

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

UNITED STATES OF AMERICA, *ex rel.*  
JOHN THOMAS,  
Plaintiffs,

v.

No. 4:06-CV-000465 JLH

BLACKSTONE MEDICAL, INC.;  
MICHAEL M. BAILEY;  
BAILEY MANAGEMENT GROUP, INC.;  
FOUNDATION FOR ORTHOPEDIC AND SPINE  
EDUCATION AND RESEARCH;  
INNOVATIVE HEALTH SOLUTIONS, INC.;  
MOTIONTEK, INC.;  
OMNI360, LLC; and  
OMNI360 MANAGEMENT, INC.,  
Defendants.

**STIPULATION AND ORDER OF DISMISSAL**

WHEREAS, the parties in this action have agreed on the terms of a settlement agreement;

and

WHEREAS, the United States has reviewed and not objected to the terms of such  
settlement agreement; and

WHEREAS, this Court has reviewed and consents to the terms of such settlement  
agreement; it is hereby

ORDERED that the Third Amended Complaint is hereby DISMISSED. The dismissal  
shall be WITH PREJUDICE as to the Relator; WITH PREJUDICE to the United States as to all  
claims in the Third Amended Complaint that are based on the submission of Medicare Part B or  
Medicaid claims by, or on behalf of, Dr. Patrick Chan, Dr. Richard Jordan, or Geoffrey Yielding,

from 2001-2006; and WITHOUT PREJUDICE to the United States as to any other claims.

Parties to bear their own costs except as provided in the settlement agreement. The Court retains jurisdiction for a period of 60 days for purposes of any disputes related to the execution of the settlement agreement.

Dated: October 14, 2011

J. Leon Holmes  
J. Leon Holmes  
United States District Judge

CONSENTED TO BY:

Date: 9-19-11

Michael W. Mitchell  
Michael W. Mitchell  
Counsel for the Relator John Thomas

Date: 10-13-11

David M. Donovan  
David M. Donovan  
Counsel for Blackstone

Date: 9/19/11

Charles A. Banks  
Charles A. Banks  
Counsel for the Bailey Defendants