

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
<i>ex rel.</i> MICHAEL S. LORD,	:	
 	:	
Plaintiffs	:	CIVIL ACTION NO. 3:13-2940
 	:	
v	:	
 	:	(JUDGE MANNION)
NAPA MANAGEMENT SERVICES CORPORATION, NORTH AMERICAN: PARTNERS IN ANESTHESIA (PENNSYLVANIA), LLC, and POCONO MEDICAL CENTER,	:	
 	:	
Defendants	:	

ORDER

Based on the foregoing memorandum, **IT IS HEREBY ORDERED**

that:

1. NAPA defendants' motion to dismiss, (Doc. [52](#)), relator's claims in his complaint, (Doc. [26](#)), against them is **GRANTED IN PART** and **DENIED IN PART**;
2. NAPA defendants' motion to partially dismiss Counts I and II based on relator's FCA claims regarding alleged wrongdoing before June 2011 and after June 2013 is **GRANTED**, and the claims outside of the stated dates are **DISMISSED WITHOUT PREJUDICE**;
3. NAPA defendants' motion to partially dismiss Counts I and II based on relator's FCA claims regarding his Examination Allegations and his Informed Consent Allegations is **GRANTED**,

and these claims are **DISMISSED WITHOUT PREJUDICE**;

4. NAPA defendants' motion to dismiss relator's FCA claims in Counts I and II regarding his allegations that NAPA anesthesiologists were not immediately available is **DENIED**, and these claims will **PROCEED**;
5. NAPA defendants' motion to dismiss relator's FCA claims in Counts I and II regarding his allegations that NAPA anesthesiologists pre-signed attestations is **DENIED**, and these claims will **PROCEED**;
6. NAPA defendants' motion to dismiss Counts IV, V, and VI of relator's complaint, (Doc. [26](#)), is **DISMISSED AS MOOT**;
7. NAPA defendants are directed to file their answer to the remaining claims against them in relator's complaint on or before **November 30, 2017**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATED: November 14, 2017

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