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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA
Ex rel. Law Project for Psychiatric
Rights, an Alaskan non-profit corp.,

Plaintiff,

vs.

OSAMU H. MATSUTANI, MD., et al.,

Defendants.

Case No. 3:09-cv-0080-TMB

UNITED STATES OF AMERICA,
Ex rel. Daniel I. Griffin

Plaintiff,

vs.

RONALD A. MARTINO, MD., FAMILY
CENTERED SERVICES OF ALASKA,
INC., an Alaska corporation, and
SAFEWAY, INC., a Delaware corporation,

Defendants.

Case No. 3:09-CV-246-RRB

(CONSOLIDATED)

**DEFENDANT SAFEWAY, INC.'S
MOTION TO DISMISS RELATOR
GRIFFIN'S COMPLAINT PURSUANT
TO FEDERAL RULES OF CIVIL
PROCEDURE 9(B), 12(B)(1) AND 12(B)(6)
AND 31 U.S.C. § 3730(b)(5)**

DEFENDANT SAFEWAY, INC.'S MOTION TO DISMISS
U.S. EX REL DANIEL I. GRIFFIN V. RONALD A. MARTINO, ET AL.
CASE NO. 3:09-cv-00246-RRB

Defendant Safeway, Inc. moves this Court to dismiss Daniel Griffin's ("Relator's") complaint with prejudice on the following grounds: (1) pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction; (2) pursuant to 31 U.S.C. § 3730(b)(5) because Relator's complaint is barred under the first-to-file rule; (3) pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted; and (4) pursuant to Federal Rule of Civil Procedure 9(b) for failure to allege fraud with the requisite particularity.

This motion is supported by the Memorandum of Law filed herewith.

Dated this 27th day of July, 2010, at Anchorage, Alaska.

DORSEY & WHITNEY LLP

By: /s/ Robert C. Bundy
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CERTIFICATE OF SERVICE

On the 27th day of July, 2010, a true and correct copy of the foregoing was sent via electronic means through the ECF system as indicated on the Notice of Electronic Filing, or if not confirmed by ECF, by first class regular mail to the following:

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