

United States District Court
Southern District of Texas

ENTERED

January 08, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TAMMY LYNN BABCOCK, <i>et al</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. 3:17-CV-109
	§	
COASTAL HEALTH & WELLNESS, <i>et</i>	§	
<i>al</i> ,	§	
	§	
Defendants.	§	

ORDER

This is a suit under the False Claims Act, originally filed in April 2017. Dkt. 1. Plaintiffs Tammy Babcock and Malek Bohsali, filed their Second Amended Complaint on November 21, 2017. Dkt. 18. That Second Amended Complaint states that it “Plaintiffs aris[es] from Defendants’ fraudulent schemes in connection with obtaining money through federal grants, and for retaliating against Relators in violation of 31 U.S.C. §§ 3730(h).”

An initial scheduling conference was held in this case, and a docket control order issued, on December 8, 2017. Dkt. 20. On December 12, 2017, Defendants Coastal Health & Wellness and Galveston County Health District filed their Opposed Motion to Dismiss for Failure to State a Claim, seeking a partial dismissal of Plaintiffs’ claims. Specifically, Defendants sought a dismissal of “Plaintiffs’ claims and factual allegations that Defendants violated the False Claims Act.” Dkt. 21. Defendant’s motion for partial dismissal clarified that they were “not seeking to dismiss Plaintiffs’ claims for retaliation

based upon a “good faith belief that Defendants were committing fraud against the United States.” *Id.*

After Defendants filed the motion for partial dismissal, Plaintiffs filed an “Unopposed Motion for Leave to File Third Amended Complaint.” Dkt. 23. After considering the Plaintiffs’ motion, and noting that it is not opposed by Defendants, the Court hereby **GRANTS** the motion to amend. **The Clerk of the Court shall file the Plaintiff’s Third Amended Complaint, attached as Exhibit A to the motion, among the papers of this case.**

Additionally, Defendants have now filed notice that they wish to withdraw their motion for partial dismissal. Accordingly, the motion for partial dismissal (Dkt. 21) is hereby **DENIED** *as moot, without prejudice to refiling.*

SIGNED at Galveston, Texas, this 8th day of January, 2018.



George C. Hanks Jr.
United States District Judge