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8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA and STATE
 OF CALIFORNIA *ex rel.* ARIA KOZAK and
 12 DONNA KOZAK,

13 Plaintiff,

14 v.

15 CHABAD-LUBAVITCH INC.; CHABAD OF
 CALIFORNIA; CHABAD RUNNING
 16 SPRINGS RESIDENTIAL CAMP; CHABAD
 CHEDER MENACHEM; YESHIVA OHR
 17 ELCHONON CHABAD; BAIS CHANA HIGH
 SCHOOL; CHABAD OF THE MARINA;
 18 CHABAD OF MALIBU; CHABAD OF
 BEVERLYWOOD; and DOES 1 through 10,
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20 Defendants.
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CASE NO. 2:10-cv-01056-MCE-EFB

**STIPULATION OF DISMISSAL;
 ORDER**

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STIPULATION RECITALS

25 1. On or about April 30, 2010, ARIA KOZAK and DONNA KOZAK (“the Relators”)
 26 initiated this action on behalf of the United States of America and the State of California by filing a *qui*
 27 *tam* complaint, under seal.

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1 In the complaint, the Relators alleged (i) causes of action on behalf of the United States based on
2 violations of the federal False Claims Act (“the Federal Claims”); (ii) causes of action asserted on behalf
3 of the State of California based on violations of the California False Claims Act (“the State Claims”); and
4 (iii) causes of action in their individual capacities for breach of contract and unjust enrichment (“the
5 Individual Claims”).

6 2. On or about December 1, 2011, the State of California, acting by and through the Office of
7 the Attorney General of California, filed notice of its election to decline intervention in this action
8 pursuant to California Government Code section 12652(c)(6)(B). By its notice, the State of California
9 reserved its right to consent to any dismissal of the State of California Claims.

10 3. On October 9, 2012, the United States, acting by and through the United States Attorney’s
11 Office, filed notice of its election to intervene in this action pursuant to 31 U.S.C. section 3730(b)(2) and
12 (b)(4) for the limited purpose of pursuing the Federal Claims and claims under common law and equity.

13 4. The United States is prepared to file and serve a First Amended Complaint that pleads the
14 Federal Claims and the claims based on common law and equity and omits the State Claims and the
15 Individual Claims.

16 5. Formal service of the complaint, filed April 30, 2010, has not been made on the
17 defendants, and the defendants have not yet formally appeared in this action.

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1 **STIPULATION**

2 IT IS HEREBY STIPULATED by and between the UNITED STATES, the STATE OF
3 CALIFORNIA and the RELATORS, acting by and through their counsel of record, that the following
4 causes of action of the complaint, filed April 30, 2010, shall be dismissed without prejudice as to all
5 defendants: (i) Count IV, California False Claims Act (Government Code § 12651(a)(1) and (a)(2))
6 (Complaint, 17:24-18:24); (ii) Count V, California False Claims Act (Government Code § 12651(a)(3))
7 (Complaint, 18:25-19:28); (iii) Count VI, California False Claims Act (Government Code § 12651(a)(7))
8 (Complaint, 20:1-21:1); (iv) Count VII, Breach of Contract (Complaint, 21:2-16); and (v) Count VIII,
9 Unjust Enrichment (Complaint, 21:17-22:2).

10 Respectfully submitted,

11 Dated: November 29, 2012

BENJAMIN B. WAGNER
United States Attorney

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13 By: /s/ Glen F. Dorgan
14 Glen F. Dorgan
Assistant U.S. Attorney

15 Dated: November 29, 2012

KAMALA D. HARRIS
Attorney General of California
(As authorized on 11-29-12)

16
17 By: /s/ Jacqueline Dale
18 Jacqueline Dale
19 Deputy Attorney General

20 Dated: November 29, 2012


HIRST LAW GROUP, PC
(As authorized on 11-29-12)

21 By: /s/ Michael A. Hirst
22 Michael A. Hirst
23 Attorneys for the Relators

24 **ORDER**

25 IT IS SO ORDERED.

26 Dated: December 4, 2012

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE