UNITED STATES DISTRICT COURT
FILED
OCT 01 2025
MARY C. LOEWENGUTH, CLERK
WESTERN DISTRICT OF NY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
ex rel. AIDAN FORSYTH,

Plaintiff,

v.

3RD AVENUE TRANSIT, INC. and
Y&M TRANSIT CORP.,

Defendants.

24-CV-00935-JLS
UNDER SEAL

UNITED STATES' NOTICE OF INTERVENTION FOR PURPOSES OF SETTLEMENT

The United States of America ("United States"), Relator Aidan Forsyth, and Defendants 3rd Avenue Transit, Inc. and Y&M Transit Corp., have reached an agreement to resolve claims arising under the False Claims Act, 31 U.S.C. § 3729 *et seq.*, pursuant to a settlement agreement (the "Settlement Agreement"). Pursuant to 31 U.S.C. §§ 3730(b)(2) and (4), and for the purpose of effectuating and formalizing the resolution under the Settlement Agreement, the United States respectfully advises the Court of its decision to intervene in this action for the purposes of settlement.

The United States does not presently intend to file a Complaint in Intervention but reserves the right to file such a Complaint in the event that 3rd Avenue Transit, Inc. and Y&M Transit Corp. do not pay the full settlement amount consistent with the terms of the Settlement Agreement. Under the terms and conditions of the Settlement Agreement, the United States and Relator will jointly file a Notice of

Dismissal of the Civil Action pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure following receipt of the payment due pursuant to the Settlement Agreement.

The United States understands that, following its intervention in this action, the seal on the case will be lifted. However, the United States respectfully requests that the Court order the sealing of the United States' motions to extend time to consider intervention, along with the supporting memoranda of law. The United States requests that such papers remain under seal because they discuss the content and extent of the United States' investigation and were provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order is submitted herewith.

Respectfully submitted,

MICHAEL DIGIACOMO
United States Attorney

DATED: September 29, 2025
AT: Buffalo, New York

BY: s/Jonathan W. Ferris

Assistant United States Attorney
Western District of New York
100 State Street, Suite 500
Rochester, New York 14614
(585) 399-3962
Jonathan.ferris@usdoj.gov

Attorneys for the United States