U.S. NOTICE OF ELECTION TO INTERVENE

STUART F. DELERY Acting Assistant Attorney General FILED 2 **MELINDA HAAG** 3 United States Attorney AUG 0 6 2012 JOANN M. SWANSON, CSBN 88143 Assistant United States Attorney RICHARD W. WEKING LERK, U.S. DISTRICT COUR Chief, Civil Division ILA C. DEISS, NY SBN 3052909 Assistant United States Attorney 6 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 Telephone: (415) 436-7124 Fax: (415) 436-7169 8 ila.deiss@usdoj.gov DANIEL ANDERSON **EDWARD CROOKE** Attorneys, Civil Division U.S. Department of Justice 11 P.O. Box 261, Ben Franklin Station Washington, D.C. 20044 12 Telephone: (202) 514-7371 13 Attorneys for the United States of America 14 UNITED STATES DISTRICT COURT 15 NORTHERN DISTRICT OF CALIFORNIA 16 OAKLAND DIVISION 17 UNITED STATES OF AMERICA and the No. CV 10-1904 CW 18 STATE OF CALIFORNIA, ex rel. LOI TRINH and ED TA-CHIANG HSU, 19 UNITED STATES' NOTICE OF **Plaintiffs ELECTION TO INTERVENE;** 20 (PROPOSED) ORDER v. 21 NORTH EAST MEDICAL SERVICES, FILED UNDER SEAL INC., and DOES 1 through 100 inclusive, 22 Defendants. 23 24 Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies 25 the Court that it hereby intervenes and intends to proceed with this action. The United States intends to file its own complaint and serve it within 120 days, as provided in Fed. R. Civ. P. 4. The Government requests that the relators' Amended Complaint, this Notice, and the 28

attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

The United States reserves the right to seek the dismissal of the relators' action or claim, at the appropriate time, under 31 U.S.C. § 3730(e)(4), on the ground that substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed and that the relator does not qualify as an original source.

A proposed order accompanies this notice.

Dated: August 2, 2012

Respectfully submitted,

STUART F. DELERY Acting Assistant Attorney General

MELINDA HAAG United States Attorney

By:

ILA C. DEISS

Assistant United States Attorney

Attorneys for the United States of America

## [PROPOSED] ORDER

The United States having intervened in this action, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4), the Court rules as follows:

## IT IS ORDERED that,

- 1. the relators' Amended Complaint, the Government's Notice of Intervention, and this Order be unsealed;
- 2. the United States serve its Complaint upon defendant, together with this Order, by November 29, 2012;
- 3. all other papers or Orders on file in this matter shall remain under seal; and
- 4. the seal shall be lifted on all matters occurring in this action after the date of this Order.

IT IS SO ORDERED,

This day of HOUST, 2011

HONORABLE CLAUDIA WILKED United States District Judge