

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA, ex rel.  
LINDLEY

Plaintiffs,

v.

THE GALLUP ORGANIZATION,

Defendant.

Civil Action No. 09-cv-1985 (ABJ)

**FILED UNDER SEAL**

**THE GOVERNMENT'S NOTICE OF ELECTION TO INTERVENE  
IN PART AND TO DECLINE TO INTERVENE IN PART  
AND MOTION TO EXTEND SEAL TO AUGUST 17, 2012**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States notifies the Court of its decision to intervene in part of this action and to decline to intervene in part of this action. The United States intervenes in the action regarding allegations that the defendant violated the False Claims Act with respect to contracts between the Gallup Organization (Gallup) and the U.S. Mint and the U.S. Department of State. The United States declines to intervene in the remaining allegations in the relator's complaint. The United States intends to file its own complaint within 90 days setting forth the intervened claims and additional claims, including claims related to Gallup's subcontract with the Federal Emergency Management Agency.

Consistent with the Court's Order of May 8, 2012, the United States has shared the relator's complaint with Gallup and engaged in detailed discussions with Gallup regarding both the substance of relator's allegations and the potential resolution of this matter. The United States has informed Gallup of its intent to partially intervene in this action at this time. Notwithstanding the United States' intervention at this time, settlement discussions are anticipated to continue. However, Gallup has represented that, from its perspective, the parties' settlement discussions would be significantly prejudiced if the Court were to unseal the matter at this time. Accordingly, Gallup has requested that the United States seek to keep the matter under

seal for a short amount of time to allow the parties to complete their discussions and give the parties the best possible chance at resolving this matter without further litigation. The United States and relator both concur in this request. Accordingly, the United States requests that this matter remain under seal through and including August 17, 2012. The United States will file a status report with the Court by August 17 informing the Court as to the status of settlement discussions.

Although the United States declines to intervene in a portion of the action, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the declined portion of the action in the name of the United States; provided, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." Id. Therefore, the United States requests that, should either the relator or the defendant propose that the part of the action in which the United States has not intervened be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action, even as to the non-intervened part of this action, be served upon the United States; the United States also requests that all orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts and to intervene in the portion of this action in which it is declining to intervene today, for good cause, at a later date.

The United States reserves the right to seek the dismissal of the relator's action or claim, at the appropriate time, under 31 U.S.C. § 3730(e)(4), on the ground that substantially the same allegations or transactions as alleged in the action or claim were publicly disclosed and that the relator does not qualify as an original source.

A proposed order accompanies this notice.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of August 2012, a copy of the Notice and Proposed Order was mailed, postage prepaid, to Counsel for Relator at the following address:

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*/s/ Darrell C. Valdez*  
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