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U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA

ex rel. Amanda B. Long,

Plaintiff,

v.

MODERNIZING MEDICINE,

INC., DANIEL CANE, and DR.

MICHAEL SHERLING,

Defendants.

) **FILED UNDER SEAL**

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Civil No. 2:17-cv-179

**THE UNITED STATES' NOTICE OF
ELECTION TO PARTIALLY INTERVENE**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its decision to intervene in parts of this action as against Modernizing Medicine, Inc. ("ModMed), and its co-founders, Chief Executive Officer Daniel Cane, and Chief Medical Officer Dr. Michael Sherling. The United States intends to file a complaint-in-intervention within 90 days containing the allegations that the United States will pursue against each of the three named defendants.

The Government will continue investigating relator's allegations as to which it has not yet made an intervention decision. The United States accordingly reserves its rights to further intervene in this action for good cause at a later date, and to seek the dismissal of the relator's action or claim on any appropriate grounds, including under 31 U.S.C. §§ 3730(b)(5) and (e)(4).

The United States requests that the relator's Complaint, Amended Complaint, this Notice, and the attached proposed Order be unsealed seven (7) days after the entry of the Court's order. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are 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 accompanies this notice.


Respectfully submitted,

UNITED STATES OF AMERICA

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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA)
ex rel. Amanda B. Long,) **FILED UNDER SEAL**
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Plaintiff,) Civil No. 2:17-cv-179
v.)
)
MODERNIZING MEDICINE, INC.,)
DANIEL CANE, and DR. MICHAEL)
SHERLING,)
)
Defendants.)

[PROPOSED] ORDER

The United States having intervened in part of this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the Court rules as follows:

IT IS ORDERED that,

1. the relator’s Complaint, Amended Complaint, the Government’s Notice of Election to Partially Intervene, and this Order be unsealed seven (7) days after the entry of this Order;
2. the United States shall serve its Complaint upon defendants, together with this Order, within 90 days;
3. the relator shall serve its Amended Complaint upon defendants within 90 days;
4. all other papers or Orders on file in this matter shall remain under seal;
5. the seal be lifted on all other matters occurring in this action after the date of this Order;
6. as to the part of the action in which the United States has not yet made an intervention decision, the parties shall serve all pleadings and motions filed in that part of the

action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in that part of the action at any time;

7. all orders of this Court shall be sent to the United States; and that

8. should the relator or defendants propose that the part of the action in which the United States has not yet made an intervention decision be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

IT IS SO ORDERED,

This ____ day of _____, 2022.

Hon. Christina Reiss
United States District Judge