

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

FEB 22 2013

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES OF AMERICA *ex rel.*
FLOYD LANDIS

Plaintiffs,

v.

TAILWIND SPORTS CORPORATION,
et al.,

Defendants.

Civil Action No. 10cv0976 (RLW)

UNDER SEAL

**UNITED STATES' NOTICE OF ELECTION
TO INTERVENE IN PART**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court that it hereby intervenes and intends to proceed with this action as to defendants Lance Armstrong, Johan Bruyneel, Tailwind Sports LLC, and Tailwind Sports Corporation. The United States intends to file its complaint within 60 days.

The United States hereby further notifies the Court that it is not intervening at this time with respect to defendants William Stapleton, Barton Knaggs, Capitol Sports and Entertainment Holdings, Inc., and Thomas Wiesel. The Government reserves its right to intervene in this action as to these defendants at a later date for good cause. The United States also reserves its right to seek the dismissal of the relator's action or claim as to any of these defendants.

Although the United States has declined intervention with respect to a part of the relator's Amended Complaint, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the remaining portion of the action in the name of the United States; provided, 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 relator or the defendants propose that the part of the action in which the United States has not intervened 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, even as to the non-intervened part of this action, be served upon the United States; the United States also requests that all orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts and to intervene in the portion of this action in which it is not intervening today, for good cause, at a later date.

The United States reserves the right to seek the dismissal of the relator's action or claim, at the appropriate time, under 31 U.S.C. § 3730(e)(4), on the ground that substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed and that the relator does not qualify as an original source.

Finally, the United States requests that: (1) the relator's initial Complaint (2) the relator's Amended Complaint; (3) the relator's Second Amended Complaint; (4) the United States' Notice of Election to Intervene in Part; (5) the attached proposed Order; and (6) all matters filed subsequent to this Notice be unsealed. The United States requests that all other papers on file in this action prior to this Notice 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,

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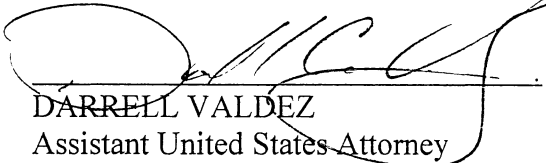
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 22, 2013, I caused a copy of the foregoing United States' Notice of Election to Intervene in Part and proposed Order to be sent to the following persons by e-mail and by United States First Class Mail, postage pre-paid:

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