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FILED

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RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

19 UNITED STATES *ex rel.* BONNIE LAMMERS,
 20 M.D.,
 Plaintiff and Relator,
 21 v.
 22 MICHAEL HEBRARD, M.D.; RICHARD
 23 LAVIGNA, D.P.M., FARIDEH HEIDAPOUR;
 24 ALI HEIDAPOUR; ADVANCED PHYSICAL
 MEDICINE & REHAB GROUP, INC.;
 25 ADVANCED OCCUPATIONAL
 REHABILITATION, INC.; ADVANCED
 26 MEDICINE AND REHABILITATION OF
 TEXAS, INC.; ADVANCED MEDICINE AND
 27 REHABILITATION OF TEXAS, P.A.; and
 A.B.C. BILLING, INC.
 28 Defendants.

No. CV 08-3411 WHA
**UNITED STATES' NOTICE OF
 ELECTION TO INTERVENE;
~~PROPOSED~~ ORDER**

FILED UNDER SEAL

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 WSN

1 1. Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States
2 notifies the Court that it hereby intervenes in this action against Defendants Michael Hebrard,
3 M.D., Richard Lavigna, D.P.M., Farideh Heidarpour, Ali Heidarpour, Advanced Physical
4 Medicine & Rehab Group, Inc., Advanced Occupational Rehabilitation, Inc., Advanced Medicine
5 and Rehabilitation of Texas, Inc., and Advanced Medicine and Rehabilitation of Texas, P.A. The
6 United States also hereby adds A.B.C. Billing, Inc. as a Defendant in this action, and will include
7 A.B.C. Billing, Inc. and the United States' claims against A.B.C. Billing, Inc. in the Complaint
8 the United States intends to file pursuant to Paragraph 4 below.

9 2. This case is currently under seal through today, October 31, 2011, pursuant to the
10 False Claims Act and order of this Court.

11 3. The United States requests that the following be unsealed: (a) the Complaint filed by
12 Relator Bonnie Lammers, M.D., on July 15, 2008; (b) this notice of intervention and
13 accompanying order; and (c) all future filings in this case. All other contents of the Court's file
14 in this matter (including, but not limited to, any applications filed by the United States for an
15 extension of the sixty-day investigative period or for any other reason) should remain under seal
16 and not be made public or served upon Defendants.

17 4. The United States intends to file a motion or stipulation requesting to stay this action
18 until conclusion of the related criminal case pending in the Western District of Oklahoma, Case
19 No. CR 11-109 M, which is currently set for trial in May 2012. Unless this action is stayed, the
20 United States also intends to file its own Complaint and serve it within 120 days (by February 28,
21 2012), as provided in Fed. R. Civ. P. 4.

22 5. We request that the initial case management conference be set at least two months
23 after February 28, 2012, so that prior to the conference, the parties have adequate time to confer
24 regarding any Complaint the United States has filed, scheduling, motions, discovery, and other

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1 case management issues.

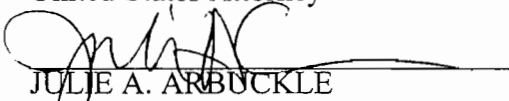
2 Respectfully submitted,

3 TONY WEST
4 Assistant Attorney General

5 Dated: October 31, 2011

MELINDA HAAG
United States Attorney

6 By:


7 JULIE A. ARBUCKLE
8 Assistant United States Attorney
9 Attorneys for the United States

10 **[PROPOSED] ORDER**

11 Having considered the United States' Notice of Election to Intervene, IT IS HEREBY
12 ORDERED that:

13 1. All current contents of the Court's file in this action shall remain under seal and not be
14 made public or served upon the Defendants, except for the Complaint, this Order, and the
15 accompanying United States' Notice of Election to Intervene, which are hereby unsealed.

16 2. The seal is lifted as to all matters occurring in this action after the date of this Order.

17 3. The United States shall promptly serve Defendants with a copy of this Order and the
18 United States' Notice of Election to Intervene, and unless this action is stayed, shall serve
19 Defendants with the United States' Complaint by February 28, 2012, in accordance with
20 Fed.R.Civ.P. 4.

21 4. The November 17, 2011 case management conference shall be rescheduled to May
22 10, 2012 at 11:00 a.m.

23 IT IS SO ORDERED.

24 Dated: November 1, 2011.


25 HONORABLE WILLIAM N. ALSUP
26 United States District Judge