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8
 9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10	UNITED STATES OF AMERICA, et al.,	Case No.: 2:13-cv-00167-APG-PAL
11		
12	Plaintiffs,	
13	v.	
14	CREEKSIDE HOSPICE II, LLC, et al.,	JOINT STATUS REPORT
15	Defendants,	
16		
17	AND ALL RELATED ACTIONS.	

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 19 Plaintiffs United States of America, Joanne Cretney-Tsosie, and Veneta Lepera and
 20 Defendants Creekside Hospice II, LLC, Skilled Healthcare Group, Inc., and Skilled Healthcare,
 21 LLC (all hereinafter referred to as "Creekside"), submit the foregoing Joint Status Report pursuant
 22 to the Court's September 2, 2016 Order granting the parties' Joint Motion to Stay Action Until
 23 November 15, 2016. (Dkt. #162).

24 **I. Background and Status of Discovery**

25 This action is brought by the United States and Relators Joanne Cretney-Tsosie and Veneta
 26 Lepera under the False Claims Act against a hospice provider, Creekside Hospice, and its corporate
 27 parent, Skilled Healthcare. The gravamen of the action is that Creekside violated the False Claims
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1 Act by knowingly submitting or causing the submission of false claims to Medicare for
2 reimbursement for hospice services for patients who were ineligible for coverage in the time period
3 2010 to 2013. These allegations are disputed and Creekside filed a motion to dismiss the action in
4 August 2015 and that motion is pending. (Dkt. #98). Discovery commenced in June 2015 and is
5 not completed by the parties. There is no Scheduling Order in this action. The parties' unresolved
6 discovery disputes are set forth in Status Reports that were filed in September 2015. (Dkt. #111-
7 13). A temporary stay against depositions of current and former employees was granted by the
8 Court in September 2015, and no expert discovery has occurred. (Dkt. #114).

9
10 Throughout 2016, the United States and Creekside engaged in significant and productive
11 discussions pertaining to settlement of the action. The parties filed a Joint Unopposed Motion to
12 Stay Action for Ninety Days Pending Settlement Discussions on June 2, 2016 (Dkt. #159). The
13 Court granted that Motion on June 15, 2016. (Dkt. #160). On September 1, 2016, the parties filed
14 a joint Motion to Continue Stay until November 15, 2016 (Dkt. #161), which the court granted on
15 September 2, 2016 (Dkt. #162).

17 **II. Settlement Agreement**

18 The United States and Creekside have reached an agreement in principle pertaining to
19 settlement of the action. Due to the complexity of the settlement, which is a global agreement with
20 Creekside's parent company that covers several matters in addition to this case, the parties need
21 additional time to finalize the terms of the written agreement. The parties also need additional time
22 to obtain the necessary approvals for the proposed settlement, including the approval of the
23 Principal Deputy Assistant Attorney General for the Civil Division and the United States Attorney
24 for the District of Nevada.

25 **III. Motion to Continue the Court's September 2, 2016 Order Staying this Action**

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1 The parties respectfully request that the Court continue its stay until January 6, 2017, in
2 order to give the parties time to obtain the necessary approvals for the proposed settlement and to
3 execute the agreement and submit dismissal papers to the Court. A stay will assure that the Court
4 does not engage in case activity unnecessarily and will reduce the burden and expense of the
5 litigation process for the parties. A Motion to Continue Stay Until January 6, 2017, and proposed
6 order accompanies this Joint Status Report.
7

8 Dated: November 3, 2016

Respectfully submitted,

9 *Counsel for Plaintiff*

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13 United States Attorney

14 */s/ Roger Wenthe*
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25 LLC.*

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17 AND ALL RELATED ACTIONS.
18

Case No.: 2:13-cv-00167-APG-PAL

**JOINT MOTION TO CONTINUE STAY
UNTIL JANUARY 6, 2017**

19 Plaintiffs United States of America, Joanne Cretney-Tsosie, and Veneta Lepera and
20 Defendants Creekside Hospice II, LLC, Skilled Healthcare Group, Inc., and Skilled Healthcare,
21 LLC (all hereinafter referred to as "Creekside"), jointly move to continue the stay in this action
22 until January 6, 2017, based upon an agreement in principle between the United States and
23 Creekside to settle this action. A stay will allow the parties to execute the agreement and file the
24 necessary paperwork with the Court to dismiss the action. This stay will prevent additional burden
25 on the Court and unnecessary burden and expense to the parties. All parties to the action consent
26 to the request for a stay.
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