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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA and  
THE STATE OF CALIFORNIA *ex rel.*,  
NANCY A. SMITH and WENDY S.  
JOHNSON,

Plaintiff,

v.

NEIL ALAN VAN DYCK, DPM,  
individually, *et al.*,

Defendants.

No. 2:12-CV-01783-MCE-DB

**ORDER**

Presently before the Court are relators Nancy A. Smith and Wendy S. Johnson (“Relators”) Motion for Entry of Final Judgment (ECF No. 97), the Statement of Non-Opposition by Defendant Neil Alan Van Dyck, DPM (“Defendants”) (ECF No. 99), and the Notice of Consent to Dismissal of Allegations That Were Not Part of the Summary Judgment on Liability filed by the United States (ECF No. 100). Based upon the Court’s consideration of these documents, Relators’ Motion (ECF No. 97) is GRANTED.

The Court hereby enters final judgment for the United States and the State of California in accordance with this Court’s Orders on February 14, 2018 (ECF No. 95) and January 20, 2017 (ECF No. 86), and orders Defendants to pay the United States and the State of California damages and civil penalties as set out below within 30 days

1 after the filing of this judgment:

- 2 1. For Count I, Defendants shall pay the United States treble damages of  
3 \$187,254.03 for false claims presented to Tricare;
- 4 2. For Count I, Defendants shall pay the United States treble damages of  
5 \$2,862,426.33 for false claims presented to Medicare, plus \$11,000.00 in  
6 civil penalties per claim for 50 false claims (i.e., \$550,000.00), for a total of  
7 \$3,599,680.33 to be paid to the United States;
- 8 3. For Count II, Defendants shall pay the State of California treble damages  
9 of \$56,181.12, plus \$11,000.00 in civil penalties, for false claims presented  
10 to Medi-Cal.

11 The Court further orders that any remaining allegations that were not part of the  
12 February 14, 2018 Order (ECF No. 95) are DISMISSED pursuant to Federal Rule of Civil  
13 Procedure 41(a) with prejudice as to Relators, and without prejudice to the United States  
14 and the State of California. For Counts III through IV, the Court orders that such Counts  
15 are dismissed pursuant to Rule 41(a) without prejudice.

16 Notwithstanding this entry of final judgement, this Court retains jurisdiction to  
17 enforce its orders in this case. The Clerk of the Court is directed to CLOSE this case.

18 IT IS SO ORDERED.

19 Dated: October 18, 2018

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21 MORRISON C. ENGLAND, JR.  
22 UNITED STATES DISTRICT JUDGE  
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