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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES, and the STATE OF CALIFORNIA, *ex rel.* MANUEL ALCAINE, Plaintiff and Relator, v. BRADEN PARTNERS, LP, TEIJIN PHARMA USA LLC, PETER B. KELLY AND CHAD HEATH MARTIN, AS INDIVIDUALS AND PARTNERS OF BRADEN PARTNERS, LP, SAN LEANDRO SLEEP DISORDERS CENTER, PC CONTRA CONSTA SLEEP CENTER, LLC, DRS. KIRIT PATEL, JAGJEET KALRA, AND RON KASS, D.B.A. HAYWARD EB SLEEP DISORDERS CENTER; DR. MAN KONG LEUNG, D.B.A PACIFIC COAST SLEEP DISORDERS; AND DR. HARAMANDEEP SINGH, D.B.A. SLEEP MEDICINE SPECIALISTS OF CALIFORNIA, Defendants.	No. 10-CV-4597 PJH STIPULATION OF VOLUNTARY DISMISSAL OF REMAINING CLAIMS AND ORDER THEREON

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act ("FCA"), 31 U.S.C. § 3730(b)(1), the Relator Manuel Alcaine, and Braden Partners, LP, doing business as Pacific Pulmonary Services (PPS) (collectively the "Parties"), hereby stipulate as follows:

1. On April 17, 2017, the United States, the State of California, the Relator Manuel Alcaine (hereinafter "Relator" or "Alcaine") and Defendant Braden Partners, LP (hereinafter "PPS"), entered into a settlement agreement resolving all claims asserted on behalf of the United States and the State of California against PPS and Teijin Pharma USA LLC ("TPUS") pursuant to the FCA, 31 U.S.C. §§ 3729-3733, and the California False Claims Act, Cal. Government Code § 12650 *et seq.* in the above-captioned action ("Qui Tam Settlement Agreement").
2. The Qui Tam Settlement Agreement did not address or dismiss Relator's entitlement to attorneys' fees and costs pursuant to 31 U.S.C. § 3730(d) or Relator's employment claim under 31 U.S.C. § 3730(h) (Count VI).
3. On April 19, 2017, Relator Manuel Alcaine, his counsel and PPS entered into a settlement agreement regarding Count VI of the above captioned complaint brought under 31 U.S.C. § 3730(h) as well as attorney's fees and costs pursuant to 31 U.S.C. § 3730(d). ("Relator Settlement Agreement.")
4. Pursuant to the Relator Settlement Agreement, and subject to Relator's rights to pursue the remedies set forth in Paragraphs 7, 9 and 12 of the Qui Tam Settlement, an action for breach of PPS' obligation to pay under the Qui Tam Agreement, and to seek attorneys' fees and costs in doing so incurred after the date of the Relator Settlement Agreement, the Relator hereby dismisses with prejudice any and all claims he has under 31 U.S.C. Section 3730(d) and 31 U.S. C. Section 3730(h) against PPS, TPUS, and defendants Peter B. Kelly and Chad Heath Martin.
5. Once the above referenced claims are dismissed, no other claims remain pending in this action.

IT IS SO STIPULATED.

FOR RELATOR MANUEL ALCAINE

DATED: 4/29/17 BY: _____
RICHARD W. RAUSHENBUSH
BARBARA GIUFFRE
Attorneys for *Qui Tam* Relator

DATED: 4/29/17 BY: _____ as authorized
JANET REHNQUIST
Rehnquist Law PLLC
Attorney for *Qui Tam* Relator

FOR DEFENDANT BRADEN PARTNERS DBA PPS

DATED: _____ BY: _____
WALTER F. BROWN, JR.
AMY M. ROSS
MICHAEL D. WEIL
Orrick, Herrington & Sutcliffe LLP
Attorneys for Braden Partners LP dba PPS

DATED: _____ BY: _____
BARRY D. ALEXANDER
Polsinelli, PC
Attorney for Braden Partners L.P. dba PPS

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____, 201_ By: _____
Honorable PHYLLIS J. HAMILTON
United States District Judge

IT IS SO STIPULATED.

FOR RELATOR MANUEL ALCAINE

DATED: _____ BY: _____
RICHARD W. RAUSHENBUSH
BARBARA GIUFFRE
Attorneys for *Qui Tam* Relator

DATED: _____ BY: _____
JANET REHNQUIST
Rehnquist Law PLLC
Attorney for *Qui Tam* Relator

FOR DEFENDANT BRADEN PARTNERS DBA PPS

DATED: 4-24-17 BY: _____
WALTER F. BROWN, JR.
AMY M. ROSS
MICHAEL D. WEIL
Orrick, Herrington & Sutcliffe LLP
Attorneys for Braden Partners LP dba PPS

DATED: _____ BY: _____
BARRY D. ALEXANDER
Polsinelli, PC
Attorney for Braden Partners L.P. dba PPS

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____, 201_ By: _____
Honorable PHYLLIS J. HAMILTON
United States District Judge

IT IS SO STIPULATED.

FOR RELATOR MANUEL ALCAINE

DATED: _____ BY: _____
RICHARD W. RAUSHENBUSH
BARBARA GIUFFRE
Attorneys for *Qui Tam* Relator

DATED: _____ BY: _____
JANET REHNQUIST
Rehnquist Law PLLC
Attorney for *Qui Tam* Relator

FOR DEFENDANT BRADEN PARTNERS DBA PPS

DATED: _____ BY: _____
WALTER F. BROWN, JR.
AMY M. ROSS
MICHAEL D. WEIL
Orrick, Herrington & Sutcliffe LLP
Attorneys for Braden Partners LP dba PPS

DATED: 5/1/17 BY: _____
BARRY D. ALEXANDER
Polsinelli, PC
Attorney for Braden Partners L.P. dba PPS

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 31, 2017 By: _____
Honorable PHYLLIS J. HAMILTON
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
IT IS SO ORDERED
Judge Phyllis J. Hamilton