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12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA AND THE )  
15 STATE OF NEVADA *ex rel.* MARY KAY )  
WELCH, )

16 Plaintiffs, )

17 v. )

18 MY LEFT FOOT CHILDREN'S THERAPY )  
19 LCC, ANN MARIE GOTTLIEB, JONATHAN )  
GOTTLIEB, )

20 Defendants. )  
21 )

Case No: 2:14-cv-01786-MMD-GWF

**UNOPPOSED MOTION FOR LEAVE  
TO FILE STATEMENT OF  
INTEREST**

22 The United States respectfully moves for leave to file a five-page statement of interest to  
23 address several arguments the Defendants make in their Motion to Dismiss (doc. no. 68) and  
24 reply brief. The False Claims Act is the "government's primary litigative tool for the recovery of  
25 losses sustained as the result of fraud against the government." *Avco Corp. v. U.S. Dep't of*  
26 *Justice*, 884 F.2d 621, 622 (D.C. Cir. 1989). The government, therefore, has a significant  
27 interest in how decisions by the courts, even in declined actions, may shape future enforcement  
28 of the statute. Moreover, although the United States has declined to intervene in this case, it

1 remains the real party in interest. *United States ex rel. Eisenstein v. City of New York*, 556 U.S.  
2 928, 934 (2009).

3 The Defendants' motion raises matters that broadly relate to cases alleging that health  
4 care providers submitted claims for services that were not reasonable and necessary. The reply  
5 brief (doc. no. 71), in particular, discusses several cases that were not previously cited or  
6 discussed in the Defendants' opening brief, and therefore neither the Relator nor the Government  
7 had an opportunity to address them previously.

8 Accordingly, the United States requests leave to file a five-page statement of interest, due  
9 ten days from the date the Court grants leave to file the statement. The United States has met  
10 and conferred with the Defendants, who do not oppose this motion, but request that the Court  
11 also allow them to file a five-page brief in reply to the Government's statement, to be due within  
12 ten days of the Government's statement. The United States does not oppose this request.

13 The United States has also conferred with counsel for the Relator, who does not oppose  
14 the relief requested.

15 Accordingly, for the foregoing reasons, the United States respectfully seeks leave to file a  
16 statement of interest in this action.

17 Respectfully submitted this 19th day of August 2016.

18 BENJAMIN C. MIZER  
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20 DANIEL G. BOGDEN  
21 United States Attorney

22 /s/ Jonathan H. Gold  
Jonathan H. Gold  
23 Trial Attorney

24 /s/ Troy K. Flake  
TROY K. FLAKE  
25 Assistant United States Attorney

26 IT IS SO ORDERED:

27   
28 UNITED STATES MAGISTRATE JUDGE

DATED: 8/22/2016