)(1)(A)(Judge Janet T. Neff, sas) (Entered: 12/17/2010)
12/17/2010	<a href="#">32</a>	PROOF OF SERVICE by defendant Holland Community Hospital <i>as to Rule 26 documents served on Patricia A. Stamler</i> (Nelson, Matthew) (Entered: 12/17/2010)
12/20/2010	<a href="#">33</a>	PROTECTIVE ORDER; signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, jal) (Entered: 12/20/2010)
12/20/2010	<a href="#">34</a>	RESPONSE TO REQUEST for pre-motion conference by defendant Holland Community Hospital <a href="#">30</a> ; filed by Katrina Branch (Rucker, Daniel) Modified text on 12/21/2010 (jlg). (Entered: 12/20/2010)
12/21/2010	<a href="#">35</a>	MOTION to amend/correct <i>Answer to Complaint and Affirmative Defenses</i> by defendant Holland Community Hospital; (Fielder, Amanda) (Entered: 12/21/2010)
12/21/2010	<a href="#">36</a>	BRIEF in support of MOTION to amend/correct <i>Answer to Complaint and Affirmative Defenses</i> <a href="#">35</a> filed by Holland Community Hospital (Attachments: # <a href="#">1</a> Exhibit A - Proposed First Amended Answer to Complaint and Affirmative Defenses)(Fielder, Amanda) (Entered: 12/21/2010)
12/21/2010	<a href="#">37</a>	MOTION to amend/correct <a href="#">1</a> <i>Complaint and Brief in Support</i> by plaintiff Katrina Branch; (Attachments: # <a href="#">1</a> Exhibit 1 - Memos, # <a href="#">2</a> Exhibit 2 - First Amended Complaint)(Stamler, Patricia) Modified text on 12/22/2010 (jlg). (Entered: 12/21/2010)
12/29/2010		(NON-DOCUMENT) ORDER REFERRING MOTION to amend/correct <i>Answer to Complaint and Affirmative Defenses</i> <a href="#">35</a> , MOTION to amend/correct <a href="#">1</a> <i>Complaint</i> <a href="#">37</a> to Magistrate Judge Ellen S. Carmody pursuant to 28 U.S.C. 636(b)(1)(A)(Judge Janet T. Neff, sas) (Entered: 12/29/2010)
12/29/2010	<a href="#">38</a>	ORDER scheduling a pre-motion conference regarding document number <a href="#">30</a> : motion hearing is set for 2/28/2011 at 10:00 AM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; ; signed by Judge Janet T. Neff (Judge Janet T. Neff, sas) (Entered: 12/29/2010)
01/04/2011	<a href="#">39</a>	RESPONSE in opposition to MOTION to amend/correct <i>Answer to Complaint and Affirmative Defenses</i> <a href="#">35</a> filed by Katrina Branch (Attachments: # <a href="#">1</a> Exhibit 1)(Rucker, Daniel) Modified text on 1/5/2011 (jlg). (Entered: 01/04/2011)
01/05/2011	<a href="#">40</a>	NOTICE rescheduling hearing that was previously set for 2/28/2011; pre-motion conference is set for 3/14/2011 at 10:00 AM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; (Judge Janet T. Neff, sas) (Entered: 01/05/2011)
01/06/2011	<a href="#">41</a>	NOTICE OF MOTION HEARING regarding Defendant's Motion to File First Amended Answer to Complaint <a href="#">35</a> , and Plaintiff's Motion to Amend Complaint <a href="#">37</a> : motion hearing is set for 2/3/2011 at 11:00 AM at 654 Federal Building, Grand Rapids, MI before Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, jal) (Entered: 01/06/2011)
01/07/2011	<a href="#">42</a>	RESPONSE in opposition to MOTION to amend/correct <a href="#">1</a> <i>Complaint</i> <a href="#">37</a> filed by Holland Community Hospital (Nelson, Matthew) (Entered: 01/07/2011)
01/11/2011	<a href="#">43</a>	CERTIFICATE OF SERVICE by plaintiff Katrina Branch <i>Supplemental Rule 26(a)(1) Initial Disclosure</i> (Rucker, Daniel) (Entered: 01/11/2011)
01/20/2011	<a href="#">44</a>	UNOPPOSED MOTION for leave to file <i>Reply Brief in Support of Plaintiff's Motion to File First Amended Complaint</i> with Brief in Support by plaintiff Katrina Branch; (Attachments: # <a href="#">1</a> Exhibit 1- Proposed Reply Brief, # <a href="#">2</a> Exhibit A to Proposed Reply Brief,

		# <a href="#">3</a> Exhibit B to Proposed Reply Brief, # <a href="#">4</a> Exhibit C to Proposed Reply Brief, # <a href="#">5</a> Exhibit D to Proposed Reply Brief)(Rucker, Daniel) Modified text on 1/21/2011 (pjw) (Entered: 01/20/2011)
01/20/2011	<a href="#">45</a>	EXHIBIT re <a href="#">44</a> by plaintiff Katrina Branch (Attachments: # <a href="#">1</a> Exhibit E to Proposed Reply Brief, # <a href="#">2</a> Exhibit F to Proposed Reply Brief, # <a href="#">3</a> Exhibit G to Proposed Reply Brief, # <a href="#">4</a> Exhibit 2 - Proposed Order)(Rucker, Daniel) (Entered: 01/20/2011)
01/21/2011		(NON-DOCUMENT) ORDER REFERRING UNOPPOSED MOTION for leave to file <i>Reply Brief in Support of Plaintiff's Motion to File First Amended Complaint</i> <a href="#">44</a> to Magistrate Judge Ellen S. Carmody pursuant to 28 U.S.C. 636(b)(1)(A)(Judge Janet T. Neff, kad) (Entered: 01/21/2011)
01/26/2011	<a href="#">46</a>	ORDER granting <a href="#">44</a> Plaintiff's Motion for Leave to File; Plaintiff's reply to <a href="#">37</a> is accepted for filing; signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, jal) (Entered: 01/26/2011)
01/26/2011	<a href="#">47</a>	REPLY to response to motion <a href="#">37</a> to file first amended complaint filed by Katrina Branch (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D)(pjw) (Entered: 01/27/2011)
01/26/2011	<a href="#">48</a>	EXHIBIT re <a href="#">47</a> <i>Reply to Response to Motion</i> <a href="#">37</a> by plaintiff Katrina Branch (Attachments: # <a href="#">1</a> Exhibit E, # <a href="#">2</a> Exhibit F, # <a href="#">3</a> Exhibit G)(pjw) (Entered: 02/01/2011)
02/03/2011	<a href="#">49</a>	MINUTES of motion hearing re <a href="#">35</a> Defendant's Motion to File First Amended Answer to Complaint, and <a href="#">37</a> Plaintiff's Motion to Amend Complaint; both motions granted, parties to submit proposed order; held before Magistrate Judge Ellen S. Carmody (Proceedings Digitally Recorded) (Magistrate Judge Ellen S. Carmody, jal) (Entered: 02/03/2011)
02/04/2011	<a href="#">50</a>	PROPOSED STIPULATION and ORDER by plaintiff Katrina Branch, defendant Holland Community Hospital (Nelson, Matthew) (Entered: 02/04/2011)
02/04/2011	<a href="#">51</a>	ORDER granting <a href="#">35</a> motion to amend/correct; granting <a href="#">37</a> motion to amend/correct; granting in part and denying in part STIPULATION <a href="#">50</a> ; signed by Judge Janet T. Neff (Judge Janet T. Neff, kad) (Entered: 02/04/2011)
02/04/2011	<a href="#">52</a>	AMENDED ANSWER <a href="#">20</a> to complaint <a href="#">1</a> with affirmative defenses filed by defendant Holland Community Hospital with jury demand (pjw) Modified text on 2/8/2011 (pjw) (Entered: 02/07/2011)
02/04/2011	<a href="#">53</a>	FIRST AMENDED COMPLAINT and DEMAND FOR JURY TRIAL against Holland Community Hospital, Lakeshore Internal Medicine and Pediatric Associates, PC filed by Katrina Branch(pjw) (Entered: 02/08/2011)
02/09/2011		SUMMONS ISSUED as to defendant Lakeshore Internal Medicine and Pediatric Associates, PC and returned to attorney for plaintiff (pjw) (Entered: 02/09/2011)
02/16/2011	<a href="#">54</a>	REPLY (ANSWER) to affirmative defenses by plaintiff Katrina Branch re <a href="#">20</a> (Stamler, Patricia) Modified text on 2/17/2011 (lkd). (Entered: 02/16/2011)
02/24/2011		(NON-DOCUMENT) ATTORNEY APPEARANCE of Richard E. Hillary, II on behalf of defendant Lakeshore Internal Medicine and Pediatric Associates, PC (Hillary, Richard) (Entered: 02/24/2011)
02/24/2011		(NON-DOCUMENT) ATTORNEY APPEARANCE of Neil Joseph Marchand on behalf of defendant Lakeshore Internal Medicine and Pediatric Associates, PC (Marchand, Neil) (Entered: 02/24/2011)
02/25/2011	<a href="#">55</a>	REQUEST for pre-motion conference by defendants Holland Community Hospital, Lakeshore Internal Medicine and Pediatric Associates, PC (Nelson, Matthew) (Entered: 02/25/2011)

		02/25/2011)
02/25/2011	<a href="#">56</a>	<i>DEFENDANT'S ANSWER</i> to Amended Complaint <a href="#">53</a> with affirmative defenses and jury demand by Holland Community Hospital(Nelson, Matthew) (Entered: 02/25/2011)
02/25/2011	<a href="#">57</a>	MOTION for extension of time to file answer re <a href="#">53</a> <i>Plaintiffs First Amended Complaint</i> by defendant Holland Community Hospital; (Nelson, Matthew) Modified text on 2/28/2011 (lkd). (Entered: 02/25/2011)
02/25/2011	<a href="#">58</a>	BRIEF in support of MOTION for extension of time to file answer re <a href="#">53</a> <i>Plaintiffs First Amended Complaint</i> <a href="#">57</a> filed by Holland Community Hospital (Nelson, Matthew) Modified text on 2/28/2011 (lkd). (Entered: 02/25/2011)
02/28/2011		(NON-DOCUMENT) ORDER REFERRING MOTION for extension of time to file answer re <a href="#">53</a> <i>Plaintiff's First Amended Complaint</i> <a href="#">57</a> to Magistrate Judge Ellen S. Carmody pursuant to 28 U.S.C. 636(b)(1)(A) ; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 02/28/2011)
02/28/2011	<a href="#">59</a>	SUMMONS returned executed; Lakeshore Internal Medicine and Pediatric Associates, PC served on 2/24/2011, answer due 3/17/2011 (Stamler, Patricia) (Entered: 02/28/2011)
03/01/2011	<a href="#">60</a>	ORDER granting <a href="#">57</a> Defendant Holland Community Hospital's Motion for Extension of Time to Answer Amended Complaint; response to <a href="#">53</a> is due 21 days after either Judge Neff issues an order declining to consider the motion to dismiss or the motion to dismiss is decided; signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, jal) (Entered: 03/01/2011)
03/04/2011	<a href="#">61</a>	RESPONSE TO REQUEST for pre-motion conference by defendants Holland Community Hospital, Lakeshore Internal Medicine and Pediatric Associates, PC <a href="#">55</a> filed by Katrina Branch (Attachments: # <a href="#">1</a> Index, # <a href="#">2</a> Exhibit 1 - US ex rel. Donaldson v Conservation Res. Alliance, # <a href="#">3</a> Exhibit 2 - US ex rel. Morris v Crist)(Stamler, Patricia) Modified text on 3/8/2011 (pjw) (Entered: 03/04/2011)
03/07/2011	<a href="#">62</a>	AMENDED RESPONSE TO REQUEST for pre-motion conference by defendants Holland Community Hospital, Lakeshore Internal Medicine and Pediatric Associates, PC <a href="#">55</a> filed by Katrina Branch (Attachments: # <a href="#">1</a> Index, # <a href="#">2</a> Exhibit 1 - U.S. ex rel Donaldson v Conservation Res. Alliance, # <a href="#">3</a> Exhibit 2 - U.S. ex rel Morris v Crist, # <a href="#">4</a> Exhibit 3 - U.S. ex rel Pogue v American Healthcorp)(Stamler, Patricia) Modified text on 3/8/2011 (pjw) (Entered: 03/07/2011)
03/07/2011	<a href="#">63</a>	ORDER scheduling a pre-motion conference regarding document number <a href="#">55</a> : motion hearing is set for 3/14/2011 at 10:00 AM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 03/07/2011)
03/08/2011	<a href="#">64</a>	PROPOSED AMENDED STIPULATION and PROTECTIVE ORDER with Exhibit 1 by defendant Holland Community Hospital (Fielder, Amanda) Modified text on 3/9/2011 (pjw) (Entered: 03/08/2011)
03/09/2011		(NON-DOCUMENT) ORDER REFERRING PROPOSED STIPULATION and ORDER ( <i>Amended Stipulated Protective Order</i> ) by defendant Holland Community Hospital <a href="#">64</a> to Magistrate Judge Ellen S. Carmody pursuant to 28 U.S.C. 636(b)(1)(A); signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 03/09/2011)
03/14/2011	<a href="#">65</a>	ORDER regarding pre-motion conference: the parties shall, within 90 days of entry of this Order, enter in good faith into VFM with their previously selected Mediator; if unsuccessful in resolving their case in VFM, the motion to dismiss will be briefed as follows: Defendants Motion and Brief shall be served within 28 days of the conclusion of the mediation process; Plaintiffs Response shall be served within 28 days of service of the

		Motion and Brief; Defendants Reply, if any, shall be served within 14 days of service of the Response; parties shall electronically file their respective motion papers as soon as the motion is fully briefed; deadline for Defendant Lakeshore Internal Medicine and Pediatric Associates, PC, to answer the Amended Complaint is extended to either 21 days after (1) this Court issues an order declining to consider Defendants Motion to Dismiss, or (2) the Motion to Dismiss is decided; signed by Judge Janet T. Neff (Judge Janet T. Neff, clb) (Entered: 03/14/2011)
03/14/2011	<a href="#">66</a>	AMENDED PROTECTIVE ORDER granting STIPULATION <a href="#">64</a> ; signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, jal) (Entered: 03/14/2011)
03/14/2011	<a href="#">67</a>	MINUTES of pre-motion conference re <a href="#">55</a> ; order to issue; held before Judge Janet T. Neff (Court Reporter: Kathy Anderson) (Judge Janet T. Neff, rmw) (Entered: 03/14/2011)
03/22/2011	<a href="#">68</a>	ATTORNEY SUBSTITUTION adding attorney Jeffrey Schroder in the place of Ronald J. Styka (Schroder, Jeffrey) (Entered: 03/22/2011)
07/18/2011	<a href="#">69</a>	REPORT of facilitative mediation held 05/24/2011; mediation is complete; case is settled, (Attachments: # <a href="#">1</a> Attendees)(Neckers, Bruce) (Entered: 07/18/2011)
07/19/2011	<a href="#">70</a>	ORDER requiring dismissal papers to be submitted by 8/16/2011; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 07/19/2011)
08/05/2011	<a href="#">71</a>	AMENDED ORDER requiring dismissal papers to be submitted by 8/22/2011; signed by Judge Janet T. Neff (Judge Janet T. Neff, clb) (Entered: 08/05/2011)
08/18/2011	<a href="#">72</a>	STIPULATION of dismissal by defendant Holland Community Hospital (Nelson, Matthew) (Entered: 08/18/2011)
08/19/2011	<a href="#">73</a>	ORDER granting STIPULATION to dismiss <a href="#">72</a> ; this matter is dismissed with prejudice and without costs to any party; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 08/19/2011)
10/13/2011	<a href="#">74</a>	ORDER that the parties show cause in writing within 28 days why the referenced documents cannot be unsealed; failure to respond will result in the documents being unsealed; unseal deadline set for 11/10/2011; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 10/13/2011)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 10:20:35			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:09-cv-00697-JTN
<b>Billable Pages:</b>	7	<b>Cost:</b>	0.70



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA and  
STATE OF MICHIGAN ex rel. KATRINA  
BRANCH,

Plaintiffs,

v.

HOLLAND COMMUNITY HOSPITAL,

Defendant.

Case No. 1:09-cv-00697

Hon. Janet T. Neff

**STIPULATION TO DISMISS**

Consistent with the terms of their Settlement Agreement, the parties stipulate to the dismissal of this action with prejudice and without costs to either party.

August 18, 2011

BY: /s/ Ryan D. Cobb  
Ryan D. Cobb  
Assistant United States Attorney  
Western District of Michigan  
Attorney for the United States of America

August 18, 2011

BY: /s/ Jeffrey Schroder  
Jeffrey Schroder  
Assistant Attorney General  
Attorney for the State of Michigan

August 18, 2011

BY: /s/ Patricia A. Stamler  
Patricia A. Stamler  
Attorney for Katrina Branch

August 18, 2011

BY: /s/ Matthew T. Nelson  
Matthew T. Nelson  
Attorney for Defendant Holland Community  
Hospital

August 18, 2011

BY: /s/ Richard E. Hillary, II  
Richard E. Hillary, II  
Attorney for Lakeshore Internal Medicine and  
Pediatric Associates, P.C.

5595854-3

**U.S. District Court  
Eastern District of Michigan (Detroit)  
CIVIL DOCKET FOR CASE #: 2:09-cv-13058-GER-MJH**

Smith v Ciena Healthcare Management, Inc., et al  
Assigned to: District Judge Gerald E. Rosen  
Referred to: Magistrate Judge Michael J. Hluchaniuk  
Cause: 31:3729 False Claims Act

Date Filed: 08/03/2009  
Date Terminated: 06/07/2010  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**United States of America**  
*ex rel*

represented by **Michael J. Riordan**  
United States Attorney's Office  
211 W. Fort Street  
Suite 2001  
Detroit, MI 48226-3211  
313-226-9100  
Email: michael.riordan@usdoj.gov  
*(Inactive)*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Deborah J. Smith**

represented by **Patricia A. Stamler**  
Hertz Schram  
1760 S. Telegraph Road  
Suite 300  
Bloomfield Hills, MI 48302  
248-335-5000  
Email: pstamler@hertzschram.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Ciena Healthcare Management, Inc.**

**Defendant**

**Autumnwood of Livonia**

**Defendant**

**Mohammed Qazi**

**Defendant**

**Seemab Khan, MD PC**

**Defendant**

**Date Discrepancy Cases 879**

**Chayanika Paul****Interested Party****State of Michigan**represented by **Ronald J. Styka**Michigan Department of Attorney General  
Public Health Division

P.O. Box 30758

Lansing, MI 48909

517-373-3488

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/03/2009	<a href="#">1</a>	QUI TAM COMPLAINT <i>and Demand for Jury Trial</i> filed by Ciena Healthcare Management, Inc., Autumnwood of Livonia, Mohammed Qazi, Seemab Khan, MD PC, Chayanika Paul against Autumnwood of Livonia, Ciena Healthcare Management, Inc., Seemab Khan, MD PC, Chayanika Paul, Mohammed Qazi with Jury Demand Receipt No: 0645000000002093755 - Fee: \$ 350. <b>County of 1st Plaintiff: Wayne - County Where Action Arose: Wayne - County of 1st Defendant: Wayne.</b> [Previously dismissed case: No] [Possible companion case(s): None] (Stamler, Patricia) (Entered: 08/03/2009)
06/01/2010	<a href="#">4</a>	[UNSEALED] The United States' Notice of Election to Decline Intervention by United States of America. (Riordan, Michael) Modified on 6/3/2010 (CGre). (Entered: 06/01/2010)
06/03/2010	<a href="#">5</a>	ORDER. Signed by District Judge Gerald E Rosen. (CGre) (Entered: 06/03/2010)
06/04/2010	<a href="#">6</a>	Ex Parte MOTION to Dismiss <i>Qui Tam Case Without Prejudice to the U.S. and the Relator</i> by Deborah J. Smith. (Attachments: # <a href="#">1</a> Index of Exhibits, # <a href="#">2</a> Exhibit 1 - Notice to Decline, # <a href="#">3</a> Exhibit 2 - Consent, # <a href="#">4</a> Exhibit 3 - Proposed Order) (Stamler, Patricia) (Entered: 06/04/2010)
06/07/2010	<a href="#">7</a>	EXPARTE ORDER OF DISMISSAL WITHOUT PREJUDICE TO THE UNITED STATES AND THE REALATOR re <a href="#">6</a> Motion to Dismiss. Signed by District Judge Gerald E Rosen. (RGun) (Entered: 06/07/2010)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
02/04/2019 10:14:51			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:09-cv-13058-GER-MJH
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20

**Date Discrepancy Cases 880**

**Live Database**  
**U.S. District Court - Eastern District of Tennessee (Winchester)**  
**CIVIL DOCKET FOR CASE #: 4:07-cv-00004**

USA et al v. Murfreesboro Dermatology Clinic, PLC et al  
Assigned to: District Judge Harry S Mattice, Jr  
Referred to: Magistrate Judge William B Carter  
Cause: 31:3729 False Claims Act

Date Filed: 01/24/2007  
Date Terminated: 07/20/2012  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**

represented by **Cliff Johnson**  
Pigott, Reeves, Johnson PA  
775 North Congress Street  
Jackson, MS 39202  
601-354-2121  
Email: cjohnson@prjlawyers.com  
*TERMINATED: 11/01/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Elizabeth S Tonkin aka Former AUSA**  
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Office of U S Attorney  
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(865) 545-4167  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**J. Brad Pigott**  
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601-354-2121  
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*TERMINATED: 11/01/2007*  
*LEAD ATTORNEY*  
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**M Kent Anderson**  
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Office of U S Attorney  
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**Date Discrepancy Cases 881**

423-752-5140  
Email: kent.anderson@usdoj.gov  
*TERMINATED: 06/18/2012*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff****State of Tennessee**

represented by **Jesse Campbell Neil**  
Tennessee Attorney General's Office  
P.O. Box 20207  
Nashville, TN 37202-0207  
*TERMINATED: 04/07/2011*  
*LEAD ATTORNEY*

**Peter M Coughlan**  
State of Tennessee - Office of the Attorney  
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615-532-0356  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff****Darla Lane**

represented by **Andrew J Campanelli**  
Perry & Campanelli, LLP  
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Mineola, NY 11501  
516-746-1600  
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**Cliff Johnson**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**J. Brad Pigott**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****Murfreesboro Dermatology Clinic, PLC**

represented by **Thor Y Urness**  
Bradley Arant Boult Cummings LLP  
(Nashville)

**Date Discrepancy Cases 882**

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**Jack W Selden**  
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*PRO HAC VICE*  
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**John B Hardcastle**  
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(Nashville)  
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615-252-2386  
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Email: [jhardcastle@babco.com](mailto:jhardcastle@babco.com)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Michael W Bell**  
*MD*

represented by **Thor Y Urness**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jack W Selden**  
(See above for address)  
*PRO HAC VICE*

**Date Discrepancy Cases 883**

*ATTORNEY TO BE NOTICED***Joel D Eckert**

(See above for address)

*PRO HAC VICE**ATTORNEY TO BE NOTICED***John B Hardcastle**

(See above for address)

*PRO HAC VICE**ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/24/2007	<a href="#">1</a>	COMPLAINT against Murfreesboro Dermatology Clinic, PLC, Michael W Bell (Filing fee \$ 350 receipt K3004343.), filed by USA, State of Tennessee, Darla Lane. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(CHP, ) Modified on 2/7/2007 to correct filing date (CHP, ). (Entered: 02/07/2007)
12/30/2009	<a href="#">57</a>	The United States' Notice Of Election To Decline Intervention (Attachments: # <a href="#">1</a> Text of Proposed Order)(BJL) (Entered: 12/30/2009)
01/04/2010	<a href="#">58</a>	ORDER; It is ORDERED that the complaint be unsealed and served upon the defendants and that all other contents of the Court's file in this action remain under seal expect for this ORDER and the United States' Notice of Election to Decline Intervention which will be served upon defendants only after service of the complaint. Signed by District Judge Harry S Mattice, Jr on 1/4/2010. (AWH, ) (Entered: 01/05/2010)
03/22/2010	<a href="#">59</a>	MOTION for Leave for Attorney Joel D. Eckert to Appear Pro Hac Vice by Murfreesboro Dermatology Clinic, PLC and Michael W Bell. (Attachments: # <a href="#">1</a> Exhibit A-Certificate of Good Standing-State, # <a href="#">2</a> Exhibit B- Application for Admission , # <a href="#">3</a> Certificate of Good Standing-USDC(BJL ) Modified on 3/23/2010 (BJL, ).***Attorney has an application for admission pending. Modified on 3/25/2010 (BJL, ). (Entered: 03/23/2010)
03/22/2010	<a href="#">60</a>	MOTION for Leave for Attorney Jack W. Seldon to Appear Pro Hac Vice (Filing fee \$ 60.00, receipt # W4000569) by Murfreesboro Dermatology Clinic, PLC and Michael W Bell. (Attachments: # <a href="#">1</a> Exhibit A-Certificate of Good Standing-State, # <a href="#">2</a> Exhibit B-Certificate Of Good Standing-USDC)(BJL ) Modified on 3/25/2010 (BJL, ). (Entered: 03/23/2010)
03/23/2010		Set/Reset Deadlines: Attorney Seldon's registration for CM/ECF due by <b>4/5/2010</b> . Documentation regarding registration for CM/ECF mailed to Attorney Seldon. (BJL )***A request for Attorney Seldon to be added to the attorney database has submitted. Modified on 3/23/2010 (BJL, ). (Entered: 03/23/2010)
03/24/2010	<a href="#">61</a>	<b>ORDER granting <a href="#">59</a> Motion for Leave for Attorney Joel D. Eckert to Appear Pro Hac Vice; granting <a href="#">60</a> Motion for Leave for Attorney Jack W. Seldon to Appear Pro Hac Vice. Signed by Magistrate Judge William B Carter on 3/24/2010. (BJL, )***This order mailed to Jack W. Seldon. (Entered: 03/24/2010)</b>
03/25/2010	<a href="#">62</a>	MOTION for Leave for Attorney Jay Hardcastle to Appear Pro Hac Vice (Filing fee \$ 60.00, receipt #W4000570) by Murfreesboro Dermatology Clinic, PLC and Michael W Bell. (Attachments: # <a href="#">1</a> Certificate of Good Standing-USDC, # <a href="#">2</a> Certificate of Good Standing-State)(BJL) (Entered: 03/25/2010)
03/25/2010		Set/Reset Deadlines: Attorney Hardcastle's registration for CM/ECF due by <b>4/8/2010</b> .

**Date Discrepancy Cases 884**



		Attorney has been mailed documentation regarding registration for CM/ECF. (BJL ) Modified on 3/25/2010 to correct deadline.(BJL). (Entered: 03/25/2010)
03/25/2010		Correct deadline for Attorney Hardcastle's registration for CM/ECF is 4/8/2010. (BJL ) (Entered: 03/25/2010)
03/26/2010	<a href="#">63</a>	<b>ORDER granting <a href="#">62</a> Motion for Leave to Appear Pro Hac Vice as to atty Jay Hardcastle. Signed by Magistrate Judge William B Carter on 3/26/10. (Order mailed to Jay Hardcastle).</b> (KFB, ) (Entered: 03/26/2010)
03/30/2010	<a href="#">64</a>	MOTION for Leave for Attorney J. Brad Pigott to Appear Pro Hac Vice (Filing fee \$ 60.00, receipt #W4000571) by Darla Lane. (Attachments: # <a href="#">1</a> Certificate Of Good Standing-USDC, # <a href="#">2</a> Certificate of Good Standing-State)(BJL ) (Entered: 03/30/2010)
03/30/2010	<a href="#">65</a>	WAIVER OF SERVICE Returned Executed by Darla Lane. Michael W Bell waiver sent on 2/24/2010. (BJL ) (Entered: 03/30/2010)
03/30/2010	<a href="#">66</a>	WAIVER OF SERVICE Returned Executed by Darla Lane. Murfreesboro Dermatology Clinic, PLC waiver sent on 2/24/2010. (BJL ) (Entered: 03/30/2010)
03/30/2010	<a href="#">67</a>	MOTION to Dismiss Plaintiff's Complaint, by Murfreesboro Dermatology Clinic, PLC., and Michael W Bell (BJL). (Entered: 03/30/2010)
03/30/2010	<a href="#">68</a>	MEMORANDUM in Support of Motion re <a href="#">67</a> MOTION to Dismiss filed by Murfreesboro Dermatology Clinic, PLC and Michael W Bell. (Attachments: # <a href="#">1</a> case law No. 1, # <a href="#">2</a> case law No. 2, # <a href="#">3</a> case law No. 3)(BJL ) (Entered: 03/30/2010)
03/31/2010	<a href="#">69</a>	<b>ORDER: the <a href="#">64</a> Motion for Leave for Attorney J. Brad Pigott to Appear Pro Hac Vice is GRANTED. Signed by Magistrate Judge William B Carter on 3/31/2010. (BJL )</b> Modified on 3/31/2010 (BJL, ). (Entered: 03/31/2010)
04/02/2010	<a href="#">70</a>	MOTION for Extension of Time to File ( <i>unopposed</i> ) by United States of America. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Anderson, M) (Entered: 04/02/2010)
04/06/2010	<a href="#">71</a>	<b>ORDER denying <a href="#">70</a> Motion for Extension of Time. Signed by District Judge Harry S Mattice, Jr on 4/6/2010. (AWH, )</b> (Entered: 04/06/2010)
04/19/2010	<a href="#">72</a>	RESPONSE in Opposition re <a href="#">67</a> MOTION to Dismiss <i>For Failure of Particularity</i> filed by Darla Lane. (Pigott, J.) Modified on 4/20/2010 (BJL ). The Affidavit and Exhibit A attached to the main document has been refiled separately. See cf # <a href="#">72</a> . Modified on 4/21/2010 (BJL)*** (Entered: 04/19/2010)
04/21/2010	<a href="#">73</a>	AFFIDAVIT to <a href="#">72</a> Response in Opposition to Motion to Dismiss for Failure of Particularity by Darla Lane. (Attachments: # <a href="#">1</a> Exhibit A to Affidavit)(Pigott, J.) Modified on 4/21/2010 (BJL, ). (Entered: 04/21/2010)
04/23/2010	<a href="#">74</a>	MOTION for Leave to File <i>First Amended Complaint</i> by Darla Lane. (Attachments: # <a href="#">1</a> Exhibit 1)(Pigott, J.) Modified on 4/26/2010 to change event from motion for leave to file document to motion to amend(BJL ). (Entered: 04/23/2010)
04/26/2010	<a href="#">75</a>	MOTION to Strike <a href="#">73</a> AFFIDAVIT by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) Modified Text on 4/27/2010 (BJL ). (Entered: 04/26/2010)
04/26/2010	<a href="#">76</a>	MEMORANDUM in Support of Motion re <a href="#">75</a> MOTION to Strike <a href="#">73</a> Supplement filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Other Maiden v. North American Stainless, # <a href="#">2</a> Other Middlebrook v. Tennessee)(Eckert, Joel) (Entered: 04/26/2010)
04/26/2010	<a href="#">77</a>	REPLY to Response to Motion re <a href="#">67</a> MOTION to Dismiss filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Other United States ex rel.

**Date Discrepancy Cases 885**

		Clausen v. Laboratory Corporation of America, Inc.)(Eckert, Joel) (Entered: 04/26/2010)
04/27/2010	<a href="#">78</a>	NOTICE of Hearing on Motion <a href="#">74</a> MOTION to Amend/Revise : Motion Hearing set for <b>5/14/2010 09:00 AM</b> in Chambers - Chattanooga before Magistrate Judge William B Carter. (KFB, ) (Entered: 04/27/2010)
04/27/2010	<a href="#">79</a>	<b>ORDER, ( Scheduling Conference set for 5/6/2010 11:00 AM in Judge's Chambers before District Judge Harry S Mattice Jr.)Signed by District Judge Harry S Mattice, Jr on 4/27/2010. (AWH, ) (Entered: 04/27/2010)</b>
04/30/2010	<a href="#">80</a>	NOTICE CANCELLING MAY 14, 2010 MOTION HEARING. (KFB, ) (Entered: 04/30/2010)
05/03/2010	<a href="#">81</a>	NOTICE of Hearing: Scheduling Conference RESET for <b>6/8/2010 02:30 PM</b> in Judge's Chambers before District Judge Harry S Mattice Jr. (AWH, ) (Entered: 05/03/2010)
05/12/2010	<a href="#">82</a>	<b>MEMORANDUM AND ORDER: Defendants' <a href="#">67</a> Motion to Dismiss is DENIED; Plaintiff's <a href="#">74</a> Motion to Amend/Correct Complaint is GRANTED; and Defendant's <a href="#">75</a> Motion to Strike is DENIED AS MOOT. Signed by District Judge Harry S Mattice, Jr on 5/12/2010. (BJL ) (Entered: 05/12/2010)</b>
05/17/2010	<a href="#">83</a>	AMENDED COMPLAINT against Michael W Bell, Murfreesboro Dermatology Clinic, PLC., filed by Darla Lane. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C) (Pigott, J.) (Entered: 05/17/2010)
06/01/2010	<a href="#">84</a>	ANSWER to <a href="#">83</a> Amended Complaint by Michael W Bell, Murfreesboro Dermatology Clinic, PLC.(Eckert, Joel) (Entered: 06/01/2010)
06/03/2010	<a href="#">85</a>	NOTICE by Darla Lane <i>of Service of Plaintiff Relator's Initial Disclosures to Defendants</i> (Pigott, J.) (Entered: 06/03/2010)
06/08/2010	<a href="#">86</a>	REPORT of Rule 26(f) Planning Meeting. (Eckert, Joel) (Entered: 06/08/2010)
06/08/2010		Minute Entry for proceedings held (without courtroom deputy) before District Judge Harry S Mattice, Jr: Scheduling Conference held on 6/8/2010. (PCS, ) (Entered: 06/16/2010)
06/09/2010	<a href="#">87</a>	<b>SCHEDULING ORDER: Final Pretrial Conference is set for 3/5/2012 at 03:00 PM at the U.S. Courthouse in the First Floor District Courtroom, Chattanooga, Tennessee before District Judge Harry S Mattice Jr. Jury Trial set for 3/20/2012 09:00 AM in the First Floor District Courtroom before District Judge Harry S Mattice Jr. Dispositive Motions are due by 12/15/2011. Signed by District Judge Harry S Mattice, Jr on 6/9/2010. (BJL) (Entered: 06/09/2010)</b>
06/11/2010	<a href="#">88</a>	NOTICE by Darla Lane <i>Notice of Service of First Set of Interrogatories to Defendants</i> (Pigott, J.) (Entered: 06/11/2010)
06/11/2010	<a href="#">89</a>	NOTICE by Darla Lane <i>Notice of Service of First Set of Request for Production of Documents to Defendants</i> (Pigott, J.) (Entered: 06/11/2010)
06/24/2010	<a href="#">90</a>	AMENDED DOCUMENT by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC, State of Tennessee, United States of America. Amendment to <a href="#">86</a> Report of Rule 26(f) Planning Meeting. (Eckert, Joel) (Entered: 06/24/2010)
08/06/2010	<a href="#">91</a>	MOTION to Dismiss <i>Motion to Enter Dismissal Order With Prejudice of Previously Relator-Dismissed Counts</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 08/06/2010)
08/06/2010	<a href="#">92</a>	MEMORANDUM in Support of Motion re <a href="#">91</a> MOTION to Dismiss <i>Motion to Enter Dismissal Order With Prejudice of Previously Relator-Dismissed Counts</i> filed by Michael

**Date Discrepancy Cases 886**

		W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Appendix In re Pharmaceutical Industry Average Wholesale Price Litigation)(Eckert, Joel) (Entered: 08/06/2010)
08/20/2010	<a href="#">93</a>	Joint MOTION <i>for Entry of HIPAA Order</i> by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC, State of Tennessee, United States of America. (Attachments: # <a href="#">1</a> Text of Proposed Order HIPAA Order)(Eckert, Joel) (Entered: 08/20/2010)
08/23/2010	<a href="#">94</a>	<b>ORDER granting <a href="#">93</a> Motion for HIPAA Order. Signed by Magistrate Judge William B Carter on 8/23/10. (KFB, )</b> (Entered: 08/23/2010)
08/25/2010	<a href="#">95</a>	NOTICE by United States of America of <i>Consent to Dismissal of Certain Claims and Statement of Interest</i> (Tonkin, Elizabeth) (Entered: 08/25/2010)
09/16/2010	<a href="#">96</a>	NOTICE by Darla Lane of <i>Service of Plaintiff Relator's Second Set of Interrogatories to Defendants</i> (Pigott, J.) (Entered: 09/16/2010)
09/27/2010	<a href="#">97</a>	MOTION to Amend/Revise <i>Answer</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Exhibit 1 - Proposed Amended Answer, # <a href="#">2</a> Exhibit 2 - Email chain)(Eckert, Joel) (Entered: 09/27/2010)
09/27/2010	<a href="#">98</a>	MEMORANDUM in Support of Motion re <a href="#">97</a> MOTION to Amend/Revise <i>Answer</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 09/27/2010)
10/01/2010	<a href="#">99</a>	NOTICE of Hearing on Motion <a href="#">97</a> MOTION to Amend/Revise <i>Answer</i> : Motion Hearing set for <b>10/15/2010</b> 09:00 AM in Chambers - Chattanooga before Magistrate Judge William B Carter. (KFB, ) (Entered: 10/01/2010)
10/07/2010	<a href="#">100</a>	NOTICE of Hearing on Motion <a href="#">97</a> MOTION to Amend/Revise <i>Answer</i> : Motion Hearing is RESET to <b>10/22/2010</b> 09:00 AM in Chambers - Chattanooga before Magistrate Judge William B Carter. (KFB, ) (Entered: 10/07/2010)
10/12/2010	<a href="#">101</a>	RESPONSE to Motion re <a href="#">97</a> MOTION to Amend/Revise <i>Answer</i> filed by Darla Lane. (Pigott, J.) (Entered: 10/12/2010)
10/20/2010	<a href="#">102</a>	<b>ORDER: the Court GRANTS defendants' <a href="#">97</a> Motion to Amend/Correct Answer. Defendants shall have until October 31, 2010 to file their Amended Answer, which was attached as Exhibit 1 to the Motion. The hearing scheduled for Friday, October 22, 2010, is hereby CANCELED. Signed by Magistrate Judge William B Carter on 10/20/2010. (BJL)</b> (Entered: 10/20/2010)
10/20/2010		Set/Reset Deadlines: Defendants' Amended Answer is due by <b>10/31/2010</b> per previous order. (BJL) (Entered: 10/20/2010)
10/26/2010	<a href="#">103</a>	<b>ORDER: Defendants' <a href="#">91</a> Motion to Enter Dismissal Order with Prejudice of Previously Relator-Dismissed Counts is DENIED AS MOOT. The Court takes notice of Plaintiff-Relator's statements regarding these counts and pattern in her Memorandum in Opposition to Defendants' <a href="#">72</a> Motion to Dismiss, however, and, if Plaintiff attempts to re-file the counts and patterns she herself previously dismissed, Defendants have leave to re-file this motion to dismiss. Signed by District Judge Harry S Mattice, Jr on 10/26/2010. (BJL, )</b> (Entered: 10/26/2010)
10/27/2010	<a href="#">104</a>	AMENDED ANSWER to <i>First</i> <a href="#">83</a> Amended Complaint by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 10/27/2010)
03/03/2011	<a href="#">105</a>	NOTICE by Darla Lane of <i>Service of Third Set of Interrogatories and Third Request for Production of Documents or Things</i> (Pigott, J.) (Entered: 03/03/2011)
04/13/2011	<a href="#">106</a>	NOTICE to Take Deposition of Murfreesboro Dermatology Clinic by Darla Lane.(Pigott, <b>Date Discrepancy Cases 887</b>

		J.) (Entered: 04/13/2011)
04/13/2011	<a href="#">107</a>	NOTICE to Take Deposition of Gabriele Brockelsby, Leslie Moore, and Michael W. Bell by Darla Lane.(Pigott, J.) (Entered: 04/13/2011)
04/13/2011	<a href="#">108</a>	Joint MOTION for Extension of Time to Complete Discovery <i>as to Disclosure of Expert Testimony</i> by Darla Lane. (Pigott, J.) (Entered: 04/13/2011)
04/15/2011	<a href="#">109</a>	MOTION to Compel <i>Discovery Pertaining to Period Within Applicable Statute of Limitations</i> by Darla Lane. (Attachments: # <a href="#">1</a> Exhibit A (1st pg. of Pl Relator's 1st Set of Interrogatories to Dfs), # <a href="#">2</a> Exhibit B (Exh B to Pl Relator's 1st Set of Interrogatories to Dfs), # <a href="#">3</a> Exhibit C (1st 2 pgs. of Dfs' Responses to Pl's 1st Req for Prod of Docs))(Pigott, J.) (Entered: 04/15/2011)
04/15/2011	<a href="#">110</a>	MEMORANDUM in Support of Motion re <a href="#">109</a> MOTION to Compel <i>Discovery Pertaining to Period Within Applicable Statute of Limitations</i> filed by Darla Lane. (Pigott, J.) (Entered: 04/15/2011)
04/18/2011	<a href="#">111</a>	AMENDED NOTICE to Take Deposition of Gabi Brockelsby, Leslie Moore, Michael Bell by Darla Lane.(Pigott, J.) Modified Text on 4/19/2011 (BJL). (Entered: 04/18/2011)
04/18/2011	<a href="#">112</a>	<b>AGREED ORDER ENLARGING TIMES WITHIN WHICH EXPERT REPORTS MUST BE PRODUCED; granting <a href="#">108</a> Motion for Extension of Time to Complete Discovery. Signed by Magistrate Judge William B Carter on 4/18/11. (KFB, )</b> (Entered: 04/18/2011)
04/20/2011	<a href="#">113</a>	NOTICE of Hearing on Motion <a href="#">109</a> MOTION to Compel <i>Discovery Pertaining to Period Within Applicable Statute of Limitations</i> : Motion Hearing set for <b>4/29/2011</b> 09:00 AM in Chambers - Chattanooga before Magistrate Judge William B Carter. (KFB, ) (Entered: 04/20/2011)
04/28/2011	<a href="#">114</a>	RESPONSE in Opposition re <a href="#">109</a> MOTION to Compel <i>Discovery Pertaining to Period Within Applicable Statute of Limitations</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Supplement U.S. ex rel. Bane v. Breathe Easy Pulmonary Services, Inc., # <a href="#">2</a> Supplement U.S. ex rel. Grandeau v. Cancer Treatment Centers of America)(Eckert, Joel) (Entered: 04/28/2011)
04/28/2011	<a href="#">115</a>	NOTICE by Michael W Bell, Murfreesboro Dermatology Clinic, PLC re <a href="#">109</a> MOTION to Compel <i>Discovery Pertaining to Period Within Applicable Statute of Limitations</i> , <a href="#">114</a> Response in Opposition to Motion, <i>Notice of Filing</i> (Attachments: # <a href="#">1</a> Exhibit 1 - September 16, 2010 letter, # <a href="#">2</a> Exhibit 2 - September 27, 2010 letter, # <a href="#">3</a> Exhibit 3 - April 11-12, 2011 emails)(Eckert, Joel) (Entered: 04/28/2011)
04/29/2011		Minute Entry for proceedings held before Magistrate Judge William B Carter: Motion Hearing held on 4/29/2011 re <a href="#">109</a> MOTION to Compel <i>Discovery Pertaining to Period Within Applicable Statute of Limitations</i> filed by Darla Lane. Held w/o courtroom deputy. (KFB, ) (Entered: 05/02/2011)
05/10/2011	<a href="#">116</a>	<b>ORDER granting <a href="#">109</a> Motion to Compel Discovery Responses. Signed by Magistrate Judge William B Carter on 5/10/11. (KFB, )</b> Modified on 5/10/2011 (KFB, ). Order mailed to Jess Campbell Neil. (Entered: 05/10/2011)
05/17/2011	<a href="#">117</a>	MOTION to Amend/Revise <a href="#">116</a> Order on Motion to Compel by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 05/17/2011)
05/17/2011	<a href="#">118</a>	MEMORANDUM in Support of Motion re <a href="#">117</a> MOTION to Amend/Revise <a href="#">116</a> Order on Motion to Compel filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 05/17/2011)

**Date Discrepancy Cases 888**

05/18/2011	<a href="#">119</a>	NOTICE by Darla Lane of <i>Fourth Request for Production of Documents</i> (Pigott, J.) (Entered: 05/18/2011)
05/20/2011	<a href="#">120</a>	MOTION For Review Of Magistrate Judge's Order re <a href="#">116</a> Order on Motion to Compel by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 05/20/2011)
05/20/2011	<a href="#">121</a>	MEMORANDUM in Support of Motion re <a href="#">120</a> MOTION For Review Of Magistrate Judge's Order re <a href="#">116</a> Order on Motion to Compel filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 05/20/2011)
05/20/2011	<a href="#">122</a>	NOTICE by Michael W Bell, Murfreesboro Dermatology Clinic, PLC re <a href="#">121</a> Memorandum in Support of Motion, <a href="#">120</a> MOTION For Review Of Magistrate Judge's Order re <a href="#">116</a> Order on Motion to Compel (Attachments: # <a href="#">1</a> Exhibit Exhibit A - Defendants' Responses to Plaintiff's First Request for Production, # <a href="#">2</a> Exhibit Exhibit B - Defendants' Motion to Partially Amend Order Granting Motion to Compel and Memorandum in Support)(Eckert, Joel) (Entered: 05/20/2011)
05/25/2011	<a href="#">123</a>	RESPONSE in Opposition re <a href="#">120</a> MOTION For Review Of Magistrate Judge's Order re <a href="#">116</a> Order on Motion to Compel filed by Darla Lane. (Pigott, J.) (Entered: 05/25/2011)
05/26/2011	<a href="#">124</a>	NOTICE by Darla Lane of <i>Service of Fifth Request for Production by Defendants of Documents or Things</i> (Pigott, J.) (Entered: 05/26/2011)
05/27/2011	<a href="#">125</a>	MOTION for Leave to File <i>Second Amended Complaint</i> by Darla Lane. (Attachments: # <a href="#">1</a> Exhibit 1 - 2nd Amended Complaint, # <a href="#">2</a> Exhibit 2 - Complaint, # <a href="#">3</a> Exhibit 3 - Order, # <a href="#">4</a> Exhibit 4 - Deposition Excerpts)(Pigott, J.) (Entered: 05/27/2011)
05/27/2011	<a href="#">126</a>	MEMORANDUM in Support of Motion re <a href="#">125</a> MOTION for Leave to File <i>Second Amended Complaint</i> filed by Darla Lane. (Pigott, J.) (Entered: 05/27/2011)
05/27/2011	<a href="#">127</a>	NOTICE by Darla Lane re <a href="#">120</a> MOTION For Review Of Magistrate Judge's Order re <a href="#">116</a> Order on Motion to Compel <i>Discovery Responses</i> (Attachments: # <a href="#">1</a> Exhibit 1 - Motion to Compel, # <a href="#">2</a> Exhibit 2 - Order)(Pigott, J.) (Entered: 05/27/2011)
05/27/2011	<a href="#">128</a>	RESPONSE in Opposition re <a href="#">117</a> MOTION to Amend/Revise <a href="#">116</a> Order on Motion to Compel filed by Darla Lane. (Attachments: # <a href="#">1</a> Exhibit 1 - Pltf Interrogatories to Def, # <a href="#">2</a> Exhibit 2 - Email, # <a href="#">3</a> Exhibit 3 - Pltf's 4th Req for Production)(Pigott, J.) (Entered: 05/27/2011)
06/09/2011	<a href="#">129</a>	RESPONSE in Opposition re <a href="#">125</a> MOTION for Leave to File <i>Second Amended Complaint</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 06/09/2011)
06/09/2011	<a href="#">130</a>	NOTICE by Michael W Bell, Murfreesboro Dermatology Clinic, PLC re <a href="#">129</a> Response in Opposition to Motion <i>for Leave to Amend</i> (Attachments: # <a href="#">1</a> Exhibit 1 - Excerpts from Michael Bell deposition, # <a href="#">2</a> Exhibit 2 - Excerpts from Murfreesboro Dermatology deposition, # <a href="#">3</a> Exhibit 3 - June 2, 2011 email)(Eckert, Joel) (Entered: 06/09/2011)
06/13/2011	<a href="#">131</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">129</a> Response in Opposition to Motion <i>for Leave to File Second Amended Complaint</i> by Darla Lane. (Pigott, J.) (Entered: 06/13/2011)
06/20/2011	132	ORDER granting <a href="#">131</a> Motion for Extension of Time to File Response/Reply re <a href="#">125</a> MOTION for Leave to File <i>Second Amended Complaint</i> Replies due by 6/23/2011.. Signed by Magistrate Judge William B Carter on 6-20-11. This is the complete order of the Court. There is no document attached to this entry. (KMG, ) Modified on 6/20/2011 (KFB, ). Serviced to Jesse Campbell Neil. (Entered: 06/20/2011)

## Date Discrepancy Cases 889

06/21/2011	<a href="#">133</a>	REPLY to Response to Motion re <a href="#">125</a> MOTION for Leave to File <i>Second Amended Complaint</i> filed by Darla Lane. (Pigott, J.) (Entered: 06/21/2011)
06/21/2011	<a href="#">134</a>	NOTICE by Darla Lane re <a href="#">133</a> Reply to Response to Motion <i>for Leave to File Second Amended Complaint</i> (Attachments: # <a href="#">1</a> Exhibit 1 - Bell Deposition Excerpts, # <a href="#">2</a> Exhibit 2 - Affidavit of Debbie Upton, # <a href="#">3</a> Exhibit G - Brockelsby Memo, # <a href="#">4</a> Exhibit H - Spreadsheet, # <a href="#">5</a> Exhibit I - Spreadsheet, # <a href="#">6</a> Exhibit K - Spreadsheet, # <a href="#">7</a> Exhibit L - Spreadsheet, # <a href="#">8</a> Exhibit N - Spreadsheet, # <a href="#">9</a> Exhibit O - Spreadsheet, # <a href="#">10</a> Exhibit P - Spreadsheet)(Pigott, J.) (Entered: 06/21/2011)
07/08/2011	<a href="#">135</a>	ORDER granting <a href="#">125</a> Motion for Leave to File Document amended complaint. Signed by Magistrate Judge William B Carter on 7/11/11. (KFB, ) Modified on 7/11/2011 (KFB, ). Serviced to Jesse C Neil. (Entered: 07/11/2011)
07/08/2011	<a href="#">136</a>	ORDER granting <a href="#">117</a> Motion to Amend/Correct. Signed by Magistrate Judge William B Carter on 7/8/11. (KFB, ) Modified on 7/11/2011 (KFB, ). Serviced to Jesse C Neil. (Entered: 07/11/2011)
07/22/2011	<a href="#">137</a>	AMENDED COMPLAINT ( <i>Second</i> ) against All Defendants., filed by Darla Lane. (Attachments: # <a href="#">1</a> Exhibit A - Claim Form (front), # <a href="#">2</a> Exhibit B - Claim Form (back), # <a href="#">3</a> Exhibit C - Codes, # <a href="#">4</a> Exhibit G - Brockelsby Memo, # <a href="#">5</a> Exhibit H - Spreadsheet, # <a href="#">6</a> Exhibit I - Spreadsheet, # <a href="#">7</a> Exhibit J - Spreadsheet, # <a href="#">8</a> Exhibit K - Spreadsheet, # <a href="#">9</a> Exhibit L - Spreadsheet, # <a href="#">10</a> Exhibit M - Spreadsheet, # <a href="#">11</a> Exhibit N - Spreadsheet, # <a href="#">12</a> Exhibit O - Spreadsheet, # <a href="#">13</a> Exhibit P - Spreadsheet)(Pigott, J.) (Entered: 07/22/2011)
08/03/2011	<a href="#">138</a>	ORDER: The parties are hereby ON NOTICE that if they do not supplement their briefing on the Motion for Review of Magistrate Judge's <a href="#">120</a> ORDER on or before <b>8/10/2011</b> , the Court will deny the motion as moot. Signed by District Judge Harry S Mattice, Jr on 8/3/2011. (BJL) (Entered: 08/03/2011)
08/03/2011	<a href="#">139</a>	RESPONSE in Opposition re <a href="#">120</a> MOTION For Review Of Magistrate Judge's Order re <a href="#">116</a> Order on Motion to Compel ( <i>Supplemental</i> ) filed by Darla Lane. (Pigott, J.) (Entered: 08/03/2011)
08/04/2011	<a href="#">140</a>	STIPULATION re <a href="#">137</a> Amended Complaint,, <i>Joint Stipulation for Extension of Time for Defendants to Answer or Otherwise Respond to Second Amended Complaint</i> by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 08/04/2011)
08/10/2011	<a href="#">141</a>	MEMORANDUM in Support of Motion re <a href="#">120</a> MOTION For Review Of Magistrate Judge's Order re <a href="#">116</a> Order on Motion to Compel <i>Supplemental Memorandum</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 08/10/2011)
08/26/2011	<a href="#">142</a>	ANSWER to <a href="#">137</a> Amended Complaint,, <i>Answer to Second Amended Complaint</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC.(Eckert, Joel) (Entered: 08/26/2011)
08/26/2011	<a href="#">143</a>	MOTION to Dismiss <i>Plaintiff's First Alleged False Claims Pattern and Related Counts</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 08/26/2011)
08/26/2011	<a href="#">144</a>	MEMORANDUM in Support of Motion re <a href="#">143</a> MOTION to Dismiss <i>Plaintiff's First Alleged False Claims Pattern and Related Counts</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 08/26/2011)
09/07/2011	<a href="#">145</a>	NOTICE by Darla Lane of <i>Service of 4th Set of Interrogatories and 6th Request for Production of Documents</i> (Pigott, J.) (Entered: 09/07/2011)

## Date Discrepancy Cases 890

09/15/2011	<a href="#">146</a>	SUPPLEMENT to <a href="#">137</a> Amended Complaint,, ( <i>Second</i> ); <i>Exhibit D</i> by Darla Lane. (Pigott, J.) (Entered: 09/15/2011)
09/15/2011	<a href="#">147</a>	RESPONSE in Opposition re <a href="#">143</a> MOTION to Dismiss <i>Plaintiff's First Alleged False Claims Pattern and Related Counts</i> filed by Darla Lane. (Attachments: # <a href="#">1</a> Exhibit A - Letter from Defense Counsel)(Pigott, J.) (Entered: 09/15/2011)
09/20/2011	<a href="#">148</a>	Joint MOTION to Amend/Revise <a href="#">87</a> Scheduling Order, by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 09/20/2011)
09/20/2011	<a href="#">149</a>	NOTICE by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC re <a href="#">148</a> Joint MOTION to Amend/Revise <a href="#">87</a> Scheduling Order, <i>Notice of Filing In Support of Motion to Modify Scheduling Order</i> (Attachments: # <a href="#">1</a> Exhibit 1 - Affidavit of Joel D. Eckert)(Eckert, Joel) (Entered: 09/20/2011)
09/22/2011	<a href="#">150</a>	REPLY to Response to Motion re <a href="#">143</a> MOTION to Dismiss <i>Plaintiff's First Alleged False Claims Pattern and Related Counts</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 09/22/2011)
10/06/2011	<a href="#">151</a>	ORDER granting <a href="#">148</a> Motion to Amend/Correct Scheduling Order.. Signed by District Judge Harry S Mattice, Jr on October 6, 2011. (CNH, ) (Entered: 10/06/2011)
10/18/2011	<a href="#">152</a>	NOTICE by Darla Lane of Service of Plaintiff Relator's Fifth Set of Interrogatories to Defendants (Pigott, J.) (Entered: 10/18/2011)
11/07/2011	<a href="#">153</a>	Joint MOTION for Protective Order <i>Governing the Disclosure of Health Information</i> by United States of America. (Tonkin, Elizabeth) (Entered: 11/07/2011)
11/08/2011	<a href="#">154</a>	PROTECTIVE ORDER GOVERNING THE DISCLOSURE OF HEALTH INFORMATION, RE <a href="#">153</a> . Signed by Magistrate Judge William B Carter on 11/8/11. (KFB, ) (Entered: 11/08/2011)
02/22/2012	<a href="#">155</a>	NOTICE of Appearance by Thor Y Urness on behalf of Michael W Bell, Murfreesboro Dermatology Clinic, PLC (Urness, Thor) (Entered: 02/22/2012)
03/16/2012	<a href="#">156</a>	NOTICE by Darla Lane of Service of 6th Set of Interrogatories and 7th Request for Production (Pigott, J.) (Entered: 03/16/2012)
03/20/2012	<a href="#">157</a>	ORDER denying <a href="#">120</a> Motion For Review Of Magistrate Judge's Order; denying <a href="#">143</a> Motion to Dismiss. Signed by District Judge Harry S Mattice, Jr on March 20, 2012. (CNH, ) (Entered: 03/20/2012)
03/20/2012	<a href="#">158</a>	AMENDED SCHEDULING ORDER, (Dispositive Motions due by <b>7/24/2012</b> ., Final Pretrial Conference set for <b>10/22/2012</b> 04:00 PM in Courtroom 1A - Chattanooga before District Judge Harry S Mattice Jr., Jury Trial set for <b>11/6/2012</b> 09:00 AM in Courtroom 1A - Chattanooga before District Judge Harry S Mattice Jr.)Signed by District Judge Harry S Mattice, Jr on March 20, 2012. (CNH, ) (Entered: 03/20/2012)
04/03/2012	<a href="#">159</a>	DEFENDANTS' ANSWER to Complaint <i>SECOND AMENDED COMPLAINT</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC.(Eckert, Joel) (Entered: 04/03/2012)
04/06/2012	<a href="#">160</a>	MOTION to Continue <i>and to Modify First Amended Scheduling Order [Doc. 158]</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Exhibit A - Declaration of Joel D. Eckert)(Urness, Thor). Added MOTION to Amend/Revise on 4/9/2012 (CNC, ). (Entered: 04/06/2012)
04/06/2012	<a href="#">161</a>	MEMORANDUM in Support of Motion re <a href="#">160</a> MOTION to Continue <i>and to Modify First Amended Scheduling Order [Doc. 158]</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Urness, Thor) (Entered: 04/06/2012)

**Date Discrepancy Cases 891**

04/11/2012	<a href="#">162</a>	Unopposed MOTION for Extension of Time to File <i>Expert Reports of All Parties</i> by Darla Lane. (Pigott, J.) (Entered: 04/11/2012)
04/11/2012	<a href="#">163</a>	MEMORANDUM in Support of Motion re <a href="#">162</a> Unopposed MOTION for Extension of Time to File <i>Expert Reports of All Parties</i> filed by Darla Lane. (Pigott, J.) (Entered: 04/11/2012)
04/11/2012	<a href="#">164</a>	AFFIDAVIT re <a href="#">162</a> Unopposed MOTION for Extension of Time to File <i>Expert Reports of All Parties</i> by Darla Lane. (Pigott, J.) (Entered: 04/11/2012)
04/13/2012	<a href="#">165</a>	<b>ORDER granting <a href="#">162</a> Motion for Extension of Time. Signed by Magistrate Judge William B Carter on 4/13/12. (GRE, )</b> (Entered: 04/13/2012)
04/17/2012	<a href="#">166</a>	NOTICE by Darla Lane of <i>Service of Plaintiff Relator's Eighth Request for Production by Defendants of Documents or Things</i> (Pigott, J.) (Entered: 04/17/2012)
04/18/2012	<a href="#">167</a>	MOTION to Amend/Revise <a href="#">165</a> Order on Motion for Extension of Time to File, <a href="#">158</a> Order, Set Deadlines/Hearings,, and <i>For Enlargement of Time</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Exhibit 1 - Plaintiff's Responses to Discovery, # <a href="#">2</a> Exhibit 2 - Defendant's Second Set of Interrogatories) (Eckert, Joel) (Entered: 04/18/2012)
04/18/2012	<a href="#">168</a>	MEMORANDUM in Support of Motion re <a href="#">167</a> MOTION to Amend/Revise <a href="#">165</a> Order on Motion for Extension of Time to File, <a href="#">158</a> Order, Set Deadlines/Hearings,, and <i>For Enlargement of Time</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 04/18/2012)
04/25/2012	<a href="#">169</a>	MOTION to Compel <i>Discovery Responses</i> by Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Exhibit 1 - Declaration of Joel D. Eckert, # <a href="#">2</a> Exhibit A to Eckert Declaration - Plaintiff's responses to defendant's first set of discovery, # <a href="#">3</a> Exhibit B to Eckert Declaration - Defendant's second set of discovery to plaintiff, # <a href="#">4</a> Exhibit C to Eckert Declaration - February 23, 2012 letter, # <a href="#">5</a> Exhibit D to Eckert Declaration - April 10, 2012 email thread, # <a href="#">6</a> Exhibit E to Eckert Declaration - Second April 10, 2012 email, # <a href="#">7</a> Exhibit F to Eckert Declaration - April 23-24, 2012 email thread)(Eckert, Joel) (Entered: 04/25/2012)
04/25/2012	<a href="#">170</a>	MEMORANDUM in Support of Motion re <a href="#">169</a> MOTION to Compel <i>Discovery Responses</i> filed by Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 04/25/2012)
05/04/2012	<a href="#">171</a>	NOTICE of Hearing on Motion <a href="#">169</a> MOTION to Compel <i>Discovery Responses</i> : Motion Hearing set for <b>5/17/2012</b> 09:00 AM in Judge's Chambers before Magistrate Judge William B Carter. (KFB, ) (Entered: 05/04/2012)
05/04/2012	<a href="#">172</a>	NOTICE by Darla Lane of <i>Service of Plaintiff/Relator's Responses &amp; Objections to Defendant Murphreesboro Dermatology Clinic's Second Set of Interrogatories</i> (Pigott, J.) (Entered: 05/04/2012)
05/04/2012	<a href="#">173</a>	NOTICE by Darla Lane of <i>Service of Plaintiff/Relator's Responses &amp; Objections to Defendant Murphreesboro Dermatology Clinic's Second Requests for Production of Documents &amp; Things</i> (Pigott, J.) (Entered: 05/04/2012)
05/04/2012	<a href="#">174</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">169</a> MOTION to Compel <i>Discovery Responses</i> by Darla Lane. (Pigott, J.) (Entered: 05/04/2012)
05/09/2012	<a href="#">175</a>	<b>ORDER, Granting in Part and Denying in Part <a href="#">174</a> MOTION for Extension of Time to File Response/Reply ( Response to Motion to Compel Discovery Responses due by 5/9/2012.), (Motion Hearing set for 5/11/2012 10:00 AM in Courtroom 1A - Chattanooga</b>

**Date Discrepancy Cases 892**



		<b>before District Judge Harry S Mattice Jr.)Signed by District Judge Harry S Mattice, Jr on May 9, 2012. (CNC, ) (Entered: 05/09/2012)</b>
05/09/2012	<a href="#">176</a>	RESPONSE to Motion re <a href="#">169</a> MOTION to Compel <i>Discovery Responses</i> filed by Darla Lane. (Attachments: # <a href="#">1</a> Exhibit A - Responses & Objs by PI-Relator Lane to Df Murphreesboro Dermatology Clinic's Second Set of Interrogatories, # <a href="#">2</a> Exhibit B - Responses & Objs by PI-Rel Lane to Df Murphreesboro Dermatology Clinic's Second RFP of Documents)(Pigott, J.) (Entered: 05/09/2012)
05/10/2012	<a href="#">177</a>	REPLY to Response to Motion re <a href="#">169</a> MOTION to Compel <i>Discovery Responses</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Exhibit 2- Documents Produced by Plaintiff, R-422 Through 500)(Urness, Thor) (Entered: 05/10/2012)
05/11/2012	<a href="#">178</a>	Minute Entry for proceedings held before District Judge Harry S Mattice, Jr: Motion Hearing held on 5/11/2012 re <a href="#">169</a> MOTION to Compel <i>Discovery Responses</i> filed by Murfreesboro Dermatology Clinic, PLC. (Court Reporter Shannan Andrews) (PCS) (Entered: 05/11/2012)
05/15/2012	<a href="#">179</a>	<b>ORDER denying as moot <a href="#">169</a> Motion to Compel. Signed by District Judge Harry S Mattice, Jr on 5/15/2012. (PCS) (Entered: 05/15/2012)</b>
05/18/2012	<a href="#">180</a>	WITNESS LIST <i>Designation of Experts</i> by Darla Lane. (Pigott, J.) (Entered: 05/18/2012)
05/24/2012	<a href="#">181</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 5-11-12 (Status Hearing), before Judge Mattice. Court Reporter/Transcriber Shannan Andrews, Telephone number 423 756-5174. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.tned.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due <b>6/14/2012</b> . Redacted Transcript Deadline set for <b>6/25/2012</b> . Release of Transcript Restriction set for <b>8/22/2012</b> . (SIA, ) (Entered: 05/24/2012)
05/30/2012	<a href="#">182</a>	Joint MOTION for Leave to File <i>Proposed Agreed Order Amending Second Amended Complaint to Dismiss with Prejudice Counts III, IV, V, VI, IX, X, XI and XII</i> by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC, State of Tennessee, United States of America. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Urness, Thor) (Entered: 05/30/2012)
06/01/2012	<a href="#">183</a>	MOTION to Compel <i>Deposition of Plaintiff's Expert</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Urness, Thor) (Entered: 06/01/2012)
06/04/2012	<a href="#">184</a>	NOTICE by Michael W Bell, Murfreesboro Dermatology Clinic, PLC <i>Notice of Filing of the Notice of Deposition of Lorsten Johnson</i> (Attachments: # <a href="#">1</a> Exhibit 1 - Notice of Deposition)(Eckert, Joel) (Entered: 06/04/2012)
06/05/2012	<a href="#">185</a>	RESPONSE in Opposition re <a href="#">183</a> MOTION to Compel <i>Deposition of Plaintiff's Expert</i> filed by Darla Lane. (Pigott, J.) (Entered: 06/05/2012)
06/06/2012	<a href="#">186</a>	REPLY to Response to Motion re <a href="#">183</a> MOTION to Compel <i>Deposition of Plaintiff's Expert</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Urness, Thor) (Entered: 06/06/2012)
06/15/2012	<a href="#">187</a>	MOTION to Withdraw as Attorney by United States of America. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Anderson, M) (Entered: 06/15/2012)

**Date Discrepancy Cases 893**

06/18/2012	<a href="#">188</a>	ORDER granting <a href="#">187</a> Motion to Withdraw as Attorney. Attorney M Kent Anderson terminated. Signed by Magistrate Judge William B Carter on 6/18/12. (KFB, ) (Entered: 06/19/2012)
06/19/2012	<a href="#">189</a>	NOTICE by Michael W Bell, Murfreesboro Dermatology Clinic, PLC <i>Notice of Filing of Expert Reports</i> (Attachments: # <a href="#">1</a> Exhibit A - Expert Report of Alan Boyd, M.D., with exhibits 1-3, # <a href="#">2</a> Exhibit B - Expert Report of Fernando R. de Castro, M.D., with exhibits A-B, # <a href="#">3</a> Exhibit C - Expert Report of Brent Moody, M.D., with exhibits 1-3, # <a href="#">4</a> Exhibit D, Part 1 - Expert Report of Michael W. Bell, M.D., with exhibits 1-4, # <a href="#">5</a> Exhibit D, Part 2 - Expert Report of Michael W. Bell, M.D., exhibits 5-8, # <a href="#">6</a> Exhibit D, Part 3 - Expert Report of Michael W. Bell, exhibits 9-14, # <a href="#">7</a> Exhibit D, Part 4 - Expert Report of Michael W. Bell, M.D., exhibits 15-19, # <a href="#">8</a> Exhibit E - Expert Report of Cristine M. Miller, CMPE, CCS-P, CHC, with attachments 1-7)(Eckert, Joel) (Entered: 06/19/2012)
06/19/2012	<a href="#">190</a>	MOTION for Extension of Time to File <i>Expert Disclosures Due to Plaintiff's Expert's Failure to Appear for Deposition</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Urness, Thor) (Entered: 06/19/2012)
06/21/2012	<a href="#">191</a>	RESPONSE in Opposition re <a href="#">190</a> MOTION for Extension of Time to File <i>Expert Disclosures Due to Plaintiff's Expert's Failure to Appear for Deposition</i> filed by Darla Lane. (Pigott, J.) (Entered: 06/21/2012)
06/21/2012	<a href="#">192</a>	REPLY to Response to Motion re <a href="#">190</a> MOTION for Extension of Time to File <i>Expert Disclosures Due to Plaintiff's Expert's Failure to Appear for Deposition</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Urness, Thor) (Entered: 06/21/2012)
07/02/2012	<a href="#">193</a>	SUPPLEMENT of <i>Expert Report</i> by Darla Lane. (Attachments: # <a href="#">1</a> Exhibit A - Supplementary Expert Report by Lorsten Johnson, CPC, CCS-P)(Pigott, J.) (Entered: 07/02/2012)
07/02/2012	<a href="#">194</a>	WITNESS LIST by Darla Lane. (Pigott, J.) (Entered: 07/02/2012)
07/03/2012	<a href="#">195</a>	WITNESS LIST by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 07/03/2012)
07/11/2012	<a href="#">196</a>	MOTION to Strike <a href="#">193</a> Supplement <i>Plaintiff's "Supplementary Expert Report"</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Exhibit 1-Lane Responses to First Set of Interrogatories, # <a href="#">2</a> Exhibit 2-Deposition Excerpts of Ronald Nelson, M.D.)(Urness, Thor) (Entered: 07/11/2012)
07/11/2012	<a href="#">197</a>	MEMORANDUM in Support of Motion re <a href="#">196</a> MOTION to Strike <a href="#">193</a> Supplement <i>Plaintiff's "Supplementary Expert Report"</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Urness, Thor) (Entered: 07/11/2012)
07/13/2012		Minute Entry for proceedings held before Magistrate Judge William B Carter: Motion Hearing held on 7/13/2012 re <a href="#">196</a> MOTION to Strike <a href="#">193</a> Supplement <i>Plaintiff's "Supplementary Expert Report"</i> filed by Murfreesboro Dermatology Clinic, PLC, Michael W Bell. Held w/o courtroom deputy. (KFB, ) (Entered: 08/01/2012)
07/16/2012	<a href="#">198</a>	Joint MOTION for Leave to File [ <i>Proposed</i> ] <i>Agreed Order Dismissing Action with Prejudice</i> by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC, State of Tennessee, United States of America. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Agreed Order)(Urness, Thor) (Entered: 07/16/2012)
07/20/2012	<a href="#">199</a>	ORDER, This action is hereby DISMISSED WITH PREJUDICE, as to the Plaintiff/Relator Darla Lane, and is hereby DISMISSED WITHOUT PREJUDICE as to the United States of America and the State of Tennessee. All pending motions are

## Date Discrepancy Cases 894

		DENIED AS MOOT. A separate judgment will enter.Signed by District Judge Harry S Mattice, Jr on July 20, 2012. (CNC, ) (Entered: 07/20/2012)
07/20/2012	<a href="#">200</a>	JUDGMENT Signed by Clerk of Court, Debra C. Poplin on July 20, 2012. (CNC, ) (Entered: 07/20/2012)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/25/2019 14:48:08			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:07-cv-00004
<b>Billable Pages:</b>	13	<b>Cost:</b>	1.30

**Live Database**  
**U.S. District Court – Eastern District of Tennessee (Winchester)**  
**CIVIL DOCKET FOR CASE #: 4:07-cv-00004**

USA et al v. Murfreesboro Dermatology Clinic, PLC et al  
Assigned to: District Judge Harry S Mattice, Jr  
Referred to: Magistrate Judge William B Carter  
Cause: 31:3729 False Claims Act

Date Filed: 01/24/2007  
Date Terminated: 07/20/2012  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**

represented by **Cliff Johnson**  
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*TERMINATED: 11/01/2007*  
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**Plaintiff**

**State of Tennessee**

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**Plaintiff**

**Darla Lane**

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**Cliff Johnson**  
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**J. Brad Pigott**  
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LEAD ATTORNEY  
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V.

**Defendant**

**Murfreesboro Dermatology Clinic,  
PLC**

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**Defendant**

**Michael W Bell**  
*MD*

represented by **Thor Y Urness**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jack W Selden**  
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*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Joel D Eckert**  
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*PRO HAC VICE*  
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**John B Hardcastle**  
 (See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/24/2007	<u>1</u>	COMPLAINT against Murfreesboro Dermatology Clinic, PLC, Michael W Bell (Filing fee \$ 350 receipt K3004343.), filed by USA, State of Tennessee, Darla Lane. (Attachments: # <u>1</u> Civil Cover Sheet)(CHP, ) Modified on 2/7/2007 to correct filing date (CHP, ). (Entered: 02/07/2007)
12/30/2009	<u>57</u>	The United States' Notice Of Election To Decline Intervention (Attachments: # <u>1</u> Text of Proposed Order)(BJL) (Entered: 12/30/2009)
01/04/2010	<u>58</u>	ORDER; It is ORDERED that the complaint be unsealed and served upon the defendants and that all other contents of the Court's file in this action remain under seal expect for this ORDER and the United States' Notice of Election to Decline Intervention which will be served upon defendants only after service of the complaint. Signed by District Judge Harry S Mattice, Jr on 1/4/2010. (AWH, ) (Entered: 01/05/2010)
03/22/2010	<u>59</u>	MOTION for Leave for Attorney Joel D. Eckert to Appear Pro Hac Vice by Murfreesboro Dermatology Clinic, PLC and Michael W Bell. (Attachments: # <u>1</u>

		Exhibit A–Certificate of Good Standing–State, # <u>2</u> Exhibit B– Application for Admission , # <u>3</u> Certificate of Good Standing–USDC(BJL ) Modified on 3/23/2010 (BJL, ).***Attorney has an application for admission pending. Modified on 3/25/2010 (BJL, ). (Entered: 03/23/2010)
03/22/2010	<u>60</u>	MOTION for Leave for Attorney Jack W. Seldon to Appear Pro Hac Vice (Filing fee \$ 60.00, receipt # W4000569) by Murfreesboro Dermatology Clinic, PLC and Michael W Bell. (Attachments: # <u>1</u> Exhibit A–Certificate of Good Standing–State, # <u>2</u> Exhibit B–Certificate Of Good Standing–USDC)(BJL ) Modified on 3/25/2010 (BJL, ). (Entered: 03/23/2010)
03/23/2010		Set/Reset Deadlines: Attorney Seldon's registration for CM/ECF due by <b>4/5/2010</b> . Documentation regarding registration for CM/ECF mailed to Attorney Seldon. (BJL )***A request for Attorney Seldon to be added to the attorney database has submitted. Modified on 3/23/2010 (BJL, ). (Entered: 03/23/2010)
03/24/2010	<u>61</u>	<b>ORDER granting <u>59</u> Motion for Leave for Attorney Joel D. Eckert to Appear Pro Hac Vice; granting <u>60</u> Motion for Leave for Attorney Jack W. Seldon to Appear Pro Hac Vice. Signed by Magistrate Judge William B Carter on 3/24/2010. (BJL, )***This order mailed to Jack W. Seldon. (Entered: 03/24/2010)</b>
03/25/2010	<u>62</u>	MOTION for Leave for Attorney Jay Hardcastle to Appear Pro Hac Vice (Filing fee \$ 60.00, receipt #W4000570) by Murfreesboro Dermatology Clinic, PLC and Michael W Bell. (Attachments: # <u>1</u> Certificate of Good Standing–USDC, # <u>2</u> Certificate of Good Standing–State)(BJL) (Entered: 03/25/2010)
03/25/2010		Set/Reset Deadlines: Attorney Hardcastle's registration for CM/ECF due by <b>4/8/2010</b> . Attorney has been mailed documentation regarding registration for CM/ECF. (BJL ) Modified on 3/25/2010 to correct deadline.(BJL). (Entered: 03/25/2010)
03/25/2010		Correct deadline for Attorney Hardcastle's registration for CM/ECF is 4/8/2010. (BJL ) (Entered: 03/25/2010)
03/26/2010	<u>63</u>	<b>ORDER granting <u>62</u> Motion for Leave to Appear Pro Hac Vice as to atty Jay Hardcastle. Signed by Magistrate Judge William B Carter on 3/26/10. (Order mailed to Jay Hardcastle). (KFB, ) (Entered: 03/26/2010)</b>
03/30/2010	<u>64</u>	MOTION for Leave for Attorney J. Brad Pigott to Appear Pro Hac Vice (Filing fee \$ 60.00, receipt #W4000571) by Darla Lane. (Attachments: # <u>1</u> Certificate Of Good Standing–USDC, # <u>2</u> Certificate of Good Standing–State)(BJL ) (Entered: 03/30/2010)
03/30/2010	<u>65</u>	WAIVER OF SERVICE Returned Executed by Darla Lane. Michael W Bell waiver sent on 2/24/2010. (BJL ) (Entered: 03/30/2010)
03/30/2010	<u>66</u>	WAIVER OF SERVICE Returned Executed by Darla Lane. Murfreesboro Dermatology Clinic, PLC waiver sent on 2/24/2010. (BJL ) (Entered: 03/30/2010)
03/30/2010	<u>67</u>	MOTION to Dismiss Plaintiff's Complaint, by Murfreesboro Dermatology Clinic, PLC., and Michael W Bell (BJL). (Entered: 03/30/2010)
03/30/2010	<u>68</u>	MEMORANDUM in Support of Motion re <u>67</u> MOTION to Dismiss filed by Murfreesboro Dermatology Clinic, PLC and Michael W Bell. (Attachments: # <u>1</u> case law No. 1, # <u>2</u> case law No. 2, # <u>3</u> case law No. 3)(BJL ) (Entered: 03/30/2010)
03/31/2010	<u>69</u>	<b>ORDER: the <u>64</u> Motion for Leave for Attorney J. Brad Pigott to Appear Pro Hac Vice is GRANTED. Signed by Magistrate Judge William B Carter on 3/31/2010. (BJL ) Modified on 3/31/2010 (BJL, ). (Entered: 03/31/2010)</b>
04/02/2010	<u>70</u>	MOTION for Extension of Time to File ( <i>unopposed</i> ) by United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, M) (Entered: 04/02/2010)
04/06/2010	<u>71</u>	<b>ORDER denying <u>70</u> Motion for Extension of Time. Signed by District Judge Harry S Mattice, Jr on 4/6/2010. (AWH, ) (Entered: 04/06/2010)</b>
04/19/2010	<u>72</u>	RESPONSE in Opposition re <u>67</u> MOTION to Dismiss <i>For Failure of Particularity</i> filed by Darla Lane. (Pigott, J.) Modified on 4/20/2010 (BJL ). The Affidavit and Exhibit A attached to the main document has been refiled separately. See cf # <u>72</u> . Modified on 4/21/2010 (BJL)*** (Entered: 04/19/2010)

04/21/2010	<u>73</u>	AFFIDAVIT to <u>72</u> Response in Opposition to Motion to <i>Dismiss for Failure of Particularity</i> by Darla Lane. (Attachments: # <u>1</u> Exhibit A to Affidavit)(Pigott, J.) Modified on 4/21/2010 (BJL, ). (Entered: 04/21/2010)
04/23/2010	<u>74</u>	MOTION for Leave to File <i>First Amended Complaint</i> by Darla Lane. (Attachments: # <u>1</u> Exhibit 1)(Pigott, J.) Modified on 4/26/2010 to change event from motion for leave to file document to motion to amend(BJL ). (Entered: 04/23/2010)
04/26/2010	<u>75</u>	MOTION to Strike <u>73</u> AFFIDAVIT by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) Modified Text on 4/27/2010 (BJL ). (Entered: 04/26/2010)
04/26/2010	<u>76</u>	MEMORANDUM in Support of Motion re <u>75</u> MOTION to Strike <u>73</u> Supplement filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <u>1</u> Other Maiden v. North American Stainless, # <u>2</u> Other Middlebrook v. Tennessee)(Eckert, Joel) (Entered: 04/26/2010)
04/26/2010	<u>77</u>	REPLY to Response to Motion re <u>67</u> MOTION to Dismiss filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <u>1</u> Other United States ex rel. Clausen v. Laboratory Corporation of America, Inc.)(Eckert, Joel) (Entered: 04/26/2010)
04/27/2010	<u>78</u>	NOTICE of Hearing on Motion <u>74</u> MOTION to Amend/Revise : Motion Hearing set for <b>5/14/2010</b> 09:00 AM in Chambers – Chattanooga before Magistrate Judge William B Carter. (KFB, ) (Entered: 04/27/2010)
04/27/2010	<u>79</u>	ORDER, ( Scheduling Conference set for <b>5/6/2010</b> 11:00 AM in Judge's Chambers before District Judge Harry S Mattice Jr.)Signed by District Judge Harry S Mattice, Jr on 4/27/2010. (AWH, ) (Entered: 04/27/2010)
04/30/2010	<u>80</u>	NOTICE CANCELLING MAY 14, 2010 MOTION HEARING. (KFB, ) (Entered: 04/30/2010)
05/03/2010	<u>81</u>	NOTICE of Hearing: Scheduling Conference RESET for <b>6/8/2010</b> 02:30 PM in Judge's Chambers before District Judge Harry S Mattice Jr. (AWH, ) (Entered: 05/03/2010)
05/12/2010	<u>82</u>	MEMORANDUM AND ORDER: Defendants' <u>67</u> Motion to Dismiss is DENIED; Plaintiff's <u>74</u> Motion to Amend/Correct Complaint is GRANTED; and Defendant's <u>75</u> Motion to Strike is DENIED AS MOOT. Signed by District Judge Harry S Mattice, Jr on 5/12/2010. (BJL ) (Entered: 05/12/2010)
05/17/2010	<u>83</u>	AMENDED COMPLAINT against Michael W Bell, Murfreesboro Dermatology Clinic, PLC., filed by Darla Lane. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Pigott, J.) (Entered: 05/17/2010)
06/01/2010	<u>84</u>	ANSWER to <u>83</u> Amended Complaint by Michael W Bell, Murfreesboro Dermatology Clinic, PLC.(Eckert, Joel) (Entered: 06/01/2010)
06/03/2010	<u>85</u>	NOTICE by Darla Lane of <i>Service of Plaintiff Relator's Initial Disclosures to Defendants</i> (Pigott, J.) (Entered: 06/03/2010)
06/08/2010	<u>86</u>	REPORT of Rule 26(f) Planning Meeting. (Eckert, Joel) (Entered: 06/08/2010)
06/08/2010		Minute Entry for proceedings held (without courtroom deputy) before District Judge Harry S Mattice, Jr: Scheduling Conference held on 6/8/2010. (PCS, ) (Entered: 06/16/2010)
06/09/2010	<u>87</u>	SCHEDULING ORDER: Final Pretrial Conference is set for <b>3/5/2012</b> at 03:00 PM at the U.S. Courthouse in the First Floor District Courtroom, Chattanooga, Tennessee before District Judge Harry S Mattice Jr. Jury Trial set for <b>3/20/2012</b> 09:00 AM in the First Floor District Courtroom before District Judge Harry S Mattice Jr. Dispositive Motions are due by <b>12/15/2011</b> . Signed by District Judge Harry S Mattice, Jr on 6/9/2010. (BJL) (Entered: 06/09/2010)
06/11/2010	<u>88</u>	NOTICE by Darla Lane <i>Notice of Service of First Set of Interrogatories to Defendants</i> (Pigott, J.) (Entered: 06/11/2010)
06/11/2010	<u>89</u>	NOTICE by Darla Lane <i>Notice of Service of First Set of Request for Production of Documents to Defendants</i> (Pigott, J.) (Entered: 06/11/2010)



06/24/2010	<u>90</u>	AMENDED DOCUMENT by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC, State of Tennessee, United States of America. Amendment to <u>86</u> Report of Rule 26(f) Planning Meeting. (Eckert, Joel) (Entered: 06/24/2010)
08/06/2010	<u>91</u>	MOTION to Dismiss <i>Motion to Enter Dismissal Order With Prejudice of Previously Relator–Dismissed Counts</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 08/06/2010)
08/06/2010	<u>92</u>	MEMORANDUM in Support of Motion re <u>91</u> MOTION to Dismiss <i>Motion to Enter Dismissal Order With Prejudice of Previously Relator–Dismissed Counts</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <u>1</u> Appendix In re Pharmaceutical Industry Average Wholesale Price Litigation)(Eckert, Joel) (Entered: 08/06/2010)
08/20/2010	<u>93</u>	Joint MOTION <i>for Entry of HIPAA Order</i> by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC, State of Tennessee, United States of America. (Attachments: # <u>1</u> Text of Proposed Order HIPAA Order)(Eckert, Joel) (Entered: 08/20/2010)
08/23/2010	<u>94</u>	ORDER granting <u>93</u> Motion for HIPAA Order. Signed by Magistrate Judge William B Carter on 8/23/10. (KFB, ) (Entered: 08/23/2010)
08/25/2010	<u>95</u>	NOTICE by United States of America of <i>Consent to Dismissal of Certain Claims and Statement of Interest</i> (Tonkin, Elizabeth) (Entered: 08/25/2010)
09/16/2010	<u>96</u>	NOTICE by Darla Lane of <i>Service of Plaintiff Relator's Second Set of Interrogatories to Defendants</i> (Pigott, J.) (Entered: 09/16/2010)
09/27/2010	<u>97</u>	MOTION to Amend/Revise <i>Answer</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <u>1</u> Exhibit 1 – Proposed Amended Answer, # <u>2</u> Exhibit 2 – Email chain)(Eckert, Joel) (Entered: 09/27/2010)
09/27/2010	<u>98</u>	MEMORANDUM in Support of Motion re <u>97</u> MOTION to Amend/Revise <i>Answer</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 09/27/2010)
10/01/2010	<u>99</u>	NOTICE of Hearing on Motion <u>97</u> MOTION to Amend/Revise <i>Answer</i> : Motion Hearing set for <b>10/15/2010</b> 09:00 AM in Chambers – Chattanooga before Magistrate Judge William B Carter. (KFB, ) (Entered: 10/01/2010)
10/07/2010	<u>100</u>	NOTICE of Hearing on Motion <u>97</u> MOTION to Amend/Revise <i>Answer</i> : Motion Hearing is RESET to <b>10/22/2010</b> 09:00 AM in Chambers – Chattanooga before Magistrate Judge William B Carter. (KFB, ) (Entered: 10/07/2010)
10/12/2010	<u>101</u>	RESPONSE to Motion re <u>97</u> MOTION to Amend/Revise <i>Answer</i> filed by Darla Lane. (Pigott, J.) (Entered: 10/12/2010)
10/20/2010	<u>102</u>	ORDER: the Court GRANTS defendants' <u>97</u> Motion to Amend/Correct Answer. Defendants shall have until October 31, 2010 to file their Amended Answer, which was attached as Exhibit 1 to the Motion. The hearing scheduled for Friday, October 22, 2010, is hereby CANCELED. Signed by Magistrate Judge William B Carter on 10/20/2010. (BJL) (Entered: 10/20/2010)
10/20/2010		Set/Reset Deadlines: Defendants' Amended Answer is due by <b>10/31/2010</b> per previous order. (BJL) (Entered: 10/20/2010)
10/26/2010	<u>103</u>	ORDER: Defendants' <u>91</u> Motion to Enter Dismissal Order with Prejudice of Previously Relator–Dismissed Counts is DENIED AS MOOT. The Court takes notice of Plaintiff–Relator's statements regarding these counts and pattern in her Memorandum in Opposition to Defendants' <u>72</u> Motion to Dismiss, however, and, if Plaintiff attempts to re–file the counts and patterns she herself previously dismissed, Defendants have leave to re–file this motion to dismiss. Signed by District Judge Harry S Mattice, Jr on 10/26/2010. (BJL, ) (Entered: 10/26/2010)
10/27/2010	<u>104</u>	AMENDED ANSWER to <i>First</i> <u>83</u> Amended Complaint by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 10/27/2010)
03/03/2011	<u>105</u>	NOTICE by Darla Lane of <i>Service of Third Set of Interrogatories and Third Request for Production of Documents or Things</i> (Pigott, J.) (Entered: 03/03/2011)

04/13/2011	<u>106</u>	NOTICE to Take Deposition of Murfreesboro Dermatology Clinic by Darla Lane.(Pigott, J.) (Entered: 04/13/2011)
04/13/2011	<u>107</u>	NOTICE to Take Deposition of Gabriele Brockelsby, Leslie Moore, and Michael W. Bell by Darla Lane.(Pigott, J.) (Entered: 04/13/2011)
04/13/2011	<u>108</u>	Joint MOTION for Extension of Time to Complete Discovery <i>as to Disclosure of Expert Testimony</i> by Darla Lane. (Pigott, J.) (Entered: 04/13/2011)
04/15/2011	<u>109</u>	MOTION to Compel <i>Discovery Pertaining to Period Within Applicable Statute of Limitations</i> by Darla Lane. (Attachments: # <u>1</u> Exhibit A (1st pg. of Pl Relator's 1st Set of Interrogatories to Dfs), # <u>2</u> Exhibit B (Exh B to Pl Relator's 1st Set of Interrogatories to Dfs), # <u>3</u> Exhibit C (1st 2 pgs. of Dfs' Responses to Pl's 1st Req for Prod of Docs))(Pigott, J.) (Entered: 04/15/2011)
04/15/2011	<u>110</u>	MEMORANDUM in Support of Motion re <u>109</u> MOTION to Compel <i>Discovery Pertaining to Period Within Applicable Statute of Limitations</i> filed by Darla Lane. (Pigott, J.) (Entered: 04/15/2011)
04/18/2011	<u>111</u>	AMENDED NOTICE to Take Deposition of Gabi Brockelsby, Leslie Moore, Michael Bell by Darla Lane.(Pigott, J.) Modified Text on 4/19/2011 (BJL). (Entered: 04/18/2011)
04/18/2011	<u>112</u>	AGREED ORDER ENLARGING TIMES WITHIN WHICH EXPERT REPORTS MUST BE PRODUCED; granting <u>108</u> Motion for Extension of Time to Complete Discovery. Signed by Magistrate Judge William B Carter on 4/18/11. (KFB, ) (Entered: 04/18/2011)
04/20/2011	<u>113</u>	NOTICE of Hearing on Motion <u>109</u> MOTION to Compel <i>Discovery Pertaining to Period Within Applicable Statute of Limitations</i> : Motion Hearing set for <b>4/29/2011</b> 09:00 AM in Chambers – Chattanooga before Magistrate Judge William B Carter. (KFB, ) (Entered: 04/20/2011)
04/28/2011	<u>114</u>	RESPONSE in Opposition re <u>109</u> MOTION to Compel <i>Discovery Pertaining to Period Within Applicable Statute of Limitations</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <u>1</u> Supplement U.S. ex rel. Bane v. Breathe Easy Pulmonary Services, Inc., # <u>2</u> Supplement U.S. ex rel. Grandeau v. Cancer Treatment Centers of America)(Eckert, Joel) (Entered: 04/28/2011)
04/28/2011	<u>115</u>	NOTICE by Michael W Bell, Murfreesboro Dermatology Clinic, PLC re <u>109</u> MOTION to Compel <i>Discovery Pertaining to Period Within Applicable Statute of Limitations</i> , <u>114</u> Response in Opposition to Motion, <i>Notice of Filing</i> (Attachments: # <u>1</u> Exhibit 1 – September 16, 2010 letter, # <u>2</u> Exhibit 2 – September 27, 2010 letter, # <u>3</u> Exhibit 3 – April 11–12, 2011 emails)(Eckert, Joel) (Entered: 04/28/2011)
04/29/2011		Minute Entry for proceedings held before Magistrate Judge William B Carter: Motion Hearing held on 4/29/2011 re <u>109</u> MOTION to Compel <i>Discovery Pertaining to Period Within Applicable Statute of Limitations</i> filed by Darla Lane. Held w/o courtroom deputy. (KFB, ) (Entered: 05/02/2011)
05/10/2011	<u>116</u>	ORDER granting <u>109</u> Motion to Compel Discovery Responses. Signed by Magistrate Judge William B Carter on 5/10/11. (KFB, ) Modified on 5/10/2011 (KFB, ). Order mailed to Jess Campbell Neil. (Entered: 05/10/2011)
05/17/2011	<u>117</u>	MOTION to Amend/Revise <u>116</u> Order on Motion to Compel by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 05/17/2011)
05/17/2011	<u>118</u>	MEMORANDUM in Support of Motion re <u>117</u> MOTION to Amend/Revise <u>116</u> Order on Motion to Compel filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 05/17/2011)
05/18/2011	<u>119</u>	NOTICE by Darla Lane of <i>Fourth Request for Production of Documents</i> (Pigott, J.) (Entered: 05/18/2011)
05/20/2011	<u>120</u>	MOTION For Review Of Magistrate Judge's Order re <u>116</u> Order on Motion to Compel by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 05/20/2011)

05/20/2011	<u>121</u>	MEMORANDUM in Support of Motion re <u>120</u> MOTION For Review Of Magistrate Judge's Order re <u>116</u> Order on Motion to Compel filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 05/20/2011)
05/20/2011	<u>122</u>	NOTICE by Michael W Bell, Murfreesboro Dermatology Clinic, PLC re <u>121</u> Memorandum in Support of Motion, <u>120</u> MOTION For Review Of Magistrate Judge's Order re <u>116</u> Order on Motion to Compel (Attachments: # <u>1</u> Exhibit Exhibit A – Defendants' Responses to Plaintiff's First Request for Production, # <u>2</u> Exhibit Exhibit B – Defendants' Motion to Partially Amend Order Granting Motion to Compel and Memorandum in Support)(Eckert, Joel) (Entered: 05/20/2011)
05/25/2011	<u>123</u>	RESPONSE in Opposition re <u>120</u> MOTION For Review Of Magistrate Judge's Order re <u>116</u> Order on Motion to Compel filed by Darla Lane. (Pigott, J.) (Entered: 05/25/2011)
05/26/2011	<u>124</u>	NOTICE by Darla Lane of <i>Service of Fifth Request for Production by Defendants of Documents or Things</i> (Pigott, J.) (Entered: 05/26/2011)
05/27/2011	<u>125</u>	MOTION for Leave to File <i>Second Amended Complaint</i> by Darla Lane. (Attachments: # <u>1</u> Exhibit 1 – 2nd Amended Complaint, # <u>2</u> Exhibit 2 – Complaint, # <u>3</u> Exhibit 3 – Order, # <u>4</u> Exhibit 4 – Deposition Excerpts)(Pigott, J.) (Entered: 05/27/2011)
05/27/2011	<u>126</u>	MEMORANDUM in Support of Motion re <u>125</u> MOTION for Leave to File <i>Second Amended Complaint</i> filed by Darla Lane. (Pigott, J.) (Entered: 05/27/2011)
05/27/2011	<u>127</u>	NOTICE by Darla Lane re <u>120</u> MOTION For Review Of Magistrate Judge's Order re <u>116</u> Order on Motion to Compel <i>Discovery Responses</i> (Attachments: # <u>1</u> Exhibit 1 – Motion to Compel, # <u>2</u> Exhibit 2 – Order)(Pigott, J.) (Entered: 05/27/2011)
05/27/2011	<u>128</u>	RESPONSE in Opposition re <u>117</u> MOTION to Amend/Revise <u>116</u> Order on Motion to Compel filed by Darla Lane. (Attachments: # <u>1</u> Exhibit 1 – Pltf Interrogatories to Def, # <u>2</u> Exhibit 2 – Email, # <u>3</u> Exhibit 3 – Pltf's 4th Req for Production)(Pigott, J.) (Entered: 05/27/2011)
06/09/2011	<u>129</u>	RESPONSE in Opposition re <u>125</u> MOTION for Leave to File <i>Second Amended Complaint</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 06/09/2011)
06/09/2011	<u>130</u>	NOTICE by Michael W Bell, Murfreesboro Dermatology Clinic, PLC re <u>129</u> Response in Opposition to Motion <i>for Leave to Amend</i> (Attachments: # <u>1</u> Exhibit 1 – Excerpts from Michael Bell deposition, # <u>2</u> Exhibit 2 – Excerpts from Murfreesboro Dermatology deposition, # <u>3</u> Exhibit 3 – June 2, 2011 email)(Eckert, Joel) (Entered: 06/09/2011)
06/13/2011	<u>131</u>	MOTION for Extension of Time to File Response/Reply as to <u>129</u> Response in Opposition to Motion <i>for Leave to File Second Amended Complaint</i> by Darla Lane. (Pigott, J.) (Entered: 06/13/2011)
06/20/2011	<u>132</u>	ORDER granting <u>131</u> Motion for Extension of Time to File Response/Reply re <u>125</u> MOTION for Leave to File <i>Second Amended Complaint</i> Replies due by 6/23/2011.. Signed by Magistrate Judge William B Carter on 6-20-11. This is the complete order of the Court. There is no document attached to this entry. (KMG, ) Modified on 6/20/2011 (KFB, ). Serviced to Jesse Campbell Neil. (Entered: 06/20/2011)
06/21/2011	<u>133</u>	REPLY to Response to Motion re <u>125</u> MOTION for Leave to File <i>Second Amended Complaint</i> filed by Darla Lane. (Pigott, J.) (Entered: 06/21/2011)
06/21/2011	<u>134</u>	NOTICE by Darla Lane re <u>133</u> Reply to Response to Motion <i>for Leave to File Second Amended Complaint</i> (Attachments: # <u>1</u> Exhibit 1 – Bell Deposition Excerpts, # <u>2</u> Exhibit 2 – Affidavit of Debbie Upton, # <u>3</u> Exhibit G – Brockelsby Memo, # <u>4</u> Exhibit H – Spreadsheet, # <u>5</u> Exhibit I – Spreadsheet, # <u>6</u> Exhibit K – Spreadsheet, # <u>7</u> Exhibit L – Spreadsheet, # <u>8</u> Exhibit N – Spreadsheet, # <u>9</u> Exhibit O – Spreadsheet, # <u>10</u> Exhibit P – Spreadsheet)(Pigott, J.) (Entered: 06/21/2011)
07/08/2011	<u>135</u>	ORDER granting <u>125</u> Motion for Leave to File Document amended complaint. Signed by Magistrate Judge William B Carter on 7/11/11. (KFB, ) Modified on 7/11/2011 (KFB, ). Serviced to Jesse C Neil. (Entered: 07/11/2011)

07/08/2011	<a href="#">136</a>	ORDER granting <a href="#">117</a> Motion to Amend/Correct. Signed by Magistrate Judge William B Carter on 7/8/11. (KFB, ) Modified on 7/11/2011 (KFB, ). Serviced to Jesse C Neil. (Entered: 07/11/2011)
07/22/2011	<a href="#">137</a>	AMENDED COMPLAINT ( <i>Second</i> ) against All Defendants., filed by Darla Lane. (Attachments: # <a href="#">1</a> Exhibit A – Claim Form (front), # <a href="#">2</a> Exhibit B – Claim Form (back), # <a href="#">3</a> Exhibit C – Codes, # <a href="#">4</a> Exhibit G – Brockelsby Memo, # <a href="#">5</a> Exhibit H – Spreadsheet, # <a href="#">6</a> Exhibit I – Spreadsheet, # <a href="#">7</a> Exhibit J – Spreadsheet, # <a href="#">8</a> Exhibit K – Spreadsheet, # <a href="#">9</a> Exhibit L – Spreadsheet, # <a href="#">10</a> Exhibit M – Spreadsheet, # <a href="#">11</a> Exhibit N – Spreadsheet, # <a href="#">12</a> Exhibit O – Spreadsheet, # <a href="#">13</a> Exhibit P – Spreadsheet)(Pigott, J.) (Entered: 07/22/2011)
08/03/2011	<a href="#">138</a>	ORDER: The parties are hereby ON NOTICE that if they do not supplement their briefing on the Motion for Review of Magistrate Judge's <a href="#">120</a> ORDER on or before <b>8/10/2011</b> , the Court will deny the motion as moot. Signed by District Judge Harry S Mattice, Jr on 8/3/2011. (BJL) (Entered: 08/03/2011)
08/03/2011	<a href="#">139</a>	RESPONSE in Opposition re <a href="#">120</a> MOTION For Review Of Magistrate Judge's Order re <a href="#">116</a> Order on Motion to Compel ( <i>Supplemental</i> ) filed by Darla Lane. (Pigott, J.) (Entered: 08/03/2011)
08/04/2011	<a href="#">140</a>	STIPULATION re <a href="#">137</a> Amended Complaint., <i>Joint Stipulation for Extension of Time for Defendants to Answer or Otherwise Respond to Second Amended Complaint</i> by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 08/04/2011)
08/10/2011	<a href="#">141</a>	MEMORANDUM in Support of Motion re <a href="#">120</a> MOTION For Review Of Magistrate Judge's Order re <a href="#">116</a> Order on Motion to Compel <i>Supplemental Memorandum</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 08/10/2011)
08/26/2011	<a href="#">142</a>	ANSWER to <a href="#">137</a> Amended Complaint., <i>Answer to Second Amended Complaint</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC.(Eckert, Joel) (Entered: 08/26/2011)
08/26/2011	<a href="#">143</a>	MOTION to Dismiss <i>Plaintiff's First Alleged False Claims Pattern and Related Counts</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 08/26/2011)
08/26/2011	<a href="#">144</a>	MEMORANDUM in Support of Motion re <a href="#">143</a> MOTION to Dismiss <i>Plaintiff's First Alleged False Claims Pattern and Related Counts</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 08/26/2011)
09/07/2011	<a href="#">145</a>	NOTICE by Darla Lane of <i>Service of 4th Set of Interrogatories and 6th Request for Production of Documents</i> (Pigott, J.) (Entered: 09/07/2011)
09/15/2011	<a href="#">146</a>	SUPPLEMENT to <a href="#">137</a> Amended Complaint., ( <i>Second</i> ); <i>Exhibit D</i> by Darla Lane. (Pigott, J.) (Entered: 09/15/2011)
09/15/2011	<a href="#">147</a>	RESPONSE in Opposition re <a href="#">143</a> MOTION to Dismiss <i>Plaintiff's First Alleged False Claims Pattern and Related Counts</i> filed by Darla Lane. (Attachments: # <a href="#">1</a> Exhibit A – Letter from Defense Counsel)(Pigott, J.) (Entered: 09/15/2011)
09/20/2011	<a href="#">148</a>	Joint MOTION to Amend/Revise <a href="#">87</a> Scheduling Order, by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 09/20/2011)
09/20/2011	<a href="#">149</a>	NOTICE by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC re <a href="#">148</a> Joint MOTION to Amend/Revise <a href="#">87</a> Scheduling Order, <i>Notice of Filing In Support of Motion to Modify Scheduling Order</i> (Attachments: # <a href="#">1</a> Exhibit 1 – Affidavit of Joel D. Eckert)(Eckert, Joel) (Entered: 09/20/2011)
09/22/2011	<a href="#">150</a>	REPLY to Response to Motion re <a href="#">143</a> MOTION to Dismiss <i>Plaintiff's First Alleged False Claims Pattern and Related Counts</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 09/22/2011)
10/06/2011	<a href="#">151</a>	ORDER granting <a href="#">148</a> Motion to Amend/Correct Scheduling Order.. Signed by District Judge Harry S Mattice, Jr on October 6, 2011. (CNH, ) (Entered: 10/06/2011)

10/18/2011	<a href="#">152</a>	NOTICE by Darla Lane <i>of Service of Plaintiff Relator's Fifth Set of Interrogatories to Defendants</i> (Pigott, J.) (Entered: 10/18/2011)
11/07/2011	<a href="#">153</a>	Joint MOTION for Protective Order <i>Governing the Disclosure of Health Information</i> by United States of America. (Tonkin, Elizabeth) (Entered: 11/07/2011)
11/08/2011	<a href="#">154</a>	<b>PROTECTIVE ORDER GOVERNING THE DISCLOSURE OF HEALTH INFORMATION, RE <a href="#">153</a> . Signed by Magistrate Judge William B Carter on 11/8/11. (KFB, )</b> (Entered: 11/08/2011)
02/22/2012	<a href="#">155</a>	NOTICE of Appearance by Thor Y Urness on behalf of Michael W Bell, Murfreesboro Dermatology Clinic, PLC (Urness, Thor) (Entered: 02/22/2012)
03/16/2012	<a href="#">156</a>	NOTICE by Darla Lane <i>of Service of 6th Set of Interrogatories and 7th Request for Production</i> (Pigott, J.) (Entered: 03/16/2012)
03/20/2012	<a href="#">157</a>	<b>ORDER denying <a href="#">120</a> Motion For Review Of Magistrate Judge's Order; denying <a href="#">143</a> Motion to Dismiss. Signed by District Judge Harry S Mattice, Jr on March 20, 2012. (CNH, )</b> (Entered: 03/20/2012)
03/20/2012	<a href="#">158</a>	<b>AMENDED SCHEDULING ORDER, (Dispositive Motions due by <b>7/24/2012</b>., Final Pretrial Conference set for <b>10/22/2012 04:00 PM</b> in Courtroom 1A – Chattanooga before District Judge Harry S Mattice Jr., Jury Trial set for <b>11/6/2012 09:00 AM</b> in Courtroom 1A – Chattanooga before District Judge Harry S Mattice Jr.)Signed by District Judge Harry S Mattice, Jr on March 20, 2012. (CNH, )</b> (Entered: 03/20/2012)
04/03/2012	<a href="#">159</a>	<i>DEFENDANTS' ANSWER to Complaint SECOND AMENDED COMPLAINT</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC.(Eckert, Joel) (Entered: 04/03/2012)
04/06/2012	<a href="#">160</a>	MOTION to Continue <i>and to Modify First Amended Scheduling Order [Doc. 158]</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Exhibit A – Declaration of Joel D. Eckert)(Urness, Thor). Added MOTION to Amend/Revise on 4/9/2012 (CNC, ). (Entered: 04/06/2012)
04/06/2012	<a href="#">161</a>	MEMORANDUM in Support of Motion re <a href="#">160</a> MOTION to Continue <i>and to Modify First Amended Scheduling Order [Doc. 158]</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Urness, Thor) (Entered: 04/06/2012)
04/11/2012	<a href="#">162</a>	Unopposed MOTION for Extension of Time to File <i>Expert Reports of All Parties</i> by Darla Lane. (Pigott, J.) (Entered: 04/11/2012)
04/11/2012	<a href="#">163</a>	MEMORANDUM in Support of Motion re <a href="#">162</a> Unopposed MOTION for Extension of Time to File <i>Expert Reports of All Parties</i> filed by Darla Lane. (Pigott, J.) (Entered: 04/11/2012)
04/11/2012	<a href="#">164</a>	AFFIDAVIT re <a href="#">162</a> Unopposed MOTION for Extension of Time to File <i>Expert Reports of All Parties</i> by Darla Lane. (Pigott, J.) (Entered: 04/11/2012)
04/13/2012	<a href="#">165</a>	<b>ORDER granting <a href="#">162</a> Motion for Extension of Time. Signed by Magistrate Judge William B Carter on 4/13/12. (GRE, )</b> (Entered: 04/13/2012)
04/17/2012	<a href="#">166</a>	NOTICE by Darla Lane <i>of Service of Plaintiff Relator's Eighth Request for Production by Defendants of Documents or Things</i> (Pigott, J.) (Entered: 04/17/2012)
04/18/2012	<a href="#">167</a>	MOTION to Amend/Revise <a href="#">165</a> Order on Motion for Extension of Time to File, <a href="#">158</a> Order, Set Deadlines/Hearings,, <i>and For Enlargement of Time</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Exhibit 1 – Plaintiff's Responses to Discovery, # <a href="#">2</a> Exhibit 2 – Defendant's Second Set of Interrogatories)(Eckert, Joel) (Entered: 04/18/2012)
04/18/2012	<a href="#">168</a>	MEMORANDUM in Support of Motion re <a href="#">167</a> MOTION to Amend/Revise <a href="#">165</a> Order on Motion for Extension of Time to File, <a href="#">158</a> Order, Set Deadlines/Hearings,, <i>and For Enlargement of Time</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 04/18/2012)
04/25/2012	<a href="#">169</a>	MOTION to Compel <i>Discovery Responses</i> by Murfreesboro Dermatology Clinic, PLC. (Attachments: # <a href="#">1</a> Exhibit 1 – Declaration of Joel D. Eckert, # <a href="#">2</a> Exhibit A to Eckert Declaration – Plaintiff's responses to defendant's first set of discovery, # <a href="#">3</a> Exhibit B to Eckert Declaration – Defendant's second set of discovery to plaintiff, # <a href="#">4</a>

		Exhibit C to Eckert Declaration – February 23, 2012 letter, # <u>5</u> Exhibit D to Eckert Declaration – April 10, 2012 email thread, # <u>6</u> Exhibit E to Eckert Declaration – Second April 10, 2012 email, # <u>7</u> Exhibit F to Eckert Declaration – April 23–24, 2012 email thread)(Eckert, Joel) (Entered: 04/25/2012)
04/25/2012	<u>170</u>	MEMORANDUM in Support of Motion re <u>169</u> MOTION to Compel <i>Discovery Responses</i> filed by Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 04/25/2012)
05/04/2012	<u>171</u>	NOTICE of Hearing on Motion <u>169</u> MOTION to Compel <i>Discovery Responses</i> : Motion Hearing set for <b>5/17/2012</b> 09:00 AM in Judge's Chambers before Magistrate Judge William B Carter. (KFB, ) (Entered: 05/04/2012)
05/04/2012	<u>172</u>	NOTICE by Darla Lane of <i>Service of Plaintiff/Relator's Responses &amp; Objections to Defendant Murphreesboro Dermatology Clinic's Second Set of Interrogatories</i> (Pigott, J.) (Entered: 05/04/2012)
05/04/2012	<u>173</u>	NOTICE by Darla Lane of <i>Service of Plaintiff/Relator's Responses &amp; Objections to Defendant Murphreesboro Dermatology Clinic's Second Requests for Production of Documents &amp; Things</i> (Pigott, J.) (Entered: 05/04/2012)
05/04/2012	<u>174</u>	MOTION for Extension of Time to File Response/Reply as to <u>169</u> MOTION to Compel <i>Discovery Responses</i> by Darla Lane. (Pigott, J.) (Entered: 05/04/2012)
05/09/2012	<u>175</u>	ORDER, Granting in Part and Denying in Part <u>174</u> MOTION for Extension of Time to File Response/Reply ( Response to Motion to Compel Discovery Responses due by <b>5/9/2012</b> .), (Motion Hearing set for <b>5/11/2012</b> 10:00 AM in Courtroom 1A – Chattanooga before District Judge Harry S Mattice Jr.)Signed by District Judge Harry S Mattice, Jr on May 9, 2012. (CNC, ) (Entered: 05/09/2012)
05/09/2012	<u>176</u>	RESPONSE to Motion re <u>169</u> MOTION to Compel <i>Discovery Responses</i> filed by Darla Lane. (Attachments: # <u>1</u> Exhibit A – Responses & Objs by Pl–Relator Lane to Df Murphreesboro Dermatology Clinic's Second Set of Interrogatories, # <u>2</u> Exhibit B – Responses & Objs by Pl–Rel Lane to Df Murphreesboro Dermatology Clinic's Second RFP of Documents)(Pigott, J.) (Entered: 05/09/2012)
05/10/2012	<u>177</u>	REPLY to Response to Motion re <u>169</u> MOTION to Compel <i>Discovery Responses</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <u>1</u> Exhibit 2–Documents Produced by Plaintiff, R–422 Through 500)(Urness, Thor) (Entered: 05/10/2012)
05/11/2012	<u>178</u>	Minute Entry for proceedings held before District Judge Harry S Mattice, Jr: Motion Hearing held on 5/11/2012 re <u>169</u> MOTION to Compel <i>Discovery Responses</i> filed by Murfreesboro Dermatology Clinic, PLC. (Court Reporter Shannan Andrews) (PCS) (Entered: 05/11/2012)
05/15/2012	<u>179</u>	ORDER denying as moot <u>169</u> Motion to Compel. Signed by District Judge Harry S Mattice, Jr on 5/15/2012. (PCS) (Entered: 05/15/2012)
05/18/2012	<u>180</u>	WITNESS LIST <i>Designation of Experts</i> by Darla Lane. (Pigott, J.) (Entered: 05/18/2012)
05/24/2012	<u>181</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 5–11–12 (Status Hearing), before Judge Mattice. Court Reporter/Transcriber Shannan Andrews, Telephone number 423 756–5174. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.tned.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due <b>6/14/2012</b> . Redacted Transcript Deadline set for <b>6/25/2012</b> . Release of Transcript Restriction set for <b>8/22/2012</b> . (SIA, ) (Entered: 05/24/2012)
05/30/2012	<u>182</u>	Joint MOTION for Leave to File <i>Proposed Agreed Order Amending Second Amended Complaint to Dismiss with Prejudice Counts III, IV, V, VI, IX, X, XI and XII</i> by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC, State of

		Tennessee, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Urness, Thor) (Entered: 05/30/2012)
06/01/2012	<u>183</u>	MOTION to Compel <i>Deposition of Plaintiff's Expert</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Urness, Thor) (Entered: 06/01/2012)
06/04/2012	<u>184</u>	NOTICE by Michael W Bell, Murfreesboro Dermatology Clinic, PLC <i>Notice of Filing of the Notice of Deposition of Lorsten Johnson</i> (Attachments: # <u>1</u> Exhibit 1 – Notice of Deposition)(Eckert, Joel) (Entered: 06/04/2012)
06/05/2012	<u>185</u>	RESPONSE in Opposition re <u>183</u> MOTION to Compel <i>Deposition of Plaintiff's Expert</i> filed by Darla Lane. (Pigott, J.) (Entered: 06/05/2012)
06/06/2012	<u>186</u>	REPLY to Response to Motion re <u>183</u> MOTION to Compel <i>Deposition of Plaintiff's Expert</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Urness, Thor) (Entered: 06/06/2012)
06/15/2012	<u>187</u>	MOTION to Withdraw as Attorney by United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Anderson, M) (Entered: 06/15/2012)
06/18/2012	<u>188</u>	<b>ORDER granting <u>187</u> Motion to Withdraw as Attorney. Attorney M Kent Anderson terminated. Signed by Magistrate Judge William B Carter on 6/18/12. (KFB, )</b> (Entered: 06/19/2012)
06/19/2012	<u>189</u>	NOTICE by Michael W Bell, Murfreesboro Dermatology Clinic, PLC <i>Notice of Filing of Expert Reports</i> (Attachments: # <u>1</u> Exhibit A – Expert Report of Alan Boyd, M.D., with exhibits 1–3, # <u>2</u> Exhibit B – Expert Report of Fernando R. de Castro, M.D., with exhibits A–B, # <u>3</u> Exhibit C – Expert Report of Brent Moody, M.D., with exhibits 1–3, # <u>4</u> Exhibit D, Part 1 – Expert Report of Michael W. Bell, M.D., with exhibits 1–4, # <u>5</u> Exhibit D, Part 2 – Expert Report of Michael W. Bell, M.D., exhibits 5–8, # <u>6</u> Exhibit D, Part 3 – Expert Report of Michael W. Bell, exhibits 9–14, # <u>7</u> Exhibit D, Part 4 – Expert Report of Michael W. Bell, M.D., exhibits 15–19, # <u>8</u> Exhibit E – Expert Report of Cristine M. Miller, CMPE, CCS–P, CHC, with attachments 1–7)(Eckert, Joel) (Entered: 06/19/2012)
06/19/2012	<u>190</u>	MOTION for Extension of Time to File <i>Expert Disclosures Due to Plaintiff's Expert's Failure to Appear for Deposition</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Urness, Thor) (Entered: 06/19/2012)
06/21/2012	<u>191</u>	RESPONSE in Opposition re <u>190</u> MOTION for Extension of Time to File <i>Expert Disclosures Due to Plaintiff's Expert's Failure to Appear for Deposition</i> filed by Darla Lane. (Pigott, J.) (Entered: 06/21/2012)
06/21/2012	<u>192</u>	REPLY to Response to Motion re <u>190</u> MOTION for Extension of Time to File <i>Expert Disclosures Due to Plaintiff's Expert's Failure to Appear for Deposition</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Urness, Thor) (Entered: 06/21/2012)
07/02/2012	<u>193</u>	SUPPLEMENT of <i>Expert Report</i> by Darla Lane. (Attachments: # <u>1</u> Exhibit A – Supplementary Expert Report by Lorsten Johnson, CPC, CCS–P)(Pigott, J.) (Entered: 07/02/2012)
07/02/2012	<u>194</u>	WITNESS LIST by Darla Lane. (Pigott, J.) (Entered: 07/02/2012)
07/03/2012	<u>195</u>	WITNESS LIST by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Eckert, Joel) (Entered: 07/03/2012)
07/11/2012	<u>196</u>	MOTION to Strike <u>193</u> Supplement <i>Plaintiff's "Supplementary Expert Report"</i> by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Attachments: # <u>1</u> Exhibit 1–Lane Responses to First Set of Interrogatories, # <u>2</u> Exhibit 2–Deposition Excerpts of Ronald Nelson, M.D.)(Urness, Thor) (Entered: 07/11/2012)
07/11/2012	<u>197</u>	MEMORANDUM in Support of Motion re <u>196</u> MOTION to Strike <u>193</u> Supplement <i>Plaintiff's "Supplementary Expert Report"</i> filed by Michael W Bell, Murfreesboro Dermatology Clinic, PLC. (Urness, Thor) (Entered: 07/11/2012)
07/13/2012		Minute Entry for proceedings held before Magistrate Judge William B Carter: Motion Hearing held on 7/13/2012 re <u>196</u> MOTION to Strike <u>193</u> Supplement <i>Plaintiff's "Supplementary Expert Report"</i> filed by Murfreesboro Dermatology Clinic, PLC,

		Michael W Bell. Held w/o courtroom deputy. (KFB, ) (Entered: 08/01/2012)
07/16/2012	<u>198</u>	Joint MOTION for Leave to File [ <i>Proposed</i> ] <i>Agreed Order Dismissing Action with Prejudice</i> by Michael W Bell, Darla Lane, Murfreesboro Dermatology Clinic, PLC, State of Tennessee, United States of America. (Attachments: # <u>1</u> Text of Proposed Order Proposed Agreed Order)(Urness, Thor) (Entered: 07/16/2012)
07/20/2012	<u>199</u>	ORDER, This action is hereby DISMISSED WITH PREJUDICE, as to the Plaintiff/Relator Darla Lane, and is hereby DISMISSED WITHOUT PREJUDICE as to the United States of America and the State of Tennessee. All pending motions are DENIED AS MOOT. A separate judgment will enter. Signed by District Judge Harry S Mattice, Jr on July 20, 2012. (CNC, ) (Entered: 07/20/2012)
07/20/2012	<u>200</u>	JUDGMENT Signed by Clerk of Court, Debra C. Poplin on July 20, 2012. (CNC, ) (Entered: 07/20/2012)



CLOSED

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:08-cv-11775-NMG**

United States of America ex. rel. et al v. Infomedics, Inc. et al  
Assigned to: Judge Nathaniel M. Gorton  
Cause: 31:3729 False Claims Act

Date Filed: 10/22/2008  
Date Terminated: 03/12/2012  
Jury Demand: Plaintiff  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America ex. rel.**  
*ex rel. Arlene Tessitore*

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**Plaintiff**

**State of California**

**Plaintiff**

**State of Delaware**

**Plaintiff**

**State of Florida**

**Plaintiff**

**State of Georgia**

**Plaintiff**

**State of Hawaii**

**Plaintiff**

**State of Illinois**

**Plaintiff**

**State of Indiana**

**Plaintiff**

State of Louisiana

Plaintiff

State of Michigan

Plaintiff

State of Montana

Plaintiff

State of Nevada

Plaintiff

State of New Hampshire

Plaintiff

State of New Jersey

Plaintiff

State of New Mexico

Plaintiff

State of New York

Plaintiff

State of Oklahoma

Plaintiff

State of Rhode Island

Plaintiff

State of Tennessee

Plaintiff

State of Texas

Plaintiff

State of Wisconsin

Plaintiff

Commonwealth of Massachusetts

Plaintiff

Commonwealth of Virginia

Plaintiff

The District of Columbia

Plaintiff

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*Relator*

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V.

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**Defendant**

**Glaxosmithkline, PLC**

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**Defendant**

**Glaxosmithkline, LLC**  
*doing business as*  
 GlaxoSmithKline LLC  
*formerly known as*  
 Smithkline Beecham Corporation

represented by **C. Michael Moore**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Glenn Colton**  
 (See above for address)  
 PRO HAC VICE  
 ATTORNEY TO BE NOTICED

**Philip A. O'Connell, Jr.**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Sean C. Cenawood**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Teisha C. Johnson**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/22/2008	<u>1</u>	FALSE CLAIMS ACT COMPLAINT against Infomedics, Inc., Glaxosmithkline, PLC, Smithkline Beecham Corporation, filed by State of Michigan, State of Montana, State of Nevada, State of New Hampshire, United States of America ex. rel., State of New Jersey, State of New Mexico, State of New York, State of Oklahoma, State of Rhode Island, State of Tennessee, State of Texas, State of Wisconsin, Commonwealth of Massachusetts, State of California, Commonwealth of Virginia, The District of Columbia, Arlene Tessitore, State of Delaware, State of Florida, State of Georgia, State of Hawaii, State of Illinois, State of Indiana, State of Louisiana. (Attachments: # <u>1</u> Complaint – Part 2, # <u>2</u> Complaint – Part 3, # <u>3</u> Complaint – Part 4, # <u>4</u> Civil Cover Sheet and Category Form)(Paine, Matthew) (Entered: 10/22/2008)
02/19/2010	<u>15</u>	NOTICE of Election to Decline Intervention by United States of America ex. rel. (Attachments: # <u>1</u> Text of Proposed Order)(Duong, Diep) Modified on 7/1/2010 (Abaid, Kimberly). (Entered: 02/22/2010)
06/29/2010	<u>18</u>	Judge Nathaniel M. Gorton: ORDER entered. (Abaid, Kimberly) (Entered: 07/01/2010)
10/19/2010	<u>19</u>	NOTICE of Withdrawal of Appearance and Substitution of Counsel. Attorney Marcella Auerbach and Kenneth J. Nolan terminated. (Duong, Diep) (Entered: 10/21/2010)
10/19/2010	<u>20</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Michael Baum by Arlene Tessitore. (Attachments: # <u>1</u> Affidavit)(Duong, Diep) (Entered: 10/21/2010)
10/19/2010	<u>21</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Ronald L.M. Goldman by Arlene Tessitore. (Attachments: # <u>1</u> Affidavit)(Duong, Diep) (Entered: 10/21/2010)
10/19/2010	<u>22</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Bijan Esfandiari by Arlene Tessitore. (Attachments: # <u>1</u> Affidavit) (Duong, Diep) (Entered: 10/21/2010)
10/20/2010		Filing fee/payment: \$ 150, receipt number BST020214 for <u>20</u> <u>21</u> <u>22</u> MOTION for Leave to Appear Pro Hac Vice for admission of Ronald L.M. Goldman, Bijan Esfandiari and Michael Baum (Duong, Diep) (Entered: 10/21/2010)
10/21/2010		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>20</u> <u>21</u> <u>22</u> Motion for Leave to Appear Pro Hac Vice. Added Michael Baum, Ronald L.M. Goldman and Bijan Esfandiari. <b>Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Duong, Diep) (Entered: 10/21/2010)

10/22/2010	<u>23</u>	Summons Issued as to All Defendants. <b>Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service.</b> (Duong, Diep) (Entered: 10/22/2010)
11/12/2010	<u>24</u>	MOTION for Extension of Time to December 15, 2010 to File Answer <i>to Relator's Qui Tam Complaint</i> by Glaxosmithkline, PLC, Smithkline Beecham Corporation. (Attachments: # <u>1</u> Certificate of Service)(O'Connell, Philip) (Entered: 11/12/2010)
11/16/2010	<u>25</u>	Assented to MOTION for Extension of Time to December 15, 2010 to File Answer & <i>to Join Request by Co-Defendants for Extension of Time to Respond to Relator's Qui Tam Complaint</i> by Infomedics, Inc..(O'Brien, Justin) (Entered: 11/16/2010)
11/22/2010	<u>26</u>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Sean C. Cenawood Filing fee: \$ 50, receipt number 0101-3161699 by Glaxosmithkline, PLC. (Attachments: # <u>1</u> Affidavit)(O'Connell, Philip) (Entered: 11/22/2010)
11/22/2010	<u>27</u>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of C. Michael Moore Filing fee: \$ 50, receipt number 0101-3161720 by Glaxosmithkline, PLC. (Attachments: # <u>1</u> Affidavit)(O'Connell, Philip) (Entered: 11/22/2010)
11/22/2010	<u>28</u>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Teisha C. Johnson Filing fee: \$ 50, receipt number 0101-3161731 by Glaxosmithkline, PLC. (Attachments: # <u>1</u> Affidavit)(O'Connell, Philip) (Entered: 11/22/2010)
11/22/2010	<u>29</u>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Glenn Colton Filing fee: \$ 50, receipt number 0101-3161739 by Glaxosmithkline, PLC. (Attachments: # <u>1</u> Affidavit)(O'Connell, Philip) (Entered: 11/22/2010)
11/30/2010		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>26</u> <u>27</u> <u>28</u> <u>29</u> Motion for Leave to Appear Pro Hac Vice. Added Sean C. Cenawood, C. Michael Moore, Teisha C. Johnson and Glenn Colton <b>Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form.</b> (Duong, Diep) (Entered: 11/30/2010)
12/03/2010	<u>30</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered granting <u>24</u> Motion for Extension of Time to Answer Glaxosmithkline, PLC. answer due 12/15/2010. (Duong, Diep) (Entered: 12/06/2010)
12/06/2010	<u>31</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered granting <u>25</u> Motion for Extension of Time to Answer Infomedics, Inc. answer due 12/15/2010. (Duong, Diep) (Entered: 12/06/2010)
12/08/2010	<u>32</u>	SUMMONS Returned Executed Infomedics, Inc. served on 10/25/2010, answer due 12/15/2010. (Esfandiari, Bijan) (Entered: 12/08/2010)
12/08/2010	<u>33</u>	SUMMONS Returned Executed Smithkline Beecham Corporation served on 10/25/2010, answer due 11/15/2010. (Esfandiari, Bijan) (Entered: 12/08/2010)
12/10/2010	<u>34</u>	CORPORATE DISCLOSURE STATEMENT by Infomedics, Inc.. (O'Brien, Justin) (Entered: 12/10/2010)
12/14/2010	<u>35</u>	CORPORATE DISCLOSURE STATEMENT by Glaxosmithkline, PLC, Smithkline Beecham Corporation identifying Corporate Parent GlaxoSmithKline plc for Smithkline Beecham Corporation.. (Cenawood, Sean) (Entered: 12/14/2010)
12/14/2010	<u>36</u>	Assented to MOTION for Extension of Time to 02/15/11 to file Defendants' Motions to Dismiss and Supporting Memoranda <i>and for approval of proposed briefing schedule setting the Relator's opposition deadline for 04/15/11 and the Defendants' reply deadline for 05/06/11</i> by Glaxosmithkline, PLC, Infomedics, Inc., Smithkline Beecham Corporation.(Cenawood, Sean) (Entered: 12/14/2010)
01/26/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>36</u> Motion for Extension of Time (Nicewicz, Craig) (Entered: 01/26/2011)

01/27/2011		Set/Reset Deadlines: Motions due by 2/15/2011, Responses due by 4/15/2011, Replies due by 5/6/2011 (Duong, Diep) (Entered: 01/27/2011)
02/10/2011	<u>37</u>	MOTION for Leave to File Excess Pages by Glaxosmithkline, PLC, Smithkline Beecham Corporation. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Teisha) (Entered: 02/10/2011)
02/15/2011	<u>38</u>	MOTION to Dismiss by Infomedics, Inc..(O'Brien, Justin) (Entered: 02/15/2011)
02/15/2011	<u>39</u>	MEMORANDUM in Support re <u>38</u> MOTION to Dismiss filed by Infomedics, Inc.. (O'Brien, Justin) (Entered: 02/15/2011)
02/15/2011	<u>40</u>	MOTION to Dismiss <i>Relator's Complaint with Prejudice</i> by Glaxosmithkline, PLC, Smithkline Beecham Corporation.(Cenawood, Sean) (Entered: 02/15/2011)
02/15/2011	<u>41</u>	MEMORANDUM in Support re <u>40</u> MOTION to Dismiss <i>Relator's Complaint with Prejudice</i> filed by Glaxosmithkline, PLC, Smithkline Beecham Corporation. (Attachments: # <u>1</u> Declaration of Elizabeth Asali, # <u>2</u> Declaration of Teisha Johnson, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I, # <u>12</u> Exhibit J, # <u>13</u> Exhibit K, # <u>14</u> Exhibit L, # <u>15</u> Exhibit M, # <u>16</u> Exhibit N)(Cenawood, Sean) (Entered: 02/15/2011)
02/25/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>37</u> Motion for Leave to File Excess Pages ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Patch, Christine) (Entered: 02/25/2011)
03/08/2011	<u>42</u>	AMENDED COMPLAINT <i>FALSE CLAIMS ACT</i> against All Defendants, filed by Arlene Tessitore.(Esfandiari, Bijan) (Entered: 03/08/2011)
03/09/2011	<u>43</u>	Summons Issued as to All Defendants. <b>Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service.</b> (Duong, Diep) (Entered: 03/09/2011)
03/10/2011	<u>44</u>	NOTICE of Appearance by Kathy B. Weinman on behalf of Infomedics, Inc. (Weinman, Kathy) (Entered: 03/10/2011)
03/21/2011	<u>45</u>	Assented to MOTION for Extension of Time to 04/15/11 to File Defendants' Motions to Dismiss the Amended Complaint <i>and to further revise the briefing schedule so that oppositions are due by 05/20/11 and replies are due by 06/10/11</i> by Glaxosmithkline, PLC, Infomedics, Inc., Smithkline Beecham Corporation.(Cenawood, Sean) (Entered: 03/21/2011)
03/29/2011	<u>46</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered granting <u>38</u> Motion to Dismiss (Duong, Diep) (Entered: 03/30/2011)
03/29/2011	<u>47</u>	Judge Nathaniel M. Gorton: ENDORSED ORDER entered granting <u>40</u> Motion to Dismiss (Duong, Diep) (Entered: 03/30/2011)
03/30/2011		Notice of correction to docket made by Court staff: Entry No. 48 Order Dismissing Case inadvertently entered and has been deleted. Please disregard. (Duong, Diep) (Entered: 03/30/2011)
03/31/2011	<u>48</u>	Judge Nathaniel M. Gorton: ORDER entered granting <u>45</u> Motion for Extension of Time. "Page Limitations shall be strictly adhered to." (Duong, Diep) (Entered: 04/01/2011)
04/07/2011	<u>49</u>	MOTION for Leave to File Excess Pages by Glaxosmithkline, LLC, Glaxosmithkline, PLC. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Teisha) (Entered: 04/07/2011)
04/11/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>49</u> Motion for Leave to File Excess Pages ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on

		(date of order)– in the caption of the document. (Patch, Christine) (Entered: 04/11/2011)
04/15/2011	<u>50</u>	MOTION to Dismiss <i>Relator's Amended Complaint with Prejudice</i> by Glaxosmithkline, LLC, Glaxosmithkline, PLC.(Cenawood, Sean) (Entered: 04/15/2011)
04/15/2011	<u>51</u>	MEMORANDUM in Support re <u>50</u> MOTION to Dismiss <i>Relator's Amended Complaint with Prejudice</i> filed by Glaxosmithkline, LLC, Glaxosmithkline, PLC. (Cenawood, Sean) (Entered: 04/15/2011)
04/15/2011	<u>52</u>	DECLARATION re <u>50</u> MOTION to Dismiss <i>Relator's Amended Complaint with Prejudice</i> by Glaxosmithkline, LLC, Glaxosmithkline, PLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N)(Cenawood, Sean) (Entered: 04/15/2011)
04/15/2011	<u>53</u>	MOTION to Dismiss <i>First Amended Complaint with Prejudice</i> by Infomedics, Inc.(O'Brien, Justin) (Entered: 04/15/2011)
04/15/2011	<u>54</u>	MEMORANDUM in Support re <u>53</u> MOTION to Dismiss <i>First Amended Complaint with Prejudice</i> filed by Infomedics, Inc.. (O'Brien, Justin) (Entered: 04/15/2011)
05/17/2011	<u>55</u>	Assented to MOTION for Leave to File Excess Pages by Arlene Tessitore. (Attachments: # <u>1</u> Text of Proposed Order)(Esfandiari, Bijan) (Entered: 05/17/2011)
05/18/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>55</u> Motion for Leave to File Excess Pages ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Patch, Christine) (Entered: 05/18/2011)
05/20/2011	<u>56</u>	MEMORANDUM in Opposition re <u>50</u> MOTION to Dismiss <i>Relator's Amended Complaint with Prejudice</i> filed by Arlene Tessitore. (Esfandiari, Bijan) (Entered: 05/20/2011)
05/20/2011	<u>57</u>	AFFIDAVIT of Declaration of Bijan Esfandiari in Opposition re <u>53</u> MOTION to Dismiss <i>First Amended Complaint with Prejudice</i> , <u>50</u> MOTION to Dismiss <i>Relator's Amended Complaint with Prejudice</i> filed by Arlene Tessitore. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9)(Esfandiari, Bijan) (Entered: 05/20/2011)
05/20/2011	<u>58</u>	AFFIDAVIT in Opposition re <u>53</u> MOTION to Dismiss <i>First Amended Complaint with Prejudice</i> , <u>50</u> MOTION to Dismiss <i>Relator's Amended Complaint with Prejudice</i> Declaration of Arlene Tessitore filed by Arlene Tessitore. (Attachments: # <u>1</u> Exhibit A)(Esfandiari, Bijan) (Entered: 05/20/2011)
05/20/2011	<u>59</u>	MEMORANDUM in Opposition re <u>53</u> MOTION to Dismiss <i>First Amended Complaint with Prejudice</i> filed by Arlene Tessitore. (Esfandiari, Bijan) (Entered: 05/20/2011)
05/20/2011	<u>60</u>	Request for Judicial Notice <i>in Support of Relator's Oppositions to GSK's and InfoMedics, Inc.'s Motions to Dismiss</i> by Arlene Tessitore. (Esfandiari, Bijan) (Entered: 05/20/2011)
05/23/2011		ELECTRONIC NOTICE issued requesting courtesy copy for <u>57</u> Affidavit in Opposition to Motion, <u>56</u> Memorandum in Opposition to Motion, <u>59</u> Memorandum in Opposition to Motion, <u>58</u> Affidavit in Opposition to Motion. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by. <b>These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF.</b> (Duong, Diep) (Entered: 05/23/2011)
06/09/2011	<u>61</u>	Assented to MOTION for Extension of Time to a revised briefing schedule pending decision in Westmoreland v. Amgen, Inc. to File Response/Reply as to <u>53</u> MOTION to Dismiss <i>First Amended Complaint with Prejudice</i> , <u>50</u> MOTION to Dismiss <i>Relator's Amended Complaint with Prejudice</i> by Arlene Tessitore. (Attachments: # <u>1</u> Text of



		Proposed Order)(Esfandiari, Bijan) (Entered: 06/09/2011)
06/16/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>61</u> Motion for Approval of Proposed Briefing Schedule (Patch, Christine) (Entered: 06/16/2011)
08/02/2011	<u>62</u>	Assented to Motion to Amend Briefing Schedule from Defendants. (Cenawood, Sean) Modified on 8/3/2011 to correct event (Patch, Christine). (Entered: 08/02/2011)
08/03/2011	<u>63</u>	Judge Nathaniel M. Gorton: ORDER entered granting <u>62</u> Motion to Amend Briefing Schedule. Relator to file supplement by 8/19/11. Defendant's replies and supporting papers due by 9/20/11. (Patch, Christine) (Entered: 08/03/2011)
08/19/2011	<u>64</u>	Supplemental MEMORANDUM in Opposition re <u>38</u> MOTION to Dismiss, <u>40</u> MOTION to Dismiss <i>Relator's Complaint with Prejudice Addressing the Implications of the First Circuit's Hutcheson and Amgen Decisions</i> filed by Arlene Tessitore. (Esfandiari, Bijan) (Entered: 08/19/2011)
08/26/2011	<u>65</u>	Assented to MOTION to Amend <i>Briefing Schedule to Allow the Government to File a Statement of Interest</i> by United States of America ex. rel..(Piemonte–Stacey, Eve) (Entered: 08/26/2011)
08/31/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>65</u> Motion to Amend Briefing Schedule to Allow the Government to File a Statement of Interest. (Patch, Christine) (Entered: 08/31/2011)
09/20/2011	<u>66</u>	REPLY to Response to <u>53</u> MOTION to Dismiss <i>First Amended Complaint with Prejudice</i> filed by Infomedics, Inc.. (O'Brien, Justin) (Entered: 09/20/2011)
09/20/2011	<u>67</u>	REPLY MEMORANDUM in Support re <u>50</u> MOTION to Dismiss <i>Relator's Amended Complaint with Prejudice</i> filed by Glaxosmithkline, LLC, Glaxosmithkline, PLC. (Cenawood, Sean) Modified on 9/21/2011 (Moore, Kellyann). (Entered: 09/20/2011)
09/27/2011	<u>68</u>	Assented to MOTION For Nunc Pro Tunc Approval of Briefing Lengths by Glaxosmithkline, LLC, Glaxosmithkline, PLC.(Cenawood, Sean) (Entered: 09/27/2011)
09/28/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting in part and denying in part <u>68</u> Motion for Nunc Pro Tunc Approval of Briefing Lengths. Briefs not to exceed 30 pages. (Patch, Christine) (Entered: 09/28/2011)
10/21/2011	<u>69</u>	RESPONSE to Motion re <u>50</u> MOTION to Dismiss <i>Relator's Amended Complaint with Prejudice</i> filed by United States of America ex. rel.. (Bloom, Sara) (Entered: 10/21/2011)
11/10/2011	<u>70</u>	REPLY to Response to <u>53</u> MOTION to Dismiss <i>First Amended Complaint with Prejudice</i> , <u>50</u> MOTION to Dismiss <i>Relator's Amended Complaint with Prejudice (RELATOR'S Notice of Clarification in Reply to the United States' Statement of Interest filed in Response to Defendants' Motions to Dismiss Relator's Amended Complaint)</i> filed by Arlene Tessitore. (Esfandiari, Bijan) (Entered: 11/10/2011)
11/23/2011	<u>71</u>	Assented to MOTION for Leave to File <i>Response to Relator's Notice of Clarification</i> by Infomedics, Inc.. (Attachments: # <u>1</u> Proposed Response by InfoMedics)(O'Brien, Justin) (Entered: 11/23/2011)
11/28/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>71</u> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Moore, Kellyann) (Entered: 11/28/2011)
11/28/2011	<u>72</u>	Response by Infomedics, Inc. to <u>70</u> Reply to Response to Motion, ( <i>Leave to file granted on November 28, 2011</i> ). (O'Brien, Justin) (Entered: 11/28/2011)
12/02/2011	<u>73</u>	Assented to MOTION for Leave to File <i>Response to Relator's Notice of Clarification</i> by Glaxosmithkline, LLC, Glaxosmithkline, PLC. (Attachments: # <u>1</u> Response to Relator's Notice of Clarification)(Cenawood, Sean) (Entered: 12/02/2011)

12/05/2011		Judge Nathaniel M. Gorton: ELECTRONIC ORDER entered granting <u>73</u> Motion for Leave to File Response to Relator's Notice of Clarification; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Patch, Christine) (Entered: 12/05/2011)
12/05/2011	<u>74</u>	Response by Glaxosmithkline, LLC, Glaxosmithkline, PLC to <u>70</u> Reply to Response to Motion, ( <i>Leave to file granted December 5, 2011</i> ). (Cenawood, Sean) (Entered: 12/05/2011)
12/27/2011	<u>75</u>	NOTICE of Change of Address or Firm Name by John J. Roddy (Roddy, John) (Entered: 12/27/2011)
03/12/2012	<u>76</u>	Judge Nathaniel M. Gorton: ORDER entered. MEMORANDUM AND ORDER: " In accordance with the foregoing, Glaxosmithkline PLC and Glaxosmithkline LLCs Motion to Dismiss Relators Amended Complaint With Prejudice (Docket No. <u>50</u> ) and Infomedics, Inc.'s Motion to Dismiss First Amended Complaint With Prejudice (Docket No. <u>53</u> ) is ALLOWED without prejudice to the government. So ordered." (Moore, Kellyann) (Entered: 03/12/2012)
03/12/2012	<u>77</u>	Judge Nathaniel M. Gorton: ORDER entered. ORDER DISMISSING CASE(Moore, Kellyann) (Entered: 03/12/2012)
03/12/2012		Civil Case Terminated. (Moore, Kellyann) (Entered: 03/12/2012)

**U.S. District Court  
Eastern District of California - Live System (Sacramento)  
CIVIL DOCKET FOR CASE #: 2:05-cv-01924-WBS-KJM**

Pearson et al v. Abbott Laboratories  
Assigned to: Senior Judge William B. Shubb  
Referred to: Magistrate Judge Kimberly J. Mueller, MJ  
Cause: 31:3729 False Claims Act

Date Filed: 09/23/2005  
Date Terminated: 05/08/2006  
Jury Demand: None  
Nature of Suit: 890 Other Statutory Actions  
Jurisdiction: Federal Question

**Plaintiff**

**Robert Pearson**

represented by **Larry P. Zoglin**  
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**Plaintiff**

**United States of America**

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**Date Discrepancy Cases 919**

**Suzanne Belknap Giorgi**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of California**

represented by **Suzanne Belknap Giorgi**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Delaware**

**Plaintiff**

**State of Florida**

**Plaintiff**

**State of Hawaii**

**Plaintiff**

**State of Illinois**

**Plaintiff**

**State of Louisiana**

**Plaintiff**

**State of Massachusetts**

**Plaintiff**

**State of Nevada**

**Plaintiff**

**State of New Hampshire**

**Plaintiff**

**State of New Mexico**

**Plaintiff**

**State of Tennessee**

**Plaintiff**

**State of Texas**

**Plaintiff**

**State of Virginia**

**Plaintiff**

**District of Columbia**

V.

**Defendant****Abbott Laboratories**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/23/2005	<a href="#">1</a>	COMPLAINT against Abbott Laboratories, filed by Robert Pearson. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(Kirkpatrick, S) (Entered: 09/23/2005)
05/04/2006	<a href="#">8</a>	NOTICE by United States of America's election to decline intervention. (Mena-Sanchez, L) (Entered: 05/05/2006)
05/05/2006	<a href="#">11</a>	SEALED EVENT. (Mena-Sanchez, L) (Entered: 05/08/2006)
05/05/2006	<a href="#">12</a>	SEALED EVENT. (Mena-Sanchez, L) (Entered: 05/08/2006)
05/05/2006	<a href="#">13</a>	SEALED EVENT. (Mena-Sanchez, L) (Entered: 05/08/2006)
05/05/2006	<a href="#">14</a>	SEALED EVENT. (Mena-Sanchez, L) (Entered: 05/08/2006)
05/08/2006	<a href="#">10</a>	ORDER signed by Judge William B. Shubb on 05/05/06 ORDERING that the Complaint <a href="#">1</a> be unsealed and served upon the defendant by the relator. All other contents of the Court's file in this action remain under seal and not made public or served upon the defendant, except for this order and the US' notice of Election to Decline Intervention, which the relator will serve upon the defendant only after service of the complaint. The seal is lifted as to all other matters occurring in this action after the date of this order. (Mena-Sanchez, L) (Entered: 05/08/2006)
05/08/2006	<a href="#">15</a>	NOTICE of VOLUNTARY DISMISSAL by United States of America, Robert Pearson. Action DISMISSED without prejudice pursuant to FRCP 41(a). CASE CLOSED. (Mena-Sanchez, L) (Entered: 05/08/2006)
05/08/2006		SERVICE BY MAIL: <a href="#">15</a> Notice of Voluntary Dismissal, <a href="#">10</a> Order, served on Michael F Hertz. (Mena-Sanchez, L) (Entered: 05/08/2006)
05/11/2006	<a href="#">16</a>	REQUEST for <i>Consent and Voluntary Dismissal</i> by United States of America, Robert Pearson. (Attachments: # <a href="#">1</a> Declaration of Service via Mail)(Giorgi, Suzanne) (Entered: 05/11/2006)
05/11/2006	<a href="#">17</a>	DECLARATION of Suzanne B. Giorgi in Support Of re <a href="#">16</a> Request for <i>Consent and Voluntary Dismissal</i> . (Attachments: # <a href="#">1</a> Declaration of Service via Mail)(Giorgi, Suzanne) (Entered: 05/11/2006)
05/11/2006	<a href="#">18</a>	PROPOSED ORDER re <a href="#">16</a> Request by United States of America, Robert Pearson. (Attachments: # <a href="#">1</a> Declaration of Service via Mail)(Giorgi, Suzanne) (Entered: 05/11/2006)
05/11/2006	<a href="#">19</a>	ORDER signed by Judge William B. Shubb on 05/10/06. ORDERING that the State of California shall have to and including 11/06/06, to inform this Court as to its decision whether to intervene in this matter. All Proceedings and other documents filed in this action shall remain under seal until further order of this Court.(Mena-Sanchez, L) (Entered: 05/11/2006)
05/11/2006	<a href="#">20</a>	SEALED EVENT (Marciel, M) (Entered: 05/11/2006)
05/11/2006		SERVICE BY MAIL: <a href="#">19</a> Order, served on Michael F Hertz. (Mena-Sanchez, L) (Entered: 05/11/2006)
05/18/2006	<a href="#">21</a>	ORDER signed by Judge William B. Shubb on 5/17/06 DISMISSING the complaint and

**Date Discrepancy Cases 921**

	ORDERING that the complaint is DISMISSED without Prejudice to the State of California. (Donati, J) (Entered: 05/18/2006)
05/18/2006	SERVICE BY MAIL: <a href="#">21</a> Order served on Michael F Hertz (Donati, J) (Entered: 05/18/2006)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/28/2019 06:31:20			
<b>PACER Login:</b>	kk0155:2581181:0	<b>Client Code:</b>	200
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:05-cv-01924-WBS-KJM
<b>Billable Pages:</b>	3	<b>Cost:</b>	0.30