

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA *ex*  
*rel.* JULIE MADSEN, M.D., an  
individual,

Relator/ Plaintiff,

vs.

ST. LUKE'S HEALTH SYSTEM,  
LTD., an Idaho Corporation, ST.  
LUKE'S McCALL, LTD., an Idaho  
Corporation, IDAHO ELKS  
REHABILITATION HOSPITAL, INC.,  
an Idaho Corporation, ELK'S WOUND  
CARE CENTER, an Idaho Joint  
Venture, CENTER FOR WOUND  
HEALING AND HYPERBARIC  
MEDICINE, LLP, WARREN GUDE,  
M.D., RAYMOND OTTO, M.D., and  
JOHN/JANE DOES 1 through X, whose  
true identities are presently unknown,

Defendants.

Case No. 1:15-cv-00210-DCN

**MEMORANDUM DECISION AND  
ORDER**

**I. DISCUSSION**

Pending before the Court is Defendant Idaho Elks Rehabilitation Hospital, Inc.'s Second Motion to Dismiss (Dkt. 67); Defendants' St. Luke's Health System, Ltd. and St. Luke's McCall, Ltd. Motion to Dismiss Third Amended Complaint (Dkt. 69); Defendants Warren Gude and Raymond Otto's Motion to Dismiss Third Amended Complaint (Dkt. 71); and the United States' Motion to Approve Settlement and Dismiss the Case (Dkt. 80).

On November 14, 2019, the Court held oral argument on the above motions. During oral argument, Relator Dr. Julie Madsen withdrew her objection to the Government's Motion to for Settlement. As all of the parties consent to the proposed settlement, attached as Exhibit A to the Government's motion, (Dkt. 80-1), the Court GRANTS the motion to approve settlement pursuant to 31 U.S.C. § 3730(c)(2)(B) and DISMISSES the case with prejudice. The motions to dismiss are MOOT.


## II. ORDER

It is HEREBY ORDERED:

1. The United States' Motion to Approve Settlement and Dismiss the Case (Dkt. 80) is **GRANTED**.
2. Defendant Idaho Elks Rehabilitation Hospital, Inc.'s ("Idaho Elks") Second Motion to Dismiss (Dkt. 67) is **MOOT**.
3. Defendants' St. Luke's Health System, Ltd. and St. Luke's McCall, Ltd. Motion to Dismiss (Dkt. 69) is **MOOT**.
4. Defendants Warren Gude and Raymond Otto's Motion to Dismiss (Dkt. 71) is **MOOT**.
5. The Case is **DISMISSED** with prejudice.



DATED: November 18, 2019

  
David C. Nye  
Chief U.S. District Court Judge