

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>JEFFREY WEBB, <i>ex rel. United States,</i></b>	)	
	)	
	)	
<b>PLAINTIFF</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL No. 1:13-cv-169-DBH</b>
	)	
<b>MILLER FAMILY ENTERPRISE, ET AL.,</b>	)	
	)	
	)	
<b>DEFENDANTS</b>	)	

**ORDER AFFIRMING RECOMMENDED DECISIONS  
OF THE MAGISTRATE JUDGE**

On July 2, 2014, the United States Magistrate Judge filed with the court, with copies to counsel, his Recommended Decision on Motion to Dismiss and Motion for Leave to Amend (ECF No. 50). The plaintiff filed his objection to the Recommended Decision on July 21, 2014 (ECF No. 51).

On October 10, 2014, the United States Magistrate Judge filed with the court, with copies to counsel, his Recommended Decision on Motion for Leave to Further Amend Complaint (ECF No. 60). The plaintiff filed his objection to the Recommended Decision on October 29, 2014 (ECF No. 63).

I have reviewed and considered the Recommended Decisions, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decisions; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended

Decisions, and determine that no further proceeding is necessary. The Magistrate Judge fairly applied current First Circuit law on pleading claims under the False Claims Act given the demands of Fed. R. Civ. P. 9(b). If there is reason to alter that caselaw (I am not suggesting there is), that is a matter for the Court of Appeals.

It is therefore **ORDERED** that the Recommended Decisions of the Magistrate Judge are hereby **ADOPTED**. The plaintiff's Motion for Leave to File Amended Complaint to Revise Paragraph 30 (ECF No. 43) is **DENIED**. The defendant's Motion to Dismiss the Relator's Amended Complaint (ECF No. 37) is **GRANTED**. The plaintiff's Motion for Leave to Further Amend Complaint (ECF No. 52) is **DENIED**.

**SO ORDERED.**

**DATED THIS 20<sup>TH</sup> DAY OF NOVEMBER, 2014**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE (BANGOR)  
CIVIL DOCKET NO. 2:13-cv-169-DBH**

**Jeffrey Webb**, *ex rel. United States*,

**Plaintiff**

Represented By **Arthur J. Greif**

**Julie D. Farr**

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**v.**

**Miller Family Enterprise**

**and**

**M Drug LLC,**

**Defendants**

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