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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES and the STATE OF
CALIFORNIA ex rel. NICOLLE
O’NEILL,

Plaintiffs/Relator,

v.

SOMNIA, INC. et al.,

Defendants.

Case No. 1:15-cv-433-ADA-EPG

ORDER REQUIRING JOINT STATUS
REPORT

(ECF Nos. 212, 226)

This matter is before the Court on the notice of settlements filed by certain parties to this action. (ECF Nos. 212, 226). On July 29, 2022, the United States of America, the State of California, and Nicolle O’Neill (Plaintiffs/Relator), and Defendants Somnia, Inc., Primary Anesthesia Services, Byron Mendenhall, M.D., and Quinn Gee, M.D. (Somnia Defendants) advised the Court that they had reached an agreement to settle the claims filed against Somnia Defendants under the qui tam provisions of the False Claims Act, 31 U.S.C. § 3730(b), and the California False Claims Act, Cal. Gov’t Code § 12652(c). However, the parties identified the following claims as still at issue: (1) Relator’s attorneys’ fees and costs arising from the prosecution of claims filed against Somnia Defendants under the qui tam provisions of the False Claims Act, 31 U.S.C. § 3730(b), and the California False Claims Act, Cal. Gov’t Code § 12652(c); (2) Plaintiff Nicolle O’Neill’s individual claims for relief against Somnia Defendants;

1 and (3) Relator's claims against Defendant PST Services LLC.

2 On December 16, 2022, Plaintiff/Relator Nicolle O'Neill notified the Court that she and
3 the Somnia Defendants had reached an agreement in principle to resolve all of the remaining
4 claims between them and are in the process of negotiating and executing a formal written
5 settlement agreement and related document. However, Plaintiff/Relator Nicolle O'Neill states that
6 Defendant PST Services, LLC is not a party to the agreement, and Plaintiff/Relator's motion for
7 reconsideration of the decision dismissing her claims against PST Services, LLC (ECF No. 207)
8 remains pending.

9 In light of the notices of settlement, it appears that all claims against the Somnia
10 Defendants have been resolved, at least in principle. Thus, the Court finds it appropriate to order
11 the parties to file a joint status report regarding the disposition of all claims against these
12 Defendants.

13 Accordingly, IT IS ORDERED as follows:

- 14 1. By no later than January 11, 2023, the United States of America, the State of California,
15 Nicolle O'Neill, Somnia, Inc., Primary Anesthesia Services, Byron Mendenhall, M.D.,
16 and Quinn Gee, M.D. shall file a joint status report addressing the following:
- 17 a. The status of settlement negotiations as to all claims between them, including
18 whether they have executed a final settlement agreement;
 - 19 b. The date that the parties anticipate filing an appropriate dispositional document(s);
 - 20 c. Whether the Court should vacate the January 30, 2023 pretrial conference and
21 March 28, 2023 trial; and
 - 22 d. Any other matters that the parties believe warrants the Court's attention.

23 IT IS SO ORDERED.

24 Dated: December 20, 2022

25 /s/ Eric P. Gray
26 UNITED STATES MAGISTRATE JUDGE