

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CARL E. THULIN, R.Ph. as Relator for UNITED STATES OF AMERICA, STATE OF CALIFORNIA, STATE OF ILLINOIS, STATE OF INDIANA, STATE OF MICHIGAN, STATE OF MINNESOTA, STATE OF MONTANA, STATE OF TENNESSEE and STATE OF WISCONSIN,

Plaintiffs,

v.

SHOPKO STORES OPERATING CO., LLC
d/b/a SHOPKO and PAMIDA,

Defendant.

ORDER

10-cv-196-wmc

The United States having advised the court that at this time (1) the United States will not intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4); and (2) the States of Indiana, Michigan, Minnesota, Tennessee, Wisconsin and California will not intervene in this action pursuant to the state False Claims Act statutes; and the States of Illinois and Montana having failed to advise the court at all;

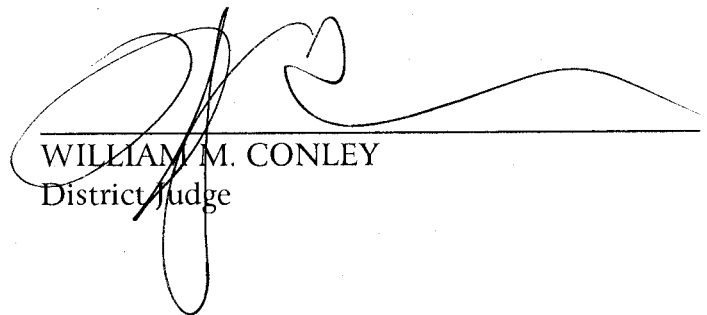
NOW, THEREFORE, ORDERS as follows:

1. The complaint, this order and the notice of the United States and the States of Indiana, Michigan, Minnesota, Tennessee, Wisconsin and notice of the State of California, shall be unsealed and served upon the defendant by the relator.
2. All other contents of the court's file to date in this action shall remain under seal and not be made public.

3. The seal shall be lifted as to all other matters occurring in this action after the date of this order.
4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States as provided for in 31 U.S.C. § 3730(c)(3), as well as on all of the States named in the caption above (“the States”) pursuant to their respective state False Claims Act statutes. The United States and the States may order any deposition transcripts and are entitled to intervene in this action, for good cause, at any time.
5. The parties shall serve notices of appeal upon the United States and the States.
6. All orders of this court shall be sent to the United States and the States.
7. Should the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, the court shall solicit the written consent of (a) the United States before ruling or granting its approval pursuant to the federal False Claims Act, and (b) the States before ruling or granting its approval pursuant to their respective state False Claims Act statutes.

Entered this 18th day of February, 2011.

BY THE COURT:



WILLIAM M. CONLEY
District Judge