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U.S. DISTRICT COURT
SAN FRANCISCO, CALIFORNIA

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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO HEADQUARTERS

17 UNITED STATES *ex rel.* JERRY H. BROWN,)
II,)
18 Plaintiffs,)
19)
20 v.)
21 APL LIMITED, et al.,)
22 Defendants.)

No. C 04-4424 MEJ

**STIPULATION OF DISMISSAL;
[PROPOSED] ORDER**

23 1. The United States of America and Relator Jerry H. Brown II, by and through their
24 undersigned attorneys, hereby stipulate to the dismissal of this action as to Defendants Maersk
25 Line Limited and A.P. Moller – Maersk Group (collectively, “Maersk Defendants”), pursuant
26 to Fed. R. Civ. P. 41(a)(1), in accordance with the Settlement Agreement and the terms set
27 forth below.
28

1 2. The United States, the Relator, and the Maersk Defendants have entered into a
2 Settlement Agreement, which was fully executed on December 20, 2011, compromising
3 certain civil claims and causes of action against the Maersk Defendants set forth in the
4 Relator's qui tam complaint, and other claims. In addition, the United States and the Relator
5 have settled any and all claims and causes of action that the Relator may have against the
6 United States under the False Claims Act, 31 U.S.C. § 3730(d), for a share of the United
7 States' recovery from the Maersk Defendants under the Settlement Agreement. The Relator
8 and the Maersk Defendants also have settled any and all claims and causes of action that the
9 Relator may have against the Maersk Defendants under 31 U.S.C. § 3730(d)(1) for expenses,
10 attorney fees and costs.

11 3. The United States and the Relator previously settled all claims and causes of action set
12 forth in the Relator's qui tam complaint against Defendants APL Limited and NOL Group.
13 On March 19, 2009, the Court entered an order dismissing all such claims and causes of action
14 in the qui tam complaint against Defendants APL Limited and NOL Group. Therefore, the
15 Maersk Defendants are presently the only remaining defendants in this action.

16 4. Accordingly, the United States and the Relator hereby stipulate, pursuant to Fed. R.
17 Civ. P. 41(a)(1), to dismissal of this action against the Maersk Defendants pursuant to the
18 terms and conditions of the Settlement Agreement. Dismissal shall be with prejudice to the
19 Relator, and with prejudice to the United States to the extent of the "FCA Covered Conduct"
20 as that term is defined in the Settlement Agreement, but otherwise without prejudice to the
21 United States.

22 5. The United States, the Relator, and the Maersk Defendants further have agreed that
23 except as otherwise provided in the Settlement Agreement, each party shall bear its own legal
24 and other costs incurred in connection with this matter.

25 6. A stipulated dismissal under Fed. R. Civ. P. 41(a)(1) is appropriate because the qui
26 tam complaint has not been served upon the Maersk Defendants, and therefore, the Maersk
27 Defendants have not filed answers to the qui tam complaint.

28 A proposed order accompanies this stipulation.


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IT IS SO STIPULATED.

DATED: January 17, 2012

TONY WEST
Assistant Attorney General

MELINDA HAAG
United States Attorney


STEVEN J. SALTIEL
Assistant United States Attorney

DATED: January , 2012

LAW OFFICES OF PAUL D. SCOTT

please see attached
PAUL D. SCOTT
Attorney for Relator

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IT IS SO STIPULATED.

DATED: January , 2012

TONY WEST
Assistant Attorney General

MELINDA HAAG
United States Attorney

STEVEN J. SALTIEL
Assistant United States Attorney

DATED: January 7, 2012

LAW OFFICES OF PAUL D. SCOTT

PAUL D. SCOTT
Attorney for Relator

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS
HEREBY ORDERED THAT:

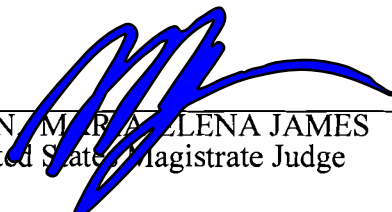
1. This action is dismissed as to Defendants Maersk Line Limited and A.P. Moller – Maersk Group pursuant to the terms and conditions of the Settlement Agreement among the United States, the Relator, and the Maersk Defendants. Dismissal is with prejudice to the Relator, and with prejudice to the United States to the extent of the “FCA Covered Conduct” as that term is defined in the Settlement Agreement, but otherwise without prejudice to the United States;

2. Except as expressly provided to the contrary in the Settlement Agreement, each party shall bear its own legal and other costs incurred in connection with this matter; and

3. The Court shall retain jurisdiction over any disputes that may arise concerning compliance with the Settlement Agreement.

IT IS SO ORDERED.

Dated: 1/18/2012



HON. MARIA ELENA JAMES
United States Magistrate Judge