

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

UNITED STATES OF AMERICA
ex rel. TOM JACKSON

PLAINTIFF/RELATOR

v.

NO. 4:09CV00812 JLH

NICK PASLIDIS; DONNA SOODALTER-
TOMAN; and ARKANSAS FOUNDATION
FOR MEDICAL CARE

DEFENDANTS

ORDER

Arkansas Foundation for Medical Care has filed a motion to dismiss the complaint of the relator, Tom Jackson. Jackson's response, in part, was to file a motion for leave to file a second amended complaint.¹ Arkansas Foundation for Medical Care opposes the motion for leave to amend, contending that the proposed amendment is untimely and the amendment would be futile.

Although the proposed amended complaint comes a considerable time after the original complaint was filed, the case remained sealed for a lengthy time while the United States decided whether it would intervene. The defendants have not filed an answer. Indeed, some of them have not been served. No discovery has been conducted. Indeed, the parties have not yet held their Rule 26 conference. The argument that the amendment has been unduly delayed is without merit.

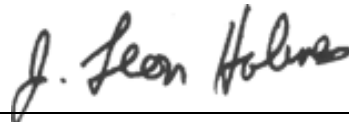
The Court has carefully considered the arguments as to whether the amended complaint is futile. At the present time, the Court is satisfied that the complaint meets the pleading requirements of the Federal Rules of Civil Procedure and the case law interpreting those requirements in the context of claims brought under the False Claims Act. Because many of these same issues may arise

¹ Jackson filed one amended complaint before summonses were issued and served on the defendants.

with a more fully developed factual record on a motion for summary judgment or at a trial on the merits, the Court will not comment further at this time.

The motion for leave to amend is granted. Document #46. The motion to dismiss is denied as moot. Document #37. Jackson must file his second amended complaint within seven (7) days of the entry of this Order.

IT IS SO ORDERED this 3rd day of January, 2012.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a horizontal line underneath it.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE