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

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

23 Plaintiff,

24 v.

25 KAISER PERMANENTE, et al.,

26 Defendants.

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

) **PLAINTIFFS' OPPOSITION TO NON-PARTY**
) **MAZIK'S ADMINISTRATIVE MOTION**
) **REGARDING ACCESS TO SETTLEMENT AND**
) **SHARE AGREEMENTS (ECF NO. 435)**

27 (caption continued)

28 PLAINTIFFS' OPPOSITION TO NON-PARTY MAZIK'S ADMINISTRATIVE MOTION REGARDING ACCESS TO
SETTLEMENT AND SHARE AGREEMENTS
No. 3:13-cv-03891-EMC et al.

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

3 Plaintiff,

4 v.

5 KAISER PERMANENTE, INC., et al.,

6 Defendants.

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

) **PLAINTIFFS’ OPPOSITION TO NON-PARTY**
) **MAZIK’S ADMINISTRATIVE MOTION**
) **REGARDING ACCESS TO SETTLEMENT AND**
) **SHARE AGREEMENTS (ECF NO. 435)**

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

10 Plaintiffs,

11 v.

12 KAISER PERMANENTE, et al.,

13 Defendants.

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

) **PLAINTIFFS’ OPPOSITION TO NON-PARTY**
) **MAZIK’S ADMINISTRATIVE MOTION**
) **REGARDING ACCESS TO SETTLEMENT**
) **AND SHARE AGREEMENTS (ECF NO. 435)**

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 15 Non-party Jeffrey Mazik is currently pursuing a False Claims Act (“FCA”) case against various
 16 Kaiser entities in the Eastern District of California. *Mazik v. Kaiser Permanente, Inc.*, No. 19-cv-00559-
 17 DAD (E.D. Cal.). Although Mazik has previously maintained that his claims are unrelated to this
 18 matter, he now contends that the United States’ settlement in this action is an “alternate remedy” to his
 19 pending claims, thus entitling him to a share of the settlement proceeds. ECF No. 435 at 1. At Mazik’s
 20 request, the Court has provided until February 18 for Mazik to file a motion setting forth his position.
 21 Now, Mazik has filed an administrative motion seeking access to various non-public documents that he
 22 argues are “relevant” to his forthcoming motion. *Id.* at 3. Mazik’s administrative motion should be
 23 denied. Mazik is not a party to this consolidated action and has no right to pursue discovery here,
 24 whether by administrative motion or otherwise. Moreover, the requested documents are irrelevant to
 25 Mazik’s claim that the settlement in this case represents an “alternate remedy” to his FCA claims. The
 26 information necessary to resolve that issue is publicly available.

1 As an initial matter, Mazik’s administrative motion seeking an order from this Court granting
2 him “access to settlement share agreements in this case” is an improper attempt to use Local Rule 7-11
3 to obtain discovery. Local Rule 7-11 is intended to address “miscellaneous administrative matters, not
4 otherwise governed by a federal statute, Federal Rule, local rule, or standing order of the assigned
5 judge.” Local Rule 7-11; *see Diva Limousine, Ltd. v. Uber Techs., Inc.*, No. 18-cv-05546, 2019 WL
6 144589 at *3 (N.D. Cal. Jan. 9, 2019) (denying administrative motion raising substantive issues).
7 Because document discovery is squarely covered by the Federal Rules of Civil Procedure and prior
8 orders of this Court, Mazik’s attempt to obtain such discovery as a non-party through an administrative
9 motion is improper, *see Brown v. Google LLC*, No. 20-cv-03664-YGR, 2022 WL 20286307, at *1 (N.D.
10 Cal. Sept. 26, 2022) (where relief sought is governed by a Federal Rule, it is “not the proper subject of
11 an administrative motion under Local Rule 7-11”).

12 In any event, the information Mazik seeks is irrelevant to his forthcoming motion. Based on his
13 prior filing, Mazik apparently intends to argue there is “substantial, material overlap between [his
14 claims] and the claims resolved in the [*Osinek*] settlement agreement,” such that the United States’
15 settlement in *Osinek* constitutes an “alternate remedy” to his pending FCA claims. *See* ECF No. 422 at
16 8 (citing 31 U.S.C. § 3730(c)(5)); *see also id.* (arguing the Government is “extinguishing Mazik’s claims
17 through the intervened cases [in *Osinek*]”). However, Mazik already has the only documents needed to
18 make that argument: the Government’s complaint-in-intervention, which defines the scope of the
19 conduct resolved by the *Osinek* settlement agreement (a copy of which he also already has, *see* ECF No.
20 435 at 1). In contrast, the documents Mazik seeks regarding the amounts other relators received as
21 shares or relators’ settlement of claims in which the United States declined to intervene have nothing to
22 do with his contention that the *Osinek* settlement somehow represents an alternate remedy to his FCA
23 claims pending in the Eastern District of California.¹

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26 ¹ While not addressed in his prior notice (ECF No. 422), to the extent Mazik seeks to argue that the
27 settlement of claims brought by relators Taylor or Bryant and Hernandez—in which the Government
28 declined to intervene and which were dismissed without prejudice to the United States—also somehow
constitute “alternate remedies” to his FCA claims, he likewise has access to the complaints in each of
those cases.

1 Indeed, it is difficult to square Mazik’s current insistence that he needs additional information
2 with the position he previously took when opposing the transfer of his case to this Court and its
3 consolidation with *Osinek*. In his brief in opposition to Kaiser’s transfer motion, Mazik relied only on
4 public filings to argue that his case “tackles completely different factual issues, and it asserts legal
5 claims unrelated to the *Osinek* cases.” *Mazik*, ECF No. 114, at 12-13. Specifically, Mazik argued that
6 his claims, which concern “whether Kaiser is responsible for false claims caused by its tampering with
7 compliance software for detecting fraudulent claims by outside providers” would be “simply unaffected
8 by a different judicial determination” regarding the claims in *Osinek*. *Id.* at 11. In denying Kaiser’s
9 motion, Judge Drozd agreed with this analysis, explaining that “[Mazik’s] federal FCA claim survives
10 only to the extent that it does not share a material factual basis with the *Osinek* matters.” *Mazik*, ECF
11 No. 122 at 17. That mirrors Judge Drozd’s earlier ruling that Mazik’s Complaint was blocked by the
12 first-to-file rule except to the extent Mazik asserted claims not previously alleged in these consolidated
13 cases. *Mazik*, ECF No. 104 at 12 (barring claims except “that defendants deliberately tampered with
14 compliance software to ensure that it did not identify erroneous diagnosis codes”). Nothing in the
15 agreements Mazik seeks can alter the fact that, contrary to his current position, his claims are distinct
16 from the claims in *Osinek*, and thus unaffected by the Government’s resolution of those claims.

17 In conclusion, the Court should deny Mazik’s administrative motion for document discovery
18 because such relief is not the proper subject for an administrative motion and because the documents he
19 seeks are irrelevant to his forthcoming motion for relief pursuant to 31 U.S.C. § 3730(c)(5). For similar
20 reasons, Mazik’s request for a “special case conference” regarding his demand for discovery should also
21 be denied.

22 DATED: February 12, 2026

Respectfully submitted,

23 BRETT A. SHUMATE
Assistant Attorney General

24 CRAIG H. MISSAKIAN
United States Attorney

25 /s/ Michelle Lo*
26 MICHELLE LO
27 Assistant United States Attorney

28 PLAINTIFFS’ OPPOSITION TO NON-PARTY MAZIK’S ADMINISTRATIVE MOTION REGARDING ACCESS TO
SETTLEMENT AND SHARE AGREEMENTS
No. 3:13-cv-03891-EMC et al.

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* In compliance with Civil Local Rule 5-1(i)(3), the filer attests that all signatories have concurred in the filing of this document.

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4) Case No. 3:13-cv-03891-EMC
5 UNITED STATES OF AMERICA ex rel.)
6 RONDA OSINEK,)
7 Plaintiff,) **[PROPOSED] ORDER DENYING**
8 v.) **ADMINISTRATIVE MOTION REGARDING**
9 KAISER PERMANENTE, et al.,) **ACCESS TO SETTLEMENT AND SHARE**
10 Defendants.) **AGREEMENTS (ECF NO. 435)**

11) Case No. 3:21-cv-03894-EMC
12 UNITED STATES OF AMERICA ex rel.)
13 JAMES M. TAYLOR,)
14 Plaintiff,) **[PROPOSED] ORDER DENYING**
15 v.) **ADMINISTRATIVE MOTION REGARDING**
16 KAISER PERMANENTE, et al.,) **ACCESS TO SETTLEMENT AND SHARE**
17 Defendants.) **AGREEMENTS (ECF NO. 435)**

18) Case No. 3:18-cv-01347-EMC
19 UNITED STATES OF AMERICA ex rel.)
20 GLORYANNE BRYANT and VICTORIA)
21 HERNANDEZ,)
22 Plaintiffs,) **[PROPOSED] ORDER DENYING**
23 v.) **ADMINISTRATIVE MOTION REGARDING**
24 KAISER PERMANENTE, et al.,) **ACCESS TO SETTLEMENT AND SHARE**
25 Defendants.) **AGREEMENTS (ECF NO. 435)**

26 A non-party, Jeffrey Mazik, has filed an administrative motion asking the Court to schedule a
27 “special case conference” or otherwise enter an order granting him access to certain settlement and share
28 agreements between the parties in this case. Because such relief is not the proper subject for an
administrative motion under Civil Local Rule 7-11 and because Mr. Mazik has not shown any

1 entitlement to the documents he seeks, the motion is DENIED.

2 IT IS SO ORDERED.

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4 DATED: _____

HON. EDWARD M. CHEN
Senior U.S. District Judge

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