

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

MICHAEL P. MISCH et al. on behalf of the )  
UNITED STATES OF AMERICA, and the STATE )  
OF INDIANA, )

Plaintiffs, )

v. )

CASE NO. 3:16-cv-587

MEMORIAL HOSPITAL OF SOUTH BEND, )  
INC., et al., )

Defendants. )

**STIPULATION FOR DISMISSAL OF CLAIMS ON  
BEHALF OF THE STATE OF INDIANA**

Relators, by counsel, and the State of Indiana (the “State”), by counsel, hereby stipulate as follows:

On December 29, 2017, the State pursuant to Ind. Code § 5-11-5.7-5(b), filed its Motion to Dismiss the *qui tam* claims the Relators have asserted on behalf of the State. While the Relators do not agree with the State of Indiana’s legal analysis of the claims raised in this matter, the Relators and the State, however, agree that the State is entitled to substantial deference in deciding what claims are prosecuted on its behalf.

The Relators have directly communicated their concerns to the State and stipulate that such communication satisfies the requirement under Ind. Code § 5-11-5.7-5(b) that the Relators have the opportunity to be heard on the motion. As a result, Plaintiffs have decided not to oppose the State’s motion.

Accordingly, the Relators and the State of Indiana stipulate to the dismissal with prejudice of any and all claims the Relators have raised on behalf of the State of Indiana.

Respectfully Submitted,

/s/ Michael P. Misch

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of January 2017, a copy of the foregoing was filed electronically with the Court. Notice of this filing will be sent to all parties registered on the Court's electronic filing system. Parties may access this filing through the Court's system.

*/s/ Michael P. Misch*

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Michael P. Misch (#27970-71)

Bradley P. Colborn (#28501-20)