

RECEIVED  
03 APR 28 PM 3:40  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 MICHAEL F. HERTZ  
Acting Assistant Attorney General

2 JOSEPH P. RUSSONIELLO (CA Bar No. 44332)  
3 United States Attorney  
4 JOANN M. SWANSON (CA Bar No. 88143)  
Chief, Civil Division  
5 SARA WINSLOW (DC Bar No. 457643)  
Assistant United States Attorney

6 450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
7 Telephone: (415) 436-6925  
Facsimile: (415) 436-6748  
8 e-mail: [sara.winslow@usdoj.gov](mailto:sara.winslow@usdoj.gov)

9 JOYCE R. BRANDA  
MICHAEL D. GRANSTON  
10 ALICIA J. BENTLEY  
CHARLES SCHMITZ  
11 Attorneys, U.S. Department of Justice  
Civil Division  
12 P.O. Box 261, Ben Franklin Station  
Washington, D.C. 20044  
13 Telephone: (202) 616-9854

14 Attorneys for the United States of America

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION  
18

19 UNITED STATES ex rel. SAN FRANCISCO  
UNIFIED SCHOOL DISTRICT, et al.,

20 Plaintiffs,

21 v.

22 INTER-TEL TECHNOLOGIES, INC., et al.,

23 Defendants.  
24

No. C 02-2398 CRB

STIPULATION OF DISMISSAL  
OF REMAINING DEFENDANTS;  
[PROPOSED] ORDER

25 IT IS HEREBY STIPULATED by the United States of America and the qui

26 tam Relator, San Francisco Unified School District (SFUSD) that:

27 1. Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiffs hereby dismiss Defendants TPC  
28 Liquidation Inc. (formerly known as Video Network Communications, Inc.), Judy Green, and

1 George Marchelos from this action without prejudice. None of these Defendants have filed an  
2 answer or otherwise appeared in this action.

3 2. On September 27, 2004, the Court stayed this civil case due to the pending related  
4 criminal matter. On March 31, 2006, the Court administratively closed this civil case. No  
5 Defendants have answered any of the complaints in this case.

6 3. This case was filed on May 16, 2002 by SFUSD as Relator under the qui tam  
7 provisions of the False Claims Act, 31 U.S.C. §§ 3729-33. SFUSD's original complaint  
8 named as Defendants four corporations – Nippon Electric Company Business Network  
9 Solutions (NEC), Inter-Tel Technologies, Inc. (Inter-Tel), Video Network Communications,  
10 Inc. (later renamed TPC Liquidation Inc., hereinafter TPC), and Sprig Electric – as well as  
11 seven individuals – Judy Green, George Marchelos, John Colvin, Gerard McNulty, Timothy  
12 Tronson, Desmond McQuoid, and Ramon Catbagan. On May 26, 2004, the United States  
13 intervened in the action with respect to NEC, Inter-Tel, VNCL, Green, and Marchelos only.

14 4. On May 27, 2004, SFUSD filed an amended complaint, naming as Defendants  
15 Inter-Tel, TPC, Sprig Electric, Green, Marchelos, Tronson, and Duane Maynard, as well as  
16 three new corporations – Howe Electric, Inc. (Howe), Excaliber Internet Corp., and ADJ  
17 Consultants, Inc.

18 5. The United States and SFUSD settled with NEC, and on September 10, 2004, the  
19 United States filed its Complaint Upon Intervention, naming Inter-Tel, TPC, Green, and  
20 Marchelos as Defendants. NEC was formally dismissed from the case on March 28, 2005.

21 6. On January 28, 2005, the United States intervened in SFUSD's amended complaint  
22 as to Howe only.

23 7. The United States and SFUSD settled with Inter-Tel and Howe. Inter-Tel was  
24 dismissed from the case on February 18, 2005, and Howe on June 6, 2008.

25 8. On June 19, 2008, SFUSD filed a notice of dismissal of the remaining Defendants  
26 as to which the United States had not intervened: Sprig Electric, Tronson, Excaliber Internet  
27 Corp., ADJ Consultants, Inc., and Maynard.

1 9. Accordingly, TPC, Green, and Marchelos are the only Defendants remaining in the  
2 case. The United States and SFUSD now voluntarily dismiss these three Defendants without  
3 prejudice.

4 Respectfully submitted,

5 MICHAEL F. HERTZ  
Acting Assistant Attorney General

6 JOSEPH P. RUSSONIELLO  
7 United States Attorney

8 Dated: 4/28/09

By:

Sara Winslow  
SARA WINSLOW  
Assistant United States Attorney  
Attorneys for United States

11 PHILLIPS & COHEN LLP

12 Dated: 4/24/09

By:

Mary A. Inman  
ERIC R. HAVIAN  
MARY A. INMAN  
Attorneys for SFUSD & People of  
California ex rel. Dennis Herrera

16 **[PROPOSED] ORDER**

17 Pursuant to stipulation and for good cause shown, IT IS HEREBY ORDERED  
18 THAT Defendants TPC Liquidation Inc. (formerly known as Video Network Communications,  
19 Inc.), Judy Green, and George Marchelos are dismissed from this action without prejudice.  
20

21 The Clerk is directed to close the file.

22 IT IS SO ORDERED.

23 Dated: May 04, 2009

24 HON. CHARLES R. BREYER  
United States District Judge

