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JUN 12 2017
U.S. DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

United States of America
Ex. Rel. Darren Sewell

and

State of Florida
Ex. Rel. Darren Sewell

Case No. 8:09-cv-1625-T-35TGW

FILED UNDER SEAL

Plaintiffs,

v.

America's 1st Choice Holdings of Florida, LLC,
America's 1st Choice Holdings of North Carolina, LLC,
America's 1st Choice Holdings of South Carolina, LLC,
Freedom Health, Inc., Optimum HealthCare, Inc.,
Liberty Acquisition Group LLC,
Health Management Services of USA LLC,
Global TPA LLC, America's 1st Choice Insurance
Company of North Carolina, Inc. ("AFC-NC"),
America's 1st Choice Health Plans, Inc. ("AFC-SC"),
Dr. Kiranbhai C. Patel, Dr. Devaiah Pagidipati, Siddhartha Pagidipati,
Rupesh Shah, and Mital Panara,

Defendants.

STIPULATION OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) and the False Claims Act, 31 U.S.C. § 3730(b), the United States, the State of Florida, and Relator Darren Sewell, through David Sewell on behalf of the estate of Darren Sewell ("Relator"), through their undersigned counsel, hereby stipulate to the dismissal of this action ("the Civil Action"), consistent with the terms of the two settlement agreements ("Settlement Agreements"), as follows:

DA

- With prejudice as to all claims and allegations of the Relator on behalf of the United States and the State of Florida pursuant to the False Claims Act and Florida False Claims Act;
- with prejudice as to Relator's claims for reasonable attorney's fees, costs and expenses;
- with prejudice as to those claims and allegations of the United States and the State of Florida in the Civil Action that are included within the scope of the Covered Conduct (as defined in the Settlement Agreements); and
- without prejudice as to the United States and the State of Florida for all other remaining claims and allegations in the Civil Action.

Notwithstanding the foregoing, Relator reserves and does not dismiss his claims under 31 U.S.C. § 3730(d) and Florida Statute, § 68.085, for a share of the proceeds of the settlement, and the Court shall retain jurisdiction over those claims, notwithstanding the dismissal of other claims.

Pursuant to 31 U.S.C. § 3730(b)(1) and Florida Statute § 68.083(2), Relator, the United States, and the State of Florida respectfully request that the Court order that this action be dismissed pursuant to the terms of this Stipulation of Dismissal. A proposed Order is attached as Exhibit 1.

Respectfully submitted this th12 day of May, 2017.

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**Counsel for David Sewell on behalf of
the estate of Darren Sewell**


CERTIFICATE OF SERVICE

I hereby certify that on 5/12, 2017, I caused a true and correct copy of the foregoing to be served by U.S. mail and electronic mail upon the following:

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**UNITED STATES DISTRICT COURT
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Dr. Kiranbhai C. Patel, Dr. Devaiah Pagidipati, Siddhartha Pagidipati,
Rupesh Shah, and Mital Panara,

Defendants.

[PROPOSED] ORDER OF DISMISSAL

This Court, having been informed of the settlements entered in this action and pursuant to the Stipulation of Dismissal, it is hereby ORDERED this ____ day of _____, 2017 that this action is dismissed:

- with prejudice as to all claims and allegations of the Relator on behalf of the United

States and the State of Florida pursuant to the False Claims Act and Florida False Claims Act;

- with prejudice as to Relator's claims for reasonable attorney's fees, costs and expenses;
- with prejudice as to those claims and allegations of the United States and the State of Florida in the Civil Action that are included within the scope of the Covered Conduct (as defined in the Settlement Agreements); and
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Mary S. Scriven
United States District Court Judge