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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

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10 Attorneys for the United States of America  
 11 UNITED STATES DISTRICT COURT  
 12 CENTRAL DISTRICT OF CALIFORNIA  
 13 EASTERN DIVISION

14	[UNDER SEAL],	)	CASE NO. EDCV 06-0055 GW
15	Plaintiff(s),	)	NOTICE OF ELECTION BY THE
16	vs.	)	UNITED STATES OF AMERICA
17	[UNDER SEAL],	)	TO DECLINE INTERVENTION
18	Defendant(s).	)	[Filed Under Seal Pursuant to
19		)	the False Claims Act, 31
		)	U.S.C. §3730 (b)(2) and (3)]

20 [LODGED CONCURRENTLY UNDER SEAL: [PROPOSED] ORDER RE UNITED  
 21 STATES' ELECTION TO DECLINE INTERVENTION AND UNSEALING OF  
 22 COMPLAINT]  
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11 UNITED STATES DISTRICT COURT

12 CENTRAL DISTRICT OF CALIFORNIA

13 EASTERN DIVISION

14 UNITED STATES, THE STATES OF )	CASE NO. EDCV 06-0055 GW
CALIFORNIA, DELAWARE, )	
15 FLORIDA, NEVADA and )	NOTICE OF ELECTION BY THE
TENNESSEE and THE )	UNITED STATES OF AMERICA
16 COMMONWEALTHS OF )	TO DECLINE INTERVENTION
MASSACHUSETTS and VIRGINIA )	
17 <u>ex rel.</u> JOHN HENDRIX, )	[Filed Under Seal Pursuant to
)	the False Claims Act, 31
18 Plaintiffs, )	U.S.C. §3730 (b)(2) and (3)]
)	
19 vs. )	[LODGED CONCURRENTLY UNDER
)	SEAL: [PROPOSED] ORDER RE
20 J-M MANUFACTURING COMPANY )	UNITED STATES' ELECTION TO
INC., a Delaware corporation,) )	DECLINE INTERVENTION AND
21 )	UNSEALING OF COMPLAINT]
22 Defendant. )	

23 Pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2),  
 24 (b)(4) and (c)(3), the United States of America ("the  
 25 Government"), by the undersigned attorney, hereby notifies the  
 26 Court that the Government elects to decline to intervene and take  
 27 over this action at this time.

28 Although it declines to intervene, the Government is

1 entitled to receive notice of any proposed settlement or  
2 dismissal of the action, because it has the right to a hearing on  
3 any objection it may have to such a settlement or dismissal.

4 U.S. ex rel. Green v. Northrop Corp., 59 F.3d 953, 959 (9th Cir.  
5 1995); U.S. ex rel. Killingsworth v. Northrop Corp., 25 F.3d 715,  
6 723-25 (9th Cir. 1994). Accordingly, the Government hereby  
7 requests that, should either the relator or the defendant propose  
8 to dismiss, settle, or otherwise discontinue this action, the  
9 Court provide the Government with notice and an opportunity to be  
10 heard before the Court rules or grants its approval.

11 In addition, pursuant to 31 U.S.C. § 3730(c)(3), the  
12 Government will request at the time this matter is unsealed that  
13 the parties serve the Government, through its undersigned  
14 counsel, with copies of all pleadings and papers filed in the  
15 action. The Government will also request that it be served with  
16 copies of all orders filed in the action, and all papers lodged  
17 in the action. The Government notes that 31 U.S.C. § 3730(c)(3)  
18 permits the Government to be supplied with copies of all

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1 deposition transcripts at the Government's expense, but the  
2 Government currently declines to request that it be served with  
3 deposition transcripts.

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5 DATED: February 4, 2010

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Assistant United States Attorney

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Attorneys for  
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