

**IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA <i>ex rel.</i>)	
CONSTANTINE ZVEREV, et al.,)	
)	Case No. 12 C 8004
Plaintiffs,)	
vs.)	Judge John J. Tharp
)	Magistrate Judge Susan Cox
USA VEIN CLINICS OF CHICAGO, LLC, et al.,)	
)	
Defendants.)	

**PLAINTIFF’S MOTION TO COMPEL EXECUTION OF
SETTLEMENT AGREEMENT AND PAYMENT OF PROCEEDS**

Now comes Plaintiff-Relator Constantine Zverev (“Zverev”) by and through his attorneys and requests this Court to enter an order compelling defendants to execute the settlement agreement and to remit payment of settlement funds. Because defendants’ counsel refuses to state when his client will execute the Agreements and relatedly, pay settlement proceeds or explain the delay, this motion should be granted.

INTRODUCTION

1. This case is settled. This matter is set for status on August 20, 2019.
2. During the last in court status hearing on July 19, 2019, the undersigned counsel advised the Court that the parties were awaiting final government approvals, and thereafter the Settlement Agreements would be signed and proceeds paid. The undersigned requested entry of an order requiring execution of all required agreements within seven (7) days of the final government approval. The Court concurred, but did not enter an Order solely because defendants’ counsel objected. The Court admonished all counsel to instruct their clients accordingly and execute the Agreement within 7 days of final governmental approval.
3. Final approvals of all government entities was completed by July 29, 2019 and the undersigned advised defendants’ counsel that day. Plaintiff tendered his executed agreements on July 31, 2019.
4. Notwithstanding approximately ten (10) phone calls and emails to defendants’ counsel Joseph Motto by the undersigned in the last two weeks, seeking a date certain for defendants’ execution *and* payment, defendants refuse to provide details, except that “everything will be wrapped up in advance of the next court date” or that he had an “expectation ... that the agreement will be signed” by then. The evasiveness and delay

by defendants is intentional, unfair to Relator and his counsel and therefore, Relator seeks the Court's assistance.

WHEREFORE, for all the above reasons, Relator respectfully prays for an order requiring defendants to execute the Settlement Agreements and to tender settlement proceeds within the next seven (7) days or on or before the status date of August 20, 2019.

Respectfully submitted,

/s/ Robin Potter
One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing **PLAINTIFF'S MOTION TO COMPEL EXECUTION OF SETTLEMENT AGREEMENT AND PAYMENT OF PROCEEDS** was served upon the parties by electronic court filing on this 14th day of August, 2019.

/s/ Robin Potter