

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

**UNITED STATES OF AMERICA** )  
*ex rel.* **LANA STARKEY,** )  
 )  
 **Plaintiffs,** )  
 )  
 **v.** )  
 )  
 **AMBER ENTERPRISES, INC.** )  
 **d/b/a AMBER PHARMACY, and** )  
 **HY-VEE, INC.,** )  
 )  
 **Defendants.** )

**8:16CV337**

**ORDER**

This matter is before the court on The United States’ Notice of Election to Decline Intervention and Consent to Voluntary Dismissal Without Prejudice to the United States ([Filing No. 6](#)). The United States has declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B). Accordingly,

**IT IS ORDERED:**

1. The Complaint shall be unsealed and served upon the defendants by the relator;
2. All other contents of the Court’s file in this action shall remain under seal and not be made public or served upon the defendants, except for this Order and The United States’ Notice of Election to Decline Intervention and Consent to Voluntary Dismissal Without Prejudice to the United States ([Filing No. 6](#)), which the relator will serve upon the defendants only after service of the Complaint;

3. The seal shall be lifted as to all other matters occurring in this action after the date of this Order;

4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

5. The parties shall serve all notices of appeal upon the United States;

6. All orders of this Court shall be sent to the United States;

7. Should the relator seek to voluntarily dismiss this action, the United States consents to dismissal without prejudice to the United States; and

8. Should the relator or the defendants propose that this action be settled, the Court will solicit the written consent of the United States before ruling or granting its approval.

**February 6, 2017.**

**s/ F.A. Gossett, III  
United States Magistrate Judge**