

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

United States of America, <i>et al.</i> ,	)	Civil Action No. 9:14-cv-00230-RMG
	)	(Consolidated with 9:11-cv-1593-RMG and
Plaintiffs,	)	9:15-cv-2458-RMG)
	)	
<i>ex rel.</i> Scarlett Lutz, <i>et al.</i> ,	)	
	)	
Plaintiffs-Relators,	)	<b>ORDER and OPINION</b>
	)	
v.	)	
	)	
Berkeley Heartlab, Inc., <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

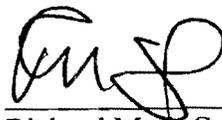
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The Government has filed a complaint in intervention against Defendants BlueWave Healthcare Consultants, Inc., Floyd Calhoun Dent, III, and Robert Bradford Johnson (the “Bluewave Defendants”) alleging violations of the False Claims Act. (Dkt. No. 75.) This matter is before the Court on the BlueWave Defendants’ motion to strike the Government’s allegedly late-named witnesses. (Dkt. No. 391.) For the reasons below, the motion is denied without prejudice.

On March 7 and March 9, 2017, the Government named an additional thirty-nine (39) witnesses. The BlueWave Defendants filed the instant motion to strike those witnesses on March 23, 2017, arguing that the Government’s allegedly late notice did not provide them adequate time to notice and conduct depositions of those witnesses before discovery was set to end on April 21, 2017. (Dkt. No. 391-1 at 2.) This Court has since entered an amended scheduling order extending the discovery period to June 2, 2017. (Dkt. No. 418.) While the BlueWave defendants initially had forty-four (44) calendar days to notice and conduct depositions of the allegedly late-

named witnesses, they now have 86 calendar days to do the same. Therefore, taking no position on whether the Government named these witnesses in a timely manner, the BlueWave Defendants' motion to strike (Dkt. No. 391) is **denied without prejudice**.

**AND IT IS SO ORDERED.**



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Richard Mark Gergel  
United States District Court Judge

April 15, 2017  
Charleston, South Carolina