

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-CV-10-FDW-DSC**

**UNITED STATES OF AMERICA and
THE STATES OF CALIFORNIA,
COLORADO, CONNECTICUT,
DELAWARE, FLORIDA, GEORGIA,
HAWAII, ILLINOIS, INDIANA, IOWA,
LOUISIANA, MARYLAND,
MASSACHUSETTS, MICHIGAN,
MINNESOTA, MONTANA, NEVADA,
NEW HAMPSHIRE, NEW JERSEY, NEW
MEXICO, NEW YORK, NORTH
CAROLINA, OKLAHOMA, RHODE
ISLAND, TENNESSEE, TEXAS,
VERMONT, VIRGINIA, and
WASHINGTON, THE DISTRICT OF
COLUMBIA, THE COUNTY OF
ALLEGHENY, and THE CITIES OF
CHICAGO, NEW YORK, and
PHILADELPHIA, *ex rel.* JOHN DOE,**

Plaintiffs,

v.

**ATRICURE, INC., ST. HELENA
HOSPITAL, AND ADVENTIST
HEALTH,**

Defendants.

UNDER SEAL

ORDER

The United States of America (the “Government”) having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), joined in declination by California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Montana, North Carolina, New Hampshire, New Jersey, New Mexico, Nevada, New York, Oklahoma, Rhode Island, Tennessee,

Texas, Virginia, Vermont, Washington, and the District of Columbia, the Court ORDERS as follows:

1. The Complaint (Doc. No. 1) the Amended Complaint (Doc. No. 24), the Second Amended Complaint (Doc. No. 28), the Government's Notice of Election to Decline Intervention and Motion to Unseal Complaint (Doc. No. 29), and this Order be unsealed;

2. All other current papers on file with the Court in this action remain under seal and will not be made public or served upon the Defendants;

4. The seal be lifted as to all other matters occurring in this action after the date of this Order;

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

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


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

8. Should the Relator or the Defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

9. In accordance with the terms of the Maryland False Health Claims Act, Md. Code Ann., Health Gen, § 2-604 (a)(7), the State of Maryland having declined to intervene in this matter, all claims asserted on behalf of Maryland are hereby dismissed without prejudice.

IT IS SO ORDERED.

Signed: March 17, 2021


Frank D. Whitney
United States District Judge

