

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 14-cv-00097-RM-CBS

UNITED STATES OF AMERICA, *et al.*, *ex rel.*
ROBERT MCGUIRE,

Plaintiffs,

v.

WEBSTER BANK, NATIONAL ASSOCIATION,

Defendant.

**ORDER GRANTING
UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL
PURSUANT TO FED. R. CIV. P. 41(a)(2) (ECF No. 66)**

This matter is before the Court on Relator's Unopposed Motion for Voluntary Dismissal Pursuant to Fed. R. Civ. P. 41(a)(2) (the "Motion") (ECF No. 66), requesting a dismissal of this *qui tam* action with prejudice as to Relator but without prejudice as to the United States and the State of New York, with Relator to pay \$500 in costs to Defendant and each party otherwise bearing its own attorney fees and costs. The United States does not oppose the Motion of dismissal and filed its own Consent to Relator's Motion to Dismiss with Prejudice (the "Consent") (ECF No. 67).

In the Consent, the United States advises that it declines to intervene in many *qui tam* cases for a variety reasons. In this instance, the United State found sufficient basis to consent to Relator's request for dismissal upon consideration of the Recommendation Regarding Defendant's Motion to Dismiss (ECF No. 62) issued by Magistrate Judge Craig B. Shaffer. In the Recommendation, the Magistrate Judge recommended that Defendant's Motion to Dismiss

(ECF No. 32) be granted. The United States represents to the Court that dismissal of this action is commensurate with the public interest.

Pursuant to 31 U.S.C. § 3730(b)(1), this action may be dismissed only if the Court and Attorney General give written consent to the dismissal and their reasons for consenting. The Court has considered the Notice, Consent, Recommendation, Court file, and applicable rules, statutes, and case law. Upon such considerations, and being otherwise fully advised, the Court finds that dismissal is appropriate and gives it consent. The Court hereby ORDERS

(1) That the Relator's Unopposed Motion for Voluntary Dismissal Pursuant to Fed. R. Civ. P. 41(a)(2) (ECF No. 66) is GRANTED; and

(2) That this action is hereby DISMISSED with prejudice as to the Relator and without prejudice as to the United States and the State of New York.

DATED this 3rd day of September, 2015.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge