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10 Attorneys for Qui Tam Plaintiff

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

13 United States *ex rel.* HAROON AZIZ,

14 Plaintiffs,

15 v.

16 CVS CORP., LONGS DRUG STORES  
 17 CORP., and DOES 1– 10,

18 Defendants.

No. C 09-1372 CRB

STIPULATION TO DISMISS ACTION;  
~~PROPOSED~~ ORDER OF DISMISSAL

19 Under Fed.R.Civ.P.41(a)(1), Relator Haroon Aziz (“Aziz” or “Relator”) and named  
 20 Defendants CVS Caremark Corporation and Longs Drug Stores Corporation (collectively  
 21 “Defendants” or “CVS”), by and through their respective counsel, hereby STIPULATE to the  
 22 dismissal of this declined qui tam action.

23 1. Relator dismisses this action in its entirety with prejudice as to himself.

24 2. The United States, through the attached consent provided pursuant to 31 U.S.C. §  
 25 3730(b)(1), and the State of California, through the attached consent provided pursuant to Cal.  
 26 Gov. Code § 12652(c)(1), have consented to the dismissal with prejudice of claims for the period  
 27 January 1, 2000 to June 1, 2010, regarding allegations that Defendant Longs pharmacies violated  
 28

1 the False Claims Act (FCA), 31 U.S.C. §§ 3729-3733, and California Government Code §§  
2 12651(a)(1), (a)(2), (a)(7), and (a)(8), by overcharging the Medicaid program for individuals who  
3 were covered by both Medicaid and a primary third-party insurance plan, and by misrepresenting  
4 the manufacturer of certain over-the-counter drugs dispensed by Longs pharmacies to Medicaid  
5 beneficiaries between January 1, 2000 and June 1, 2010. The dismissal of claims with prejudice  
6 applies to all conduct of Defendant Longs pharmacies and to Defendant CVS as successor in  
7 liability to Longs.

8 3. All other claims in this action are dismissed without prejudice as to the United  
9 States and California.

10 IT IS SO STIPULATED.

11 Respectfully submitted,

12 Dated: June 6, 2012

13 /s/ Michael A. Hirst  
14 Michael A. Hirst, Esq.  
15 Hirst Law Group, P.C.  
16 Attorneys for Relator Haroon Aziz

17 /s/ Catherine M. O’Neil  
18 Catherine M. O’Neil, Esq.  
19 (*Appearance Pro Hac Vice*)  
20 King & Spalding LLP  
21 Attorneys for Defendants

22 **DECLARATION OF CONSENT**

23 Pursuant to General Order No. 45, Section X (B) regarding signatures, I attest under  
24 penalty of perjury that concurrence in the filing of this document has been obtained from  
25 Catherine M. O’Neil.

26 /s/ Michael A. Hirst

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~~PROPOSED~~ **ORDER TO DISMISS DECLINED QUI TAM ACTION**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that,

1. This action is dismissed in its entirety with prejudice as to the Relator Haroon Aziz;
2. As to the United States and the State of California, claims for the period January 1, 2000 to June 1, 2010, regarding allegations that Defendant Longs pharmacies violated the False Claims Act (FCA), 31 U.S.C. §§ 3729-3733, and California Government Code §§ 12651(a)(1), (a)(2), (a)(7), and (a)(8), by overcharging the Medicaid program for individuals who were covered by both Medicaid and a primary third-party insurance plan, and by misrepresenting the manufacturer of certain over-the-counter drugs dispensed by Longs pharmacies to Medicaid beneficiaries between January 1, 2000 and June 1, 2010, are dismissed with prejudice. The dismissal of claims with prejudice applies to all conduct of Defendant Longs pharmacies and to Defendant CVS as successor in liability to Longs.
3. All other claims in this action are dismissed without prejudice as to the United States and California.

IT IS SO ORDERED,

Dated: June 7, 2012

