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12 *Attorneys for the United States*

13
14 IN THE UNITED STATES DISTRICT COURT
15
16 IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA, *ex rel.*,
KELLY NGUYEN, *et al.*,

17 Plaintiffs,

18 vs.

19 MEDTRONIC, INC.,

20 Defendant.

21
22
23 UNITED STATES OF AMERICA, *ex rel.*,
IRVING PHAN, *et al.*,

24 Plaintiffs,

25 vs.

26 MEDTRONIC, INC.,

27 Defendant.

CASE NOS. 2:13-cv-0806 JAM KJN /
2:14-cv-0419 JAM KJN

**ORDER ON UNITED STATES' NOTICE OF
ELECTION TO DECLINE INTERVENTION**

FILED *IN CAMERA* AND UNDER SEAL

1 The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C.
2 § 3730(b)(4)(B), the Court rules as follows:

3 IT IS ORDERED that,

- 4 1. The operative complaint be unsealed and served upon defendant by relators;
- 5 2. All other contents of the Court's file in this action remain under seal and not be made
6 public or served upon the defendant, except for this Order and the United States' Notice of
7 Election to Decline Intervention, which relators will serve upon defendant only after service of
8 the complaint;
- 9 3. The seal be lifted as to all other matters occurring in this action after the date of this
10 Order;
- 11 4. The parties shall serve all pleadings and motions filed in this action, including supporting
12 memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United
13 States may order any deposition transcripts and is entitled to intervene in this action, for good
14 cause, at any time;
- 15 5. The parties shall serve all notices of appeal upon the United States;
- 16 6. All orders of this Court shall be sent to the United States; and that
- 17 7. Should relators or defendant propose that this action be dismissed, settled, or otherwise
18 discontinued, the Court will provide the United States with notice and an opportunity to be heard
19 before ruling or granting its approval.

20
21 IT IS SO ORDERED.

22
23 DATE: 1/4/2016

24 /s/ John A. Mendez
25 HONORABLE JOHN A. MENDEZ
26 United States District Court Judge
27
28

1 **CERTIFICATE OF SERVICE BY MAIL**

2 The undersigned hereby certifies that she is an employee in the Office of the United States
3 Attorney for the Eastern District of California and is a person of such age and discretion as to be
4 competent to serve papers.

5 That on December 29, 2015, she served a copy of:

6 **[PROPOSED] ORDER ON UNITED STATES' NOTICE OF ELECTION
7 TO DECLINE INTERVENTION**

8 by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s)
9 and address(es) listed below, which is/are the last known address(es), and by depositing said envelope in
10 the United States mail at Sacramento, California.

11 **ADDRESSES:**

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15 El Segundo, CA 90245

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25 Jennifer Gregory
26 (Liaison for the Named States and D.C.)
27 DOJ/Office of the Attorney General
28 1425 River Park Dr Ste 300
Sacramento, CA 95815

23 */s/ Pam Beauvais*
24 _____
25 PAM BEAUVAIS