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SEALED

United States Department of Justice
United States Attorney's Office
District Of Nevada
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
(702)388-6336

1 STEVEN W. MYHRE
Acting United States Attorney
2 TROY K. FLAKE
Assistant United States Attorney
3 501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
4 Telephone: 702-388-6336
Email: troy.flake@usdoj.gov

5 *Attorneys for the United States*

6
7 **UNITED STATES DISTRICT COURT**
8 **FOR THE DISTRICT OF NEVADA**
9

10 UNITED STATES OF AMERICA
ex rel. SELINA LACEY, Relatrix

11 and

12 SELINA LACEY

13 Plaintiffs,

14 v.

15 HA T. NGO, HANH LY, ROGER LY, and
16 ROGER LY as TRUSTEE of LY FAMILY
REVOCABLE TRUST,

17 Defendants.
18
19

Case No. 2:17-cv-07810-JAD-VCF

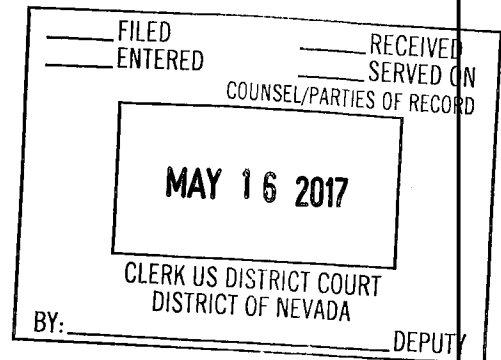
**FILED EX PARTE
AND UNDER SEAL**

**NOTICE DECLINING
INTERVENTION**

20 **UNITED STATES' NOTICE OF ELECTION TO DECLINE INTERVENTION**

21 Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies
22 the Court of its decision not to intervene in this action.

23 Although the United States declines to intervene, the government respectfully refers the
24 Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of
25 the United States; providing, however, that the "action may be dismissed only if the court and the
26 Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* The
27 United States Court of Appeals for the Ninth Circuit has held that, notwithstanding this language,
28 the United States has the right only to a hearing when it objects to a settlement or dismissal of



1 the action. *U.S. ex rel. Green v. Northrop Corp.*, 59 F.3d 953, 959 (9th Cir. 1995); *U.S. ex rel.*
2 *Killingsworth v. Northrop Corp.*, 25 F.3d 715, 723-25 (9th Cir. 1994). Therefore, the United
3 States requests that, should either the relator or the defendants propose that this action be
4 dismissed, settled, or otherwise discontinued, this Court provide the United States with notice
5 and an opportunity to be heard before ruling or granting its approval.

6 Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all
7 pleadings filed in this action be served upon the United States and that orders issued by the Court
8 be sent to the Government's counsel. The United States reserves its right to order any deposition
9 transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of
10 the relator's action or claim. The United States also requests that it be served with all Notices of
11 Appeal.

12 Finally, the United States requests that the relator's Complaint, this Notice, and the
13 attached proposed Order be unsealed. The United States requests that all other papers on file in
14 this action remain under seal because in discussing the content and extent of the United States'
15 investigation, such papers are provided by law to the Court alone for the sole purpose of
16 evaluating whether the seal and time for making an election to intervene should be extended.

17 A proposed order accompanies this notice.

18 Dated this 16th day of May, 2017.

19 STEVEN W. MYHRE
20 Acting United States Attorney

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22 TROY K. FLAKE
23 Assistant United States Attorney
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26
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28

STEVEN W. MYHRE
Acting United States Attorney
TROY K. FLAKE
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Telephone: 702-388-6336
Email: troy.flake@usdoj.gov

Attorneys for the United States

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA
ex rel. SELINA LACEY, Relatrix

and

SELINA LACEY

Plaintiffs,

v.

HA T. NGO, HANH LY, ROGER LY, and
ROGER LY as TRUSTEE of LY FAMILY
REVOCABLE TRUST,

Defendants.

Case No. 2:17-cv-07810-JAD-VCF

**FILED EX PARTE
AND UNDER SEAL**

ORDER

The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the Court rules as follows:

IT IS ORDERED that,

1. The complaint be unsealed and served upon the defendant by the relator;
2. All other contents of the Court's file in this action remain under seal and not be made public or served upon the defendant, except for this Order and the United States' Notice of Election to Decline Intervention, which the relator will serve upon the defendant only after service of the complaint;
3. The seal be lifted as to all other matters occurring in this action after the date of this

1 Order;

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

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

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

8 7. Should the relator or the defendant propose that this action be dismissed, settled, or
9 otherwise discontinued, the Court will provide the United States with notice and an opportunity
10 to be heard before ruling or granting its approval.

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12 IT IS SO ORDERED,

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14 This 31st day of May, 2017.

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17 United States ~~District Judge~~
18 Magistrate
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