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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA, *ex rel.*
JAHR, *et al.*,

Plaintiffs,

v.

TETRA TECH EC, INC., *et al.*,

Defendants.

Case No. C 13-3835 JD

**UNITED STATES NOTICE OF
ELECTION TO INTERVENE;
[PROPOSED] ORDER TO UNSEAL**

FILED UNDER SEAL

1. Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court that it hereby intervenes in the above-captioned action for the purpose of

UNITED STATES' NOTICE OF ELECTION TO INTERVENE, No. C 13-3835 JD

1 pursuing allegations that it will set forth in its own complaint against Defendant Tetra Tech EC,
2 Inc. ("Tetra Tech"). The complaint will allege that Tetra Tech presented false claims to the
3 United States in connection with its role at Hunters Point Naval Shipyard, San Francisco,
4 California in testing soil and scanning buildings for the purpose of radiological remediation.

5 2. The United States will take primary responsibility for prosecuting the action
6 pursuant to 31 U.S.C. § 3730(c)(1). The United States will file and serve its complaint within 90
7 days (by January 14, 2019), as provided in Fed. R. Civ. P. 4(m).
8

9 3. This case is currently under seal through October 15, 2018, pursuant to the False
10 Claims Act and order of this Court, dated May 28, 2018.
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12 4. The United States requests that the following be unsealed: (a) the Complaint filed
13 by Relators on August 19, 2013; (b) the Joint Status Report of United States and Relator
14 Regarding Seal Period and Request to Vacate Case Management Dates, filed November 1, 2013;
15 (c) Notice by United States of (1) Apparent Breach of Seal and (2) Request by Defendants for
16 Further Partial Lifting of Seal, filed February 3, 2015; (d) Declaration of Sara Winslow
17 Accompanying Notice by United States of (1) Apparent Breach of Seal and (2) Request by
18 Defendants for Further Partial Lifting of Seal, filed February 3, 2015; (e) Plaintiffs' Notice of
19 Voluntary Dismissal With Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i)
20 of the Employment Retaliation Claims Under 31 U.S.C. § 3730(h), filed March 10, 2015; (f)
21 United States *Ex Parte* Administrative Motion to Consider Whether Cases Should Be Related,
22 filed March 25, 2016; (h) Related Case Order, dated April 1, 2016; (i) this notice of intervention
23 and accompanying order; and (j) all future filings in this action. All other contents of the Court's
24 file in this matter (including, but not limited to, any applications filed by the United States for an
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extension of the sixty-day investigative period or for any other reason) should remain under seal and not be made public or served upon Defendants.

5. The United States requests that the initial case management conference be set at least one month after January 14, 2019, so that the parties may have adequate time to confer after the United States' complaint is filed and served, and prior to the conference.

DATED: October 15, 2018

Respectfully submitted,

ALEX G. TSE
United States Attorney


STEVEN J. SALTIEL
Assistant United States Attorney

[PROPOSED] ORDER TO UNSEAL

Having considered the United States' Notice of Election to Intervene, IT IS HEREBY ORDERED THAT:

1. All current contents of the Court's file in this action shall remain under seal and not be made public or served upon the Defendants, except for: (a) the Complaint filed by Relators on August 19, 2013; (b) the Joint Status Report of United States and Relator Regarding Seal Period and Request to Vacate Case Management Dates, filed November 1, 2013; (c) Notice by United States of (1) Apparent Breach of Seal and (2) Request by Defendants for Further Partial Lifting of Seal, filed February 3, 2015; (d) Declaration of Sara Winslow Accompanying Notice by United States of (1) Apparent Breach of Seal and (2) Request by Defendants for Further Partial Lifting of Seal, filed February 3, 2015; (e) Plaintiffs' Notice of Voluntary Dismissal With Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) of the Employment Retaliation Claims Under 31 U.S.C. § 3730(h), filed March 10, 2015; (f) United STATES' NOTICE OF ELECTION TO INTERVENE, No. C 13-3835 JD

1 States *Ex Parte* Administrative Motion to Consider Whether Cases Should Be Related, filed
2 March 25, 2016; (h) Related Case Order, dated April 1, 2016; (i) and the United States' Notice of
3 Election to Intervene.

4 2. The seal is lifted as to all matters occurring in this action after the date of this
5 Order.
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7 3. The United States shall promptly serve Defendants with a copy of this Order and
8 the United States' Notice of Election to Intervene, and shall serve Defendant Tetra Tech EC, Inc.
9 with the United States' complaint by January 14, 2019, in accordance with Fed. R. Civ. P. 4.
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11 4. The initial case management conference in this action shall be held on _____
12 at 10:00 a.m. in Courtroom 1, 19th floor. Not less than seven days before the conference, counsel
13 shall file a joint case management statement.

14 IT IS SO ORDERED.

15
16 _____
HON. JAMES DONATO
United States District Judge
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following to be served this date upon each of the persons indicated below at the address(es) shown:

**UNITED STATES NOTICE OF ELECTION TO INTERVENE; [PROPOSED] ORDER
C-13-3835 JD
FILED UNDER SEAL**

David C. Anton
1717 Redwood Lane
Davis, California 95616

- ☒ **BY FIRST CLASS MAIL** by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.
- ☐ **CERTIFIED MAIL (#)** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.
- ☐ **BY PERSONAL SERVICE (BY MESSENGER):** I caused such envelope to be delivered by hand to the person or offices of each addressee above.
- ☐ **BY FACSIMILE (FAX):** I caused each such document to be sent by facsimile to the person or offices of each addressee above.
- ☐ **BY E-MAIL:** I caused each such document to be sent by e-mail to the person or offices of each address above
- ☐ **BY FEDERAL EXPRESS**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed October 15, 2018 at San Francisco, California


KATHY TERRY
Legal Assistant