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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

**RESPONSE BY CLAIMANT
JEFFREY MAZIK RE STIPULATED
REQUEST FOR ORDER TO
DEPOSIT FUNDS IN COURT
REGISTRY**

Hon. Edward M. Chen

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(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)
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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.,)
15)
16 Defendants)
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Case No. 3:21-cv-03894-EMC

RESPONSE TO STIPULATION

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2 Claimant Jeffrey Mazik hereby files this response to the Stipulated Request of the
3 United States and Relators Osinek and Taylor for Order to Deposit Funds in Court Registry
4 (ECF 468). Mr. Mazik objects to the premise of the government’s proposal: that, on the
5 basis of Mr. Mazik’s claim, it may delay full payment of the 17% relator’s share earned
6 by relators Osinek and Taylor. Claimant respectfully suggests that the Court order the
7 government to distribute the 17% share according to the settlement, or otherwise hold a
8 further case management conference to address the matter.

9 In his motion for a share of the settlement proceeds under the alternate remedies
10 provision of the False Claims Act, 31 U.S.C. § 3730(c)(b), Mr. Mazik made it clear that
11 his claim for a share did not invade the share amounts that were negotiated between the
12 government and relators in this consolidated action. ECF 439, Notice of Motion, at 1
13 (“For his allocation, Mazik requests that the Court award him 8% of the amounts
14 recovered by the United States from the Kaiser defendants under the terms of the January
15 14, 2026, settlement agreement (Exh. A), said allocation being paid in addition to, and
16 will not diminish, the existing 17% relator’s share for relators Osinek and Taylor”); 3, ¶10
17 (“The 8% share requested by Mazik from the government is the difference between this
18 statutory floor and the share amounts already agreed upon by the United States and
19 relators Osinek and Taylor. As such, the request made by this motion complies with §
20 3730(c)(5) while also not diluting the relator’s share paid to Osinek and Taylor”). In fact,
21 Mr. Mazik expressly requested the 8% out of a 25% relator’s share, to preserve the 17%
22 share to Osinek and Taylor. *Id.*, Notice of Motion, at 2-3, ¶¶7-10.

23 No further delay in payment of the 17% share is warranted. Immediately upon
24 receiving notice of Mr. Mazik’s claim, the government could have disbursed the funds
25 which were due to Osinek and Taylor. This was confirmed once the government filed its
26 opposition to Mr. Mazik’s motion, where the government did not take issue with the 8%
27 calculation, nor assert any threat to hold the Osinek/Taylor share hostage to the resolution
28 of Mr. Mazik’s claim. *See generally*, ECF 442.

1 At the April 2, 2026, hearing on Mr. Mazik's motion, the Court made it even more
2 clear that the government should not delay payment of the 17% share.

3 **THE COURT:** So what is the timing -- so this issue is
4 before me now. Have monies been dispersed to the relators? So there's a
5 settlement sum. In the real world what's happened?
6 Has that been paid? What's going on with that?

7 **MR. CIVINS:** My understanding is that we have not
8 paid that sum yet, and that's because of Mr. Mazik's claim here
9 seeking a portion of that share.

10 **THE COURT:** Okay. But the sums have been obtained
11 from the defendant.

12 **MR. CIVINS:** They have.

13 **THE COURT:** And, but they haven't been dispersed to
14 the two relators in this, our case.

15 **MR. CIVINS:** That's correct. That's correct. And if
16 anybody here has information different from that, please
17 correct me. I would also say we're not paying two relators,
18 we're paying one share.

19 **THE COURT:** Okay.

20 **MR. CIVINS:** We're just paying one share.

21 **THE COURT:** Okay. **But nothing in this motion here**
22 **would -- should hold that up, right? I mean, that's whether**
23 **the Mazik relator is able to recover anything at all, it's the**
24 **17 percent I think it is, whatever it is, has been earned or**
25 **allocated to the relator in the Osinek and Taylor case,**
26 **correct?**

27 **MR. CIVINS:** **Yeah, and it will be paid,** but we had
28 some concern about doing that while this motion was still
pending.

THE COURT: That's what I'm trying to find out.
What -- **how is this matter delaying that payment? Because**
they're going to get the 17. It's not like there's a sliding
scale, right? It still would not exceed the 25 percent.

MR. CIVINS: **That's correct.**

And if I could, that's not something I can speak to as
articulately today as I would like, and I'd be happy to provide
additional information on that. But my understanding is the
reason we were in a holding pattern on paying the relator share

1 was because of this motion. We wanted to make sure we
2 understood what was at issue here and how this was going to
shake out. [18:24-20:12 (emphasis supplied).]

3 Despite the express limitation of Mr. Mazik’s claim, and despite the Court’s
4 admonition that “nothing in [Mr. Mazik’s] motion should hold that up,” the government
5 now reveals that it is refusing to disperse the full earned portion of the share to relators
6 Osinek and Taylor, and that it has withheld those funds in the amount of Mr. Mazik’s
7 claim. *See* ECF 468, at 2 (seeking to deposit \$44,666,450.41). In other words, the
8 government insists on pitting the *Osinek* relators against Mr. Mazik, creating an
9 unnecessary conflict where none exists. This tactic disrespects the proceedings before the
10 Court, and it undermines the functioning of the False Claims Act.

11 Several additional points are also made here by Mr. Mazik. First, the stipulated
12 agreement refers to a January 15, 2026, agreement (the “Agreement”) between the United
13 States and relators, which was amended (by the “Amendment”) on May 4, 2026. This
14 agreement is exactly what Mr. Mazik requested in his administrative motion, filed on
15 February 9, 2026. ECF 435. Although the government refused to disclose it to the Court
16 or to Mr. Mazik, it now cites to the “Agreement” and the “Amendment” without attaching
17 them as exhibits to the stipulation. The Court should require that the agreements be filed
18 on the docket, or otherwise be made available to Mr. Mazik.

19 Second, in determining that Mr. Mazik’s claim requires it to withhold the Osinek/
20 Taylor share, the government never met or conferred with Mr. Mazik, either before or
21 after the Court ordered the parties to meet and confer regarding any challenges to the
22 settlement in light of Mr. Mazik’s claim. *See* ECF 427. Having no objection to its own
23 prior share agreement, and having raised no issue as to Mr. Mazik’s claim for 8% *not out*
24 *of the 17% Osinek/Taylor share*, there is no basis for the government to blame Mr. Mazik
25 for its tactic of withholding the full amount to which the parties agreed.

26 Finally, in the stipulated request, the parties state that, if Mr. Mazik is entitled to
27 recover a share, the *Osinek* relators reserve the right to seek a court order for release of
28 funds, and the government reserves the right to “void the Agreement and seek to renegotiate an

1 appropriate share given multiple relators' competing claims to the government's recovery." ECF
2 468, ¶8. In light of the circumstances of Mr. Mazik's claims, however, neither reservation of
3 rights is warranted. Whether or not Mr. Mazik recovers on his claim for an apportionment of 8%
4 (out of a 25% relator's share), relator's Osinek and Taylor are entitled to enforce the Agreement
5 now and recover their 17%. There is no need to wait until resolution of Mr. Mazik's claim, or his
6 appeal. Moreover, in the event that Mr. Mazik prevails on his appeal, the government has no
7 argument that Mr. Mazik's share should be lower than 8%. Nor can it seek to lower the 17% to
8 which it has already agreed. Since the minimum relator's share in a claim involving Mr. Mazik is
9 25%, any reduction of the 17% share would only increase Mr. Mazik's share. The government
10 cannot diminish either Mr. Mazik's claim or the 17% earned by the *Osinek* relators through some
11 sort of "renegotiation."

12 While the government's attorneys may see some strategic advantage in having or
13 encouraging "multiple relators' competing claims," Mr. Mazik's motion obviates any such
14 conflict. The government need only reserve 8% of the settlement proceeds from its total
15 recovery, not from the 17% that should be paid now to Osinek and Taylor. It cannot avoid the
16 simple fact that Mr. Mazik is not in conflict with the other relators, and it should not hold the
17 relator's share hostage under the rubric of Mr. Mazik's claim.

18 CONCLUSION

19 For the reasons stated, Mr. Mazik objects to the underlying assumption of the stipulated
20 request. Mr. Mazik's claim and appeal provide no basis for withholding payment of the 17%
21 agreed share to relators Osinek (and through their sharing agreements, to Taylor). Mr. Mazik
22 respectfully suggests that the United States be ordered to produce the share agreements, and to
23 distribute the full 17% without further delay. In the alternative, Mr. Mazik suggests that the
24 Court follow up with a conference to address the matter, as was raised at the April 2, 2026,
25 hearing on Mr. Mazik's claim.
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Dated: May 11, 2026

Respectfully submitted,
Law Office of Jeremy L. Friedman
Mendenhall Law Group

By: /s/Jeremy L. Friedman
Jeremy L. Friedman
Attorneys for relator Jeffrey Mazik