

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

UNITED STATES OF AMERICA, and  
THE STATE OF FLORIDA, *ex rel.*,  
MARGARET PETERS, R.N., on  
behalf of the United States  
Government,

Plaintiffs,

v.

Case No: 2:16-cv-6-FtM-99MRM

HOPE HOSPICE AND  
COMMUNITY SERVICES,  
INC., *et. al.*

Defendants.

\_\_\_\_\_ /

**ORDER**

Before the Court is the Government and Relator Margaret Peters' Joint Notice of Voluntary Dismissal filed on July 8, 2020.

Under Federal Rule of Civil Procedure 41(a) and 31 U.S.C. § 3730(b)(1), the Government and Peters seek to dismiss all claims against Defendant Hope Hospice and Community Services, Inc. d/b/a Hope Hospice in accordance with the parties' Settlement Agreement. This dismissal is without prejudice so the Government and Peters may move to vacate and reinstate the case if Hope Hospice does not satisfy with its payment obligations under the Settlement Agreement. Aside from that circumstance, the dismissal is with prejudice against Peters. And it is with prejudice

as to the Government regarding “covered conduct” as defined in the Settlement Agreement. On any remaining matters, the Government’s claims are dismissed without prejudice.

As to the other Defendants (Visiting Nurses Association of Southwest Florida, Inc.; Florida Pace Association, Inc.; Hope Memorial Care, Inc.; and Samira Beckwith) the dismissal is with prejudice for Peters and without prejudice for the Government.

Accordingly, it is now

**ORDERED:**

1. The claims against Defendant Hope Hospice and Community Services, Inc. d/b/a Hope Hospice are **DISMISSED without prejudice** to the Government and Relator’s right to enforce Hope Hospice’s payment obligations in accordance with the parties’ Settlement Agreement. Otherwise (and in the absence of a motion to vacate), the claims are **DISMISSED with prejudice** as to Relator; and the claims are **DISMISSED with prejudice** as to the Government for “covered conduct” as set out in the Settlement Agreement. As for any remaining matters against Hope Hospice, the Government’s claims are **DISMISSED without prejudice**.
2. Relator’s claims against Defendants Visiting Nurses Association of Southwest Florida, Inc.; Florida Pace Association, Inc.; Hope Memorial Care, Inc.; and Samira Beckwith are **DISMISSED with prejudice**.

3. The Government's claims against Defendants Visiting Nurses Association of Southwest Florida, Inc.; Florida Pace Association, Inc.; Hope Memorial Care, Inc.; and Samira Beckwith are **DISMISSED without prejudice**.
4. The Clerk is **DIRECTED** to enter judgment, terminate any pending motions or deadlines, and close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 9th day of July 2020.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record