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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 UNITED STATES OF AMERICA and the)
18 STATE OF CALIFORNIA, *ex rel.* LOI)
TRINH and ED TA-CHIANG HSU,)
19 Plaintiffs)
20 v.)
21 NORTH EAST MEDICAL SERVICES,)
22 INC., and DOES 1 through 100 inclusive,)
23 Defendants.)

No. CV 10-1904 CW

**UNITED STATES' AMENDED
NOTICE OF ELECTION TO
INTERVENE; [~~PROPOSED~~]
AMENDED ORDER**

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25 On August 2, 2012, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the
26 United States notified the Court that it intervened and intended to proceed with this action. The
27 Government incorrectly requested the unsealing of an Amended Complaint, rather than the May
28 2010 Complaint. There is no Amended Complaint. Thus, the Government requests that the

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

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

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Dated: August 8, 2012

Respectfully submitted,
STUART F. DELERY
Acting Assistant Attorney General
MELINDA HAAG
United States Attorney

By: _____/s/_____
ILA C. DEISS
Assistant United States Attorney
Attorneys for the United States of America

1 **[PROPOSED] ORDER**

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

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

14 IT IS SO ORDERED,

15 This 10th day of August, 2012.

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18 HONORABLE CLAUDIA WILKEN
19 United States District Judge
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