

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
FRANKFORT

Eastern District of Kentucky
FILED

MAR 14 2025

AT LEXINGTON
Robert R. Carr
CLERK U.S. DISTRICT COURT

FILED UNDER SEAL

Civil Action No. 3:24-CV-00003-GFVT

United States of America *ex rel.*
GNGH2 Inc.,

Plaintiff,

v.

Topy America, Inc.,

Defendant.

THE GOVERNMENT'S NOTICE OF ELECTION TO INTERVENE

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its election to intervene in this *qui tam* action for settlement purposes. The parties have reached an agreement-in-principle to resolve the intervened allegations. The parties intend to file a joint stipulation of dismissal within 90 days, following execution of a final written settlement agreement.

The Government requests that, as provided under 31 U.S.C. § 3730(b), the seal be lifted as to the relator's complaint, this Notice, and as to all other contents of the Court file *except* for the following *in camera* submissions supporting the United States' requests for extension of the intervention deadline, extension of the seal period, and partial lift of the seal: Record No. 6 (United States' *Ex Parte* Motion for Extension of Intervention Deadline and Seal Period, Memorandum In Support, and Proposed Order; filed March 18, 2024);

Record No. 8 (United States' *Ex Parte* Motion for a Partial Lift of Seal and Memorandum in Support, and Proposed Order; filed June 17, 2024); Record No. 10 (United States' *Ex Parte* Motion for Extension of Intervention Deadline and Seal Period, Memorandum In Support, and Proposed Order; filed September 17, 2024); Record No. 12 (United States' *Ex Parte* Motion for a Partial Lift of the Seal, Memorandum In Support, and Proposed Order; filed January 29, 2025).¹ In discussing the content and extent of the United States' non-public investigation, including methods and thought processes for assessing relator's allegations, these submissions were provided under § 3730(b)(3) to the Court alone for the purposes of evaluating whether the seal and time for making an election to intervene should be extended or whether the seal should be partially lifted for limited purposes. *See id.* § 3730(b)(2)-(3) (providing only for unsealing of the *in camera* complaint).

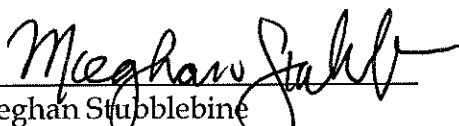
A proposed order accompanies this Notice.

Respectfully submitted,

PAUL C. McCAFFREY
Acting United States Attorney

DATED: March 14, 2025

By:


Meghan Stubblebine
Assistant United States Attorney
Eastern District of Kentucky

¹ The docket numbers for the referenced motions are based on the United States' internal recordkeeping because the docket sheet is sealed. The United States requests that the referenced motions, memoranda in support of the motions, and proposed orders remain sealed, regardless of any inaccurately cited docket numbers.

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