

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 04-cv-00018-RPM-OES

UNITED STATES OF AMERICA, *ex rel.*
BRENDA MARCH,

Plaintiff,

v.

COCHLEAR AMERICAS, INC., and
COCHLEAR LIMITED,

**FILED *EX PARTE*
AND UNDER SEAL**

Defendants.

NOTICE OF GOVERNMENT ELECTION

PLEASE BE ADVISED that pursuant to the False Claims Act, 31 U.S.C. sections 3730(b)(2) and (4), the United States of America ("United States") hereby notifies the Court of its intention to intervene in the above-captioned matter.

The United States requests that the Court unseal (a) the relator's Amended Complaint, dated January 10, 2007, (b) this Notice of Government Election, (c) the (proposed) Order Partially Lifting Seal, which is filed together with this pleading, (d) the United States' Motion for Administrative Closure, which is also filed together with this pleading, and (e) the (proposed) Order for Administrative Closure. The United States requests that all other contents of the Court's file in this matter including, but not limited to: the original complaint, any motions filed by the United States for an extension of the sixty-day investigative period or for any other reason, and any orders granting such motions should remain under seal and not be made public or served upon the defendants.

A Proposed Order is submitted herewith.

Dated this 14th day of February, 2007.

Respectfully submitted,

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COCHLEAR AMERICAS, INC. and
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Defendants.

[PROPOSED] ORDER

Upon consideration of the United States' Notice of Election to Intervene, and good cause therefor having been shown, it is hereby

ORDERED that the seal shall be lifted as to: the relator's Amended Complaint dated January 10, 2007; the United States' Notice of Government Election; the United States' Motion for Administrative Closure; the (proposed) Order for Administrative Closure; and this Order.

It is further **ORDERED** that all other contents of the Court's file in this matter, including, but not limited to: the original complaint, any motions filed by the United States for an extension of the sixty-day investigative period or for any other reason, and any orders granting such motions, shall otherwise remain under seal and not be made public or served upon the defendants.

DATED this _____ day of _____, 2007.

United States District Judge