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10 *Attorneys for Defendants*

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

13 UNITED STATES OF AMERICA ex rel
 14 TALI ARIK, M.D.

15 Plaintiff/Relator,

16 Case No.: 2:19-CV-01560-JAD-VCF

17 v.

18 DESERT VIEW HOSPITAL, correctly named.
 19 DVH HOSPITAL ALLIANCE, LLC.

20 **JOINT STIPULATION AND ORDER TO**
 21 **SUBSTITUTE AND CORRECT**
 22 **DEFENDANT CORPORATE ENTITY**

23 Defendants.

24 Plaintiff/Relator TALI ARIK, MD, by and through his counsel of record, Jesse Sbaih,
 25 Esq., of the law firm of Jesse Sbaih & Associates, Defendant DVH HOSPITAL ALLIANCE,
 26 LLC, dba DESERT VIEW HOSPITAL, by and through its counsel of record, John H. Cotton,
 27 Esq., and Katherine Turpen, Esq., of the law firm of John H. Cotton & Associates, Ltd., hereby
 28 stipulate and agree as follows:

WHEREAS, on September 6, 2019, relator Tali Arik, M.D. ("Relator") filed the
 Complaint in this action under seal against defendant Universal Health Services, Inc. ("UHS")
 under the federal False Claims Act (ECF1).

WHEREAS, on October 16, 2019, the United States of America filed a notice of
 declination of intervention in the action.

WHEREAS, on December 4, 2019, the Court ordered the action to be unsealed.

1 WHEREAS, on January 16, 2020, the Court entered an order granting the parties' joint
2 stipulation extending the time for UHS to respond to the Complaint until February 18, 2020.

3 WHEREAS, the Complaint currently alleges that UHS "owns, operates, and does
4 business as Desert View Hospital," which is located in Pahrump, Nevada, and that UHS
5 submitted false claims to the Federal Government related to services provided to patients at
6 Desert View Hospital. By way of example, Relator identified 43 patients in the Complaint
7 (ECF1).
8

9 WHEREAS, UHS does not directly own, operate, or do business as Desert View
10 Hospital; and instead, DVH Hospital Alliance, LLC ("DVH") is the corporate entity that owns,
11 operates, and does business as Desert View Hospital.

12 WHEREAS, Relator has agreed to file a First Amended Complaint within 14 days after
13 entry of an Order approving this stipulation that substitutes DVH for UHS as the defendant in
14 this action and out of an abundance of caution, redacts or de-identifies the initials, dates of birth,
15 and dates of service of any patients. The parties agree that the original Complaint (ECF1) shall
16 be placed under seal by the Court.
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18 WHEREAS, the First Amended Complaint shall be deemed served on DVH on the date it
19 is filed; and

20 WHEREAS, the parties have agreed that DVH's response to the First Amended
21 Complaint shall be due 30 days after the First Amended Complaint is filed and that Relator's
22 responsive pleading, if any, shall be 30 days after DVH's response.
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24 IT IS HEREBY STIPULATED AND AGREED, jointly by all parties, by and through
25 their respective counsel of record, that: (1) Relator shall file a First Amended Complaint within
26 14 days after approval of this stipulation that substitutes DVH for UHS as the defendant in this
27 action and redacts or de-identifies the initials, dates of birth, and dates of service of any patients;
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1 (2) the First Amended Complaint shall be deemed served on DVH on the date it is filed; (3)
2 DVH's response to the First Amended Complaint shall be due 30 days after the First Amended
3 Complaint is filed; (5) Relator's responsive pleading, if any, shall be 30 days after DVH's
4 response; and (6) the original Complaint (ECF1) shall be placed under seal by the Clerk of the
5 Court.

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7 IT IS SO STIPULATED

8 Dated this 5th day of February 2020.

9 **JESSE SBAIH & ASSOCIATES**

10 */s/ Jesse Sbaih, Esq.*

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12 _____
13 JESSE SBAIH, ESQ.
14 Nevada Bar No. 7898
15 INES OLEV-SALEH, ESQ.
16 Nevada Bar No. 11431
17 170 South Green Valley Parkway, Suite 280
18 Henderson, Nevada 89012
19 *Attorneys for Plaintiff/Relator*

20 Dated this 5th day of February 2020

21 **JOHN H. COTTON & ASSOCIATES, LTD.**

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23 JOHN H. COTTON, ESQ.
24 NEVADA BAR NO: 005268
25 KATHERINE L. TURPEN, ESQ.
26 NEVADA BAR NO: 008911
27 7900 W. Sahara Ave., Suite 200
28 Las Vegas, Nevada 89117
Attorneys for Defendants

ORDER

Pursuant to the Stipulation of the parties, and good cause appearing, the above referenced matter is hereby Ordered that (1) Relator shall file a First Amended Complaint within 14 days after approval of this Stipulation that substitutes DVH for UHS as the defendant in this action

1 and redacts or de-identifies the initials, dates of birth, and dates of service of any patients; (2) the
2 First Amended Complaint shall be deemed served on DVH on the date it is filed; (3) DVH's
3 response to the First Amended Complaint shall be due 30 days after the First Amended
4 Complaint is filed; (5) Relator's responsive pleading, if any, shall be 30 days after DVH's
5 response; and (6) the original Complaint (ECF1) shall be placed under seal by the Clerk of the
6 Court.

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8 Dated this 13th day of February 2020

9 IT IS SO ORDERED.

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12 UNITED STATES DISTRICT JUDGE

13 Magistrate
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to FRCP 5(b), I certify that the foregoing document **STIPULATION AND**
3 **ORDER TO SUBSTITUTE AND CORRECT DEFENDANT CORPORATE ENTITY** was
4 submitted for filing with the United States District Court on February 5, 2020. Electronic
5 service of the foregoing document shall be made in accord with the CM/ECF Service list, which
6 includes the following:
7

8 Jesse Sbaih & Associates
9 170 S. Green Valley Pkwy., Suite 280
10 Henderson, NV 89012
11 *Attorneys for Relator Tali Arik, MD*

12 */s/ Gemini Yii*

13 _____
14 Employee of John H. Cotton & Associates, LTD.
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