

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-T-23SPF

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

Defendants.

UNITED STATES' NOTICE OF INTERVENTION PURSUANT TO
28 U.S.C. § 2403(a)

Pursuant to 28 U.S.C. § 2403(a) and Federal Rule of Civil Procedure 24(a)(1), the United States respectfully exercises its statutory right to intervene in this matter for the limited purpose of defending the constitutionality of the *qui tam* provisions of the False Claims Act (FCA), 31 U.S.C. § 3729, *et seq.*

This is an FCA *qui tam* suit in which the United States has previously declined to intervene on September 21, 2020, pursuant to 31 U.S.C. § 3730(b)(4)(B). Dkt. 40. On February 16, 2024, the Defendants filed a Joint Motion for Judgment on the Pleadings challenging the constitutionality of the *qui tam* provisions of the FCA. Dkt. 180. The parties briefed the motion and the United States submitted a Statement of Interest.¹ On April 22, 2024, the Court held a hearing on the motion.

¹ 28 U.S.C. § 517 authorizes an officer of the Department of Justice “to attend to the interest of the United States in a suit pending in a court of the United States.”

On April 23, 2024, the Court requested supplemental briefing “providing additional founding-era evidence of federal *qui tam* enforcement.” Dkt. 240. The Supplemental Brief for the United States is filed simultaneously with this Notice.

Under FRCP 24(a)(1), the Court must permit anyone to intervene who “is given an unconditional right to intervene by a federal statute.” Under 28 U.S.C. § 2403(a), the United States has an unconditional right to intervene in “any action . . . wherein the constitutionality of an Act of Congress affecting the public interest is drawn into question.” Defendants have challenged the constitutionality of the *qui tam* provisions of the False Claims Act.

The United States respectfully notifies the Court and the parties that the United States intervenes in this action for the limited purpose of defending the constitutionality of the *qui tam* provisions of the FCA. The United States is simultaneously filing its Supplemental Brief with this Notice.

Respectfully submitted,

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Dated: May 21, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2024, 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.

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