

**UNITED STATES DISTRICT COURT  
FOR DISTRICT OF MASSACHUSSETS**

UNITED STATES OF AMERICA, *et al., ex rel.* )  
JAMES LANDOLT, )  
)  
)  
Plaintiffs, )  
v. )  
)  
)  
MALLINCKRODT ARD LLC (f/k/a Mallinckrodt )  
ARD, Inc.; f/k/a Questcor Pharmaceuticals, Inc.), )  
)  
Defendant. )

Civil Action No. 18-11931-PBS

**INTERVENING STATES’ NOTICE OF ELECTION TO INTERVENE AND  
DECLINING STATES’ NOTICE OF DECLINATION**

Pursuant to their respective false claims act statutes, the following States file this notice of election to intervene in this action: Alaska, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Vermont, Virginia, Washington, Wisconsin, the District of Columbia, and Puerto Rico (hereinafter, “the Intervening States”).

Pursuant to their respective false claims act statutes, the following states elect not to intervene in this action: Hawaii, Iowa, Minnesota, and Montana (hereinafter “the Declining States,” and collectively with “the Intervening States,” the “Plaintiff States”). Although the Declining States decline to intervene in this action, the Relator may maintain the declined portions of this action in the name of the Declining States, provided, however, that the action may be dismissed only if the Declining States provide consent to the dismissal. The Declining States

request that, should the Relator or Defendant propose portions of the actions in which the Declining States have declined to intervene be dismissed, settled, or otherwise discontinued, Relator and Defendant provide the Declining States with notice of the same. Additionally, the Declining States request an opportunity to be heard on the matter before the Court makes a ruling or grants its approval.

The Declining States request that all pleadings, papers, and other filings, including orders from this Court, be served on the Declining States. Upon request, the Declining States may obtain copies of depositions and other transcripts at the Declining States' expense. The Declining States also reserve their right to seek to intervene at a later date, for good cause shown, and to seek the dismissal of the Relator's actions or claims on any appropriate grounds.

The Intervening States respectfully request forty-five (45) days, through and including July 16, 2020, to file their complaints-in-intervention. While a Complaint-in-Intervention has been substantially drafted and exchanged for review, the final filing must be approved by numerous different entities. Also, some states may wish to draft and file their own complaint. Additionally, many states will need to obtain *pro hac vice* admission for one or more attorneys, which will require some administrative processing time as well. This timeline is even further impacted by the continuing COVID-19 pandemic, which can and has caused administrative delays for several Intervening States.

The NAMFCU Team<sup>1</sup> has received confirmation from the Plaintiff States regarding their intentions to provide notices of intervention and declination. The NAMFCU Team was authorized to include each notice herein by each of the respective Plaintiff States.

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<sup>1</sup> The States listed as plaintiffs in this action belong to an organization called the National Association of Medicaid Fraud Control Units ("NAMFCU"), which has appointed a team to represent the interests of the Plaintiff States, and

DATED: June 1, 2020

Respectfully submitted,

MAURA HEALEY  
ATTORNEY GENERAL

/s/ Ian R. Marinoff

IAN R. MARINOFF (BBO # 654794)  
Assistant Attorney General  
Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108  
(617) 727-2200, ext 2550  
ian.marinoff@mass.gov

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on June 1, 2020.

/s/ Ian R. Marinoff

IAN R. MARINOFF  
Assistant Attorney General

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to coordinate the actions of the Intervening States. Massachusetts Assistant Attorney General Ian Marinoff is a member of the NAMFCU team.