

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA and
THE COMMONWEALTH OF
MASSACHUSETTS, ex rel.
STEPHEN A. COHEN

Plaintiffs,

v.

BETH ISRAEL DEACONESS MEDICAL
CENTER, INC.

Defendant.

*
*
*
*
*
*
*
*
*
*
*
*
*
*
*

Civil Action No. 13-cv-11860-IT

ORDER

December 5, 2014

TALWANI, D.J.

On October 10, 2014, Plaintiff-Relator Stephen A. Cohen filed a Notice of Voluntary Dismissal [#16] pursuant to Federal Rule of Civil Procedure 41(a)(1). Under 31 U.S.C. § 3730(b), the court may dismiss Plaintiff-Relator’s claims for violation of the False Claims Act (“FCA”), 31 U.S.C. §§ 3729, et seq., “only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” On November 13, 2014, the United States filed a Consent to Dismissal Without Prejudice [#20], which informed the court of the United States’ consent to dismissal of Plaintiff-Relator’s FCA claims asserted on behalf of the United States. As grounds for its consent, the United States stated that “after investigation of the allegations, the United States has determined that dismissal without prejudice is appropriate in light of all circumstances.” Accordingly, the court hereby orders as follows:

1. In light of the consent of the Plaintiff-Relator and the United States, and the United

States' determination that dismissal is appropriate in light of all the circumstances, the court consents to dismissal without prejudice of Plaintiff-Relator's claims pursuant to the FCA asserted on behalf of the United States. Plaintiff-Relator's Complaint [#2] is hereby dismissed without prejudice.

2. The seal is lifted as to the Complaint [#2], Plaintiff-Relator's Notice of Voluntary Dismissal [#16], the Notice of the United States of America of Election to Decline to Intervene [#17], the Notice of Election to Decline Intervention of the Commonwealth of Massachusetts [#18], the court's November 10, 2014 Order [#19], the United States' Consent to Dismissal Without Prejudice [#20], and all matters occurring in this action after the date of this order. All other previously filed documents shall remain under seal.

THIS CASE IS CLOSED.

IT IS SO ORDERED.

December 5, 2014

/s/ Indira Talwani
United States District Judge