

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

UNITED STATES OF AMERICA,
ex rel. CONRAD,

Plaintiff,

v.

23-CV-0438 JLS

ROCHESTER REGIONAL HEALTH and
UNITED MEMORIAL MEDICAL CENTER,

Defendant.

**UNITED STATES' MOTION TO INTERVENE
AND TO DISMISS PURSUANT TO 31 U.S.C. § 3730(c)(2)(A)**

The United States of America moves to intervene and dismiss pursuant to 31 U.S.C. § 3730(c)(2)(A) of the False Claims Act (FCA). The United States has good cause to intervene and is entitled to dismissal of the FCA claims in Relator's Amended Complaint, ECF No. 34, under *United States ex rel. Polansky v. Executive Health Resources, Inc.*, 599 U.S. 419 (2023), and the applicable standard of Fed. R. Civ. P. 41(a).

For the reasons set out in more detail in the attached Memorandum in Support of United States' Motion to Intervene and to Dismiss Pursuant to 31 U.S.C. § 3730(c)(2)(A), and after careful review of this Court's decision granting in part and denying part Defendants' motion to dismiss, ECF No. 54, the evidence produced to date, and anticipated demands in discovery, the United States believes that "this suit would not do what all *qui tam* actions are supposed to do: vindicate the

Government's interests." *Polansky*, 599 U.S. 419, 438 (2023). Accordingly, and having so notified Relator of its intent to seek dismissal, the United States respectfully moves for this Court to issue an order dismissing this case with prejudice to Relator and without prejudice to the United States.

Respectfully submitted,

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United States Attorney

DATED: July 13, 2026
AT: Buffalo, New York

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