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18 UNITED STATES DISTRICT COURT  
 19 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 20 WESTERN DIVISION

21 UNITED STATES OF AMERICA *ex*  
 22 *rel.* JAMES M. SWOBEN,

23 Plaintiffs,

24 v.

25 SECURE HORIZONS, a business entity,  
 form unknown, *et al.*,

26 Defendants.  
 27  
 28

No. CV 09-5013 JFW (JEMx)

NOTICE OF ELECTION OF THE  
UNITED STATES TO PARTIALLY  
INTERVENE IN ACTION

[LODGED CONCURRENTLY  
 HEREWITH; [PROPOSED] ORDER]

1 Pursuant to the False Claims Act (“FCA”), 31 U.S.C. § 3730(b)(4)(B), the United  
2 States of America (“United States”) hereby notifies the Court of its decision to intervene  
3 in Relator James Swoben’s (“Relator’s”) Fourth Amended Complaint filed on March 13,  
4 2017. The United States hereby intervenes in the Relator’s action against the United  
5 defendants, including UnitedHealth Group, Inc.; UnitedHealthcare Insurance Company;  
6 UnitedHealthcare Services, Inc.; UnitedHealthCare, Inc.; PacifiCare Life and Health  
7 Insurance Co.; and UHC of California (formerly known as PacifiCare of California).  
8 In accordance with this Court’s Order filed March 17, 2017, the United States will file  
9 and serve its Complaint-in-Intervention against the United defendants by May 1, 2017.

10 The United States reserves its right to intervene, for good cause, against  
11 defendants HealthCare Partners; Healthcare Partners Medical Group.; and Healthcare  
12 Partners Independent Physician Association (collectively “HCP”).

13 Although the United States has not intervened against HCP at this time, it  
14 respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the Relator to  
15 maintain this action against HCP in the name of the United States, provided, however,  
16 that the “action may be dismissed only if the court and the Attorney General give written  
17 consent to the dismissal and their reasons for consenting.” *Id.*

18 The United States Court of Appeals for the Ninth Circuit has held that,  
19 notwithstanding this language, the United States only has the right to a hearing when it  
20 objects to a settlement or dismissal of the action. *U.S. ex rel. Green v. Northrop Corp.*,  
21 59 F.3d 953, 959 (9th Cir. 1995); *U.S. ex rel. Killingsworth v. Northrop Corp.*, 25 F.3d  
22 715, 723-25 (9th Cir. 1994). Therefore, the United States requests that, should Relator  
23 or the defendants propose that this action against HCP be dismissed, settled, or otherwise  
24 discontinued, Relator and the defendants provide the United States with notice of the  
25 same and the Court provide the United States with an opportunity to be heard before the  
26 Court rules or grants its approval.

27 The United States also reserves the right to seek the dismissal of the Relator’s  
28 action or claims on any appropriate grounds, including under 31 U.S.C. §§ 3730(b)(5)

1 and (e)(4).

2           The United States maintains its prior request that all filings relating to its motions  
3 for extensions of the intervention deadline and seal in this action remain under seal. This  
4 is because discussions of the content and extent of the United States' investigation are  
5 provided under law to the Court alone for the sole purpose of evaluating whether the seal  
6 and time for making an election to intervene should be extended.

7           Pursuant to 31 U.S.C. § 3730(c)(3), the United States also maintains its prior  
8 request that, as to the part of the action in which the United States has not intervened (the  
9 claims against HCP), all pleadings filed in this action be served upon the United States  
10 and that all orders issued by the Court in this action be sent to counsel for the United  
11 States. The United States reserves its right to order any deposition transcripts. The  
12 United States also requests that it be served with all notices of appeal in this action.

13           A proposed order accompanies this Notice.

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Dated: March 24, 2017

Respectfully submitted,

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/S/ John E. Lee

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