

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA and
THE STATE OF NEW MEXICO
ex rel. KAI MCSWAIN, MD., M.H.A.

Plaintiff,

Civil No. 20-00426-GJF-KRS

v.

ARTESIA GENERAL HOSPITAL,
ARTESIA SPECIAL HOSPITAL
DISTRICT,

Defendant.

**ORDER PURSUANT TO JOINT NOTICE OF ELECTION
TO DECLINE INTERVENTION**

THIS MATTER comes before the Court on the Joint Notice of Election to Decline Intervention by the United States and the State of New Mexico (Doc. 22) (“Joint Notice of Election”):

IT IS THEREFORE ORDERED as follows:

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 Government’s 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 Order;
4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States and the State of New Mexico, as provided for in

31 U.S.C. § 3730(c)(3) and N.M. Stat. Ann. § 44-9-6(F). Should Relator move to file an amended complaint or to file additional claims under the *qui tam* provisions of the False Claims Act 31 U.S.C. § 3730, and the Fraud Against Taxpayers Act, N.M. Stat. Ann. § 44-9-1, the United States of America and the State of New Mexico shall have the opportunity to investigate and determine whether to intervene with respect to any such filing, as provided by 31 U.S.C. § 3730 and N.M. Stat. Ann. § 44-9-5(B). The United States and the State of New Mexico may order any deposition transcripts;

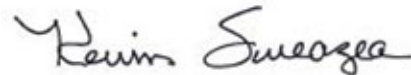
5. The parties shall serve all notices of appeal upon the United States and on the State of New Mexico;

6. All orders of this Court shall be sent to the United States and the State of New Mexico;

7. Should Relator or Defendant propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States and the State of New Mexico before ruling or granting its approval; and,

8. Pursuant to 31 U.S.C. § 3730(c)(3) and N.M. Stat. Ann. § 44-9-6(F), the United States and the State of New Mexico may seek the Court's leave to intervene in this action at a later time upon a showing of good cause.

IT IS SO ORDERED.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE