

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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

Plaintiff,

-vs-

CASE NO. 8:19-cv-1236-KKM-SPF

FLORIDA MEDICAL ASSOCIATES,
LLC d/b/a VIPCARE, PHYSICIAN
PARTNERS, LLC, ANION TECHNOLOGIES,
LLC, FREEDOM HEALTH, INC., and
OPTIMUM HEALTHCARE, INC.,

Defendants.

NOTICE OF CONSTITUTIONAL CHALLENGE

Defendants jointly submit this notice of constitutional challenge required by Federal Rule of Civil Procedure 5.1. Defendants challenge the constitutionality of the False Claims Act’s *qui tam* provisions, arguing that these provisions violate multiple provisions of the Constitution—the Vesting Clause, the Take Care Clause, and the Appointments Clause. Defendants raised the constitutional question in their Joint Motion for Judgment on the Pleadings or to Dismiss for Lack of Subject-Matter Jurisdiction. Dkt. 180. This notice is necessary because the parties to this action “do not include the United States, one of its agencies, or one of its officers or employees in an official capacity.” *See* Fed. R. Civ. P. 5.1(a)(1)(A).

Dated this 16th day of February, 2024

Respectfully submitted,

/s/ Scott Drake

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LLC*

Certificate of Service

I hereby certify that on February 16, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

I further certify that this notice, together with the related pleading cited herein, has been served via certified mail on the Attorney General of the United States (as required by Rule 5.1(a)(2)) at:

Jolene Ann Lauria
Assistant Attorney General for Administration^[1]
United States Department of Justice
Justice Management Division
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/s/ Jason P. Mehta
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¹ The Assistant Attorney General for Administration is designated to accept service on the Attorney General's behalf. See 28 C.F.R. § 0.77(j).