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13
14 UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

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|----|--------------------------------|-------------------------|
| 16 | UNITED STATES OF AMERICA and) | 2:04-CV-1053 GEB JFM |
| | THE STATE OF CALIFORNIA) | |
| 17 | <u>ex rel.</u> KEITH JAMES,) | |
| |) | ORDER [Proposed] |
| 18 | Plaintiff,) | |
| |) | |
| 19 | v.) | |
| |) | FILED UNDER SEAL |
| 20 | MED-MART, INC.; PACIFIC) | |
| | PULMONARY SERVICES, et al.,) | |
| 21 |) | |
| | Defendants.) | |
| 22 | _____) | |

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24 The United States and the State of California having
25 declined to intervene in this action pursuant to the False
26 Claims Act, 31 U.S.C. § 3730(b)(4)(B), and California
27 Government Code § 12652(c)(6)(B), the Court rules as
28 follows:

1 IT IS ORDERED that

2 1. The complaint be unsealed and served upon the
3 defendant by the relator;

4 2. All other contents of the Court's file in this
5 action remain under seal and not be made public or served
6 upon the defendant, except for this Order and the United
7 States of America's and the State of California's Joint
8 Notice of Election to Decline Intervention, which the
9 relator will serve upon the defendant only after service of
10 the complaint;

11 3. The seal be lifted as to all other matters
12 occurring in this action after the date of this Order;

13 4. The parties shall serve all pleadings and motions
14 filed in this action, including supporting memoranda, upon
15 the United States, as provided for in 31 U.S.C.
16 § 3730(c)(3), and upon the States of California, as provided
17 for in California Government Code § 12652(f)(1). The United
18 States and the State of California may order any deposition
19 transcripts and are entitled to intervene in this action,
20 for good cause, at any time;

21 5. All orders of this Court shall be sent to the
22 United States and to the State of California, and that

23 6. Should the relator or the defendant propose that
24 this action be dismissed, settled, or otherwise
25 discontinued, the Court will provide the United States and
26 the State of California with notice and an opportunity to be

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28 //

1 heard before ruling or granting its approval.

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3 IT IS SO ORDERED.

4 Dated: March 10, 2006

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/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge

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