UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, the STATE OF NEW YORK, and the STATE OF NEW JERSEY

Ex rel. NJ CHALLENGER LLC

Plaintiffs,

v.

LABQ CLINICAL DIAGNOSTICS LLC, LABQ CLINICAL 3 DIAGNOSTICS LLC, DART MEDICAL LABORATORY, INC. d/b/a LABQ DIAGNOSTICS, COMMUNITY MOBILE TESTING INC., MOSHE LANDAU, LIEBEL RUBIN, SOLOMON RUBIN, MARVIN RUBIN, JOEL LANDAU, LUREINA BARRIO-GONZALEZ, DANIEL GONZALEZ, BREANNA IRIS, BREANNA IRIS LLC, MATIAS IRIS-CAPELLO, DANIEL MENDOZA, KAYRA MENDOZA, MENDOZA MEDICAL LLC, RICHARD FRANCO, SOLOMON BROWN, DANIEL ADAR, JACOB WEISS, ELIONA DOCI, ARJOLA DOCI, and ESTHER WURZBERGER,

Defendants.

NO. 1:22-cv-10313-LJL

NOTICE OF PARTIAL VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

LABQ CLINICAL DIAGNOSTICS, LLC; COMMUNITY MOBILE TESTING, INC.; DART MEDICAL LABORATORY, INC.; and MOSHE LANDAU,

Defendants.

NOTICE OF PARTIAL VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)

On May 27, 2022, Relator NJ Challenger LLC ("Relator") filed *in camera* and under seal, a Complaint for Violations of the Federal False Claims Act, the New York False Claims Act, and the New Jersey False Claims Act ("Complaint") in the United States District Court for the Eastern District of New York, case number CV-22-3155.

By electronic orders dated November 23 and December 6, 2022, Relator's case was transferred to the United States District Court for the Southern District of New York (the "Court") and assigned case number 22-cv-10313-LJL.

On May 1, 2024, the United States of America (the "Government") notified the Court of its intention to intervene with respect to certain allegations underlying the federal False Claims Act claims asserted by Relator against named defendants LabQ Clinical Diagnostics, LLC; Community Mobile Testing, Inc.; Dart Medical Laboratory, Inc.; and Moshe Landau ("Intervened Defendants"). The Government further notified the Court that it declined to intervene against Intervened Defendants "beyond the allegations to be set forth in the Complaint-in-Intervention," and declined to intervene against the other defendants named in Relator's Complaint. On June 13, 2024, the Government filed a Complaint-in-Intervention against Intervened Defendants (the "Complaint-in-Intervention"). *See* Dkt. No. 11.

On May 1, 2024, the States of New York and New Jersey informed the Court of their decision not to intervene in this action.

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Relator hereby gives notice that the following claims are voluntarily dismissed, without prejudice to its rights, the rights of the United States of America, or to the rights of the States of New York or New Jersey:

(a) All claims against the Intervened Defendants that are not set forth in the Complaint-in-Intervention;

(b) All claims brought under the New York False Claims Act and the New Jersey False Claims Act;

(c) All claims against LabQ Clinical 3 Diagnostics LLC;

(d) All claims against Liebel Rubin;

(e) All claims against Solomon Rubin;

(f) All claims against Marvin Rubin;

(g) All claims against Joel Landau;

(h) All claims against Lureina Barrio-Gonzalez;

(i) All claims against Daniel Gonzalez;

(j) All claims against Breanna Iris;

(k) All claims against Breanna Iris LLC;

(l) All claims against Matias Iris-Capello;

(m) All claims against Daniel Mendoza;

(n) All claims against Kayra Mendoza;

(o) All claims against Mendoza Medical LLC;

(p) All claims against Richard Franco;

(q) All claims against Solomon Brown;

(r) All claims against Daniel Adar;

(s) All claims against Jacob Weiss;

(t) All claims against Eliona Doci;

(u) All claims against Arjola Doci; and

(v) All claims against Esther Wurzberger.

Dated: July 9, 2024

SEEGER WEISS LLP

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