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 12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**
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 16 UNITED STATES OF AMERICA ex rel.
 RONDA OSINEK,

17 Plaintiff,

18 v.

19 KAISER PERMANENTE, et al.,

20 Defendants.
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Case No. 3:13-cv-03891-EMC

**REPLY IN SUPPORT OF MOTION TO
 DISMISS OSINEK'S FIRST AMENDED
 COMPLAINT**

Hearing Date: October 13, 2022
 Time: 1:30 PM
 Judge: Hon. Edward M. Chen
 Courtroom: 5, 17th Floor

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 27 (CAPTION CONTINUED)
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UNITED STATES OF AMERICA ex rel.
NASER AREFI, AJITH KUMAR and PRIME
HEALTHCARE SERVICES, INC.,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN,
INC., et al.,

Defendants.

Case No. 3:16-cv-01558-EMC

**REPLY IN SUPPORT OF MOTION TO
DISMISS OSINEK’S FIRST
AMENDED COMPLAINT**

Hearing Date: October 13, 2022
Time: 1:30 PM
Judge: Hon. Edward M. Chen
Courtroom: 5, 17th Floor

UNITED STATES OF AMERICA ex rel.
MARCIA STEIN and RODOLFO BONE,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN,
INC., et al.,

Defendants.

Case No. 3:16-cv-05337-EMC

**REPLY IN SUPPORT OF MOTION TO
DISMISS OSINEK’S FIRST
AMENDED COMPLAINT**

Hearing Date: October 13, 2022
Time: 1:30 PM
Judge: Hon. Edward M. Chen
Courtroom: 5, 17th Floor

UNITED STATES OF AMERICA ex rel.
GLORYANNE BRYANT and VICTORIA
HERNANDEZ,

Plaintiff,

v.

KAISER PERMANENTE, et al.,

Defendants.

Case No. 3:18-cv-01347-EMC

**REPLY IN SUPPORT OF MOTION TO
DISMISS OSINEK’S FIRST
AMENDED COMPLAINT**

Hearing Date: October 13, 2022
Time: 1:30 PM
Judge: Hon. Edward M. Chen
Courtroom: 5, 17th Floor

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UNITED STATES OF AMERICA and
STATE OF CALIFORNIA ex rel. MICHAEL
BICOCCA,

Plaintiffs,

v.

PERMANENTE MEDICAL GROUP, INC.,
et al.,

Defendants.

Case No. 3:21-cv-03124-EMC

**REPLY IN SUPPORT OF MOTION TO
DISMISS OSINEK'S FIRST
AMENDED COMPLAINT**

Hearing Date: October 13, 2022
Time: 1:30 PM
Judge: Hon. Edward M. Chen
Courtroom: 5, 17th Floor

UNITED STATES OF AMERICA ex rel.
JAMES M. TAYLOR,

Plaintiff,

v.

KAISER PERMANENTE, et al.,

Defendants.

Case No. 3:21-cv-03894-EMC

**REPLY IN SUPPORT OF MOTION TO
DISMISS OSINEK'S FIRST
AMENDED COMPLAINT**

Hearing Date: October 13, 2022
Time: 1:30 PM
Judge: Hon. Edward M. Chen
Courtroom: 5, 17th Floor

1 In her Opposition, Relator Ronda Osinek states that she “does not intend to pursue any
2 non-intervened claims” and views her First Amended Complaint (“FAC”), Dkt. No. 87, as “fully
3 superseded by the government’s complaint in intervention.” Dkt. No. 194 at 1. Defendants
4 Kaiser Foundation Health Plan, Inc. and The Permanente Medical Group, Inc.¹ request this Court
5 to dismiss with prejudice Osinek’s FAC to the extent it includes any non-intervened claims.
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8 Dated: September 6, 2022

Respectfully submitted,

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10 By: /s/ K. Lee Blalack, II
11 K. LEE BLALACK, II
12 DAVID DEATON
13 STEPHEN M. SULLIVAN
14 CAITLIN M. BAIR
15 DIMITRI D. PORTNOI
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27 ¹ The FAC also names “Kaiser Permanente” as a defendant, but “Kaiser Permanente” is not a
28 legal entity. *See* Req. for Judicial Notice in Supp. of Mot. to Dismiss Pursuant to False Claims
Act’s First-to-File Bar (Dkt. 142) at 4–5, Ex. F.