

****E-filed 06/22/2010****

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Judge Seeborg admits this case has been "plagued" by a series of errors within the court and by the United States Justice Department

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA
Ex rel. Robert Finney and Jacquelyn Finney,
et al.,

No. C 08-2411 RS

Plaintiffs,

**ORDER GRANTING MOTION TO
DISMISS**

v.

KAISER FOUNDATION HEALTH PLAN,
et al.,

Defendants.

This *qui tam* action was initiated by relators Robert and Jacquelyn Finney in May of 2008. After the United States declined to intervene, counsel for the Finneys withdrew, apparently pursuant to a prior agreement they had that continued representation was conditional on the United States' intervention.

Since that time, the Finneys have appeared in *pro se*, pending appearance of new counsel, as a *qui tam* action may not be prosecuted by *pro se* relators. The Finneys have now moved to dismiss the action without prejudice. The motion to dismiss includes accusations of serious and deliberate wrongdoing by the Court, its employees, the United States, and various third parties.

As acknowledged in prior orders, this case has been plagued by a series of administrative errors within the court, and the United States erred in failing to serve the Finneys with certain pleadings after their counsel withdrew. There is no indication, however, of any intentional

1 wrongdoing, nor does it appear that the Finneys have been prejudiced in any substantial way.
2 Specifically, to date, the Finneys have in effect received an open-ended extension of time to obtain
3 new counsel and to serve the complaint, because the action has not previously been dismissed nor
4 have any other consequences been imposed on the Finneys for the fact that they have not moved this
5 proceeding forward.

Retreat. Not Defeat

6 The Finneys' request that this case now be dismissed without prejudice is GRANTED, on
7 the grounds that if they elect not to pursue the matter, they should not be forced to. There is,
8 however, absolutely no evidence to support their arguments that the Court, its employees, or the
9 United States have in any way prevented them from going forward with this action.

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12 IT IS SO ORDERED.

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15 Dated: 06/22/2010

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18 RICHARD SEEBORG
19 UNITED STATES DISTRICT JUDGE

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Judge Seeborg and his judicial cronies coldcocked this case, but got caught by plain folks who lived to fight another day. Judge Seeborg stated opinions, but refused to state facts substantiating his opinions. This case was fixed by ObamaCare henchmen at the Departments of Justice and Health and Human Services. This case was "doublefixed" by a Pelosi judge, who was appointed by President Obama.

1 **THIS IS TO CERTIFY THAT A HARD COPY OF THIS CLERK'S NOTICE WAS**
2 **MAILED TO:**

3 Robert Finney
4 Jacquelyn Finney
5 1664 Buttercup Road
6 Encinitas, CA 92024

7 DATED: 06/22/2010

8 /s/ Chambers Staff
9 Chambers of Judge Richard Seeborg

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United States District Court
For the Northern District of California