

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES ex rel.)
UNDER SEAL,)
)
Plaintiffs,)
)
v.)
)
UNDER SEAL,)
)
Defendant.)

Case No. 00-6158

FILED UNDER SEAL

UNITED STATES' NOTICE OF INTERVENTION FOR PURPOSES OF
SETTLEMENT

FILED

FEB 07 2008

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

A TRUE COPY CERTIFIED TO FROM THE RECORD
DATED: 2-7-08
ATTEST: Theresa Milano
DEPUTY CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,
ex rel. H. DEAN STEINKE,

Case No. 00-6158
FILED UNDER SEAL

STATE OF ILLINOIS, ex rel.
H. Dean Steinke,

STATE OF CALIFORNIA, ex rel.
H. Dean Steinke,

STATE OF FLORIDA, ex rel.
H. Dean Steinke,

STATE OF TEXAS, ex rel.
H. Dean Steinke,

STATE OF MASSACHUSETTS, ex rel.
H. Dean Steinke,

STATE OF TENNESSEE, ex rel.
H. Dean Steinke,

STATE OF DELAWARE, ex rel.
H. Dean Steinke,

STATE OF NEVADA, ex rel.
H. Dean Steinke,

STATE OF LOUISIANA, ex rel.
H. Dean Steinke,

STATE OF HAWAII, ex rel.
H. Dean Steinke,

DISTRICT OF COLUMBIA, ex rel.
H. Dean Steinke,

STATE OF INDIANA, ex rel.
H. Dean Steinke,

STATE OF NEW YORK, <u>ex rel.</u>)
H. Dean Steinke,)
)
Plaintiffs,)
)
v.)
)
MERCK & CO., INC.,)
)
Defendant.)
)

UNITED STATES’ NOTICE OF INTERVENTION FOR PURPOSES OF SETTLEMENT

The United States of America, by and through its attorneys, Patrick L. Meehan, United States Attorney for the Eastern District of Pennsylvania, and Viveca D. Parker, Assistant United States Attorney for the Eastern District of Pennsylvania, hereby notifies the Court that:

1. Pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4), the United States notifies this Court that it is intervening in this action only as to the allegations contained in the Third Amended Complaint filed in this qui tam action;

2. The United States and the relator have executed written agreements with defendant in full settlement of the United States’ and relator’s claims and causes of action based upon the False Claims Act against defendant as set forth in the Third Amended Complaint, copies of which are attached hereto and incorporated herein by this reference;

3. Simultaneously herewith, and with the concurrence of the United States, the relator is filing a Stipulation that the False Claims Act claims and causes of action set forth in the Third Amended Complaint be dismissed with prejudice as to the relator and the United States, and that the entire action be dismissed with prejudice as to the relator.

Accordingly, pursuant to Federal Rule of Civil Procedure 41(a) and 31 U.S.C. § 3730(d)(1), the United States requests that:

1. Only the allegations contained in the Third Amended Complaint be dismissed with prejudice as to the United States;
2. The remaining claims in this action be dismissed without prejudice as to the United States;
3. The entire action be dismissed with prejudice as to the relator;
4. These dismissals become effective only upon receipt of the Settlement Amount, plus interest, and relator's attorneys' fees and costs, as set forth in the attached Settlement Agreement.

Provided, however, that the Court shall retain jurisdiction [REDACTED] to enforce the terms of the settlement agreement by and between the parties. The United States further requests that the relator's Third Amended Complaint, [REDACTED] this Notice, the Stipulation of Dismissal, and the attached proposed Order be unsealed effective on February 7, 2008. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court only for the purpose of evaluating whether the seal and time for making an election to intervene should be extended.

Handwritten initials/signature

February 7, 2008

Respectfully submitted,

PATRICK L. MEEHAN
United States Attorney

Virginia A. Gibson

VIRGINIA A. GIBSON
Assistant United States Attorney
Chief, Civil Division


By: *Viveca D. Parker*

VIVECA D. PARKER
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **UNITED STATES'**
NOTICE OF INTERVENTION FOR PURPOSES OF SETTLEMENT has been sent by
United States Mail this 7th day of February 2008, to the following:

Steven H. Cohen, Esquire
Cohen Law Group, P.C.
Suite 850
500 North Michigan Avenue
Chicago, Illinois 60611
Relator's Counsel



VIVECA D. PARKER
Assistant United States Attorney

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Plaintiffs,

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MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

The United States having intervened in this action, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4), the Court rules as follows:

IT IS ORDERED that,

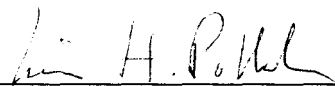
2/7/08 LHP

(The Third Amended Complaint)

1. the relator's complaint, the Government's Notice of Intervention, and this Order be unsealed;
2. All other papers or Orders on file in this matter shall remain under seal; and
4. the seal shall be lifted on all matters occurring in this action on and after the date of this Order.

IT IS SO ORDERED,

This 7 day of February, 2008.



Louis H. Pollak
United States District Judge