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

20 UNITED STATES OF AMERICA; AND) No. CV 11-0822 MEJ
 THE STATES OF CALIFORNIA,)
 21 COLORADO, CONNECTICUT,)
 DELAWARE, FLORIDA, GEORGIA,)
 22 HAWAII, ILLINOIS, INDIANA,)
 LOUISIANA, MARYLAND, MICHIGAN,) STIPULATION TO DISMISS; AND
 23 MINNESOTA, NEVADA, NEW) [PROPOSED] ORDER
 HAMPSHIRE, NEW JERSEY, NEW)
 24 MEXICO, NEW YORK, NORTH)
 25 CAROLINA, OKLAHOMA, RHODE)
 ISLAND, TENNESSEE, TEXAS,)
 26 WISCONSIN, THE COMMONWEALTHS)
 27 OF MASSACHUSETTS AND VIRGINIA;)
 and THE DISTRICT OF COLUMBIA;)
 28)

1 ex rel. BRIAN SHIELDS,)
)
 2 Plaintiffs and Relator,)
)
 3 v.)
)
 4 GENENTECH, INC.;)
 5 OSI PHARMACEUTICALS, INC.;)
 and NOVARTIS PHARMACEUTICALS)
 6 CORPORATION)
)
 7 Defendants.)
 8 _____)

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 10 1. Pursuant to Fed. R. Civ. P. 41(a)(1) and 31 U.S.C. § 3730(b)(1), the United States of
 11 America (“the United States”), the participating states, and Plaintiff-Relator Brian Shields hereby
 12 stipulate to the dismissal of this action pursuant to the terms and conditions of the settlement agreement
 13 effective June 6, 2016 (“Settlement Agreement”).

14 2. With prejudice as to himself, the Relator dismisses this action, with the exception of
 15 Relator’s claims for reasonable attorneys’ fees, expenses, and costs against Defendant Genentech and
 16 Defendant OSI Pharmaceuticals pursuant to 31 U.S.C. § 3730(d)(1); and/or Relator’s retaliation claims
 17 under any state and/or federal law, including 31 U.S.C. § 3730(h) asserted against Defendant Genentech
 18 in Counts III, IV, V, and VI in Relator’s Second Amended False Claims Act Complaint.

19 3. The United States and the participating states dismiss with prejudice the claims
 20 concerning the Covered Conduct in the Settlement Agreement. The United States and participating
 21 states dismiss all other claims in this action without prejudice to the United States and the participating
 22 states.
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25 4. No Answer has been served or filed, and no parties other than the United States, the
 26 participating states, and the Relator have appeared in this action.
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1 IT IS SO STIPULATED.

2 BRIAN STRETCH
3 United States Attorney

4 DATED: June 14, 2016

5 /s/ Ila Deiss
6 ILA C. DEISS
7 Assistant United States Attorney
8 Attorneys for the United States of America

9 DATED: June 15, 2016

10 /s/ Raymond Liddy
11 RAYMOND J. LIDDY
12 Deputy Attorney General for the State of California
13 For the State of California and Plaintiff Participating States

14 DATED: June 14, 2016

15 /s/ Matthew Pavone
16 MATTHEW PAVONE
17 MARCELLA AUERBACH
18 KENNETH NOLAN
19 Attorneys for Plaintiff/Relator

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1 ~~PROPOSED~~ ORDER

2 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

3 1. With prejudice as to Relator Brian Shields, this action is dismissed, with the exception of
4 Relator's claims for reasonable attorneys' fees, expenses, and costs against Defendant Genentech and
5 Defendant OSI Pharmaceuticals pursuant to 31 U.S.C. § 3730(d)(1); and/or Relator's retaliation claims
6 under any state and/or federal law, including 31 U.S.C. § 3730(h) asserted against Defendant Genentech
7 in Counts III, IV, V, and VI in Relator's Second Amended False Claims Act Complaint.

8 2. Pursuant to the terms and conditions of the Settlement Agreement (effective June 6,
9 2016), the claims concerning the Covered Conduct in the Settlement Agreement are dismissed with
10 prejudice as to the United States and the participating states. All other claims in this action are
11 dismissed without prejudice as to the United States and the participating states.

12
13 IT IS SO ORDERED.

14 DATED: June 15, 2016



15 _____
16 HONORABLE MARIA ELENA JAMES
17 United States Magistrate Court Judge