

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOISUNITED STATES OF AMERICA, *ex rel.*,
MARSHA TURNER and CAROLYN
SWARTOS,

Plaintiffs,

v.

MICHAELIS JACKSON & ASSOCIATES,
L.L.C., *an Illinois limited liability company*
doing business as Jackson Vision & Laser
Centers, L.L.C., and MICHAELIS BILLY
JACKSON, *M.D.*,

Defendants.

Case No. 03-cv-4219-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Relators' Motion to Voluntarily Dismiss (Doc. 193) pursuant to Federal Rule of Civil Procedure 41(a)(2) ("Rule 41(a)(2)"). Specifically, having reached a settlement with Defendants and having obtained the Government's consent to said settlement, Relators now move to dismiss this matter.

Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment or in the absence of a stipulation of dismissal of all parties who have appeared. Being fully advised of the premises, the Court **GRANTS** the instant motion (Doc. 193), whereby the Court **FINDS** and **ORDERS** as follows:

- Relators do not request a fairness hearing and have agreed that the settlement agreement is fair and reasonable; as such, there is no need for a fairness hearing, and Relators have been given adequate notice and opportunity to be heard. Moreover, the settlement between the Government, Relators, and Defendants is fair, adequate, and reasonable pursuant to 31 U.S.C. §§ 3730 (c)(2)(B) and (b)(1);
- Pursuant to Rule 41(a)(2), the Court **DISMISSES** this case, noting that the Government has provided the necessary written consent for voluntary

dismissal under the provisions of the False Claims Act pursuant to 31 U.S.C. § 3730(b)(1). Further, pursuant to Rule 41(a)(2) and the terms of the settlement agreement, all claims in Relators' initial complaint and amendments thereto are dismissed **with prejudice** as to Relators, **with prejudice** as to the Government to the extent of the Covered Conduct and terms of the settlement agreement, and otherwise **without prejudice** as to the Government;

- Except as expressly provided in the settlement agreement, the Government, Relators, and Defendants will bear their own costs and attorneys' fees in this action;
- The Court **DENIES as moot** all pending motions; and, finally,
- The Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: February 11, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE