

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,
ex rel. DR. CLARISSA ZAFIROV,

Plaintiffs,

v.

Case No.: 8:19-cv-1236-KKM-SPF

FLORIDA MEDICAL ASSOCIATES, LLC, *et al.*,

Defendants.

**NOTICE OF THE UNITED STATES OF ITS OPPOSITION
TO DISMISSAL ON THE BASIS OF THE PUBLIC DISCLOSURE BAR**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(e)(4)(A), the United States notifies the Court that it is exercising its right to object to dismissal of Relator's Amended Complaint (Doc. 86) on the basis of the Public Disclosure Bar.

On January 14, 2022, Defendants filed their Motions to Dismiss the Amended Complaint (the "Motions to Dismiss.") (Docs. 96, 97). Both Motions to Dismiss assert the Amended Complaint must be dismissed because this Court has no subject matter jurisdiction under the Public Disclosure Bar. (*See* Doc. 96, pp.18-26 and Doc. 97, pp. 20-24.)

The FCA states in pertinent part:

The court shall dismiss an action or claim under this section, **unless opposed by the Government**, if substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed--

(i) in a Federal criminal, civil, or administrative hearing in which the Government or its agent is a party; (ii) in a congressional, Government Accountability Office, or other Federal report, hearing, audit, or investigation; or (iii) from the news media, unless the action is brought by the Attorney General or the person bringing the action is an original source of the information.

31 U.S.C. § 3730(e)(4)(A) (emphasis added). In sum, the statute provides that, if the United States objects, the court may not dismiss the action on the ground of public disclosure. The United States hereby notifies that Court that it is exercising its right to object to the dismissal of the action on this ground. Accordingly, the Motions to Dismiss on the ground of public disclosure bar should be denied.

Respectfully submitted,

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Dated: March 8, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will provide electronic service to all counsel of record.

/s/ Sean P. Keefe
SEAN P. KEEFE
Assistant United States Attorney