

UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA et al., *
 ex rel. MOHSEN REIHANIFAM *

Plaintiffs-Relators, *

v. *

FRESENIUS USA, INC. and FRESENIUS *
 MEDICAL CARE HOLDINGS, INC. *
 doing business as FRESENIUS MEDICAL *
 CARE NORTH AMERICA *

Defendants. *

Civil Action No. 13-cv-11486-IT

ORDER REQUESTING STATEMENT OF POSITION BY UNITED STATES

June 24, 2015

TALWANI, D.J.

Defendants in this case have filed a Motion to Dismiss [#57] based in part on res judicata. Defendants argue that Reihanifam could have brought his retaliation-based claim in an earlier California litigation between these same parties and that, having failed to do so, his claim must now be dismissed.

The resolution of this legal issue may have an impact on future relators, given the duration of time many qui tam complaints remain under seal before a relator may disclose to the defendants the existence of his claims. Accordingly, the United States shall file by no later than July 8, 2015, a statement of its position as to whether the statutory mandate that a qui tam complaint is to be filed under seal until after the government’s declination of intervention should have any affect on the court’s analysis of res judicata.

IT IS SO ORDERED.

/s/ Indira Talwani
 United States District Judge