

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

UNITED STATES OF AMERICA,	)	CASE NO.: 3:18CV01908
	)	
Plaintiff,	)	JUDGE JEFFREY J. HELMICK
	)	
v.	)	
	)	
GREGORY J. GERBER, M.D.,	)	<u>CONSENT JUDGMENT AND</u>
	)	<u>PERMANENT INJUNCTION</u>
Defendants.	)	

Plaintiff, the United States of America, filed a Complaint seeking damages, penalties, and injunctive relief under the Controlled Substances Act, 21 U.S.C. § 801 et seq., the False Claims Act, 31 U.S.C. § 3729 et seq., and common law against Defendants Gregory J. Gerber, M.D. and Gregory J. Gerber, MD LLC. Defendants have filed an Answer denying the allegations in the Complaint. Plaintiff and Defendants stipulate to the entry of this Consent Judgment and Permanent Injunction (“Order”) to resolve the matters in dispute in the Complaint, with the following terms and provisions.

NOW, THEREFORE, without adjudication or admission of any issue of fact or law, and with the consent of the Parties, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

1. This Court has subject matter jurisdiction under 21 U.S.C. §§ 842(c)(1)(A) and 882(a); and 28 U.S.C. §§ 1345 and 1355. For purposes of this Order, Defendants consent to this Court's jurisdiction over this Order and over Defendants.

2. Venue is proper in this District under 18 U.S.C. § 843(f)(2) and 28 U.S.C. §§ 1391(b) and 1395(a). For purposes of this Order, Defendants consent to venue in this judicial district.

3. For purposes of this Order, Defendants agree that the Complaint states claims upon which relief can be granted pursuant to the Controlled Substances Act, the False Claims Act, and common law.

4. The parties recognize, and the Court by entry of this Order finds, that this Order has been negotiated by the Parties and that this Order is fair, reasonable, and in the public interest.

5. Upon entry of this Order, Defendant Gregory J. Gerber, M.D. is hereby permanently restrained and enjoined under 21 U.S.C. § 843(f) and 882(a) from:

- a. prescribing, dispensing, administering, or distributing controlled substances;
- b. holding, applying for, or seeking renewal of a DEA certificate of registration for himself, for any other individual, or for any legal entity;
- c. managing, owning, controlling, operating, directing, supervising, or serving on the board any legal entity that administers, dispenses, or distributes controlled substances;
- d. working as an employee or independent contractor for any entity that administers, dispenses, or distributes controlled substances, with the exception of a company with more than 50 employees;
- e. owning, operating, managing, or having an equity interest in (either personally or through an interest in a corporate entity, with the exception of any private

employer stock plan or publicly traded company) any property where controlled substances are administered, dispensed, or distributed.

6. That a judgment is rendered in favor of the Plaintiff against Defendants jointly and severally in the amount of \$4,761,326.62, plus interest at the post-judgment rate.

7. Defendant Gregory J. Gerber, M.D. also agrees to that his obligations pursuant to this Order shall be in addition to, and not in derogation of, all requirements imposed upon Defendant pursuant to all applicable federal, state, and local laws, including without limitation the requirements set forth in Title 21 of the United States Code and the regulations promulgated thereunder.

8. This Order resolves only those claims set forth in the Complaint in this action, and does not affect any other civil, criminal, or administrative claims that the United States may have or bring against the Defendants.

9. In any criminal prosecution or administrative action that may be brought by the United States against Defendant Gregory J. Gerber, M.D. relating to the conduct alleged in the Complaint, Defendant Gregory J. Gerber, M.D. waives and shall not assert any defense based in whole or in part on a contention that such prosecution or action is barred under the Double Jeopardy Clause in the Fifth Amendment of the Constitution, or under the Excessive Fines Clause in the Eighth Amendment of the Constitution.

10. Should Plaintiff bring, and prevail in, a contempt action to enforce the terms of this Order, Defendants shall, in addition to other remedies, reimburse Plaintiff for its attorneys' fees and costs, travel expenses incurred by attorneys and witnesses, and court costs relating to such contempt proceedings.

11. Each Party shall bear its own legal and other costs incurred in connection with this matter, including the preparation and performance of this Order.

12. Defendants represents that they freely and voluntarily enters into this Order without any degree of duress or compulsion.

13. The undersigned counsel represent and warrant that they are fully authorized to execute this Order on behalf of the persons and entities indicated below.

14. This Order states the complete understanding and agreement of the parties as to Counts I and II of the Complaint and shall be interpreted by the Court within its four comers, without consideration of any alleged collateral agreements. Any changes or modifications to the Order must be in writing and signed by all parties and entered by the Court.

15. This Court retains jurisdiction over this action and the parties thereto for the purpose of enforcing and modifying this Order, the Settlement Agreement signed in conjunction with Counts III, IV, and V of the Complaint, and for the purpose of granting such additional relief as may be necessary or appropriate.

IT IS SO ORDERED.

Date: July 31, 2024

s/ Jeffrey J. Helmick

UNITED STATES DISTRICT JUDGE

APPROVED BY:


REBECCA C. LUTZKO  
United States Attorney  
Northern District of Ohio

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General  
Civil Division

ARUN G. RAO  
Deputy Assistant Attorney General  
Civil Division

AMANDA N. LISKAMM  
Director, Consumer Protection Branch

By:   
Patricia M. Fitzgerald  
Assistant United States Attorney  
801 West Superior Avenue, Suite 400  
Cleveland, OH 44113  
(216) 622-3779  
(216) 522-2404 (facsimile)  
Patricia.Fitzgerald2@usdoj.gov

By:   
Scott B. Dahlquist  
Trial Attorney  
Consumer Protection Branch  
U.S. Department of Justice  
450 5<sup>th</sup> St. NW 6400  
Washington, D.C. 20001  
(202) 532-4602  
Scott.B.Dahlquist@usdoj.gov

Angelita Cruz Bridges (0072688)  
Assistant United States Attorney  
Four Seagate, Suite 308  
Toledo, OH 43604-2624  
(419) 259-6376  
(419) 259-6360 (facsimile)  
Angelita.Bridges@usdoj.gov

*Counsel for the United States of America*

By: \_\_\_\_\_  
Gregory M. Gerber, M.D.  
*On Behalf of Gregory M. Gerber, M.D. and  
Gregory M. Gerber, MD LLC*

By: \_\_\_\_\_  
Robert E. Friedman, Esq. (0026626)  
P.O. Box 38004  
Olmsted Falls, Ohio 44138  
(440) 503-4514  
Email: friedman.robert@gmail.com  
*Counsel for Defendants Gregory J. Gerber,  
M.D. and Gregory J. Gerber, MD LLC*

APPROVED BY:

REBECCA C. LUTZKO  
United States Attorney  
Northern District of Ohio

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General  
Civil Division

ARUN G. RAO  
Deputy Assistant Attorney General  
Civil Division

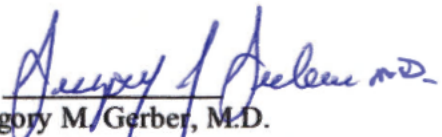
AMANDA N. LISKAMM  
Director, Consumer Protection Branch

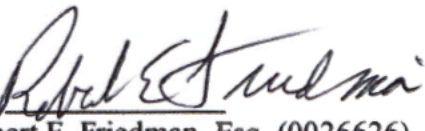
By: \_\_\_\_\_  
Patricia M. Fitzgerald  
Assistant United States Attorney  
801 West Superior Avenue, Suite 400  
Cleveland, OH 44113  
(216) 622-3779  
(216) 522-2404 (facsimile)  
Patricia.Fitzgerald2@usdoj.gov

By: \_\_\_\_\_  
Scott B. Dahlquist  
Trial Attorney  
Consumer Protection Branch  
U.S. Department of Justice  
450 5<sup>th</sup> St. NW 6400  
Washington, D.C. 20001  
(202) 532-4602  
Scott.B.Dahlquist@usdoj.gov

Angelita Cruz Bridges (0072688)  
Assistant United States Attorney  
Four Seagate, Suite 308  
Toledo, OH 43604-2624  
(419) 259-6376  
(419) 259-6360 (facsimile)  
Angelita.Bridges@usdoj.gov

*Counsel for the United States of America*

By:   
Gregory M. Gerber, M.D.  
*On Behalf of Gregory M. Gerber, M.D. and  
Gregory M. Gerber, MD LLC*

By:   
Robert E. Friedman, Esq. (0026626)  
P.O. Box 38004  
Olmsted Falls, Ohio 44138  
(440) 503-4514  
Email: friedman.robert@gmail.com  
*Counsel for Defendants Gregory J. Gerber,  
M.D. and Gregory J. Gerber, MD LLC*