

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA
and the STATE OF MICHIGAN,
ex rel. AMBER WEST,

Plaintiffs,

Case No. 1:11-CV-1051

v.

Hon. Paul L. Maloney
United States District Judge

LAKESHORE HOME HEALTH CARE,
INC., *et al.*,

Defendants.

**CONSENT JUDGMENT AGAINST
DEFENDANT SOTERO M. URETA III, M.D.**

Introduction

1. This litigation arises from an action filed by Relator, captioned *United States, et al., ex rel. West v. U.S. Rehab Services, P.C., et al.*, No. 1:11-cv-1051 (W.D. Mich.) (Docket No. (“Dkt.”) 1), under the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b), and the Michigan Medicaid False Claims Act, MICH. COMP. LAWS § 400.610a(1). On September 19, 2012, the United States of America and the State of Michigan (the “Government Plaintiffs”), having intervened in this *qui tam* action, filed a Complaint Upon Intervention styled *United States, et al., ex rel. West v. Lakeshore Home Health Care, Inc., et al.*, No. 1:11-cv-1051 (W.D. Mich.) (Dkt. 35).

2. The Government Plaintiffs contend that they have certain civil claims against Defendant Sotero M. Ureta III, M.D., arising from claims that health care companies owned and/or controlled by Babubhai B. Rathod (the “Rathod Companies”) submitted to Medicare and Medicaid for physical therapy, electrodiagnostic testing, and home health care services that Dr. Ureta

referred to the Rathod Companies between April 3, 2010 and December 22, 2011 in exchange for illegal remuneration and/or kickbacks in violation of the Anti-Kickback Statute, 42 U.S.C. § 1320a-7b, the physician self-referral statute (the “Stark Law”), 42 U.S.C. § 1395nn, the False Claims Act, 31 U.S.C. § 3729, *et seq.*, the Michigan Medicaid False Claims Act, MICH. COMP. LAWS § 400.610a, *et seq.*, and the common law.

Jurisdiction and Venue

3. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1345, 1355(a), 1367, and 31 U.S.C. §§ 3732(a) and 3732(b). Dr. Ureta admits that this Court has jurisdiction over him and the subject matter of this action.

4. Venue is appropriate in this District pursuant to 28 U.S.C. §§ 1391(b)(1), 1391(b)(2), 1395(a), and 31 U.S.C. § 3732(a).

The Parties’ Settlement Agreement

5. To avoid the delay, uncertainty, inconvenience, and expense of protracted litigation of the Government Plaintiffs’ claims, the Government Plaintiffs, Dr. Ureta, and Relator (the “Parties”) have agreed to compromise their respective positions and to fully and finally resolve their disputes on the terms and conditions set forth in the Settlement Agreement attached hereto as Exhibit 1. Pursuant to Paragraph 2 of the Settlement Agreement, the Parties have stipulated to entry of this Consent Judgment.

6. The Court finds that the Settlement Agreement and this Consent Judgment are fair, adequate, and reasonable within the meaning of the False Claims Act, 31 U.S.C. § 3730(c)(2)(B), and the Michigan Medicaid False Claims Act, MICH. COMP. LAWS § 400.610a(5)(b).

7. The Court further finds that it has jurisdiction to enter this Consent Judgment.

Accordingly, IT IS HEREBY AGREED, ORDERED, AND ADJUDGED as follows:

Terms of Consent Judgment

- a. In addition to the Initial Settlement Payment, identified in Paragraph 1 of the Settlement Agreement, judgment is hereby entered in favor of the Government Plaintiffs against Dr. Ureta in the amount of SEVENTEEN THOUSAND, FIFTY-SIX DOLLARS AND FORTY-FIVE CENTS (\$17,056.45); and
- b. The Court shall maintain jurisdiction over this action as it pertains to Dr. Ureta., only for purposes of enforcing this Consent Judgment.

IT IS SO ORDERED.

Dated: January 24, 2017

/s/ Paul L. Maloney
Hon. Paul L. Maloney
United States District Judge

The Parties hereby apply for and consent to the entry of this Consent Judgment.

FOR THE UNITED STATES OF AMERICA

PATRICK A. MILES, JR.
United States Attorney

By: Adam B. Townshend Dated: 1-13-17
ADAM B. TOWNSHEND
Assistant U.S. Attorney
U.S. Attorney's Office,
Western District of Michigan
330 Ionia Ave. NW, Suite 501
Grand Rapids, MI 49503

FOR THE STATE OF MICHIGAN

BILL SCHUETTE
Attorney General

By: Jason Evans / ABT with pmw, Jr. A. Dated: 1-13-17
JASON EVANS
First Assistant Attorney General
Health Care Fraud Division
Michigan Department of Attorney General
P.O. Box 30218
Lansing, MI 48909

FOR SOTERO M. URETA III, M.D.

By: _____ Dated: _____
SOTERO M. URETA III, M.D.

By: _____ Dated: _____
FRANK STANLEY
Frank Stanley, P.C.
234 N. Division Ave., Suite 400
Grand Rapids, MI 49503

The Parties hereby apply for and consent to the entry of this Consent Judgment.

FOR THE UNITED STATES OF AMERICA

PATRICK A. MILES, JR.
United States Attorney

By: _____ Dated: _____
ADAM B. TOWNSHEND
Assistant U.S. Attorney
U.S. Attorney's Office,
Western District of Michigan
330 Ionia Ave. NW, Suite 501
Grand Rapids, MI 49503

FOR THE STATE OF MICHIGAN

BILL SCHUETTE
Attorney General

By: _____ Dated: _____
JASON EVANS
First Assistant Attorney General
Health Care Fraud Division
Michigan Department of Attorney General
P.O. Box 30218
Lansing, MI 48909

FOR SOTERO M. URETA III, M.D.

By: SJW Dated: 12-30-2016
SOTERO M. URETA III, M.D.
By: FS Dated: 1-4-17
FRANK STANLEY
Frank Stanley, P.C.
234 N. Division Ave., Suite 400
Grand Rapids, MI 49503

FOR RELATOR AMBER WEST

By: Amber West
AMBER WEST

Dated: 12-16-16

By: Anthony G. Costanzo
ANTHONY G. COSTANZO
Fortino, Plaxton & Costanzo, P.C.
214 East Superior Street
Alma, MI 48801

Dated: 1-10-17

By: _____
ALAN G. GILCHRIST
The Health Law Partners, P.C.
29566 Northwestern Highway, Suite 200
Southfield, MI 48034

Dated: _____

FOR RELATOR AMBER WEST

By: AMBER WEST

Dated: _____

By: ANTHONY G. COSTANZO
Fortino, Plaxton & Costanzo, P.C.
214 East Superior Street
Alma, MI 48801

Dated: _____

By: ALAN G. GILCHRIST
The Health Law Partners, P.C.
29566 Northwestern Highway, Suite 200
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Dated: _____