

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, ex rel.,)
Kathi Holloway,)
)
Plaintiff-Relator,)
v.)
)
HEARTLAND HOSPICE, INC., et al.,)
)
Defendants.)

CASE NO.: 3:10CV1875

JUDGE JAMES G. CARR

***FILED IN CAMERA
AND UNDER SEAL***

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
TOLEDO

2018 MAR -1 PM 2:35

FILED

THE GOVERNMENT'S NOTICE OF ELECTION TO
DECLINE INTERVENTION

ORIGINAL

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**THE GOVERNMENT'S NOTICE OF ELECTION TO
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relators to maintain the action in the name of the United States; providing, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States requests that, should either the relators or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later

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date, and to seek the dismissal of the relators' action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relators' Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action 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.

A proposed order accompanies this notice.


Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney
Northern District of Ohio

CHAD A. READLER
Acting Assistant Attorney General

Michael D. Granston
Andy Mao
Amy L. Likoff
Attorneys, U.S. Department of Justice
Civil Division

P.O. Box 261, Ben Franklin Station
Washington, D.C. 20044
Phone: (202) 305-3173
E-mail: amy.l.likoff@usdoj.gov

By: 
Guillermo J. Rojas (OH 0069882)
Patricia M. Fitzgerald (PA Bar #308973)
Assistant United States Attorneys
433 N. Summit, Suite 308

- 4 -

Toledo, OH 43604

Phone: (419) 259-6376

E-Mail: guillermo.rojas@usdoj.gov

E-mail: patricia.fitzgerald2@usdoj.gov