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IN THE UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

16 UNITED STATES OF AMERICA *ex rel.*  
 17 TED SWITZER and DIXIE SWITZER and  
 18 STATE OF CALIFORNIA *ex rel.* TED  
 19 SWITZER and DIXIE SWITZER;

20 Plaintiffs,

21 v.

22 ROBERT C. WOOD, II; *et al.*;

23 Defendants.

CASE NO. 2:23-cv-00999-ART-NJK

STATUS REPORT AND STIPULATION FOR 21-DAY EXTENSION OF TIME TO FILE DISMISSAL PAPERS

1 Relator Dixie Switzer in her own stead and as executor to the estate of Ted Switzer (“relators”),  
2 and defendants Thomas Dunn, M.D., Archie Perry, M.D., TDSW, LLC, and Kainalu, LLC  
3 (“defendants”) provide the following status report and stipulation for a 21-day extension of time to file  
4 dismissal papers.

5 On February 21, 2024, relators and defendants filed their joint notice of tentative settlement of  
6 the entire action, “subject to the negotiation of mutually agreeable settlement documentation and  
7 approval by the United States Department of Justice [(“DOJ”).” (Dkt. 151). In that notice, the parties  
8 explained that “the timeline for approval of *qui tam* settlement agreements from DOJ varies  
9 significantly, but typically ranges from 45 to 90 days.” (*Id.*). On April 23, 2024, the Court issued an  
10 order “to file dismissal papers or a joint status report by May 21, 2024.” (Dkt. 152).

11 Since the February 21, 2024, filing of the notice of tentative settlement, relators and defendants  
12 have agreed on the terms of a settlement agreement. On March 19, 2024, relators and defendants  
13 provided that agreement to the U.S. Attorney’s Office for the Central District of California (“USAO-  
14 C.D. Cal.”)<sup>1</sup> and DOJ for their approval. Also on March 19, 2024, relators submitted their request for  
15 a percentage of the relator’s share pursuant to 31 U.S.C. § 3730(d)(2), which was resubmitted on April  
16 24, 2024 following discussions with DOJ. On April 29, 2024, relators and defendants agreed on the  
17 terms of the dismissal of this action in its entirety and provided that dismissal to DOJ for its approval  
18 on that same date.

19 Counsel for relators have had multiple conversations with DOJ regarding the terms of the  
20 settlement agreement, relator’s share, and dismissal and anticipate that DOJ will complete its review  
21 process by June 11, 2024, or 21 days after the Court’s order “to file dismissal papers or a joint status  
22 report by May 21, 2024.” (Dkt. 152).

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27 <sup>1</sup> USAO-C.D. Cal. principally investigated this action while it was under seal. On May 16, 2023,  
28 the Central District of California severed this action, part of which was transferred to the District of  
Nevada. The claims against other defendants are pending in the Central District of California and the  
Southern District of Georgia.

