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16 Attorneys for Claimant Jeffrey Mazik

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 UNITED STATES OF AMERICA ex  
21 rel. RONDA OSINEK,  
22 Plaintiff,  
23 v.  
24 KAISER PERMANENTE, et al.,  
25 Defendants

26 Case No. 3:13-cv-03891-EMC  
27 **ADMINISTRATIVE MOTION**  
28 **SEEKING SPECIAL CONFERENCE**  
**OR ORDER GRANTING CLAIMANT**  
**JEFFREY MAZIK ACCESS TO**  
**SETTLEMENT AND SHARE**  
**AGREEMENTS**

Motion due: February 18, 2026

(Caption continued on next page)

1 UNITED STATES OF AMERICA and )  
 2 STATE OF CALIFORNIA ex rel. )  
 3 GLORYANNE BRYANT and )  
 4 VICTORIA M. HERNANDEZ, )  
 5 )  
 6 Plaintiff, )  
 7 )  
 8 v. )  
 9 KAISER PERMANENTE, et al., )  
 10 )  
 11 Defendants )  
 12 )  
 13 )  
 14 )

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

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

1 Pursuant to Northern District of California Local Rule 7-11, Claimant Jeffrey  
2 Mazik (“Mazik”), respectfully requests that the Court schedule a special case conference  
3 or otherwise enter an order regarding access to settlement share agreements in this case.

4 In particular, Mazik seeks access to:

- 5 1. The side letter agreements between the United States and any relator(s) in  
6 the consolidated action regarding share of settlement proceeds;
- 7 2. The settlement agreement between defendants and Relator Taylor, referred  
8 to in the main settlement agreement as an “agreement regarding the  
9 settlement of the Declined Taylor Claims”;
- 10 3. Any agreement(s) between relators in this Consolidated action regarding  
11 distribution or sharing of the relator’s share; and
- 12 4. Any settlement agreements between defendants and other relators in this  
13 consolidated action, including relators Bryant and Hernandez, that provide  
14 for funds to be paid to the United States, or any relief provided in the False  
15 Claims Act, 31 U.S.C. § 3730(d)(1) or (2).

16 Mazik’s request is supported by this motion, the declaration of counsel, proposed  
17 order, notice of claim filed on January 15, 2026 (ECF 422), joint report filed on January  
18 30, 2026 (ECF 429), Mazik’s administrative motion to extend time (ECF 430), any  
19 pleadings and orders in the docket, and any further evidence or argument permitted on  
20 this application or at a conference. Mazik asserts a claim for a share of the settlement  
21 proceeds under the alternate remedy provision of the False Claims Act, § 3730(c)(5).  
22 Determination of Mazik’s claim, including potential apportionment of the relator’s share  
23 between relators, may be impacted by the terms and operation of the side letter  
24 agreement, settlement agreements and share agreements identified in this motion. Despite  
25 his efforts to obtain these agreements informally, to date, Mazik has been able to access  
26 only the main settlement agreement and Department of Justice press release, neither of  
27 which discloses the full extent of the settlement and share terms reached between the  
28 parties in this case.

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**COMPLIANCE WITH LOCAL RULE 7-11(a)**

As certified in the declaration of counsel, Mazik was unable to resolve the dispute over this request by stipulation of the parties. Mazik’s counsel raised the issue of access to the settlement and share agreements with the Department of Justice attorney on January 23, 2026. Counsel raised the issue again with all parties at the conferral ordered by the Court, which took place on January 29, 2026. During the January 29 conferral, the lead Department of Justice attorney in this case stated that the United States would not voluntarily provide Mazik’s attorneys with access to the requested agreements. Mazik’s counsel stated that they would therefore raise this request with the Court.

As a result of these discussions, it is clear that the parties will not stipulate to providing Mazik with access to the settlement and share agreements in this case, and that an order of the Court is necessary to obtain the relief requested.

**THE AGREEMENTS ARE RELEVANT TO MAZIK’S MOTION**

To fully and adequately present his motion for a share of the settlement proceeds, Mazik requires access to all settlement and share agreements in this case. At the time that Mazik filed his notice of claim, the documents he had access to were (1) the January 14, 2026, Department of Justice press release regarding the settlement; and (2) the settlement agreement between the United States, defendants and relators Osinek and Taylor, executed on January 14, 2026. In the main settlement document, the agreement also referred to the United States’ Amended Complaint in Intervention (which defined the scope of covered conduct released in the settlement), and the “agreement regarding the settlement of the Declined Taylor Claims.” Although Mazik has access to the Amended Complaint in Intervention (and all pleadings and orders filed in this consolidated action), he does not have access to the “Declined Taylor Claims” settlement agreement.

Neither the settlement agreement nor the stipulations for dismissal filed with the Court state the particulars of any agreements between the United States and the relators regarding the relator’s share under § 3730(d)(1) or (2). In the press release, however, the United States disclosed that relators Osinek and Taylor will receive \$95 million. This

1 figure appears to represent an agreement by the parties to a 17% relator's share (which  
2 may include interest on payments from defendants to the United States). When not  
3 expressly stated in the settlement agreement, these share agreements are typically  
4 addressed in "side letter agreements" between the United States and the relators. While  
5 these agreements are public documents, they frequently are not posted on the Department  
6 of Justice website, and Mazik is unable to access them.

7 In addition, the settlement agreement and press release are silent as to any share  
8 agreements between relators. In *qui tam* False Claims Act practice, when multiple relators  
9 file overlapping actions under seal, the United States at some point reveals the existence  
10 of other cases to the relators, and the relators often then enter into sharing agreements.  
11 Such agreements will often address the sharing of any recoveries between relators, and  
12 thus avoid having to ask the courts how to allocate any relator's share recovery between  
13 relators. In such cases, the side-agreements will often indicate that the United States will  
14 pay the total relator's share to one relator, and that the share proceeds will be distributed  
15 to the other relators by agreement.

16 Finally, in the pleadings and orders in the docket, it appears that there are other  
17 settlement agreements between defendants and relators Hernandez and Bryant. Mazik  
18 does not have access to any such settlement agreements. These agreements may address  
19 issues such as payment of money from defendant to the United States on so called  
20 "declined claims," as well as payment (or waiver) of remedies noted under § 3730(d)(1)  
21 or (2) – *i.e.*, a relator's share, and/or recovery of relator's reasonable expenses, attorneys'  
22 fees and costs.

23 These settlement and share agreements are directly relevant to Mazik's claim  
24 under § 3730(c)(5), and Mazik requests that he be given access to them prior to the filing  
25 of his motion for a share. In the event that the agreements are not provided by the time his  
26 motion is filed, Mazik requests the opportunity to supplement his claim with additional  
27 filings before the motion is ruled upon. He suggests a special case conference with the  
28 parties be set to address these issues, as soon as it is convenient for the Court.

1           1. The side letter agreement(s) between the United States and any relator in this  
2 consolidated action is directly relevant to Mazik's claim. Mazik is seeking a share of the  
3 settlement proceeds, and any share agreements between the government and the relators  
4 would provide details on what agreements have already been reached resulting in the \$95  
5 million share to be paid to Osinek and Taylor. Mazik intends to address any impact that  
6 his claim may have on the other relators in this consolidated case, and he needs to know  
7 what shares have already been agreed to between the government and those relators.  
8 Moreover, to the extent that the side letter agreement(s) indicate that a share will be  
9 distributed to the relators, such an agreement by the United States may establish or  
10 indicate facts that are relevant to Mazik's claim.

11           2. The share agreements between relators may be directly relevant to Mazik's  
12 claim. These agreements are usually disclosed to the United States prior to any side letter  
13 agreements, as well as before consenting to the dismissal of relators' cases. Any share  
14 agreements in this consolidated case may indicate further distribution of the \$95 million,  
15 including allocation between Osinek and Taylor, and inclusion of other relators such as  
16 Hernandez and Bryant. As with the side letter agreements, the share agreements establish  
17 the impact that Mazik's claim might have (or not have) on the share recovered by the  
18 relators in this case, and the distribution of shares to party relators may establish or  
19 indicate facts regarding Mazik's entitlement to a share.

20           3. The settlement agreements between defendants and relator Taylor, or any other  
21 relator in this case, is directly relevant to Mazik's claim. These settlement agreements will  
22 likely refer to funds paid to the United States as part of the settlement in this case, as well  
23 as the relators' claims to a share and to attorneys' fees. It may be that the \$556 million  
24 settlement and the \$95 million share are the only amounts recovered by the government  
25 or paid to relators by virtue of the settlement, but Mazik should not be required to assume  
26 those facts. To the extent that the agreements address these issues, access to the  
27 settlement agreements will provide Mazik with the information necessary to justify,  
28 calculate and present his claim to this Court on his motion.

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**MAZIK AGREES TO CONFIDENTIALITY**

To the extent that the parties believe that the share and settlement agreements are confidential, Mazik offered to receive copies marked confidential. He also agreed that, if any confidential document is filed in connection with the motion, Mazik would submit the documents under a provisional seal pursuant to Local Rule 79-5(f). Although no party suggested agreement to provide Mazik with any of these documents, Mazik commits to these measures in connection with this administrative motion. Mazik will abide by any confidentiality asserted over these agreements. Moreover, if it is necessary to present the agreements to the Court on the motion, counsel will lodge the agreements under a conditional seal.

**THE COURT SHOULD CONSIDER SETTING A SPECIAL CONFERENCE**

Mazik suggests that the Court set a special conference with all parties to address the relief requested in this motion. To the extent that any party seeks to raise concerns or objections to this request, Mazik requests an opportunity to address them. Moreover, at a conference, the parties would be able to address any questions or concerns raised by the Court, allowing for resolution of the matter by either agreement or order.

**CONCLUSION**

For the foregoing reasons, claimant Mazik requests that the Court set a special case conference to address, or enter an order granting, access to (1) any side letter agreements concerning relator’s share; (2) any share agreements between relators; and (3) any settlement agreements between defendants and relator Taylor, or any other relator, involving so-called “declined claims.”

Respectfully submitted,

Dated: February 9, 2026

Law Office of Jeremy L. Friedman  
Mendenhall Law Group

By: /s/Jeremy L. Friedman  
Jeremy L. Friedman

Attorneys for relator Jeffrey Mazik

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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 UNITED STATES OF AMERICA ex  
21 rel. RONDA OSINEK,

22 Plaintiff,

23 v.

24 KAISER PERMANENTE, et al.,

25 Defendants

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

**DECLARATION OF JEREMY L.  
FRIEDMAN IN SUPPORT OF  
ADMINISTRATIVE MOTION  
SEEKING SPECIAL CONFERENCE  
OR ORDER GRANTING ACCESS TO  
SETTLEMENT AND SHARE  
AGREEMENTS**

26 (Caption continued on next page)  
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**DECLARATION OF COUNSEL**

I, Jeremy L. Friedman, declare and state:

1. I am one of the attorneys representing relator Jeffrey Mazik in his claim for a share of the settlement proceeds under the alternate remedy provision of the False Claims Act, 31 U.S.C. § 3730(c)(5). I make this declaration in support of Mazik’s request for a special case conference, or order, regarding granting Mazik access to settlement and share agreements in this case. The declaration is based on my own personal knowledge. If called as a witness hereto, I would and could testify to the following.

2. In the administrative motion, Mazik seeks access to:

- a. The side-letter agreements between the United States and any relator(s) in the consolidated action regarding share of settlement proceeds;
- b. The settlement agreement between defendants and Relator Taylor, referred to in the main settlement agreement as an “agreement regarding the settlement of the Declined Taylor Claims”;
- c. Any agreement(s) between relators in this consolidated action regarding distribution or sharing of the relator’s share; and
- d. Any settlement agreements between defendants and other relators in this consolidated action, including relators Bryant and Hernandez, that provide for funds to be paid to the United States, or any relief provided in the False Claims Act, 31 U.S.C. § 3730(d)(1) or (2).

3. Mazik’s counsel have not been given access to these agreements. To date, we have been able to access the Department of Justice press release, and the main settlement agreement, both dated January 14, 2026. The press release refers to a \$95 million share that will be paid to relators Osinek and Taylor, but neither the settlement agreement nor the press release state the particulars of any agreements between the United States and relators in this case regarding distribution of the relator’s share. As set forth in the motion, these records are, or may be, directly relevant to Mazik’s claim for a share.

1           4. During a discussion with the Department of Justice attorney on Friday, January  
2 23, 2026, I stated that Mazik requests to see the relators' share agreement with the  
3 Government, as well as the other settlement and share agreements related to this  
4 consolidated case. I suggested that we discuss these issues at the conferral. At the  
5 January 29 conferral, I raised the request about access to the agreements with all parties. I  
6 explained that Mazik's attorneys would agree to keep confidential any agreements which  
7 were provided to Mazik and marked confidential. I also agreed that if any agreement  
8 marked confidential would be presented to the Court in connection with Mazik's motion,  
9 we would submit it under provisional seal pursuant to the Northern District's local rules.

10           5. During the conferral, the lead attorney for the Department of Justice stated that  
11 the government would not agree to provide Mazik with any of the requested agreements,  
12 and that the main settlement agreement was the only document Mazik needed to see to  
13 make his motion. In response, I stated that we would raise the matter with the Court. In  
14 light of our discussions, I believe that the parties are unable to reach an agreement on the  
15 request, and that this administrative motion is necessary.

16           6. If the Court is inclined to set a special case conference to address this request, I  
17 believe that the parties would be able to address any questions or concerns of the Court  
18 regarding the matter. Moreover, because the basis for the refusal to provide this  
19 information has not been made clear to Mazik's attorneys, at a conference Mazik's  
20 attorneys would be able to respond to any objections. In at least one previous instance in  
21 another False Claims Act case, where a dispute arose over the distribution of shares in a  
22 related but not consolidated case, the government and the attorneys representing the  
23 relator were able to reach agreement regarding access to agreements and information  
24 relevant to the dispute over the share. I believe that at a specially set conference, with the  
25 Court's guidance, the parties might be able to resolve this dispute over documents and  
26 information without a court order.

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1 I declare under penalty of perjury that the foregoing is true and correct. Executed  
2 this 9<sup>th</sup> of February, 2026, at Oakland, California.

3 /s/Jeremy L. Friedman  
4 Jeremy L. Friedman

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9 Attorneys for Claimant Jeffrey Mazik

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 )  
14 UNITED STATES OF AMERICA ex rel.  
RONDA OSINEK,

15 ) Plaintiff,

16 ) v.

17 ) KAISER PERMANENTE, et al.,

18 ) Defendants.  
19 )

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

) **[PROPOSED] ORDER ON CLAIMANT**  
) **JEFFREY MAZIK’S MOTION FOR**  
) **ADMINISTRATIVE RELIEF EXTENDING**  
) **TIME TO FILE MOTION**

20 ) UNITED STATES OF AMERICA ex rel.  
21 ) GLORYANNE BRYANT and VICTORIA  
22 ) HERNANDEZ,

23 ) Plaintiffs,

24 ) v.

25 ) KAISER PERMANENTE, et al.,

26 ) Defendants.  
27 )  
28 )

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

1	UNITED STATES OF AMERICA ex rel.	)	Case No. 3:21-cv-03894-EMC
	JAMES M. TAYLOR,	)	
2		)	
	Plaintiff,	)	
3		)	
	v.	)	
4		)	
	KAISER PERMANENTE, INC., et al.,	)	
5		)	
	Defendants.	)	
6		)	
7	<hr style="border: 0.5px solid black;"/>		

8           The Court, having considered the administrative motion filed by Claimant Jeffrey Mazik,  
9 seeking access to settlement and share agreements in this case, and all papers filed in connection with  
10 that motion, and good cause appearing therefor, hereby GRANTS the motion.

11           1. The Court sets a special case conference with the parties to address the relief requested in  
12 Mr. Mazik’s administrative motion. That conference shall be held on \_\_\_\_\_, at  
13 \_\_\_\_\_.

14           [Or, in the alternative]

- 15           2. The United States is ordered to provide Mr. Mazik with:
- 16               a. The side-letter agreements between the United States and any relator(s) in this
  - 17               consolidated action regarding share of settlement proceeds;
  - 18               b. The settlement agreement between defendants and Relator Taylor, referred to in the
  - 19               main settlement agreement as an “agreement regarding the settlement of the Declined
  - 20               Taylor Claims”;
  - 21               c. Any agreement(s) between relators in this consolidated action regarding distribution
  - 22               or sharing of the relator’s share; and
  - 23               d. Any settlement agreements between defendants and other relators in this consolidated
  - 24               action, including relators Bryant and Hernandez, that provide for funds to be paid to
  - 25               the United States, or any relief provided in the False Claims Act, 31 U.S.C. §
  - 26               3730(d)(1) or (2).

27           3. To the extent that the United States is not in possession of any of these agreements, the  
28 parties with access to them shall promptly meet and confer and provide a copy to Mr. Mazik.

- 1 4. If any party believes that any agreement required to be produced under this order is  
2 confidential and should not be disclosed to third parties, that party or parties should promptly  
3 inform the United States or other producing party of that belief, and the agreement(s) should  
4 be marked confidential.
- 5 5. In the event that Mr. Mazik seeks to file with the Court in connection with his motion any  
6 agreement that is marked confidential, he shall lodge it under a provisional seal pursuant to  
7 Local Rule 79-5(f).

8 **IT IS SO ORDERED**

9 DATED: \_\_\_\_\_, 2026

\_\_\_\_\_  
Hon. Edward M. Chen  
United States District Court Judge

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