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		ORIGINAL	
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10	Attorneys for the UNITED STATES OF AMERICA	·	
11			
12	UNITED STATES DISTRICT COURT		
13	FOR THE CENTRAL DI	STRICT OF CALIFORNIA	
14	WESTERN DIVISION		
15			
16	UNITED STATES OF AMERICA and)	NO. CV 09-5013 JFW (JEMx)	
17	STATE OF CALIFORNIA, <u>ex rel.</u>) [UNDER SEAL];	JOINT NOTICE [SEALED]	
18	Plaintiffs,	[FILED UNDER SEAL pursuant to	
19	v.	False Claims Act, 31 U.S.C. § 3730(b)(2)]	
20	[UNDER SEAL],	FILED OR LODGED CONCURRENTLY	
21	Defendants.	HEREWITH: [PROPOSED] ORDER [SEALED]; NOTICE OF LODGING	
22		[SEALED]]	
23	· · · · · · · · · · · · · · · · · · ·	LODGED CONCURRENTLY HEREWITH, BUT DEEMED BY THE PARTIES TO BE	
24		LODGED AFTER THIS DOCUMENT: NOTICE OF [SEALED]]	
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Case 2	:09-cv-05013-JFW-JEM Document 43 File	ed 08/17/12 Page 2 of 8 Page ID #:435		
1 2 3 4 5	ANDRÉ BIROTTE JR. United States Attorney LEON W. WEIDMAN Chief, Civil Division WENDY L. WEISS Chief, Civil Fraud Section SUSAN R. HERSHMAN Deputy Chief, Civil Fraud Section JOHN E. LEE (CBN 128696)			
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10	UNITED STATES OF AMERICA			
11				
12	UNITED STATES DISTRICT COURT			
13	FOR THE CENTRAL DISTRICT OF CALIFORNIA			
14	WESTERN DIVISION			
15				
16	UNITED STATES OF AMERICA and STATE OF CALIFORNIA, <u>ex rel.</u>) NO. CV 09-5013 JFW (JEMx))		
17) JOINT NOTICE [SEALED])		
18	Plaintiffs,) [FILED UNDER SEAL pursuant to) False Claims Act, 31 U.S.C.		
19	V.) § 3730(b)(2)])		
20	[UNDER SEAL],) [FILED OR LODGED CONCURRENTLY) HEREWITH: [PROPOSED] ORDER		
21	Defendants.) [SEALED]; NOTICE OF LODGING) [SEALED]]		
22) [LODGED CONCURRENTLY HEREWITH,		
23		BUT DEEMED BY THE PARTIES TO BE LODGED AFTER THIS DOCUMENT:		
24		NOTICE OF [SEALED]]		
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Case 2	:09-cv-05013-JFW-JEM Document 43 File	ed 08/17/12 Page 3 of 8 Page ID #:436	
1 2 3 4 5 6 7 8 9 10	ANDRÉ BIROTTE JR. United States Attorney LEON W. WEIDMAN Chief, Civil Division WENDY L. WEISS Chief, Civil Fraud Section SUSAN R. HERSHMAN Deputy Chief, Civil Fraud Section JOHN E. LEE (CBN 128696) Assistant United States Attorneys Room 7516, Federal Building 300 North Los Angeles Street Los Angeles, California 900 Telephone: (213) 894-3995 Facsimile: (213) 894-2380 E-mail: john.lee2@usdoj.gov	s t 012	
11			
12	UNITED STATES	5 DISTRICT COURT	
13	FOR THE CENTRAL DISTRICT OF CALIFORNIA		
14	WESTERN DIVISION		
15			
16	UNITED STATES OF AMERICA and STATE OF CALIFORNIA, <u>ex rel.</u>) NO. CV 09-5013 JFW (JEMx)	
17	JAMES M. SWOBEN,) JOINT NOTICE BY THE UNITED) STATES OF AMERICA AND THE STATE	
18	Plaintiffs,) OF CALIFORNIA OF ELECTION TO) INTERVENE IN PART	
19	ν.)) [FILED UNDER SEAL pursuant to	
20	corporation, fka SENIOR CARE	<pre>False Claims Act, 31 U.S.C. § 3730(b)(2)]</pre>	
21	ACTION NETWORK, a business)) [FILED OR LODGED CONCURRENTLY	
22	entity, form unknown; SCAN GROUP, a California corporation;) HEREWITH: [PROPOSED] ORDER) REGARDING PARTIAL INTERVENTION	
23	[NAMES OF REMAINING DEFENDANTS SEALED],) AND PARTIAL UNSEALING; NOTICE OF) LODGING REDACTED RELATOR'S THIRD	
24	Defendants.) AMENDED COMPLAINT])	
25		 [LODGED CONCURRENTLY HEREWITH, BUT DEEMED BY THE PARTIES TO BE 	
26		LODGED AFTER THIS DOCUMENT: NOTICE OF DISMISSAL OF ALL	
27		CLAIMS AGAINST DEFENDANTS SCAN HEALTH PLAN, SENIOR CARE ACTION	
28		NETWORK, AND SCAN GROUP PURSUANT	

TO SETTLEMENT AGREEMENT; CONSENTS OF THE UNITED STATES AND STATE OF CALIFORNIA ATTORNEYS GENERAL THERETO; AND [PROPOSED] ORDER THEREON]

5 Pursuant to the federal False Claims Act, 31 U.S.C. § 3730(b)(4), and the California False Claims Act, Cal. Gov't Code § 6 12652(c)(6), the United States of America and the State of 7 California ("the governments") hereby notify the Court of their 8 election to partially intervene, for purposes of settlement and 9 dismissal, in the above-captioned action to the extent it is filed 10 against SCAN Health Plan; Senior Care Action Network; and SCAN 11 12 Group.

Pursuant to the federal False Claims Act, 31 U.S.C. § 3730(b)(2)-(4), and the California False Claims Act, California Government Code § 12652(c)(2), (5), and (6), the governments respectfully request that the Court issue the [Proposed] Order Regarding Partial Intervention and Partial Unsealing, lodged herewith.

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DATED: August 15 2012

Respectfully submitted,

ANDRÉ BIROTTE JR. United States Attorney LEON W. WEIDMAN Chief, Civil Division WENDY L. WEISS Chief, Civil Fraud Section SUSAN R. HERSHMAN Deputy Chief, Civil Fraud Section

JOHN E. LEE Assistant United States Attorney

Attorneys for the UNITED STATES OF AMERICA

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1			Respectfully submitted,
2	<i>.</i>		
3	DATED: August A ,	2012	KAMALA D. HARRIS Attorney General of California
4			Attorney General of California BRIAN V. FRANKEL Supervising Deputy Attorney General
5			
6			Jew Fai Martin
7			Deputy Attorney General
8			Attorneys for the STATE OF CALIFORNIA
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PROOF OF SERVICE BY MAIL

1	PROOF OF SERVICE BY MAIL
2	I am over the age of 18 and not a party to the within action.
3	I am employed by the Office of United States Attorney, Central
4	District of California. My business address is 300 North Los
5	Angeles Street, Suite 7516, Los Angeles, California 90012.
6	On August 17, 2012, I served the following documents:
7	JOINT NOTICE BY THE UNITED STATES OF AMERICA AND THE STATE
8	OF CALIFORNIA OF ELECTION TO INTERVENE IN PART;
9	ORDER REGARDING PARTIAL INTERVENTION AND PARTIAL
10	UNSEALING;
11	NOTICE OF LODGING REDACTED RELATOR'S THIRD AMENDED
12	COMPLAINT;
13	NOTICE OF DISMISSAL OF ALL CLAIMS AGAINST DEFENDANTS SCAN
14	HEALTH PLAN, SENIOR CARE ACTION NETWORK, AND SCAN GROUP
15	PURSUANT TO SETTLEMENT AGREEMENT; CONSENTS OF THE UNITED
16	STATES AND STATE OF CALIFORNIA ATTORNEYS GENERAL THERETO;
17	AND [PROPOSED] ORDER THEREON
18	upon each person or entity named below by enclosing a copy in an
19	envelope addressed as shown below and placing the envelope for
20	collection and mailing on the date and at the place shown below
21	following our ordinary office practices. I am readily familiar with
22	the practice of this office for collection and processing
23	correspondence for mailing. On the same day that correspondence is
24	placed for collection and mailing, it is deposited in the ordinary
25	course of business with the United States Postal Service in a sealed
26	envelope with postage fully prepaid.

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1	
2	Date of mailing: August 17, 2012.
3	Place of mailing: Los Angeles, California.
4	Person(s) and/or Entity(ies) to whom mailed:
5	See attached service list.
6	
7	I declare that I am employed in the office of a member of the
8	bar of this Court at whose direction the service was made.
9	I declare under penalty of perjury under the laws of the United
10	States that the foregoing is true and correct and that this
11	declaration was executed on August 17, 2012 at Los Angeles,
12	California.
13	All Pl
14	ANGELA M. FIORE
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1		
2	SERVICE LIST	
3	William K. Hanagami,	
4	The Hanagami Law Firm 21700 Oxnard Street, Suite 1150	
5	Woodland Hills, CA 91367-7572	
6	Abram J. Zinberg 412 Olive Avenue, Suite 528	
7	Huntington Beach, CA 92648	
8	Lora Fox Martin Deputy Attorney General	
9	Department of Justice California Attorney General's Office	
10	Bureau of Medi-Cal Fraud and Elder Abuse 1455 Frazee Rd., Suite 315	
11	San Diego, CA 92108	
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