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20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA  
22 SAN FRANCISCO DIVISION

23 UNITED STATES OF AMERICA ex rel.  
RONDA OSINEK,

24 Plaintiff,

25 v.

26 KAISER PERMANENTE, et al.,

27 Defendants.

) Case No. 3:13-cv-03891-EMC

) **STIPULATION OF VOLUNTARY DISMISSAL**  
) **WITHOUT PREJUDICE OF**  
) **COUNTERCLAIMS PURSUANT TO RULE 41**

28 (captions continued on next page)

1 UNITED STATES OF AMERICA ex rel.  
 2 NASER AREFI, AJITH KUMAR, and PRIME  
 HEALTHCARE SERVICES,  
 3 Plaintiffs,  
 4 v.  
 5 KAISER FOUNDATION HEALTH PLAN,  
 6 INC., et al.,  
 7 Defendants.

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Case No. 3:16-cv-01558-EMC  
**STIPULATION OF VOLUNTARY DISMISSAL  
 WITHOUT PREJUDICE OF  
 COUNTERCLAIMS PURSUANT TO RULE 41**

8 UNITED STATES OF AMERICA ex rel.  
 9 MARCIA STEIN AND RODOLFO BONE,  
 10 Plaintiffs,  
 11 v.  
 12 KAISER FOUNDATION HEALTH PLAN,  
 13 INC., et al.,  
 14 Defendants.

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Case No. 3:16-cv-05337-EMC  
**STIPULATION OF VOLUNTARY DISMISSAL  
 WITHOUT PREJUDICE OF  
 COUNTERCLAIMS PURSUANT TO RULE 41**

15 UNITED STATES OF AMERICA ex rel.  
 16 GLORYANNE BRYANT and VICTORIA M.  
 17 HERNANDEZ,  
 18 Plaintiffs,  
 19 v.  
 20 KAISER PERMANENTE, INC., et al.,  
 21 Defendants.

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Case No. 3:18-cv-01347-EMC  
**STIPULATION OF VOLUNTARY DISMISSAL  
 WITHOUT PREJUDICE OF  
 COUNTERCLAIMS PURSUANT TO RULE 41**

(captions continued on next page)

1 UNITED STATES OF AMERICA and STATE )  
 2 OF CALIFORNIA ex rel. MICHAEL )  
 BICOCCA, )  
 3 Plaintiff, )  
 4 v. )  
 5 PERMANENTE MEDICAL GROUP, INC., et )  
 al., )  
 6 Defendants. )  
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Case No. 3:21-cv-03124-EMC

**STIPULATION OF VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE OF  
COUNTERCLAIMS PURSUANT TO RULE 41**

8  
 9 UNITED STATES OF AMERICA ex rel. )  
 JAMES M. TAYLOR, )  
 10 Plaintiff, )  
 11 v. )  
 12 KAISER PERMANENTE, INC., et al., )  
 13 Defendants. )  
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Case No. 3:21-cv-03894-EMC

**STIPULATION OF VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE OF  
COUNTERCLAIMS PURSUANT TO RULE 41**

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1 WHEREAS, on or about October 25, 2021, the United States of America (the “United States”)  
2 filed a Complaint in Intervention (ECF No. 110) in the above-captioned action against Kaiser  
3 Foundation Health Plan, Inc. and Kaiser Foundation Health Plan of Colorado (collectively,  
4 “Defendants”), asserting civil fraud claims under the False Claims Act, 31 U.S.C. § 3729, as well as  
5 claims for unjust enrichment and payment by mistake;

6 WHEREAS, on or about December 12, 2022, the United States filed the Amended Complaint in  
7 Intervention (ECF No. 240) in the above-captioned action;

8 WHEREAS, on or about July 31, 2023, Defendants filed their Answers to the Amended  
9 Complaint, Affirmative Defenses, and Counterclaims (ECF Nos. 282, 283) (the “Answers”);

10 WHEREAS, the Answers assert two counterclaims against the United States, specifically  
11 a cause of action for breach of contract and a cause of action for breach of the covenant of good faith  
12 and fair dealing (together, the “Counterclaims”);

13 WHEREAS, Defendants’ Answers stated that the Counterclaims “appear to be subject to the  
14 jurisdiction of the Court of Federal Claims under 28 U.S.C. § 1491(a)” and explained that Defendants  
15 nevertheless “assert[ed] these Counterclaims . . . out of an abundance of caution” in the event that the  
16 Counterclaims were interpreted as compulsory counterclaims under Federal Rule of Civil Procedure  
17 13(a);

18 WHEREAS, the parties seek to avoid litigation concerning the Counterclaims in the above-  
19 captioned action;

20 IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

21 1. Pursuant to Rule 41(a)(1)(A)(ii) and 41(c), the Counterclaims are hereby voluntarily dismissed  
22 without prejudice.

23 2. The United States will not assert as a defense in any action brought by Defendants in the  
24 United States Court of Federal Claims that the Counterclaims were required to be raised as compulsory  
25 counterclaims in the above-captioned action. The United States reserves all other defenses to any action  
26 brought by Defendants in the United States Court of Federal Claims.

1 DATED: August 15, 2023

Respectfully submitted,

2 BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

3 ISMAIL J. RAMSEY  
4 United States Attorney

5 /s/ Laurie A. Oberembt

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12 Commercial Litigation Branch

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16  
17 /s/ K. Lee Blalack, II

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STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF COUNTERCLAIMS

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*Attorneys for Defendants Kaiser Foundation Health  
Plan, Inc. and Kaiser Foundation Health Plan of  
Colorado*

**ATTESTATION**

Pursuant to Local Rule 5-1(h)(3), the undersigned hereby attests that Laurie A. Oberembt has concurred in the filing of this document.

DATED: August 15, 2023

/s/ K. Lee Blalack, II

K. LEE BLALACK, II

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