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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**
9 **SAN FRANCISCO HEADQUARTERS**

11 UNITED STATES OF AMERICA, *ex rel.*)
ZHONGHUI TU,)
12)
Plaintiffs,)
13)
v.)
14)
ANNIE KUO, et al.,)
15)
Defendants.)

Case No. C 12-4166 WHO

**UNITED STATES' NOTICE OF
ELECTION TO INTERVENE;
[PROPOSED] ORDER**

FILED UNDER SEAL

17 1. Pursuant to 31 U.S.C. § 3730 (b)(4), the United States hereby notifies the Court that it
18 elects to intervene in this False Claims Act *qui tam* action.

19 2. The parties have entered into a Settlement Agreement in this case. Defendant's
20 payment under the Settlement Agreement is due on March 12, 2014. After receiving payment of
21 the settlement amount, the United States and the Relator will file a stipulation of dismissal in this
22 action pursuant to the terms and conditions of the Settlement Agreement.

23 3. The United States requests that the Court unseal: (a) Relator's Complaint; (b) the
24 summons, if any; (c) the scheduling order; (d) this Notice of Election and accompanying
25 [Proposed] Order Lifting Seal, and (e) subsequent filings in this action. The United States
26 U.S. NOTICE OF ELECTION TO INTERVENE, No. C 12-4166 WHO
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1 requests that all other contents of the Court's file in this matter (including, but not limited to, any
2 applications filed by the United States for extensions of the sixty-day investigative period, any
3 applications for partial lifting of the seal, and any orders previously entered in this matter)
4 remain under seal and not be made public or served upon Defendants.

5 Respectfully submitted,

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7 STUART F. DELERY
Assistant Attorney General

8 MELINDA HAAG

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10 Dated: March 6, 2014

By:



SARA WINSLOW

Assistant United States Attorney

11
12
13 **~~PROPOSED~~ ORDER**

14 Upon consideration of the United States' Notice of Election to Intervene, the Court rules
15 as follows.

16 1. The seal shall be lifted as to: (a) Relator's Complaint; (b) the summons, if any; (c) the
17 scheduling order; (d) this Notice of Election and accompanying [Proposed] Order Lifting Seal;
18 and (e) all subsequent filings in this action.

19 2. All other previously filed contents of the Court's file in this action shall remain under
20 seal and not be made public or served upon the Defendants.

21 IT IS SO ORDERED.

22 Dated: March 12, 2014

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24 
25 HON. WILLIAM H. ORRICK, III
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**UNITED STATES' NOTICE OF ELECTION TO INTERVENE; [PROPOSED] ORDER
(FILED UNDER SEAL)**

to be served this date upon each of the persons indicated below at the address(es) shown:

Mark Schlein
Baum Hedlund Aristei & Goldman, P.C.
12100 Wilshire Blvd., Suite 950
Los Angeles, CA 90025

BY FIRST CLASS MAIL by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

CERTIFIED MAIL (#) by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

BY PERSONAL SERVICE (BY MESSENGER): I caused such envelope to be delivered by hand to the person or offices of each addressee above.

BY FACSIMILE (FAX): I caused each such document to be sent by facsimile to the person or offices of each addressee above.

BY E-MAIL: I caused each such document to be sent by e-mail to Rhonda L. Conner on December 2, 2013

BY FEDERAL EXPRESS

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed March 6, 2014 at San Francisco, California


KATHY TERRY
Legal Assistant