

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA, )  
ex rel. MICHAEL ZAHARA, )  
 ) Cause No. 1:06-cv-0088-SEB-JMS  
Plaintiff, )  
 )  
v. )  
 ) **FILED UNDER SEAL**  
SLM CORPORATION, UNITED STUDENT )  
AID FUNDS, INC. and STUDENT )  
ASSISTANCE CORPORATION, )  
 )  
Defendants. )

**UNITED STATES' NOTICE OF ELECTION TO  
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action. Although the United States declines to intervene, it respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the Relator to maintain the action in the name of the United States; providing 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.* Accordingly, the United States requests that, should either the Relator or the Defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Further, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States. The United States also requests that all Orders issued by the Court be sent to counsel for the government. The United States reserves its right to order any deposition transcripts and to intervene in this action, for good cause, at a later date.

Finally, the United States requests that only the Complaint, this notice, and the Court's Order be unsealed and served upon the Defendants. All other contents of the Court's file in this matter should remain under seal and not be made public or served upon the Defendants.

Respectfully submitted,

TIMOTHY M. MORRISON  
United States Attorney

By: *s/ Shelese Woods*  
Shelese Woods  
Assistant United States Attorney

Office of the United States Attorney  
10 West Market Street  
Suite 2100  
Indianapolis, IN 46220

**CERTIFICATE OF SERVICE**

This is to certify that I have served a copy of the foregoing upon the Relator, by mailing a copy thereof to the following on this 2nd day of June, 2008.

Larry P. Zoglin  
Philips & Cohen, LLP  
131 Stuart Street  
Suite 9501  
San Francisco, CA 94105

*s/ Shelese Woods* \_\_\_\_\_  
Shelese Woods  
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Defendants. )

**ORDER**

The United States having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the Court rules as follows:

IT IS HEREBY ORDERED that:

1. The seal be lifted on the Complaint and served upon the Defendants by the Relator;
2. All other contents of the Court's file in this action remain under seal and not be made public or served upon the Defendants, except for this Order and the United States' Notice of Election to Decline Intervention which the Relator will serve upon the Defendants only after service of the Complaint;
3. The seal be lifted as to all other matters occurring in this action after the date of this Order;
4. The parties serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcript and is entitled to intervene in this action, for

good cause, at any time;

5. All Orders of this Court shall be sent to counsel for the United States; and

6. Should the Relator or the Defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

IT IS SO ORDERED.

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United States District Judge  
Southern District of Indiana

Copies to:

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