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 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12	UNITED STATES ex rel. PRIEVE, et al.,)	CASE NO. C 08-1863 TEH
13	Plaintiffs and Relator,)	STIPULATION OF DISMISSAL; PROPOSED
14	v.)	
15	MALLINCKRODT, INC.; COVIDIEN,)	ORDER
16	INC.; AND TYCO INTERNATIONAL,)	
17	Defendants.)	

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19 1. Under Fed. R. Civ. R. 41(a)(1), the United States of America (“the United States”);
 20 the States of California, Maryland, Missouri, New York, Ohio, Rhode Island, Utah, and West Virginia
 21 (the “Settling States”); and the District of Columbia and the States of Colorado, Connecticut, Delaware,
 22 Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, Nevada,
 23 New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Tennessee, Texas, Virginia, and
 24 Wisconsin (the “Non-Settling States”), and Plaintiff-Relator John Prieve hereby stipulate to the
 25 dismissal of this action pursuant to the terms and conditions of the federal settlement agreement
 26 effective July 3, 2013 (“Federal Settlement Agreement”) and the separate state settlement agreements
 27 (“State Settlement Agreements”).

28 2. The Relator dismisses this action with prejudice as to himself, except for any claims for

1 attorneys' fees, expenses or costs arising out of representation by any Relator's counsel in this action.

2 3. The United States dismisses with prejudice the claims concerning the Covered Conduct in
3 the Federal Settlement Agreement. The United States dismisses all other claims in this action without
4 prejudice to the United States.

5 4. The Settling States dismiss with prejudice the claims concerning the Covered
6 Conduct in the State Settlement Agreements. The Settling States dismiss all other claims in this action
7 without prejudice to the Settling States.

8 5. The Non-Settling States dismiss and/or consent to the dismissal of all claims in this
9 action without prejudice to the Non-Settling States.

10 6. No answer has been served or filed, and no parties other than the United States, the
11 named States, and the Relators have appeared in this action.

12 IT IS SO STIPULATED.

13 Respectfully submitted,

14 MELINDA HAAG
15 United States Attorney

16 Dated: August 8, 2013

17 By: /s/ Erica Blachman Hitchings
18 ERICA BLACHMAN HITCHINGS¹
19 Assistant United States Attorney

20 Attorneys for the United States

21 KAMALA D. HARRIS
22 Attorney General of California

23 Dated: _____, 2013

24 By: _____
25 BERNICE L. LOUIE YEW
26 Deputy Attorney General

27 Attorneys for the State of California²

28 ¹ Pursuant to Civil L.R. 5-1(i)(3), I, Erica Blachman Hitchings, attest that each of the other signatories concur in the filing of this stipulation.

² Signing at the request and on behalf of the Settling States and the Non-Settling States.

1 attorneys' fees, expenses or costs arising out of representation by any Relator's counsel in this action.

2 ~~3. The United States dismisses with prejudice the claims concerning the Covered Conduct in~~
3 ~~the Federal Settlement Agreement. The United States dismisses all other claims in this action without~~
4 prejudice to the United States.

5 4. The Settling States dismiss with prejudice the claims concerning the Covered
6 Conduct in the State Settlement Agreements. The Settling States dismiss all other claims in this action
7 without prejudice to the Settling States.

8 5. The Non-Settling States dismiss and/or consent to the dismissal of all claims in this
9 action without prejudice to the Non-Settling States.

10 6. No answer has been served or filed, and no parties other than the United States, the
11 named States, and the Relators have appeared in this action.

12 IT IS SO STIPULATED.

13 Respectfully submitted,

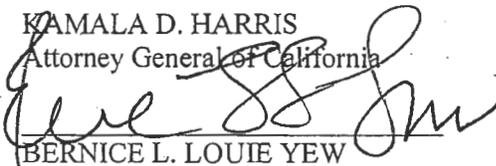
14 MELINDA HAAG
15 United States Attorney

16 Dated: _____, 2013

17 By: _____
18 ERICA BLACHMAN HITCHINGS¹
19 Assistant United States Attorney

20 Attorneys for the United States

21 Dated: Aug-8, 2013

22 By: 
23 KAMALA D. HARRIS
24 Attorney General of California
25 BERNICE L. LOUIE YEW
26 Deputy Attorney General

27 Attorneys for the State of California²

28 ¹ Pursuant to Civil L.R. 5-1(i)(3), I, Erica Blachman Hitchings, attest that each of the other signatories concur in the filing of this stipulation.

² Signing at the request and on behalf of the Settling States and the Non-Settling States.

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Dated: 8/7, 2013

Dated: Aug. 7, 2013

NOLAN, AUERBACH, & WHITE

By: Matthew B. Pavone
MARCELLA AUERBACH
MATTHEW B. PAVONE

OLIVER CLOSE, LLC
By: John Rearden, Jr.
John Rearden, Jr.
JOHN REARDEN, JR.

Attorneys for Relator John Prieve

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

1. This action is dismissed with prejudice as to Relator John Prieve, except for any claims for attorneys' fees, expenses or costs arising out of representation by any Relator's counsel in this action.

2. Pursuant to the terms and conditions of the Federal Settlement Agreement (effective July 3, 2013), the claims concerning the Covered Conduct in the Federal Settlement Agreement are dismissed with prejudice as to the United States. All other claims in this action are dismissed without prejudice as to the United States.

3. Pursuant to the terms and conditions of the State Settlement Agreements, the claims concerning the Covered Conduct in the State Settlement Agreements are dismissed with prejudice as to California, Maryland, Missouri, New York, Ohio, Rhode Island, Utah, and West Virginia (the "Settling States"). All other claims in this action are dismissed without prejudice as the Settling States.

4. This action is dismissed without prejudice as to the District of Columbia and the States of Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Tennessee, Texas, Virginia, and Wisconsin (the "Non-Settling States").

5. The Court shall retain jurisdiction over any disputes that may arise regarding compliance with the parties' agreements.

IT IS SO ORDERED.

Dated: 08/19/2013

