

1 **KAMALA D. HARRIS**
 Attorney General of California
 2 SARALYN M. ANG-OLSON
 Director
 3 JENNIFER S. GREGORY (SBN 228593)
 Deputy Attorney General
 4 Bureau of Medi-Cal Fraud & Elder Abuse
 1425 River Park Drive, Suite 300
 5 Sacramento, CA 95815-4524
 Telephone: (916) 263-2516
 6 E-mail: Jennifer.Gregory@doj.ca.gov
 Facsimile: (916) 274-2929

7 *Attorneys for Plaintiff State of California*

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

12 UNITED STATES OF AMERICA, *ex rel.*,
 13 KELLY NGUYEN, *et al.*,
 14 Plaintiffs,
 15 v.
 16 MEDTRONIC, INC.
 17 Defendant.

Case Nos. 2:13-CV-0806 JAM KJN/
 2:14-CV-0419 LKK KJN

AMENDED ORDER

19 UNITED STATES OF AMERICA, *ex rel.*,
 20 IRVING PHAN, *et al.*,
 21 Plaintiffs,
 22 v.
 23 MEDTRONIC, INC.
 24 Defendant.

26 With respect to the matter captioned *United States of America, ex rel. Kelly Nguyen, et al.*,
 27 Case No. 2:13-CV-0806 JAM KJN, the Commonwealth of Massachusetts, the Commonwealth of

1 Virginia, and the States of California, Colorado, Connecticut, Delaware, Florida, Georgia,
2 Hawaii, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Montana, Nevada,
3 New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhoda Island, Tennessee,
4 Texas, Washington, and Wisconsin (collectively, the “Plaintiff States”), having elected to decline
5 intervention in the aforementioned action, and having notified the Court of its decision not to
6 intervene,

7 IT IS ORDERED that:

8 1. Relators Kelly Nguyen, Ruth Arvizu, and Thuy Luu shall serve all pleadings and
9 motions filed in this action, including supporting memoranda and related papers and orders, upon
10 each of the Plaintiff States individually;

11 2. Any of the Plaintiff States may order deposition transcripts;

12 3. Any of the Plaintiff States, for good cause, may at any time intervene in the
13 aforementioned action;

14 4. In the event relators Nguyen, Arvizu, and/or Luu propose on behalf of any or all of
15 the Plaintiff States that the pending action be dismissed, settled, or otherwise discontinued, the
16 Court directs relators to seek and submit the written consent of each said Plaintiff State prior to
17 or simultaneously with the filing of such proposal; and,

18 5. Any dismissal of this action, in whole or in part, shall be without prejudice to any
19 of the Plaintiff States, unless the State consents to dismissal with prejudice, with the exception of
20 the State of Maryland;

21 6. In accordance with the terms of the Maryland False Health Claims Act, Md. Code
22 Ann., Health Gen, § 2-604 (a)(7), the State of Maryland having declined to intervene in this
23 matter, all claims asserted on behalf of Maryland are hereby dismissed without prejudice.

24 Further, with respect to the matter captioned *United States of America, ex rel. Irving*
25 *Phan, et al.*, Case No. 2:14-CV-0419 LKK KJN, the Commonwealth of Massachusetts, the
26 Commonwealth of Virginia, and the States of California, Colorado, Connecticut, Delaware,
27 Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota,

1 Montana, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma,
2 Rhoda Island, Tennessee, Texas, Washington and Wisconsin (collectively, the “Plaintiff States”),
3 having elected to decline intervention in the aforementioned action, and having notified the Court
4 of its decision not to intervene,

5 IT IS ORDERED that:

6 1. Relator Irving Phan shall serve all pleadings and motions filed in this action,
7 including supporting memoranda and related papers and orders, upon each of the Plaintiff States
8 individually;

9 2. Any of the Plaintiff States may order deposition transcripts;

10 3. Any of the Plaintiff States, for good cause, may at any time intervene in the
11 aforementioned action;

12 4. In the event relator Phan proposes on behalf of any or all of the Plaintiff States that
13 the pending action be dismissed, settled, or otherwise discontinued, the Court directs relator to
14 seek and submit the written consent of each said Plaintiff State prior to or simultaneously with the
15 filing of such proposal; and,

16 5. Any dismissal of this action, in whole or in part, shall be without prejudice to any
17 of the Plaintiff States, unless the State consents to dismissal with prejudice, with the exception of
18 the State of Maryland;

19 6. In accordance with the terms of the Maryland False Health Claims Act, Md. Code
20 Ann., Health Gen, § 2-604 (a)(7), the State of Maryland having declined to intervene in this
21 matter, all claims asserted on behalf of Maryland are hereby dismissed without prejudice.

22 IT IS SO ORDERED.

23 Dated: 1/12/2016

24 /s/ John A. Mendez
25 UNITED STATES DISTRICT COURT JUDGE