

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

United States of America, *et al.*, ex rel  
Frank Kurnik,

Relator,

vs.

Pharmerica Corp; and Kindred Healthcare Inc,

Defendants.

C/A No. 3:11-cv-01464-JFA

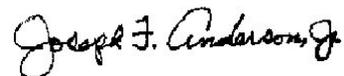
**ORDER**

Both Defendants have moved this court to dismiss the amended complaint in this *qui tam* action pursuant to FRCP 12(b)(6) and FRCP 9(b). ECF Nos. 124, 125. The court has carefully reviewed the complaint and briefs in this matter. Because of the thorough nature of the briefs and this court's familiarity with the pleading standards in *qui tam* actions,<sup>1</sup> the court has determined that oral argument will not aid the court in the decisional process. Therefore, the CLERK is directed to cancel the hearing set by ECF No. 145.

The court has concluded that Relator has sufficiently pleaded his claims to survive Defendants' motions to dismiss on all causes of action. Thus, both ECF No. 124 and ECF No. 125 are DENIED in their entirety.<sup>2</sup>

IT IS SO ORDERED.

July 23, 2014  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge

<sup>1</sup> This court has before it several pending *qui tam* actions, and has recently disposed of motions to dismiss in those actions.

<sup>2</sup> The court is withholding judgment on the effect of the Wartime Suspension of Limitations Act in this case, pending the outcome of *United States ex rel. Carter v. Haliburton Co.*, 710 F.3d 171 (4th Cir. 2013), *cert. granted*, 82 U.S.L.W. 3010, (U.S. Jul. 1, 2014) (No. 12-1497).