

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES, and STATE OF NEW YORK,  
*ex rel.* JANE DOE and MARY ROE,

Plaintiffs,

v.

EIHAB HUMAN SERVICES, INC. and  
FATMA ABOUD,

Defendants.

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**STIPULATION AND  
ORDER FILED UNDER SEAL**

Civil Action No. CV-10-0898

(Dearie, J.)  
(Gold, M.J.)

**FILED**  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

★ **MAR 05 2013** ★

**BROOKLYN OFFICE**

WHEREAS, Jane Doe and Mary Roe (the "Relators") filed the above-referenced action in the United States District Court for the Eastern District of New York, in which they asserted claims on behalf of the United States pursuant to the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3729 *et seq.* (the "FCA");

WHEREAS, in their Complaint (and in their Amended Complaint), Relators also asserted claims pursuant to the New York State False Claims Act, New York State Fin. Law §§189 *et seq.* (the "NYS FCA");

WHEREAS, in accordance with 31 U.S.C. § 3730(b), Relators' Complaint was deemed sealed for a period of at least sixty days from the date of service of the Complaint and disclosure statement on the United States, and the seal and the intervention deadlines were extended by Court order;

WHEREAS, the United States, Relators, and Defendant Elhab Human Services, Inc. ("Eihab") have entered into a civil settlement agreement resolving certain of the FCA claims alleged by Relators in their Amended Complaint (the "Federal Settlement Agreement");

WHEREAS, in accordance with the provisions of the Federal Settlement Agreement, the FCA claims contained in the “Covered Conduct” paragraph shall be dismissed with prejudice, and all other FCA claims brought on behalf of the United States shall be dismissed with prejudice as to Relators and without prejudice as to the United States;

WHEREAS, the State of New York, Relators, and Eihab similarly entered into a civil settlement agreement that resolved certain of the NYS FCA claims alleged by Relators in their Amended Complaint (the “State Settlement Agreement”);

WHEREAS, Relators’ Amended Complaint contains certain claims that they have raised on their own behalf in Counts 7 and in Counts 11 through 15, and those claims were not settled as part of the Federal or State Settlement Agreements; also not resolved at this time are claims by Relators against (a) Eihab for attorney’s fees, costs, and expenses relevant to the claims that were settled (“Attorney’s Fees Claims”), and (b) the United States for a share of the federal settlement amount (“Relators’ Share Claims”);

WHEREAS, Relators seek twenty days from the date of this Stipulation to serve and file an amended complaint that excludes all of the claims brought on behalf of the United States and the State of New York pursuant to the FCA and NYS FCA;

WHEREAS, Eihab has not yet been served with any complaints in this case;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

1. The Clerk of the Court shall unseal Relators’ Amended Complaint and this Stipulation and Order, but maintain the seal on all prior documents filed with the Court. The seal shall be lifted as to all future documents filed with the Court.
2. The claims in Relators’ Amended Complaint that are encompassed in the

Covered Conduct paragraphs of the Federal and State Settlement Agreements are dismissed with prejudice. All remaining claims that Relators brought on behalf of the United States or the State of New York in accordance with the FCA or NYS FCA are dismissed with prejudice as to Relators and without prejudice as to the United States and the State of New York..

3. Relators shall have twenty (20) days from the date of this Stipulation to serve and file a Second Amended Complaint that only contains claims brought on their own behalf, and does not contain any claims brought under the FCA or NYS FCA on behalf of the United States or the State of New York.

4. To the extent not settled, this Court shall retain jurisdiction over Relators' Attorney Fees Claims and Relators' Share Claims.

5. The Clerk of the Court shall provide the United States Attorney's Office, Eastern District of New York, 271 Cadman Plaza East, 7<sup>th</sup> Floor, Brooklyn, New York 11201,

Attn:: AUSA Paul Kaufman with a copy of this fully executed order.

Dated: Brooklyn, New York  
2/1, 2013

LORETTA E. LYNCH  
United States Attorney  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, New York 11201

By: Paul Kaufman  
PAUL KAUFMAN  
Assistant U.S. Attorney  
(718) 254-6047

Dated: New York, New York  
March 1, 2013

ERIC T. SCHNEIDERMAN  
Attorney General of the State of New York

By: Diana Elking /s/ Diana Elking  
ANDREW GROPPER  
Special Assistant Attorney General  
Medicaid Fraud Control Unit  
120-Broadway – Civil Enforcement Division  
New York, New York 10271-0007  
(212) 417-5395  
Special Assist.  
Attorney  
General  
on  
behalf of  
Andrew  
Groppe

**STIPULATION AND ORDER CV 10-0898 (continued)**

Dated: New York, New York  
March 1, 2013

McINNIS LAW  
Counsel for Relators  
521 Fifth Avenue, Suite 1700  
New York, New York 10175

By: Richard F. Bernstein  
TIMOTHY J. McINNIS, Esq.  
RICHARD F. BERNSTEIN, Esq.  
(212) 292-4573

**SO ORDERED:**

Brooklyn, New York  
3/4/13, 2013

s/Raymond J. Dearie

Raymond J. Dearie  
HONORABLE RAYMOND J. DEARIE  
United States District Judge, E.D.N.Y.





**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

PK

*United States Attorney's Office  
271 Cadman Plaza  
Brooklyn, New York 11201*

March 1, 2013

**FILED UNDER SEAL**

By Hand Delivery

Honorable Raymond J. Dearie  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza  
Brooklyn, New York 11201

Re: U.S. ex rel. Doe and Roe v. Eihab Human Services, Inc. et al.  
Civil Action No. CV 10-0898 (Dearie, J.)(Gold, M.J.)

Dear Judge Dearie:

The undersigned represents the United States in the above-referenced action, filed under seal pursuant to the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3730, *et. seq.* (the "FCA"), as well as the New York State False Claims Act, New York State Fin. Law §§189 *et seq.* (the "NYS FCA").

As a result of a settlement between the United States, the State of New York, defendant Eihab Human Services ("Eihab") and Relators Doe and Roe ("Relators") that has now been completed, the undersigned respectfully requests that Your Honor "so order" the enclosed Stipulation that, among other things: (1) dismisses all claims brought by Relators on behalf of the United States and the State of New York pursuant to either the FCA or the NYS FCA; (2) calls for Relators' Amended Complaint to be unsealed; (3) lifts the seal on any future documents filed with the Court; and (4) provides Relators with twenty days to file a Second Amended complaint if they wish to proceed with any claims in their complaint against defendants that were

brought solely on their own behalf (and thus were not part of the federal or state settlement).

Respectfully submitted,  
LORETTA E. LYNCH  
UNITED STATES ATTORNEY

By:   
Paul Kaufman  
Assistant U.S. Attorney  
(718) 254-6047

cc: New York State Attorney General's Office (by email)  
Attn: Andrew Gropper, Special Assistant Attorney General