

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA ex rel.  
RONDA OSINEK,

Plaintiff,

v.

PERMANENTE MEDICAL GROUP, INC,  
et al.,

Defendants.

Case No. [13-cv-03891-EMC](#)

**CONSOLIDATED MEMBER CASES**

Case No. [16-cv-01558-EMC](#)

Case No. [16-cv-05337-EMC](#)

Case No. [18-cv-01347-EMC](#)

Case No. [21-cv-03124-EMC](#)

Case No. [21-cv-03894-EMC](#)

**ORDER GRANTING DEFENDANTS’  
REQUEST FOR ENTRY OF FINAL  
JUDGMENT**

Docket No. 218

Currently pending before the Court is Defendants’ request for a final judgment in the following cases:

- *United States ex rel. Arefi v. Kaiser Found. Health Plan, Inc.*, No. C-16-1558 EMC (N.D. Cal.).
- *United States ex rel. Stein v. Kaiser Found. Health Plan, Inc.*, No. C-16-5337 EMC (N.D. Cal.).
- *United States ex rel. Bicocca v. Permanente Med. Grp., Inc.*, No. C-21-3124 EMC (N.D. Cal.).

The Court previously dismissed the *Arefi* and *Stein* cases pursuant to the FCA’s first-to-file bar.

The Court also previously dismissed the FCA claims under the same bar in *Bicocca*, and the plaintiff in *Bicocca* voluntarily dismissed the state claims.

The plaintiffs in *Arefi*, *Stein*, and *Bicocca* have filed responses to Defendants’ request for a final judgment in Defendants’ favor. The plaintiffs do not oppose the request in principle but ask

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1 that the final judgments be entered without prejudice to the United States. Defendants have  
2 indicated that they do not intend to file a reply.

3 Accordingly, the Court hereby **GRANTS** Defendants’ request for entry of final judgment.  
4 The Court directs the Clerk of the Court to enter final judgments for the *Arefi, Stein, and Bicocca*  
5 cases in favor of Defendants but without prejudice to the United States. Because the Court  
6 previously consolidated these cases with other cases and ordered that all filings in the consolidated  
7 action be filed in this action (No. C-13-3891), *see* Docket No. 61 (order), the final judgments  
8 should be entered in this action.<sup>1</sup>

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10 **IT IS SO ORDERED.**

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12 Dated: November 15, 2022

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15 EDWARD M. CHEN  
16 United States District Judge

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25 <sup>1</sup> Out of an abundance of caution, the Court notes that, to the extent Federal Rule of Civil  
26 Procedure 54(b) is applicable, a final judgment in *Arefi, Stein, and Bicocca* is appropriate as there  
27 is no just reason for delay. *See* Fed. R. Civ. P. 54(b) (“[W]hen multiple parties are involved, the  
28 court may direct entry of a final judgment as to one or more, but fewer than all, . . . parties only if  
the court expressly determines that there is no just reason for delay. Otherwise, any order or other  
decision, however, designated, that adjudicates . . . fewer than all the parties does not end the  
action as to any of the . . . parties and may be revised at any time before the entry of a judgment  
adjudicating . . . all the parties’ rights and liabilities.”).