

**FILED** **ENTERED**  
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The Honorable Thomas S. Zilly

**SEP 16 2024 MH**

**BY** **AT SEATTLE**  
**CLERK U.S. DISTRICT COURT**  
**WESTERN DISTRICT OF WASHINGTON** **DEPUTY**

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA and STATE  
OF WASHINGTON, *ex rel.* JEANETTE  
NYMAN,

CASE NO. 20-cv-1525-TSZ

Plaintiffs,

**FILED UNDER SEAL**

v.

Noted for Consideration on:  
September 16, 2024

DAIYA HEALTHCARE, PLLC,

Defendant.

**GOVERNMENTAL ENTITIES' EX PARTE NOTICE OF INTERVENTION-IN-PART FOR  
PURPOSES OF EFFECTUATING SETTLEMENT AND DECLINATION-IN-PART AND  
APPLICATION FOR AN UNSEALING OF RELATOR'S COMPLAINT**

The United States of America and the State of Washington (collectively, the "Governmental Entities"); Defendant Daiya Healthcare, PLLC; and the Relator have concluded a final settlement to resolve the claims brought on behalf of the Governmental Entities in this action. Pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4), and Wash. Rev. Code § 74.66.060(b), the Governmental Entities hereby notify the Court of their decision to intervene in part for the purpose of settlement and to decline in part, and respectfully apply to the Court *ex parte* for an Order lifting the seal.

1 Specifically, the Governmental Entities intervene in this action with respect to the Covered  
2 Conduct, as defined in Paragraphs D & E of the Settlement Agreement executed among the parties  
3 on September 16, 2024 (“Settlement Agreement”). The Governmental Entities decline intervention  
4 with respect to all other claims alleged in this action apart from those based upon the Covered  
5 Conduct.

6 Under the terms of the Settlement Agreement among the parties, following Defendant’s  
7 payment to the Governmental Entities pursuant to the terms and conditions set forth in the  
8 Settlement Agreement, the Governmental Entities and the Relator will file a Joint Stipulation of  
9 Dismissal with respect to all claims brought on behalf of the Governmental Entities.

10 In light of the Settlement Agreement reached among the parties, the Governmental Entities  
11 do not presently intend to file a complaint in intervention but reserve the right to seek leave to file  
12 such a complaint in the event that Defendant does not completely pay the full settlement amount  
13 consistent with the terms of the Settlement Agreement.

14 Accordingly, in anticipation of filing of a Stipulation of Dismissal, the Governmental Entities  
15 request that this Court enter an Order, in the form herewith provided, which lifts the seal on the  
16 Relator’s Complaint, this Notice and Application, and all other filings.

17 A proposed order accompanies this Notice and Application.

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1 DATED this 16th day of September, 2024.

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3 Respectfully submitted,

4 TESSA M. GORMAN  
5 United States Attorney

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*Attorneys for the State of Washington*

I certify that this memorandum contains 313 words, in compliance with the Local Civil Rules.