

1 JOSEPH H. HUNT
Assistant Attorney General

2 ALEX G. TSE (CABN 152348)
3 United States Attorney
4 SARA WINSLOW (DCBN 457643)
Chief, Civil Division
5 KIMBERLY FRIDAY (MABN 660544)
Assistant United States Attorney

6 450 Golden Gate Avenue, Box 36055
7 San Francisco, California 94102-3495
Telephone: (415) 436-7102
8 Facsimile: (415) 436-6927
kimberly.friday@usdoj.gov

9 MICHAEL D. GRANSTON
10 PATRICIA L. HANOWER
OLGA YEVTUKHOVA
11 Attorneys, Civil Division
United States Department of Justice

12 P.O. Box 261, Ben Franklin Station
13 Washington, D.C. 20044
Telephone: (202) 307-1026

14 Attorneys for the United States of America

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18
19 UNITED STATES OF AMERICA *ex rel.*
KATHY ORMSBY,

20 Plaintiff,

21 v.

22 SUTTER HEALTH and PALO ALTO
23 MEDICAL FOUNDATION,

24 Defendants.

) CASE NO. C 15-01062 JD

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

) **FILED UNDER SEAL**

25
26
27 U.S. NOTICE OF INTERVENTION; [PROPOSED] ORDER
28 CV 15-01062-JD

1 1. Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States
2 notifies the Court that it hereby intervenes in the above-captioned action.

3 2. The United States intends to file its own complaint against Defendants Sutter Health
4 and Palo Alto Medical Foundation (collectively referred to as “Sutter”) and potentially other
5 affiliated entities. The United States will take primary responsibility for prosecuting the action
6 pursuant to 31 U.S.C. § 3730(c)(1). The United States will file and serve its complaint within 90
7 days (by March 4, 2019), as provided in Fed. R. Civ. P. 4(m).

8 3. This case is currently under seal through December 5, 2018, pursuant to the False
9 Claims Act and order of this Court, dated October 11, 2018.

10 4. The United States requests that the following be unsealed: (a) the Complaint filed by
11 Relator on March 6, 2015; (b) this notice of intervention and accompanying order; and (c) all
12 future filings in this action. All other contents of the Court’s file in this matter (including, but
13 not limited to, any applications filed by the United States for an extension of the sixty-day
14 investigative period or for any other reason) should remain under seal and not be made public or
15 served upon Defendants.
16

17 5. We request that the initial case management conference be set at least one month after
18 March 4, 2019, so that the parties may have adequate time to confer after the United States’
19 complaint is filed and served, and prior to the conference.
20

21 Respectfully submitted,

22 JOSEPH H. HUNT
23 Assistant Attorney General

24 ALEX G. TSE
25 United States Attorney

26 Dated: 12/4/18

By: 
KIMBERLY FRIDAY
Assistant United States Attorney

MICHAEL D. GRANSTON
PATRICIA L. HANOWER
OLGA YEVTUKHOVA
Civil Division, U.S. Department of Justice

Attorneys for the United States of America

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER TO UNSEAL

1
2 Having considered the United States' Notice of Election to Intervene, IT IS HEREBY
3 ORDERED THAT:

4 1. All current contents of the Court's file in this action shall remain under seal and not be
5 made public or served upon the Defendants, except for: (a) the Complaint filed by Relator on
6 March 6, 2015; (b) the United States' Notice of Election to Intervene; and (c) this Order.

7 2. The seal is lifted as to all matters occurring in this action after the date of this Order.

8 3. The United States shall promptly serve Defendants with a copy of this Order and the
9 United States' Notice of Election to Intervene, and shall serve Defendants Sutter Health and Palo
10 Alto Medical Foundation, as well as any newly named defendants, with the United States'
11 complaint by March 4, 2019, in accordance with Fed. R. Civ. P. 4.

12 4. The initial case management conference in this action shall be held on _____ at
13 10:00 a.m. in Courtroom 1, 19th floor. Not less than seven days before the conference, counsel
14 shall file a joint case management statement.
15

16 IT IS SO ORDERED.
17

18 _____
19 HON. JAMES DONATO
20 United States District Judge
21
22
23
24
25
26

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:

United States' Notice of Election to Intervene; [Proposed] Order to Unseal

Case No.: C 15-01062 JD

FILED UNDER SEAL

to be served this date upon the party(ies) as follows:

Kathleen Scanlan
Keller Grover LLP
1965 Market St.
San Francisco, CA 94103

BY FIRST CLASS MAIL, by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this offices practice.

BY PERSONAL SERVICE, (MESSENGER)

FEDERAL EXPRESS

FACSIMILE, (FAX) Telephone No.:

BY E-MAIL: I caused each such document to be sent by email to the person or offices of each address above.

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 offices practice.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: 12/4/18


TINA LOUIE
Legal Assistant