

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TRICIA WATKINS, individually and in the
name of the United States Government;

Plaintiff,

vs.

INFOGROUP, INC., a Delaware
corporation;

Defendant.

8:11CV378

ORDER

This matter is before the court on the United States' notice that it declines to prosecute this action, Filing No. [5](#). This is a qui tam action brought in the name of the United States under the False Claims Act, [31 U.S.C. § 3730\(b\)\(1\)](#) for violations of the Fair Labor Standards Act, [29 U.S.C. § 201](#) *et seq.* ("FLSA"), and for retaliation under the FLSA.

Under the False Claims Act, "[i]f the Government elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action." [31 U.S.C. § 3730\(c\)\(3\)](#). "If the Government so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts (at the Government's expense)." *Id.* The False Claims Act provides that the complaint is sealed while the government investigates the case and determines whether to intervene in the action. [31 U.S.C. § 3730\(b\)\(2\)](#) and (b)(3). After completion of the government's investigation and notice of its intervention decision, the seal is lifted and the qui tam complaint becomes public. [American Civil Liberties Union v. Holder, 652 F.Supp.2d 654, 659 \(E.D. Va. 2009\)](#). The United States having declined to intervene in this action,

IT IS ORDERED:

1. The complaint shall be unsealed and served upon the defendant by the relator.

2. This Order and the Government's Notice of Election to Decline Intervention (Filing No. [5](#)) shall be served by the relator on the defendant after service of the complaint.

3. All other contents of the file in this action shall remain under seal and shall not be made public or served upon the defendant.

4. The seal is lifted as to all other matters occurring in this action after the date of this Order.

5. The parties shall electronically serve all pleadings, motions, supporting memoranda, and notices of appeal in this case on the United States, as provided [31 U.S.C. § 3730\(c\)\(3\)](#).

6. The United States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

7. The Clerk of Court is directed to electronically serve all orders of this court on the United States, and to maintain the United States as a party entitled to notice of proceedings and filings in this action.

8. The parties shall solicit the written consent of the United States and seek court approval before dismissing, settling, or otherwise discontinuing this case.

DATED this 5th day of July, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge