

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG 26 2013

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

UNITED STATES OF AMERICA,)
and the States of CALIFORNIA,)
DELAWARE, FLORIDA,)
ILLINOIS, INDIANA,)
MASSACHUSETTS,)
NEW JERSEY, NEW MEXICO,)
NEW YORK, NORTH CAROLINA,)
TENNESSEE, VIRGINIA; and the)
CITY OF CHICAGO,)
)
Plaintiffs,)
)
ex rel.)
)
GREGORY RUDOLPH,)
)
Relator,)
)
v.)
)
TREMCO, INC. and)
RPM INTERNATIONAL, INC.,)
)
Defendants.)
_____)

Civil Action No. 10-01192(JDB)
FILED UNDER SEAL
PURSUANT TO 31 U.S.C. § 3729, *et seq.*

ORDER

Pursuant to the Stipulation of Dismissal filed pursuant to Rule 41(a)(1) of the Federal Rule of Civil Procedure, and the False Claims Act, 31 U.S.C. § 3730(b)(1), a Settlement Agreement having been executed between and among the Parties resolving Counts I, II and III of the Complaint (Federal claims), and good cause having been shown, it is this 23rd day of August, 2013,

- (A) ORDERED THAT all Federal claims asserted against Defendants in this action be and hereby are DISMISSED WITH PREJUDICE to Relator;
- (B) ORDERED THAT all Federal claims asserted against Defendants in this

action for the Covered Conduct, as the term is defined in the Settlement Agreement between and among the Parties, effective August 13, 2013, be and hereby are DISMISSED WITH PREJUDICE to the United States; and

- (C) ORDERED THAT all other remaining Federal claims asserted against defendants in this action be and hereby are DISMISSED WITHOUT PREJUDICE to the United States.

The United States having intervened in this action, pursuant to 31 U.S.C. § 3730(b)(4), it is FURTHER ORDERED that,

- (D) the Relator's complaint, the Government's Notice of Intervention, and this Order be unsealed;
- (E) all other papers or Orders on file in this matter shall remain under seal; and
- (F) the seal shall be lifted on all matters occurring in this action after the date of this Order.

IT IS SO ORDERED,

This 23rd day of August, 2013.


UNITED STATES DISTRICT JUDGE

copies to:

United States' Counsel:

Arnold M. Auerhan
Commercial Litigation Branch
U.S. Department of Justice
Post Office Box 261
Washington, D.C. 20044

Beverly M. Russell
Assistant United States Attorney
U.S. Attorney's Office for the District of Columbia,
Civil Division
555 Fourth Street, N.W.
Washington, D.C. 20530

Relator's Counsel:

Mark Hanna
Murphy Anderson, PLLC
1701 K Street, N.W., Suite 210
Washington, D.C. 20006

Ann Lugbill
Murphy Anderson PLLC
2406 Auburn Avenue
Cincinnati, OH 45219

Ann-Marie Ahern
McCarthy, Lebit, Crystal & Liffman Co., LPA
101 West Prospect Avenue, Suite 1800
Cleveland, OH 44115