

ORIGINAL

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2009 NOV 24 PM 2:03
U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES
BY: [Signature]

FILED

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10 EASTERN DIVISION
11

12
13 **UNITED STATES, THE STATES OF**
14 **CALIFORNIA, DELAWARE,**
15 **FLORIDA, NEVADA and**
16 **TENNESSEE, and the**
COMMONWEALTHS OF
MASSACHUSETTS AND VIRGINIA
ex rel. JOHN HENDRIX,

EDCV 06-0055 GW

CALIFORNIA ATTORNEY
GENERAL'S NOTICE OF
DECLINATION PURSUANT TO
THE CALIFORNIA FALSE
CLAIMS ACT

17 Plaintiffs,

18 v.

[Filed under seal pursuant to the False
Claims Act, 31 U.S.C. § 3730 (b)(2)
and (3); and the California False
Claims Act; Cal. Gov't Code
§12652(c)]

19 **J-M MANUFACTURING**
20 **COMPANY, INC., a Delaware**
21 **Corporation,**

22 Defendant.
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1 TO THE HONORABLE UNITED STATES DISTRICT COURT FOR THE
2 CENTRAL DISTRICT OF CALIFORNIA:

3 PLEASE TAKE NOTICE that the Attorney General of the State of California
4 elects to decline intervention in this action pursuant to the California False Claims
5 Act, California Government Code section 12652(c)(6)(B).

6 This action should remain under seal pursuant to the False Claims Act, 31
7 U.S.C. § 3730, and the Court's order dated October 8, 2009, because the United
8 States, the States of Delaware, Florida, Nevada, and Tennessee, and the
9 Commonwealths of Massachusetts and Virginia have not yet filed notices of
10 election regarding intervention in this matter.

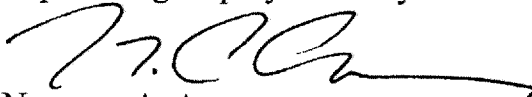
11 The *qui tam* plaintiff has also asserted claims on behalf of the California
12 political subdivisions listed in Exhibit 1 to the Complaint. The Attorney General
13 has forwarded the Complaint to the prosecuting authorities of these political
14 subdivisions pursuant to Government Code section 12652 (c)(8)(a). However, the
15 prosecuting authorities have not informed the Attorney General of their intentions
16 regarding intervention.

17 Finally, pursuant to Government Code section 12652 (f)(1), the Attorney
18 General requests to be served with copies of all pleadings filed in this action.¹

19 Dated: October 23, 2009

Respectfully submitted,

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21 EDMUND G. BROWN JR.
Attorney General of California
22 JACQUELINE DALE
Supervising Deputy Attorney General

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25 NICKLAS A. AKERS
Deputy Attorney General
Attorneys for the People
of the State of California

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27 ¹ In addition, the parties have a duty to serve the Attorney General with
28 copies of all papers filed in any appeal. See Cal. Gov't. Code § 12656.

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *UNDER SEAL V. UNDER SEAL*

No.: EDCV 06-0055 GW

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On November 23, 2009, I served the attached **CALIFORNIA ATTORNEY GENERAL'S NOTICE OF DECLINATION PURSUANT TO THE CALIFORNIA FALSE CLAIMS ACT** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Howard F. Daniels
United States Attorney's Office
300 N. Los Angeles Street, Suite 7516
Los Angeles, CA 90012

Mary Inman
Phillips & Cohen LLP
131 Steuart Street, Suite 501
San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 23, 2009, at San Francisco, California.

Nancy Quach

Declarant



Signature