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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA ex rel.  
18 JOHN ORTEN, Relator;

19 STATE OF CALIFORNIA ex rel.  
20 JOHN ORTEN, Relator;

21 STATE OF ARIZONA ex rel.  
22 JOHN ORTEN, Relator;

23 STATE OF WASHINGTON ex rel.  
24 JOHN ORTEN, Relator;

25 STATE OF UTAH ex rel. JOHN  
26 ORTEN, Relator,

27 Plaintiffs,

28 v.

NORTH AMERICAN HEALTH  
CARE. INC.; JOHN SORENSEN,

Defendants.

CASE NO. 14-cv-02401-WHO

**STIPULATION AND ORDER DISMISSING  
THE ACTION**

1 Relator JOHN ORTEN and Defendants NORTH AMERICAN HEALTH CARE, INC. and  
2 JOHN SORENSEN (collectively, “Defendants”), parties to the above-captioned civil action (“the  
3 Action”), pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and 31 U.S.C. § 3730,  
4 hereby stipulate to the dismissal of the Action with prejudice as to Relator, but without prejudice as  
5 to the United States or the State of California.

6 The basis for this stipulated dismissal is that Relator and Defendants have voluntarily resolved  
7 this matter, and reached an agreement which includes: (i) the voluntary dismissal with prejudice of  
8 Relators’ claims brought pursuant to the False Claims Act (31 U.S.C. §§ 3729 *et seq.*) (“Federal  
9 FCA”) and the California False Claims Act (Cal. Gov’t Code §§ 12650 *et seq.*) (“California FCA”),  
10 but a dismissal of the Federal FCA claims without prejudice as to the United States and of the  
11 California FCA claims without prejudice as to the State of California; (ii) a resolution of Relator’s  
12 individual employment claims under the False Claims Act (31 U.S.C. § 3730(h)) and under state law;  
13 (iii) appropriate releases; and (iv) a dismissal of the Action in its entirety with prejudice as to Relator,  
14 but a dismissal without prejudice of the Federal FCA claims as to the United States and of the  
15 California FCA claims as to the State of California.

16 The parties therefore respectfully request that the Court enter an order dismissing this Action  
17 in its entirety, including all claims in the Third Amended Complaint with prejudice as to Relator, but  
18 dismissing without prejudice the Federal FCA claims as to the United States and the California FCA  
19 claims as to the State of California, as well as dismissing with prejudice Defendant Sorensen’s  
20 counterclaim.

21  
22 **IT IS SO STIPULATED.**

23 Dated: January 25, 2018

GIBSON, DUNN & CRUTCHER LLP  
JOSEPH R. ROSE

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25 By:                   /s/ Joseph R. Rose                    
                  Joseph R. Rose

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27 Attorney for Defendants NORTH AMERICAN  
28 HEALTH CARE. INC., JOHN SORENSEN

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**I, Joseph R. Rose, attest that the concurrence in the filing of this document has been obtained from C. Brooks Cutter.**

Dated: January 25, 2018

CUTTER LAW, P.C.  
C. BROOKS CUTTER

By:           /s/ C. Brooks Cutter            
          C. Brooks Cutter

Attorney for RELATOR JOHN ORTEN

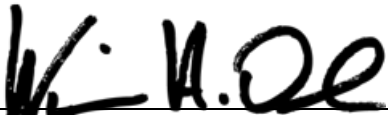
1 **ORDER OF DISMISSAL**

2 The Court hereby GRANTS the foregoing stipulation of the parties for dismissal of the action  
3 pursuant to Federal Rule of Civil Procedure 41 and 31 U.S.C. § 3730, and ORDERS as follows:

- 4 (1) Relator’s Third Amended Complaint is dismissed in its entirety, with prejudice as to  
5 Relator John Orten, but without prejudice as to the United States or the State of California;
- 6 (2) Defendant John Sorensen’s counterclaim is dismissed; and
- 7 (3) All remaining court dates and deadlines are vacated.

8 **IT IS SO ORDERED.**

9  
10 DATE: January 26, 2018

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13 THE HONORABLE WILLIAM H. ORRICK  
14 UNITED STATES DISTRICT JUDGE  
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