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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)

**(PROPOSED) ORDER GRANTING  
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)**

(PROPOSED) ORDER GRANTING 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. has moved this Court to dismiss Relator Daniel Griffin'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; pursuant to Rule 12(b)(6) for failure to state a claim upon which relief may be granted; and (1) pursuant to Rule 9(b) for failure to allege fraud with the requisite particularity.

The Court has reviewed the motion and supporting memorandum of law and any opposition thereto.

IT IS ORDERED

Safeway, Inc.'s Motion to Dismiss Daniel Griffin's complaint with prejudice is GRANTED.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010, at Anchorage, Alaska.

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The Honorable Timothy M. Burgess

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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