

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

United States, ex rel.

No. C 13-03729 WHA

Michael A. Bruzzone, as Relator Original
Source,BRINGING THIS ACTION ON BEHALF OF
THE UNITED STATES OF AMERICA,c/o MELINDA HAAG,
United States Attorney
Northern District of California**ORDER SETTING DEADLINE TO
SERVE DEFENDANT INTEL
CORPORATION AND REQUESTING
RESPONSE FROM THE ATTORNEY
GENERAL**

And

c/o ERIC HOLDER
United States Attorney General
United States Department of Justice,

Plaintiffs,

v.

INTEL CORPORATION, DELL, INC., and
INTERNATIONAL DATA GROUP,Defendants.

On August 12, 2013, Michael A. Bruzzone filed this *qui tam* false claims act action. On October 22, the United States provided notice of its decision not to intervene. Section 3730(b)(1) of Title 31 of the United States Code states:

A person may bring a civil action for a violation of section 3729 for the person and for the United States Government. The action shall be brought in the name of the Government. The action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.

Section 3730(c)(3) states:

If the Government elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the Government to intervene at a later date upon a showing of good cause.


An October 29 order stated that the “realtor shall serve the Complaint on defendants.” Plaintiff’s case management statement, dated January 10, states that “[t]he Summons and Complaint have not yet been served on Defendants.” At least twice, plaintiff has stated that “he is not in the financial position to fund this action without government intervention” so the undersigned judge finds it challenging to see how this action could proceed (Dkt. Nos. 11, 17). Plaintiff, however, states that he expects to file an amended complaint to “simplify the allegations, and to delete all defendants except Intel” (Dkt. No. 17).

Accordingly, the Attorney General shall file a written statement by **NOON ON FEBRUARY 6** regarding consent to dismissal (Dkt. No. 9).

Plaintiff has until **FEBRUARY 26** to amend and serve defendant Intel Corporation. Within two calendar days of service and no later than **NOON ON FEBRUARY 28**, plaintiff shall file a statement (appending the relevant proof of service) regarding service. The statement shall address whether plaintiff is able to and will proceed in this action. All parties are on notice that if the Attorney General consents to dismissal in compliance with 31 U.S.C. 3730(b)(1) and Intel Corporation is not properly served by February 26, the action will be dismissed without further notice.

IT IS SO ORDERED.

Dated: January 16, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE