

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

)	
UNITED STATES OF AMERICA)	
ex rel. NORMAN RILLE AND NEAL)	
ROBERTS)	
)	
PLAINTIFFS)	
)	
v.)	Civil Action 4:04CV00986-BRW
)	
SUN MICROSYSTEMS, INC., a)	
Delaware Corporation,)	
)	
DEFENDANT)	

ORDER

Pursuant to Fed. R. Civ. P. 41 and the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States and the defendant, Sun Microsystems, Inc. ("the defendant") have stipulated to the dismissal of the above-captioned action.¹

The defendant and the United States have reached an agreement to settle this litigation. The United States and the defendant agree that each will bear its own costs, expenses, and attorneys' fees. The relators, Norman Rille and Neal Roberts, and the defendant have not yet reached agreement as to payment of attorneys' fees and costs, if any, pursuant to 31 U.S.C. § 3730(d). The United States and the relators have not yet reached agreement as to the relators' share of the proceeds of the settlement of this case pursuant to 31 U.S.C. § 3730(d).

Accordingly, in light of the Settlement Agreement, the Court rules as follows:

IT IS ORDERED that the case is DISMISSED with prejudice as to the relators and with prejudice as to the United States to the extent of the "Covered Conduct" in the Settlement

¹Doc. No. 242.

Agreement between the United States and the defendant and with respect to the United States' First Amended Complaint in Intervention. The Court retains jurisdiction over this matter to enforce the terms of the Settlement Agreement. The Court also retains jurisdiction of this matter for purposes of determining appropriate attorneys' fees and costs, if any, to be paid to the relators by defendant pursuant to 31 U.S.C. § 3730(d), and for purposes of determining an appropriate relator's share of the proceeds of the settlement of this case pursuant to 31 U.S.C. § 3730(d). The United States and defendant each will bear its own costs, expenses, and attorneys' fees.

IT IS SO ORDERED this 8th day of February, 2011.

/s/Billy Roy Wilson
UNITED STATES DISTRICT JUDGE