

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
SENIOR JUDGE WALKER D. MILLER

Civil Action No. 07-cv-01460-WDM-MEH

UNITED STATES OF AMERICA, *ex rel.*, MARY JO PFEIFER,

Plaintiff

v.

ELA MEDICAL, INC., *et al*,

Defendants.

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**ORDER**

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Miller, J.

This case comes before me on the Joint Stipulation for Voluntary Dismissal (“Joint Stipulation”) filed by the United States, Relator Mary Jo Pfeifer (“Relator”), Defendant ELA Medical, Inc. (“ELA”), and Defendants Advanced Cardiac Specialist Chartered, Dr. Blumberg, Dr. Garcia, and Dr. Garg (collectively, “Physicians”) (ECF No. 171), pursuant to Fed. R. Civ. P. 41(a) and consistent with and subject to the terms of an October 28, 2010 Settlement Agreement among the United States, Defendant ELA, and Relator. Having reviewed the Joint Stipulation, I find good cause to dismiss the case.

Accordingly, it is ORDERED Civil Action No. 07-cv-1460 is dismissed as follows:

1. Relator Pfeifer’s claims against ELA Medical, Inc. and Physicians are dismissed with prejudice;
2. the United States’ claims against ELA Medical, Inc. are dismissed with

prejudice for the “Covered Conduct” as defined in the Settlement Agreement, only;

3. all of the United States’ remaining claims against ELA Medical, Inc. are dismissed without prejudice; and
4. the United States claims against Physicians are dismissed without prejudice.
5. All contents of the Court’s file in this action currently under seal shall remain under seal and shall not be made public without further order of the United States District Court.
6. The parties shall pay expenses, attorney fees, and costs as set forth in the Settlement Agreement.

DATED at Denver, Colorado, on November 15, 2010.

BY THE COURT:



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s/ Walker D. Miller  
United States District Judge