

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
CENTRAL DIVISION  
(at Lexington)

IN RE CIVIL INVESTIGATIVE )  
DEMANDS 18-13-EDKY, 18-02-EDKY, )  
and 18-03-EDKY, )  
)  
LEXINGTON FOOT AND ANKLE )  
CENTER, PSC, et al., )  
)  
Petitioners, )  
)  
V. )  
)  
UNITED STATES OF AMERICA, )  
)  
Respondent. )

Civil Action No. 5: 18-283-DCR

**ORDER**

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This matter is pending for consideration of Petitioners’ motion to stay production compelled under the United States’ Civil Investigation Demands (“CID”). The Petitioners have brought a petition to set aside CIDs 18-13, 18-02, and 18-03, which are associated with Lexington Civil Action 5: 17-129-DCR. The Petitioners contend that the United States is without authority to issue these CIDs because they were issued after the United States made its election not to intervene in the related civil action pursuant to 31 U.S.C. § 3730(b). *See* 31 U.S.C. § 3733(j)(2). Production under CID 18-13 is due today. The Petitioners contend that they will be irreparably harmed absent a stay, as they will be compelled to comply with unlawfully issued CIDs.

Having considered the matter and being sufficiently advised, it is hereby

**ORDERED** as follows:

1. The Petitioner's motion for a stay [Record No. 3] is **GRANTED**, subject to intervening orders following a hearing in this matter.

2. The Petitioners are temporarily relieved of complying with CID 18-13 pending resolution of Petition to Set Aside Civil Investigation Demand.

3. This matter shall come on for a hearing on **Friday, April 27, 2018**, beginning at the hour of **3:30 p.m.** at the United States Courthouse in Lexington, Kentucky.

This 24th day of April, 2018.



**Signed By:**

**Danny C. Reeves** DCR

**United States District Judge**