

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

STIPULATION OF DISMISSAL

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 Mitero

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,

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,

Case No. 00-6158
FILED UNDER SEAL

STATE OF NEW YORK, ex rel.)
H. Dean Steinke,)
)
Plaintiffs,)
)
v.)
)
MERCK & CO., INC.,)
)
Defendant.)
_____)

FILED

FEB 07 2008

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

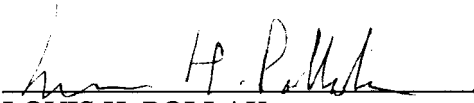
ORDER

AND NOW, this 7 day of February 2008, upon consideration of the Stipulation of Dismissal, it is hereby ORDERED THAT:

- (i) This action is dismissed with prejudice as to the relator; and
- (ii) Only the allegations and claims set forth in the Third Amended Complaint are dismissed with prejudice as to the United States and the plaintiff states; and
- (iii) The additional claims made by relator in this action are dismissed without prejudice as to the United States or the plaintiff states;
- (iv) 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; and

- (v) The Court shall retain jurisdiction to enforce the terms of the settlement agreement by and between the parties.

February 7, 2008



LOUIS H. POLLAK
UNITED STATES DISTRICT COURT JUDGE

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

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

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,

Case No. 00-6158
FILED UNDER SEAL

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

STIPULATION OF DISMISSAL

Counsel for the respective signatories hereto represent that the parties agree that the federal and state False Claims Act claims and causes of action made in this matter should be dismissed as set forth below, on the ground that the matter has been resolved by the parties inasmuch as the parties, together with the United States of America, through its attorney Patrick L. Meehan, United States Attorney for the Eastern District of Pennsylvania, have entered into a settlement of such claims.

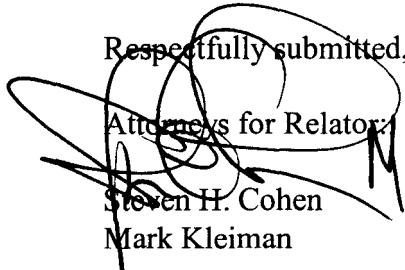
Accordingly, the parties, through their respective undersigned attorneys, respectfully request that the Court issue an order

1. Dismissing only the allegations and claims set forth in the Third Amended Complaint with prejudice as to the United States and the plaintiff states;
2. Dismissing the additional claims made by relator in this action without prejudice as to the United States and the plaintiff states;
3. Dismissing the entire action, including any and all complaints filed herein, with prejudice as to the relator;

4. Making these dismissals effective only upon receipt of the Settlement Amount, plus interest, as set forth in the attached Settlement Agreement.

5. Retaining jurisdiction ~~(i) over the ongoing claims of the plaintiffs and (ii) to enforce the terms of the settlement agreement by and between the parties;~~ PJK

Respectfully submitted,

Attorneys for Relator:  Mark Kleiman

Attorneys for the Plaintiff States:

STATE OF ILLINOIS
By: 

STATE OF CALIFORNIA
By: _____

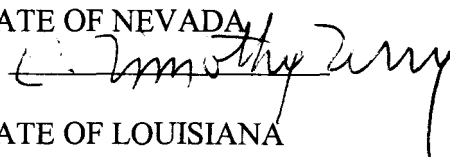
STATE OF FLORIDA
By: _____

STATE OF TEXAS
By: _____

STATE OF MASSACHUSETTS
By: _____

STATE OF TENNESSEE
By: _____

STATE OF DELAWARE
By: _____

STATE OF NEVADA
By: 

STATE OF LOUISIANA
By: _____

STATE OF HAWAII
By: _____

2. Dismissing the additional claims made by relator in this action without prejudice as to the United States and the plaintiff states;
3. Dismissing the entire action, including any and all complaints filed herein, with prejudice as to the relator;
4. Making these dismissals effective only upon receipt of the Settlement Amount, plus interest, as set forth in the attached Settlement Agreement.
5. Retaining jurisdiction ~~()~~ ~~to enforce the terms of the settlement agreement by and between the parties;~~
~~()~~ to enforce the terms of the settlement agreement by and between the parties;

Respectfully submitted,

Attorneys for Relator:

Steven H. Cohen
 Mark Kleiman

Attorneys for the Plaintiff States:

STATE OF ILLINOIS

By: _____

STATE OF CALIFORNIA

By: *Adeline A. Remmer*

STATE OF FLORIDA

By: _____

STATE OF TEXAS

By: _____

STATE OF MASSACHUSETTS

By: _____

STATE OF TENNESSEE

By: _____

STATE OF DELAWARE

4. Making these dismissals effective only upon receipt of the Settlement Amount, plus interest, as set forth in the attached Settlement Agreement.
5. Retaining jurisdiction (i) ~~over the remaining claims of the Plaintiff and the United States~~ (ii) to enforce the terms of the settlement agreement by and between the parties;

Respectfully submitted,

Attorneys for Relator:

Steven H. Cohen
Mark Kleiman

Attorneys for the Plaintiff States:

STATE OF ILLINOIS

By: _____

STATE OF CALIFORNIA

By: _____

STATE OF FLORIDA

By: *Darin A. Berry* for
Director of Medicaid Fraud Rick Lober

STATE OF TEXAS

By: _____

STATE OF MASSACHUSETTS

By: _____

STATE OF TENNESSEE

By: _____

STATE OF DELAWARE

By: _____

STATE OF NEVADA

By: _____

STATE OF LOUISIANA

By: _____

STATE OF HAWAII

By: _____

5. Retaining jurisdiction (i) over the [redacted] of the United States to enforce the terms of the settlement agreement by and between the parties;

Respectfully submitted,

Attorneys for Relator:

Steven H. Cohen
Mark Kleiman

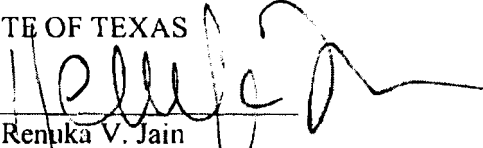
By: _____

Attorneys for the Plaintiff States:

STATE OF ILLINOIS
By: _____

STATE OF CALIFORNIA
By: _____

STATE OF FLORIDA
By: _____

STATE OF TEXAS
By: 
Renuka V. Jain
Assistant Attorney General
SBN 10533350
Antitrust & Civil Medicaid Fraud Section
Office of the Attorney General
P. O. Box 12548 Capitol Station
Austin, Texas 78711-2548
512-499-0712 (fax)
512-463-2185

STATE OF MASSACHUSETTS
By: _____

STATE OF TENNESSEE
By: _____

STATE OF DELAWARE
By: _____

STATE OF NEVADA
By: _____

4. Making these dismissals effective only upon receipt of the Settlement Amount, plus interest, as set forth in the attached Settlement Agreement.
5. Retaining jurisdiction ~~(*) on the remaining claims of Plaintiff, and the United States, and (*)~~ to enforce the terms of the settlement agreement by and between the parties;

Respectfully submitted,

Attorneys for Relator:

Steven H. Cohen
Mark Kleiman

Attorneys for the Plaintiff States:

STATE OF ILLINOIS
By: _____

STATE OF CALIFORNIA
By: _____

STATE OF FLORIDA
By: _____

STATE OF TEXAS
By: _____

STATE OF MASSACHUSETTS
By: Chaz W

STATE OF TENNESSEE
By: _____

STATE OF DELAWARE
By: _____

STATE OF NEVADA
By: _____

STATE OF LOUISIANA
By: _____

STATE OF HAWAII
By: _____

4. Making these dismissals effective only upon receipt of the Settlement Amount, plus interest, as set forth in the attached Settlement Agreement.
5. Retaining jurisdiction ~~()~~ ~~to enforce the terms of the settlement agreement by and between the parties;~~ ~~to enforce the terms of the settlement agreement by and between the parties;~~

Respectfully submitted,

Attorneys for Relator:

Steven H. Cohen
Mark Kleiman

Attorneys for the Plaintiff States:

STATE OF ILLINOIS
By: _____

STATE OF CALIFORNIA
By: _____

STATE OF FLORIDA
By: _____

STATE OF TEXAS
By: _____

STATE OF MASSACHUSETTS
By: _____

STATE OF TENNESSEE
By:  _____

STATE OF DELAWARE
By: _____

STATE OF NEVADA
By: _____

STATE OF LOUISIANA
By: _____

STATE OF HAWAII
By: _____

U.S. DEPT. OF JUSTICE
US ATTORNEY E.D. OF PA

2008 JAN 30 A 10: 23

STATE OF TEXAS

By: _____


STATE OF MASSACHUSETTS

By: _____

STATE OF TENNESSEE

By: _____

STATE OF DELAWARE

By:  _____

STATE OF NEVADA

By: _____

STATE OF LOUISIANA

By: _____

STATE OF HAWAII

By: _____

DISTRICT OF COLUMBIA

By: _____

STATE OF INDIANA

By: _____

STATE OF NEW YORK

By: _____

By:

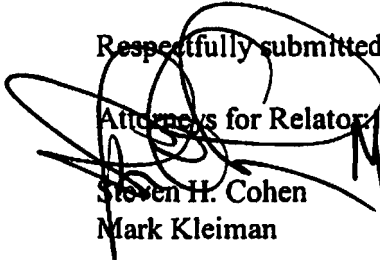
Attorneys for the United States:

PATRICK L. MEEHAN
United States Attorney

VIRGINIA A. GIBSON
Assistant United States Attorney


- 4. Making these dismissals effective only upon receipt of the Settlement Amount, plus interest, as set forth in the attached Settlement Agreement.
- 5. Retaining jurisdiction (~~to enforce the terms of the settlement agreement by and between the parties;~~) ~~to enforce the terms of the settlement agreement by and between the parties;~~

Respectfully submitted,


Attorneys for Relator:
Steven H. Cohen
Mark Kleiman

Attorneys for the Plaintiff States:

STATE OF ILLINOIS

By: 

STATE OF CALIFORNIA

By: _____

STATE OF FLORIDA

By: _____

STATE OF TEXAS

By: _____

STATE OF MASSACHUSETTS

By: _____

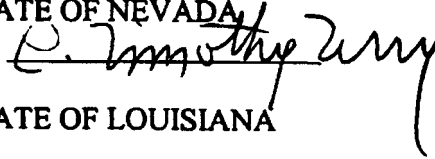
STATE OF TENNESSEE

By: _____

STATE OF DELAWARE

By: _____

STATE OF NEVADA

By: 

STATE OF LOUISIANA

By: _____

STATE OF HAWAII

By: _____

5. Retaining jurisdiction

~~to enforce the terms of the settlement agreement by and between the parties;~~

to enforce the terms of the settlement agreement by and between the parties;

Respectfully submitted,

Attorneys for Relator:

Steven H. Cohen
Mark Kleiman

By: _____

Attorneys for the Plaintiff States:

STATE OF ILLINOIS

By: _____

STATE OF CALIFORNIA

By: _____

STATE OF FLORIDA

By: _____

STATE OF TEXAS

By: _____

STATE OF MASSACHUSETTS

By: _____

STATE OF TENNESSEE

By: _____

STATE OF DELAWARE

By: _____

STATE OF NEVADA

By: _____

STATE OF LOUISIANA

James D. "Buddy" Caldwell
Attorney General

By: 
Fred Duh
Assistant Attorney General

STATE OF HAWAII

By: _____

4. Making these dismissals effective only upon receipt of the Settlement Amount, plus interest, as set forth in the attached Settlement Agreement.
5. Retaining jurisdiction ~~(i) over the remaining claims of the plaintiff state of~~
~~Illinois, and (ii)~~ to enforce the terms of the settlement agreement by and between the parties;

Respectfully submitted,

Attorneys for Relator:

Steven H. Cohen
Mark Kleiman

Attorneys for the Plaintiff States:

STATE OF ILLINOIS
By: _____

STATE OF CALIFORNIA
By: _____

STATE OF FLORIDA
By: _____

STATE OF TEXAS
By: _____

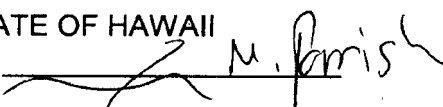
STATE OF MASSACHUSETTS
By: _____

STATE OF TENNESSEE
By: _____

STATE OF DELAWARE
By: _____

STATE OF NEVADA
By: _____

STATE OF LOUISIANA
By: _____

STATE OF HAWAII
By:  _____

DISTRICT OF COLUMBIA

By: Bennett Rushkoff
Bennett Rushkoff, Senior Division Counsel

By: Juan Benedic
Special Assistant AG-DC

STATE OF INDIANA

By: _____

STATE OF NEW YORK

By: _____

Attorneys for the United States:

PATRICK L. MEEHAN
United States Attorney

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

Viveca D. Parker
Assistant United States Attorney

By:

January 30, 2008

By: _____

STATE OF INDIANA

By:  _____

STATE OF NEW YORK

By:

By: _____

Attorneys for the United States:

PATRICK L. MEEHAN
United States Attorney

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

Viveca D. Parker
Assistant United States Attorney

By:

January 30, 2008

DISTRICT OF COLUMBIA

By: _____

STATE OF INDIANA

By: _____

STATE OF NEW YORK

By: Heidi A. Waudel
Dir. MFCU

By:

Attorneys for the United States:

PATRICK L. MEEHAN

United States Attorney

VIRGINIA A. GIBSON

Assistant United States Attorney
Chief, Civil Division

Viveca D. Parker

Assistant United States Attorney

Viveca D. Parker
By:

January 30, 2008