

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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|--------------------------------------|---|----------------|
| THE UNITED STATES OF AMERICA; |) | |
| THE STATE OF OKLAHOMA; |) | |
| <i>ex rel.</i> LANCE SMITH, Relator; |) | |
| |) | |
| Plaintiffs, |) | CIV-21-459-SLP |
| |) | |
| v. |) | |
| |) | |
| MCBRIDE CLINIC, INC.; and |) | |
| MCBRIDE CLINIC ORTHOPEDIC |) | |
| HOSPITAL, LLC; |) | |
| |) | |
| Defendants. |) | |

ORDER OF DISMISSAL

Before the Court is Plaintiff/Relator Lance Smith, M.D.’s “Dismissal with Prejudice” [Doc. No. 28], which the Court construes as a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(a). *See United States, ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 436 (2023). The United States and the State of Oklahoma have filed Notices of Consent to Dismissal pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), and the Oklahoma Medicaid False Claims Act, 63 Okla. Stat. § 5053.2(B)(1), respectively. *See* [Docs. No. 29, 30]. Upon review, the Motion is GRANTED.

IT IS THEREFORE ORDERED that this action is dismissed with prejudice as to Relator Lance Smith, M.D., without prejudice as to the United States, and without prejudice as to the State of Oklahoma.

IT IS FURTHER ORDERED that the parties shall bear their own attorney’s fees and costs.

IT IS SO ORDERED this 3rd day of January, 2025.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE