

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

**UNITED STATES OF AMERICA and the  
STATE OF NEW JERSEY, ex rel.  
NICHOLAS M. DePACE, M.D.,**

*Plaintiff,*

v.

**THE COOPER HEALTH SYSTEM, A  
NEW JERSEY NON-PROFIT  
CORPORATION (COOPER HOSPITAL),  
et al.,**

*Defendants.*

Honorable Joseph E. Irenas

Civil Action No.: 08-5626 (JEI)

**ORDER**

AND NOW, this 24<sup>th</sup> day of JANUARY 2013, upon consideration of the Joint Stipulation for Dismissal filed by the United States, the State of New Jersey, and Relator and the accompanying Settlement Agreement attached thereto, and for good cause shown, it is hereby

**ORDERED and DECREED** that, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, 31 U.S.C. § 3730(b)(1), only the claims and causes of action asserted in the Relator's Complaint against Defendants The Cooper Health System, Inc., and The Cooper University Hospital, for their alleged submission of, causing the submission of, or conspiracy to submit, claims for Medicare and Medicaid reimbursement, for services resulting from referrals from Cooper Heart Advisory Board ("CHIAB") member physicians during the period of October 1, 2004, through December 31, 2010, which were in violation of State and Federal anti-kickback

and self-referral laws and thus false claims, shall be **DISMISSED** with prejudice based on the terms set forth in the parties' Settlement Agreement, including the obligations of the Defendants to make the payments specified in that Settlement Agreement; and it is further

**ORDERED** that the remainder of the allegations in the complaint shall be **DISMISSED** with prejudice as to the Relator and without prejudice as to the United States and the State of New Jersey based on the terms set forth in the parties' Settlement Agreement; and it is further

**ORDERED** that the Court shall retain jurisdiction over any disputes that may arise regarding compliance with the Settlement Agreement; and it is further

**ORDERED** that only the Complaint, the Notice of Election to Intervene In Part and to Decline to Intervene In Part, Joint Stipulation of Dismissal of Relator's Complaint, Settlement Agreement, and this Order be unsealed. All other contents of the Court's file in this matter (including, but not limited to, any applications filed for an extension of the sixty-day investigative period or for any other reason, oppositions filed by the United States or State of New Jersey in response to the Relators' motions, reply briefs, memoranda, and supporting documents) shall remain under seal and not be made public or served upon the defendants; and it is further

**ORDERED** that the seal be lifted as to all other matters occurring in this action after the date of this Order;

**IT IS SO ORDERED.**

Date: \_\_\_\_\_

1/24/13

  
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HON. JOSEPH E. IRENAS  
JUDGE, UNITED STATES DISTRICT COURT