

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
<i>ex rel.</i> ANDREW SHEA,)	
)	
Plaintiff,)	
)	
v.)	No. 21-cv-11777-DJC
)	
eHEALTH, INC., <i>et al.</i> ,)	
)	
Defendants.)	

**NOTICE OF THE UNITED STATES’ CONSENT TO DISMISSAL OF
NON-INTERVENED CLAIMS**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States hereby notifies the Court that the Attorney General consents to Relator’s voluntary dismissal of the non-intervened claims in this action, Dkt. No. 190, with prejudice to the Relator and without prejudice to the United States. In support thereof, the Government states:

1. On January 13, 2025, the United States filed its Notice of Election to Intervene in Part, Decline to Intervene in Part, and Not Intervene at This Time in Part. In that Notice, the United States informed the Court that it was not intervening at that time as to WellCare Health Plans, Inc. (“WellCare”) and related claims. Dkt. No. 34; *see* 31 U.S.C. § 3730(c)(3) (“If the Government elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action,” but the Government may “intervene at a later date upon a showing of good cause”).

2. On May 1, 2025, the United States filed its Complaint in Partial Intervention. Dkt. No. 41 (“Complaint”).

3. The nine Defendants against whom the United States brought intervened claims moved to dismiss the Complaint in August 2025, Dkt. Nos. 114–17, and the United States opposed, Dkt. Nos. 120–22.

4. On March 25, 2026, the Court denied Defendants’ motions to dismiss as to all intervened False Claims Act claims. Dkt. No. 147.

5. Following a Joint Statement, Dkt. No. 161, and scheduling conference, *see* Dkt. No. 154, on May 27, 2026, the Court entered a discovery order and an order seeking further information about the Government’s positions for claims related to WellCare. Dkt. Nos. 173–74.¹

6. Based on currently available information, and considering the procedural posture and complexity of the intervened litigation (as compared to the posture of Relator’s case, which has been stayed for the duration of the intervened litigation, *see* Dkt. Nos. 111, 146, 156, 174), the United States has determined that dismissal, without prejudice to the United States, of the non-intervened claims is commensurate with the public interest.

¹ The Court’s Order required in relevant part that the Government “explain[] the legal basis for not intervening ‘at this time’ while it ‘continues its investigation’ as to WellCare claims, D. 34 at 1 (filed on January 13, 2025, filed 15 months ago and over 3 years after the relator filed his complaint in this case); whether it intends to intervene; its position on the joinder of the Relator’s *qui tam* claims (if the government does not intervene) with the government’s claims for the purposes of discovery, dispositive motions and trial in this case.” Dkt. No. 174.

The Government respectfully suggests that this Notice both answers and moots the Court’s questions. In short, the Government consents to dismissal and so does not intend to intervene; and following dismissal, there are no further claims by Relator for purposes of joinder (including for purposes of discovery, dispositive motions, or trial).

A proposed order is attached to this Notice.

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

LEAH B. FOLEY
United States Attorney

/s/ David G. Miller
Jamie Ann Yavelberg
Edward C. Crooke
David G. Miller
Anna H. Jugo
Diana E. Curtis
Attorneys, Civil Division
U.S. Department of Justice
175 N Street N.E.
Washington, D.C. 20002
(202) 305-2335
David.G.Miller@usdoj.gov
Anna.H.Jugo@usdoj.gov
Diana.E.Curtis@usdoj.gov

/s/ Charles B. Weinograd
Abraham R. George
Charles B. Weinograd
Julien M. Mundele
Hillary H. Harnett
Assistant United States Attorneys
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100
Abraham.George@usdoj.gov
Charles.Weinograd@usdoj.gov
Julien.Mundele@usdoj.gov
Hillary.Harnett@usdoj.gov

Attorneys for the United States

Dated: June 23, 2026