

1 STEPHANIE M. HINDS (CABN 154284)  
United States Attorney  
2 MICHELLE LO (NYBN 4325163)  
Chief, Civil Division  
3 BENJAMIN J. WOLINSKY (CABN 305410)  
Assistant United States Attorney

4 450 Golden Gate Avenue, Box 36055  
5 San Francisco, California 94102-3495  
6 Telephone: (415) 436-6996  
7 Facsimile: (415) 436-6748  
benjamin.wolinsky@usdoj.gov

8 *Attorneys for the United States of America*

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA *ex rel.* ) No. 3:15-cv-01062-LB  
13 KATHY ORMSBY, )  
14 Plaintiff, ) **JOINT STIPULATION OF DISMISSAL**  
15 v. ) **UNDER FED. R. CIV. P. 41(a)(1)(ii)**  
16 SUTTER HEALTH and PALO ALTO )  
17 MEDICAL FOUNDATION, )  
18 Defendants. )

19  
20 The United States of America (“United States”), Relator Kathy Ormsby (“Relator”), Defendant  
21 Sutter Health, and Defendant Palo Alto Medical Foundation, through their undersigned counsel,  
22 stipulate that:

23 1. On August 30, 2021, the parties executed a settlement agreement in the above matter,  
24 which is attached as Exhibit A (“Settlement Agreement”).

25 2. The Settlement Agreement provides that upon payment of the monies owed thereunder,  
26 the parties will dismiss the action pursuant to Federal Rule of Civil Procedure 41(a)(1). *See id.* ¶ 16.

27 3. On September 2, 2021, the United States received the last payment owed to it by the  
28 Defendants under the Settlement Agreement.

1 4. On March 23, 2022, Relator received the last payment owed to her by the United States  
2 under the Settlement Agreement.

3 5. On April 29, 2022, Relator received the last payment owed to her by the Defendants  
4 under the Settlement Agreement.

5 THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii) and Paragraph 16 of the  
6 Settlement Agreement, the parties ask the Clerk that:

- 7 a. The United States' Complaint-in-Intervention be dismissed with prejudice as to the United  
8 States and as to Relator; and  
9 b. The Relator's First Amended Complaint be dismissed (i) with prejudice as to the United  
10 States as to the Covered Conduct, as defined in the Settlement Agreement, and otherwise  
11 without prejudice; and (ii) with prejudice as to Relator.

12  
13  
14 Dated: May 16, 2022

LATHAM & WATKINS LLP

15 By: /s/ Amy Hargreaves  
16 Katherine A. Lauer  
17 *katherine.lauer@lw.com*  
18 Jason M. Ohta  
19 *jason.ohta@lw.com*  
20 Amy Hargreaves  
21 *amy.hargreaves@lw.com*  
22 12670 High Bluff Drive  
23 San Diego, CA 92130  
24 Telephone: (858) 523-5400

25 Steven M. Bauer  
26 *steven.bauer@lw.com*  
27 505 Montgomery Street, Suite 2000  
28 San Francisco, CA 94111  
Telephone: (415) 391-0600

*Attorneys for Defendants Sutter Health and  
Palo Alto Medical Foundation*

1 Dated: May 16, 2022

UNITED STATES OF AMERICA

2  
3 By: /s/ Benjamin J. Wolinsky<sup>1</sup>  
4 Benjamin Wolinsky  
5 Assistant United States Attorney  
6 Northern District of California  
7 450 Golden Gate Avenue, 9th Floor  
8 San Francisco, California 94102  
9 Telephone: 415-436-6996  
10 Facsimile: 415-436-6748  
11 Benjamin.Wolinsky@usdoj.gov

8 Jamie Ann Yavelberg  
9 Patricia L. Hanower  
10 Olga Yevtukhova  
11 J. Jennifer Koh  
12 A. Thomas Morris  
13 Lyle Gruby  
14 Civil Division  
15 U.S. Department of Justice  
16 P.O. Box 261  
17 Ben Franklin Station  
18 Washington, D.C. 20044  
19 Telephone: 202-307-1026  
20 Jennifer.Koh@usdoj.gov

*Attorneys for Plaintiff United States of America*

17 Dated: May 16, 2022

KELLER GROVER LLP

18  
19 By: /s/ Kathleen R. Scanlan  
20 Kathleen R. Scanlan  
21 1965 Market Street  
22 San Francisco, CA 94103  
23 Telephone: 415-543-1305  
24 Facsimile: 415-543-7861  
25 kscanlan@kellergrover.com

*Attorney for Plaintiff-Relator Kathy Ormsby*

27 \_\_\_\_\_  
28 <sup>1</sup> In compliance with Civil L.R. 5-1(h)(3), the filer of this document attests that he has obtained consent to file it from each of the other signatories.