

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Case No. 06-cv-01363-LTB-BNB

WILLIAM R. SINGER, on behalf  
of the United States of America,

Plaintiff/Relator

vs.

HART INTERCIVIC, INC.,

Defendant

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PLAINTIFF / RELATOR'S MOTION FOR  
DISMISSAL WITHOUT PREJUDICE

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COMES NOW the Plaintiff / Relator William R. Singer, by and through his attorneys,  
David P. Hersh and Matt Schultz, pursuant to Fed. R. Civ. P. 41, and hereby moves this Court for  
an Order of Dismissal:

**CERTIFICATE OF COMPLIANCE WITH D.C. COLO. L. CIV. R. 7.1**

The Defendant in this action has not been served with process. As such, there are  
no attorneys representing other parties with whom the Plaintiff / Relator could confer prior to  
filing this Motion.

**BASIS FOR MOTION**

1. The Defendant in this action has not been served with process and therefore has neither answered nor moved for summary judgment.
2. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Relator seeks to dismiss this action without prejudice.
3. The dismissal of this action is contingent upon the consent of the Department of Justice and this Court in accordance with 31 U.S.C. § 3730(b)(1) and this Court's order of March 26, 2008, both of which Relator seeks hereby.
4. Counsel for the Plaintiff / Relator has solicited the approval for this dismissal from the Department of Justice, but has not yet received a response.
5. Relator's putative dismissal is not related to and does not reflect upon the accuracy or merits of the facts alleged in his Complaint. Rather, it relates to developments in False Claims Act jurisprudence that occurred since the time of its filing under seal.
6. Relator hereby moves this Court for an Order of Dismissal of this action in compliance with 31 U.S.C. § 3730(b)(1), after the appropriate written consent has been obtained from the Department of Justice.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy hereof has been furnished via U.S. mail, postage prepaid to the following persons (as well as via e-mail as indicated below and via notice of electronic filing to AUSA Amanda Rocque), to:

Joyce R. Branda  
Patricia Davis  
Robert J. McAuliffe  
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Amanda Rocque  
Asst. U.S. Attorney  
1225 17th St., Suite 700  
Denver, CO 80202  
amanda.rocque@usdoj.gov

This 27th day of June, 2008.

s/David P. Hersh  
David P. Hersh  
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Attorney for Relator

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This 27th day of June, 2008.

s/David P. Hersh  
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Attorney for Relator

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**ORDER GRANTING PLAINTIFF / RELATOR'S MOTION FOR  
DISMISSAL WITHOUT PREJUDICE**

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THIS MATTER, having come before the Court on the Plaintiff / Relator William R. Singer' Motion for Dismissal Without Prejudice, and the Court having reviewed its file and being otherwise advised of the premises:

HEREBY GRANTS said Motion. This action is hereby dismissed in accordance with 31 U.S.C. § 3730. The required written consent has been obtained from the Department of Justice for this dismissal.

IT is so Ordered this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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United States District Court