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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18  
19 UNITED STATES OF AMERICA *ex rel.*  
KATHY ORMSBY,

20 Plaintiff,

21 v.

22 SUTTER HEALTH and PALO ALTO  
23 MEDICAL FOUNDATION,

24 Defendants.

) CASE NO. C 15-01062 JD

) UNITED STATES' NOTICE OF ELECTION TO  
) INTERVENE; ~~[PROPOSED]~~ ORDER TO  
) UNSEAL

) FILED UNDER SEAL

25  
26  
27 U.S. NOTICE OF INTERVENTION; [PROPOSED] ORDER  
28 CV 15-01062-JD

1 1. Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States  
2 notifies the Court that it hereby intervenes in the above-captioned action.

3 2. The United States intends to file its own complaint against Defendants Sutter Health  
4 and Palo Alto Medical Foundation (collectively referred to as "Sutter") and potentially other  
5 affiliated entities. The United States will take primary responsibility for prosecuting the action  
6 pursuant to 31 U.S.C. § 3730(c)(1). The United States will file and serve its complaint within 90  
7 days (by March 4, 2019), as provided in Fed. R. Civ. P. 4(m).  
8

9 3. This case is currently under seal through December 5, 2018, pursuant to the False  
10 Claims Act and order of this Court, dated October 11, 2018.

11 4. The United States requests that the following be unsealed: (a) the Complaint filed by  
12 Relator on March 6, 2015; (b) this notice of intervention and accompanying order; and (c) all  
13 future filings in this action. All other contents of the Court's file in this matter (including, but  
14 not limited to, any applications filed by the United States for an extension of the sixty-day  
15 investigative period or for any other reason) should remain under seal and not be made public or  
16 served upon Defendants.  
17

18 5. We request that the initial case management conference be set at least one month after  
19 March 4, 2019, so that the parties may have adequate time to confer after the United States'  
20 complaint is filed and served, and prior to the conference.  
21

22 Respectfully submitted,

23 JOSEPH H. HUNT  
Assistant Attorney General

24 ALEX G. TSE  
United States Attorney

25 Dated: 12/4/18

26 By:

  
27 KIMBERLY FRIDAY  
Assistant United States Attorney

28 U.S. NOTICE OF INTERVENTION; [PROPOSED] ORDER  
CV 15-01062-JD

MICHAEL D. GRANSTON  
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~~PROPOSED~~ ORDER TO UNSEAL

1  
2 Having considered the United States' Notice of Election to Intervene, IT IS HEREBY  
3 ORDERED THAT:

4 1. All current contents of the Court's file in this action shall remain under seal and not be  
5 made public or served upon the Defendants, except for: (a) the Complaint filed by Relator on  
6 March 6, 2015; (b) the United States' Notice of Election to Intervene; and (c) this Order.

7 2. The seal is lifted as to all matters occurring in this action after the date of this Order.

8 3. The United States shall promptly serve Defendants with a copy of this Order and the  
9 United States' Notice of Election to Intervene, and shall serve Defendants Sutter Health and Palo  
10 Alto Medical Foundation, as well as any newly named defendants, with the United States'  
11 complaint by March 4, 2019, in accordance with Fed. R. Civ. P. 4.

12 4. The initial case management conference in this action shall be held on 3/14/2019 at  
13 10:00 a.m. in Courtroom 11, 19<sup>th</sup> floor. Not less than seven days before the conference, counsel  
14 shall file a joint case management statement.

15  
16  
17 IT IS SO ORDERED.

18 Dated: 12/10/2018

  
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HON. JAMES DONATO  
United States District Judge