

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-62617-CIV-BLOOM

UNITED STATES OF AMERICA
ex rel. MARISELA CARMEN MEDRANO
and ADA LOPEZ,

Plaintiffs,

v.

DIABETIC CARE RX, LLC, d/b/a
PATIENT CARE AMERICA;
RIORDAN, LEWIS & HADEN, INC.;
PATRICK SMITH;
MATTHEW SMITH; and
THOMAS BUSCEMI,

Defendants.

**THE UNITED STATES' CORRECTED NOTICE OF ELECTION TO
INTERVENE IN PART AND DECLINE TO INTERVENE IN PART¹**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its decision to intervene in this *qui tam* action as to Defendants Diabetic Care Rx, LLC, d/b/a Patient Care America; Riordan, Lewis & Haden, Inc.; Patrick Smith; and Matthew Smith. The United States intends to file its complaint within 60 days.

The United States declines to intervene in the *qui tam* allegations against Thomas Buscemi and understands that the Relators intend to voluntarily dismiss their claims against

¹ The United States files this Corrected Notice only to remove as signatory Acting U.S. Attorney Benjamin G. Greenberg, who has been recused from, and has had no involvement in, this case. Two prior Motions for Extension of Time filed on August 3 and November 1, 2017 also incorrectly included Acting U.S. Attorney Greenberg as signatory. As reflected in the corrected signature line below, Randy Hummel is the Attorney for the United States in this case, acting under authority conferred by 28 U.S.C. § 515.

Mr. Buscemi. The United States expects to consent to voluntary dismissal pursuant to 31 U.S.C. § 3730(b)(1), and will separately notify the Court of its consent following the Relators' filing of their anticipated dismissal notice.

Finally, the United States requests that the Relators' First Amended Complaint, the United States' Motions for Extensions of the Seal and Intervention Deadline, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action, including the United States' Memoranda of Law in Support of its Motions for Extensions of the Seal and Intervention Deadline, remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended. Because the Court's Orders granting the United States' extension requests similarly discussed the content and extent of the United States' investigation, the United States requests that those Orders remain under seal as well.

A proposed order accompanies this notice.

Dated: December 20, 2017

Respectfully Submitted,

CHAD A. READLER
Acting Assistant Attorney General

RANDY HUMMEL
ATTORNEY FOR THE UNITED STATES
ACTING UNDER AUTHORITY CONFERRED
BY 28 U.S.C. § 515
Southern District of Florida

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Counsel for the United States

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 20, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

/s/ Susan Torres
Susan Torres
Assistant United States Attorney