

1 Jeffrey F. Keller (SBN 148005)
2 jfkeller@kellergrover.com
3 Kathleen R. Scanlan (SBN 197529)
4 kscanlan@kellergrover.com
5 **KELLER GROVER LLP**
6 1965 Market Street
7 San Francisco, CA 94103
8 Telephone: (415) 543-1305
9 Facsimile: (415) 543-7861

6 Gordon Schnell (*pro hac vice*)
7 gschnell@constantinecannon.com
8 Sarah P. Alexander (SBN 291080)
9 spalexander@constantinecannon.com
10 Hamsa Mahendranathan (*pro hac vice*)
11 hmahendranathan@constantinecannon.com
12 **CONSTANTINE CANNON LLP**
13 335 Madison Avenue
14 New York, NY 10017
15 Telephone: (212) 350-2700
16 Facsimile: (212) 350-2701

Mark A. Kleiman (SBN 115919)
mkleiman@quitam.org
Pooja Rajaram (SBN 241777)
prajaram@quitam.org
**LAW OFFICES OF MARK
ALLEN KLEIMAN**
2907 Stanford Avenue
Venice, CA 90292
Telephone: (310) 306-8094
Facsimile: (310) 306-8491

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA *ex rel.*
17 KATHY ORMSBY,

18 Plaintiff,

19 v.

20 SUTTER HEALTH and PALO ALTO
21 MEDICAL FOUNDATION,

22 Defendants.

Case No. 3:15-cv-01062-LB

JOINT STATUS REPORT

Hearing: November 18, 2021
Time: 9:30 a.m.
Courtroom: B, 15th Floor

Assigned Judge: Hon. Laurel Beeler
Complaint Filed: March 6, 2015
Trial Date: None Set

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 Defendants Sutter Health and Palo Alto Medical Foundation (collectively, “Defendants”),
3 and Relator Kathy Ormsby and the United States (collectively, “Plaintiffs” and together with
4 Defendants, “Parties”), respectfully submit this Joint Status Report pursuant to the Clerk’s October
5 4, 2021 Notice Resetting Status Conference (Dkt. 176).

6 Pursuant to the Settlement Agreement, the parties continue to work to resolve the following
7 issues: (i) Relator’s right under 31 U.S.C. § 3730(d) to reasonable expenses, attorneys’ fees, and
8 costs from the Defendants; and (ii) Relator’s share of the proceeds of the settlement amount. At
9 this time, all Parties request that the Court continue the Case Management Conference for an
10 additional thirty (30) days. The requested continuance will enable the parties to continue the
11 ongoing discussions on these outstanding issues. Further, as set forth in the Stipulation and Notice
12 of Settlement filed with the Court on August 30, 2021 (Dkt. 173), the Parties will notify the Court
13 if either issue requires further proceedings. Otherwise, once resolved, the Parties will file a
14 stipulation dismissing the action in its entirety under Federal Rule of Civil Procedure 41(a)(1).

15 WHEREFORE, all Parties jointly request the Court continue the Case Management
16 Conference from November 18, 2021, to December 17, 2021 with a Case Management Statement
17 due by December 10, 2021.

18 Respectfully submitted,

19 Dated: November 10, 2021

KELLER GROVER LLP

20 By: /s/ Kathleen R. Scanlan
21 Kathleen R. Scanlan (CA Bar #197529)
22 Attorneys for Plaintiff-Relator Kathy Ormsby

23 Dated: November 10, 2021

STEPHANIE M. HINDS
Acting U.S. Attorney

24 By: /s/ Benjamin J. Wolinsky
25 Benjamin J. Wolinsky (CA Bar #305410)
26 Assistant United States Attorney
27 Attorneys for Plaintiff United States
28

LATHAM & WATKINS LLP

DATED: November 10, 2021

By: /s/ Amy Hargreaves

Katherine A. Lauer (Bar No. 138010)

Jason M. Ohta (Bar No. 211107)

Amy Hargreaves (Bar No. 266255)

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

Attestation: I hereby attest that all other signatories listed, and on whose behalf this filing is submitted, concur in this filing's content and have authorized this filing.

Dated: November 10, 2021

/s/ Kathleen R. Scanlan

Kathleen R. Scanlan