No. 23-7054

IN THE

SUPREME COURT OF THE UNITED STATES

U.S.A. Robert N. Young Rel et al — PETITIONER
(Your Name)

vs.

KING, WYETH, PFIZER et al — RESPONDENT(S) ON

PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

PETITION FOR WRIT OF CERTIORARI

ROBERT NELSON YOUNG
(Your Name)

907 MACOUN DRIVE
(Address)

MECHANICSBURG, PA 17055
(City, State, Zip Code)

(804) 855-4536
(Phone Number)

QUESTION PRESENTED

This case shows my dozen relator council's, conspired with defense Councils, and my Judge with assistance of E. Pa. District Court Employees, and DOJ officials, up to The Attorney General.

On November 10, 2011, without my knowledge, approval, or consent, my councils illegally dismissed my qui tam case 02-cv-2707 JCJ without notice, intervention, hearing, or appeal. They switched it from a Nature of Suit code 375 False Claims Act to a Nature of Suit Code 410 antitrust a decade before the Polansky case: without notice, intervention, hearing, or appeal. And it was dismissed without any of 13 Attorney Generals involved giving written consent to the dismissal and their reasons for consenting!

I was told the HHS Inspector General Office stopped intervention in 02-cv-2704 JCJ for being "too big". This was because in 1990 the FDA and Main Justice refused to obey FDA Law, resulting in over $200 billion unpaid Medicaid Drug Rebates, I originally discovered and documented from 1991 through 2012. This is 4 times more than the $50 billion DoJ recovered from all HHS qui tams, 5 times the HHS $40 billion HHS Pharmaceutical recoveries and 3 times the $70 billion recovered since the Second False Claims Act Amendment of 1986, 37 years ago!

They dismissed 50 defendants, keeping King and Wyeth, adding a second PACER Case 2:02-cv-02704 JCJ, to "Cover" Pfizer, as a named defendant in a antitrust case they had litigated since 1993 in Eastern New York Federal Court: No. I :93-CIV -S148 (ILG) (SMG) **Drug Mart Pharmacy et al. v American Home Products et. al.** I did not name Pfizer or any of the

companies they had acquired, in 02-cv-2704 JCJ as I did in my first qui tam in 1998, still under Court seal twenty-five years later.

Using my qui tam, my attorneys illegally leveraged Pfizer to settle the New York antitrust case, for much less in 4,000 independent Pharmacies damages. This gave the two of them a "win-win" result. Compared to Pfizer's acquired King and Wyeth $1 billion damages, my qui tam for U.S. and CA, DC, DE, FL, HI, IL, LA, MA, NV, TN, TX, and VA, taxpayers would recover over of $90 billion, had they not changed it. My attorneys used 02-cv-2704 JCJ evidence against King and Wyeth, to force Pfizer's November 12, 2013, "settlement with thousands of independent pharmacies to exit litigation alleging it colluded with other drugmakers to charge the retailers higher prices than other preferred customers, leaving them at an unfair disadvantage, according to a motion, filed in New York Federal Court Friday." They threatened me with Court Sanctions November 23, 2013, and when I refused to dismiss the renamed 2:02-cv-02704 version of 02cv-2704. My 12 attorneys abandoned me on Dec 5, 2013, then Judge Joyner refused my Appeal on Dec 23, 2013! For the next nine months Judge Joyner refused to post any of many motions I could only send directly to him.

The Third Circuit Appeals Court on Dec. 11, 2023, refused my appeal for the third time as Judge Joyner first did ten years ago at Christmas time 2013, for, once again after first doing so without my knowledge, approval, or permission, as shown on the Third Circuit Appeals Courts PACER Documents Reports clearly show are missing.

Conclusion:

Court Records being used to commit crimes is a matter that needs a quick and complete investigation and solutions, especially in cases that are sealed keeping the Relators from knowing what's occurring. In my case taxpayers' funds were reduced in amounts by protein the defendants, I hope some on while react since our National Debt is $34 Trillion and next year's Budget is $7, trillion, at least half Frauds!

RELATED PROCEEDNGS

All under

31 U.S.C. §§ 3729 – 3733

STATUTES AND RULE

31 U.S.C. §§ 3729 – 3733

OTHER AUTHORIES

Congressional studies and Fraud Statistics

HCFA Releases Study on Medicaid Rebate Program

DoJ Fraud Statistic 1986-2022

April 1, 2009, letter, Ast AG Burton to Sen. Leahy

Divided Court of Appeals Upholds Overreaching Secrecy Provisions of Federal Anti-Fraud Law. 2009, Fourth Circuit Appeals Court.

PETITION FOR A WRIT OF CERTIORARI

Robert Nelson Young, the qui tam relator below, respectfully petitions for a writ of certiorari to Review the judgement of the United States of Appeals for the Third Circuit in this case.

OPINIONS BELOW

United States District Court (E.D. PA.):

United States of America, ex rel. Robert N. Young v. Abott Labs et al.

No. 02-cv-2704 (Nov. 10, 2011)

United States of America, ex rel. Robert N. Young v. King Pharmaceuticals, Inc et al, No. 02-cv-2704 (Sep 9, 2014)

United States Court of Appeals (3d Cir.)

United States of America, ex rel. Robert N. Young et al. v.

King Pharmaceuticals, et al., (E.D. Pa Civ. No. 2-02-cv-0270402-cv-2704)

(Oct.10, 2023)

United States of America, ex rel. Robert N. Young v.

King Pharmaceuticals, et al. E.D. Pa Civ. Inc et al, No. 02-cv-2704)

(Dec 11, 2023)

JURISDICTION

The judgement of the Court of appeals was entered on December 11, 2023. The Jurisdiction of this Court is invoked under 28 U.S.C. 12541)

STATEMENT OF THE CASE

June 1, 2023, SCOTUS heard a combined 7th Circuit Appellate cases Nos. 21—1326 UNITED STATES, ET AL., EX REL. TRACY SCHUTTE, ET AL., PETITIONERS 211326 v. SUPERVALU INC. And 22-111 UNITED STATES, ET AL., EX REL. THOMAS PROCTOR, PETITIONER 22-111 v. SAFEWAY, INC, WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

"In a unanimous opinion written by Justice Clarence Thomas, the Court held that what "matters for an FCA case is whether the defendant knew the claim was false." Rejecting the U.S. Court of Appeals for the Seventh Circuit's knowledge standard using an objective test, the Court agreed with the whistleblower (relator) that knowledge under the FCA turns on "what the defendant thought when submitting the false claim—not what the defendant may have thought after submitting it."

From 1991 through 2012, Wal-Mart, Safeway, SuperValu, and all hundreds of thousands of retail pharmacists and pharmacy technicians dispensed from "Transparent Repackaged Drugs" containers with unique National Drug Code Identifiers "counterfeited" to look like Brand drug copyrighted product names and strength on their labels for products priced for 100s by the brand manufacturers. All of them were "manufactured by 2 dozen drug chain and commercial Wholesaler Drug in 100s by the brand manufacturers. All of them were "manufactured by 2 dozen chain and commercial Wholesaler Drug Repackagers, including Walmart in 100s that made them more expensive, to make more profit secretly, from all consumers!

According to the CMS Dispute Resolution Program drp-aged-disputes "The Office of Inspector General (OIG) conducts regular multi-state reviews of the Medicaid Drug Rebate Program and identified many states with inaccurate or incomplete drug rebate records and large amounts of outstanding disputes". Released a decade ago.

Rebates have been accurately accounted for as required by all insurers including Medicaid from 1991 to 1213 under the Medicaid Prescription Drug Rebate Program Congress approved. All state Medicaid plans pay pharmacies in 15 days and CMS receives these Drug Unit Reports. National Council of Prescription Drug Plans send Participating Manufacturers, and all insurers including Medicaid State and Federal Drug Utilization reports each quarter showing the NCPDP calculated owed amounts of rebates by

1. manufacturer and NDC sale units,
2. number of prescriptions and rebates owed; based on
3. the number of Units multiplied by each NDC rebate amount at AMP [average manufacturers price] of all units regardless of container size, by participating Manufacturers by each of their NDCs very accurately accounted for since 1980 by the National Drug Prescription Drug Plan computers.

Comparing the Top 200 Drugs as 80% of not made by Brands, with States Medicaid Drug Utilization shows exactly how many were reportedly sold to Medicaid in bottles of 100, wouldn't have been paid by Brand Manufacturers simply because they didn't "make" them and wouldn't pay "BP" Rebates! Not doing so cut "BP" Rebates in half!

Each year, all states submit an Annual Medicaid Financial Management Report, highlighting all federal and state costs, including pharmaceutical spending and Drug Rebates as a credit from spending. I constructed a basic Excel data audit report form and transcribed all federal and state spending, rebates, each year alphabetically and added calculated percentages for each 50 Participants for 21 years until ACA changed the values adding "Managed Care", bringing AZ into Medicaid rebates after 22 years.

Taking each states Annual Medicaid Financial Management reported rebates, and subtracting each years Drug Utilization Report totals, since there were uniformly less rebates than utilization for 20 states over 21 years, the difference was $200 billion, with 30 states not yet done, 17 now with State False Claims Acts, experience shows an additional $100 billion in disputed and unpaid Medicaid Rebates. The 21 Federal Annual Drug Utilization Reports shows the accumulation of errors within the over 800 Transparent Wholesale Repackaged drugs showing the "errors" or different NDCs and Product Master list shows all repackaged drugs, cross-referenced by common names with actual FDA repackaged NDC labeler registration and listings.

They package domestic sales units in bottles of 1,000, at 45% discounts, 500s at 35% discounts and bottles of 100 only for low selling drug products which are the vast majority of drug products that sell a 100 bottle, usually in 30's every 90 to 180 days. All drugs are produced for Hospital use in boxes of 100 Units in 10 blister pack strips of 10, not comparable to retail sales.

The Top 200 drugs are 80% of sales not manufactured by Brands, who do however post prices for them with First DataBank, used in determining Medicaid Drug Rebates Average Manufacturers Prices AMP. At the highest price, which increases AMP but with no reported sales are disputed, ant a higher rate than sold for. The repackaging sales at 16% lower than 1,000 and 500 bottle prices, caused a strange scene at all retailers who position the Top 200 drugs close and front in the pharmacy because they dispense them the most. All retailers tried to buy the 100, repackaged drugs at 16% lower costs and 16% higher sale prices to increase profits 32%. But brand manufacturers cold sell them based on demand alone as all Medicaid sales would show no or low sales of the largest sellers. The next largest group of consumers were Medicare who were four times the Medicaid population and without a similar drug rebate plan. Patients were started on these brand when Hospitalized and paid by Medicare. Many found them too expensive for some when discharged. Brand Manufacturers used the comparisons for marketing and physician sales targeting".

In 1990 I started a Wholesale Repackaging Company, PUMP. Inc. [Pharmaceutical Utilization Management Program] to repackage Top 200 drugs into dispensing sizes like the rest of the World does. This was based on my 30 years of Materials Management in Group Purchasing, use of Just in Time and Supply Chain Management. This was planned to cut labor and material dispensing costs of production cost of the TOP 200 drugs which sold 80%; and cut $27,000 a month "holding costs" of 80% of the inventory by replacing the only available bottles of 100,

with bottles of 30, which also cut dispensing costs. Brand Manufacturers wouldn't sell to me, so I worked through 2 wholesalers, and it worked perfectly; until the Brand Manufacturers evidently told the wholesalers to stop or they'd not supply them well.

I read of a Florida pharmacist, Louis H. Mueller who filed a qui tam case in the U.S. Attorney's Generals Office, Middle District of Florida, Tampa, Florida. I knew nothing about qui tam until. I found a legal firm, Philips, and Cohen, who taught me all the Rules of the False Claims Act and guided me in collecting evidence.

On May 11, 1998, I filed the first of 3 qui tams with CA, FL, IL, TN, and TX. The 5 states then with False Claims Acts, in the first of three cases, in which am listed as the Relator. I have not permanently dismissed any of my 3 qui tam cases. Nor were any dismissed legally under Department of Justice "The False Claims Act: A Primer." On March 13, 2000, on my Attorney Peter Chatfield's advice to retain the case viable indefinitely, I authorized him to file a motion to Voluntarily Dismiss (Dkt. 22).

This was the first Reverse False Claims Act "S 3729. False claims (a) LIABILITY FOR CERTAIN ACTS. - (G)

19 U.S. Code 2571 — Definitions -(9) Private person

The term private person means—

(A) any individual who is a citizen or national of the United States • and

(B) any corporation, partnership, association, or other legal entity organized or existing under the law of any State, whether for profit or not for profit.

I filed my complaint when I registered PUMP in 1992 with the FDA Registration and listing division, the responsible agency, 33 years ago with employees Jacqueline Leung and Herbert Gerstenzang. They could have resolved it quickly as it was the law most directly related to their work:

The Drug Listing Act of 1972 amended the Federal Food, Drug, and Cosmetic Act so drug establishments engaged in the manufacturing, preparation, propagation, compounding, or processing drugs are required to register and list all their commercially marketed drug products with the Food and Drug Administration. This includes establishments that repackage or otherwise change the container, wrapper, or labeling of any drug package in the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate customer. Pharmacists Dispensing drugs to end customers are exempt.

In 1957, I helped my Father install the National Association of Wholesale Druggist computerized inventory system, I knew was the first such industry application. The FDA adopted it in 1967 as National Drug Codes. 'Registration" was assigning a Labelers code, whereas. "Listing" was the registering of the second section drug name and strength section and third section of container sizes of the code assigned by registered labelers to the FDA,

NDCs have been used universally since 1957. In 1965 prescription drugs were in both Medicare and Medicaid. In 1978 a non-government organization was formed by all the organizations accounting for payments to enable prescriptions to be authorized and paid for at point of sale, The **National Council of Prescriptions Drug Plans**. By 1980 Chains, mail-order and most retail pharmacies were computerized, connected on-line and all providers could bill with universal billing form.

As I listed PUMP products in 1993, I asked Jacqueline Leung and Herbert Gerstenzang of the FDA Registration and listing department why they allowed dozens to put thousands of the same name product and sizes and how they could do so with any computer? I was told I could only talk about "my listings." I asked to speak with the person who did their computer work and was sent to Mr. Ron Brown, who confirmed it wasn't possible. Knowing the dangers of mislabeling and the way to report this was the FDA's MedWatch, I sent them a warning fax, December 18, 1995.

In filing my 1998 qui tam, I became the "First to File". Three months later 3 FBI special agents: Jackson, Tampa, Kiesewetter, Philadelphia, and Van Osten, Richmond, interviewed me and in November sent my qui tam to "Main Justice". At Main Justice, Trial Attorney Carol Bennett declined it May 21, 1999, saying FDA employees Jacqueline Leung and Herbert Gerstenzang told her FDA "Policy" allowed multiple manufacturers to use the same NDC. I knew The Drug Listing Act of 1972 made this illegal and dangerous, and asked how Medicaid Drug Rebates could be

collected from 2 dozen firms, without Rebate agreements and all of them used NDCs with Brand Labeler NDC's and copyrighted Names and not the NDC they registered their own products under and never sold "their own NDCs?" FDA says this is when the Opioid Crisis started around when Carol Bennett left DOJ.

I started collecting all Medicaid Drug Utilization Reports and add them all up and compare them with the Annual Medicaid Financial Management Reports which is the only place both State and Federal costs and Rebate data is shown. This simple basic audit shows how much money "disappeared" each year, before filing my second qui tam, after I had exhausted all appeals.

Over the next 4 years I collected all reports for the first 9 years 1991 to 2001; and over the next 14 years I collected 21 years for 12 states amounted to $96,873,760,506 for the 12 states who are plaintiffs; CA $21.2b, DC $1b, DE $1.1b, FL $19.2b, HI $0.9b, IL $14.4b, LA $9.6b, MA $8.8b, NV $ 1.3b, TN $5.7b, TX $18.7b, and VA $3.8b. Only CA used my information recovering $10b.

To check damages to other States I randomly calculated 7 more that are owed $90,373,501,390. Five of these now have State False Claims Act: CT $3,4b, GA $9b, NJ $7.8b, NY $392, NC $10.9b, OH $10b, and PA $9b. The first 5 added State False Claims after 2002 and only Ohio and Pennsylvania did not. I feel confident the other 25 States, half with False Claims Acts now, have $100 billion in unpaid rebates.

States I have contacted, seem to think there's a Statute of Limitations on recovering unpaid taxpayer's dollars, which is more than any states has in 37 years. This is because qui tam cases are settled far below proven damages. Does my 1998 qui tam dismissed without Prejudice show this when I can reopen it? Justice Department fraud Statistics are filed as: "Non-Qui Tam Matters" [Inspector Generals "Whistleblower cases.] separate from False Claim Act "Qui Tam Matters" Civilian False Claim Act cases] and combined recoveries. This only lists cases filed and recoveries for cases intervened in or settled, never showing "damages" compared to recoveries." The average annual recovery has been $2 billion for 37 years and shows the average of $243 million 12.15% paid in Relators fees. Of the 22,706 cases, 1,568 were whistleblowers [6.9%] while 9,652 were HHS cases [42.5%]. The remaining 11,486 cases total are Whistleblowers and qui tams in other government agencies.

"Whistleblowers", government employees and contractors pledged to report any waste, fraud, and abuse to their Inspector Generals. This site doesn't show how long cases were kept under seal, or when or if intervened in, or dismissed. Attorney General statistics only started recording how many cases been before being dismissed or otherwise ended in 2014 when that number still active over 5 years fell quickly. Without all data on cases the DoJ Fraud statistical data is meaningless! On the $75.3 billion recovery side, $11.9 billion were whistleblowers 15.8% while False Claim Act Cases accounted for $40.4 for 53.70%. The remaining $23.4 billion in recoveries were recovered by all the other government agencies with Attorney Generals. https://www.justiceogov/opa/media/1339306/dl?inline

To search the State Utilization reports I collected "real" FDA registered NDCs for each of the Transparent Drug Repackagers filed with the FDA, alongside the 'Fake" unused NDCs next to Brand drug Labeler number I put into a standard excel file. "

On June 16, 1999, Acting Deputy Attorney General, Eric Holder, issued The Holder Memo, weakening Justice Department's ability to prosecute national fraud cases. The memo, **Bringing Criminal Charges Against Corporations**, in essence eliminated criminal activity in qui tam cases for companies as Justice sought out more citizens to prosecute. Unlike humans' corporations were no longer "Persons in the eyes of the False Claims Act. But I saw they endangered more lives.

November 1999, the institute of Medicine, published To Err is Human showing "Health care in the United States is not as safe as it should and can be. At least 44, 000 people, and perhaps as many as 98,000 people, die in hospitals each year from medical errors - a direct result of misuse of National Drug Codes. "

November 9, 1999, I emailed Carmen A. Catizone, CEO National Boards of Pharmacy: RE: Information Boards of Pharmacy needs to know and act on notifying state boards of pharmacy to inform them all of this was fraud on Medicaid. Either he didn't, or the State Boards didn't, or pharmacists were told not to worry about it as every pharmacy was doing it, to stay in business by combating mail-order firms taking customers.

In 1993 Malcolm Sparrow led Attorney General Janet Reno to announce healthcare fraud "the number two crime problem in America, second only to violent crime." DEPARTMENT OF JUSTICE HEATLH CARE FRAUD REPORT FISCAL YEARS 1995 & 1996 showed criminal cases were up while recovery collections remained the same low amounts and percentages. When nothing changed after all I tried to stop it, I called Malcolm Sparrow hoping he'd help with his contacts and experience.

He confirmed Transparent Drug Repackaging was fraud and forwarded my notes to George Grob, Deputy Inspector General, DHHS, Director of the Office of Evaluation and Investigations. January 11, 2000, Malcolm wrote "since getting your materials from me, and they have not quite finished figuring out whether it deserves an investigation, and audit, or a policy discussion (at the federal level.) He thinks it's great for you to pursue specific investigations with MFCUs meanwhile, and he says he will let me know when they reach their decision as to what to do at the federal level. He says he finds your arguments logical and persuasive and assures me they have had some serious inter-agency meetings on the issue already, and some more to come. He does think the issue is "very complex" and is not yet convinced there is necessarily a financial loss to Medicaid, but he understands that the repackagers activity might account for a very significant piece of the rebate disagreements between Medicaid agencies and the manufacturers. "

In October 2001, I met in Philadelphia with two attorneys of a new counsel DurretteBradshaw, at Marc Raspanti's a qui tam attorney office. Raspanti's partner had a conflict with Pfizer. I removed Pfizer, also a defendant in the New York OPT-OUT Brand-Named Drug Manufacturers ANTITRUST CASE, that DurretteBradshaw represented a few hundred Independent Pharmacies plaintiffs in the New York OPT-OUT Brand-Named Drug Manufacturer anti-trust case, since 1993. We then met with A.U.S.A. James Sheehan, at his office.

We renamed the chain wholesalers named in my 1998 case, adding four commercial wholesaler repackagers, and all 40 brand drug manufacturers, who enabled drug repackagers to hide Medicaid Rebates under false NDCs, all pharmacists "Knowingly" defrauded all customers,' the wholesaler repackaging fraud: before meeting Assistant U.S. Attorney James Sheehan. In 2002 the U.S. Government "Knowingly" chose ineffective HHS audits", rather than an investigation or changing policy, after large political upheavals around George Grob at the HHS Inspector Generals' office.

On May 8, 2002, 02-cv-2704 was filed under seal. On June 24, 2002, at The U.S. Attorney's Office, Philadelphia, PA, a meeting recorded by U.S. Attorney note taker, Pamela Kuklinski Assistant U.S. Attorneys Jim Sheehan, Cathy Thomer, and Paul Shapiro, Penny Creech Assistant Florida AG, Marc Raspanti, Barrett Pope, Ken McArthur, and Myself was recorded.

Jim Sheehan's only question was "how do you know the repackagers are not paying Medicaid Drug Rebates?" I said none could as they were not listed as Participants in the Red Book, with all the Brand Named NDCs. He left briefly, returning with a copy and asked me to show him, and I did. He looked very worried and said, "We need to narrow the defendants". There were no more E. Pa Court investigations!

In June 2003 Ms. Carol Bennett, the DOJ Attorney who declined my first case became Deputy Associate Attorney General for Program Integrity, Office of General Counsel, CMS. She counseled on program integrity issues and as liaison with Department of Justice regarding the investigation and litigation of False Claims Act and other program integrity matters. Keeping Whistleblowers and Relators efforts hidden.

In 2006, the Bogart v. King case ended, George Grob retired from HHS having started annual National Medicaid Rebate Audits, in 2002. Marc Raspanti's partner had another conflict with my defendant Wyeth and withdrew after recommending replacements, he said had qui tam experience too. I wasn't told who.

My attorneys interviewed Marlin B. Wilbanks and Bob Thomas who had a "parasitic" case in Massachusetts filed by an attorney Thomas Antone. McArthur asked why they were trying to steal our case and they asked to prove I was the "Original Source" and "First-to-File." Mr. Antone's knowledge came from calls I had with former MFCU Director in Maryland, Carolyn McElroy in 2000, who worked with Antone.

On August 11, 2005, Transparency International, a not-for-profit organization created in 1993 to take a stand against corruption, stir the world's collective conscience and bring about change, published Global Corruption Report 2006. It included: Corruption in Healthcare Systems: The US Experience by Malcolm K. Sparrow. A dozen years after his appearance with Attorney General Janet Reno, waste, fraud, and abuse continued, only now on a larger scale: "The United States spends more on healthcare than any other industrialized country, with national health expenditures in 2003 exceeding U.S. $1.6 trillion. This represents 15.3 percent of the country's GDP, up from 5.7 percent in 1965, and 8.8 percent in 1980. Despite the extraordinary level of spending, healthcare economists have traditionally paid very little attention to corruption, fraud, waste, and abuse in the U.S. healthcare delivery system.

In 2006, the Bogart FCA case against King ended, as Marc Raspanti's partner had a conflict with defendant Wyeth and withdrew recommending replacements, he said had qui tam experience. I wasn't told who. George Grob retired from HHS.

In May 2006, my attorneys McArthur and Pope interviewed Marlin B. Wilbanks discovering he and Bob Thomas had a "mirror like" qui tam in Massachusetts filed by an attorney Thomas Antone. McArthur asked why they were trying to steal our case and they asked me to prove I was the "Original Source" and "First-to-File. " This wasn't difficult as Mr. Antone's knowledge came from phone calls I had with former Maryland MCFU Director, Carolyn McElroy in 2000, who later worked with Antone.

the market for decades. Information obtained by the Committee shows that the crisis was largely sparked by actions of the Food and Drug Administration.

I immediately noticed a very strong reversal of action by my attorneys from a new attorney J. Buckley Warden who interrogated me on my evidence on King, as they pushed me to drop them. They said they had lost all my evidence and engaged professor, RPh Norman Carroll school of pharmacy, who only did Wyeth damages. Seeing they had bad intentions to replace me for the first time I asked them "If you lost my evidence which I backed, "Whose your Relator? I asked if they thought they could substitute Ken McArthur or Norman Carroll as the relator in the YOUNG Case? Wyett Durrette looked around, before saying "We don't have a Relator!" And left the room.

That started a series of questionnaires about King, as they kept asking me for more and more King damages, they continued to reject, obviously pushing me, while never asking for damages on Pfizer or any of their other acquired companies G.D. Searle, Pharmacia, or Upjohn. This was just the start of me noticing they were working with Pfizer, not knowing they had illegally dismissed.

August 16, 2012. J&J, Pfizer, Others Beat Pharmacies' Drug Pricing Suit "A New York federal judge on Thursday tossed long-running drug price discrimination suit against Abbott Laboratories, Johnson & Johnson, Pfizer Inc. and other top drugmakers, saying more than 700 pharmacy plaintiffs had failed to show they were

August 29, 2006: New FDA Rule 'The appropriate NDC number to be required to appear on drug labels. The appropriate NDC number is the NDC number belonging to the manufacturer, repacker, or relabeler, that corresponds to the drug; a repacker or relabeler would not be permitted to place an NDC number that corresponds to an original manufacturer on repackaged or relabeled drug.

October 6, 2006, The Wall Street Journal published **How Quiet Moves By A Publisher Sway Billions In Drug Spending.** by Barbara Martinez, exposing how McKesson and First DataBank inflated consumer drug prices by 5% since 2001. In 2007 NAMFCU [National Association of Medicaid Fraud Control Units] started Global Settlement Teams, and 02-cv-2704 was first. MFCU attorneys were assigned from: Illinois, New York, and Virginia.

The Transparent Drug Repackaging industry pressured FDA into holding an all-day meeting on December 11, 2006, fully recorded it's longer publicly available. With Medicare D starting CMS had to stop fraud. Repackaging just moved abroad.

On May 20, 2009, President Obama signed The Fraud Enforcement and Recovery Act of 2009. The law enhanced criminal enforcement of federal fraud laws, in financial institutions, mortgage, securities or commodities fraud, including prescription drugs.

Four Months later November 10, 2011, Regina D. Poserina, Berger & Montague, filing as an individual attorney from home, through the ECF system without my knowledge, approval, or consent. illegally used my Relators PACER account to File Docket 74 NOTICE OF PLAINTIFF [RELATOR'S VOLUNTARY PARTIAL DISMISSAL OF CERTAIN NAMED DEFENDANTS AND REQUEST FOR COURT APPROVAL.

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 41(a), Plaintiff/Relator Robert N. Young, acting on behalf of the United States, the District of Columbia, and the named State Plaintiffs, [1] hereby voluntarily dismisses all claims alleged in the First Amended Complaint in the above-captioned False Claims Act qui tam action against the Defendants.

This dismissal does not affect Plaintiff/Relator's claims against any other Defendant, including in particular King Pharmaceuticals, ("King") and Wyeth. Plaintiff/Relator

will also be filing a Motion for Leave to File a Second Amended Complaint to reflect this intended dismissal, the narrowing of his claims, and the addition of Pfizer, Inc. as a defendant insofar as it is the successor in interest to remaining Defendants King and Wyeth.

Were this a routine case, dismissal could be accomplished by notice given pursuant to Rule 41(a)(l) because no defendant to be dismissed has been served with the complaint and, therefore, none has yet served an answer or motion for summary judgment. Under the federal False Claims Act, 31 U.S.C. S 3730(b)(l), however, an action brought

by a relator may only be dismissed if the Court and the Attorney General of the United States consent to the dismissal because the United States is the real party in interest.2 The false claims laws of some of the named States contain similar provisions.3

Counsel for the United States has authorized undersigned counsel for Plaintiff/Relator to represent to this Court that the United States, having previously filed a Notice of Intent to Decline to Intervene in Qui Tam Action on July 10, 2006, hereby consents to this notice of dismissal of certain Defendants without prejudice to the United States.

In addition, pursuant to Fed. R. Civ. P. 41(a)(l) and the provisions of the false claims laws of some of the named State Plaintiffs,4 counsel for these States have authorized the undersigned counsel for Plaintiff/Relator to represent to the Court that such States, each having previously filed either a notice of declination or of not intervening at this time, also consent to the proposed dismissal of these Defendants without prejudice to said States.

WHEREFORE, Plaintiff/Relator respectfully requests that the Court issue the accompanying order to reflect the requested dismissal in accordance with the federal False Claims Act, applicable state false claims laws, and Fed. R. Civ. P. 41(a)(l).

Dated: November 10, 2011

ATTORNEYS FOR PLAINTIFF/RELATOR

After November 10, 2011, PACER entries in my case in the United States Eastern PA District Court were bifurcated into two case numbers one (FCA), 31 U.S.C. 3729–3733 case 02-cv-2704 while all my counsels also proceeded under Fed. R. Civ. P. 41(a)(1). under a new case 2:02-cv-02704, acting as me in all postings without my consent or knowledge, as relators are not allowed access to Sealed PACER filings. Some but not all PACER Documents carried both "Case Numbers" while my attorneys were using 02-cv-2704 on all of them while others had a PACER Banner with those they used for their "OFF-LINE" antitrust case in Eastern New York District Court.

On November 14, 2011, 12:02 PM, four days after Regina Poserina dismissed my case, Wyett Durette emailed Carlton Wessel, copying Andrew Hoffman II, Regina Poserina at her home email used to dismiss my case, my TAF.org counsels Marlin Wilbanks and Suzanne Durrell, and DurretteCrump attorneys Ken McArthur and Barrett Pope. SUBJECT U.S. ex. Rel. Robert N. Young v. Abbott Laboratories et. al including King Pharmaceuticals.

Carl, While I suspect your PA attorney received these via ECF and forwarded them to you, I attach them here just in case. These were filed Friday. Once the Order is entered and the Second Amended Complaint is actually filed, we will send you the waiver of service forms. Regards

On November 16, 2011, 7:32 PM, Carlton Wessel returned the email only copying Andrew Hoffman. Thanks Wyatt. I believe our response to your motion is due the

Monday after Thanksgiving. Would you be willing to consent to a 15 Day extension? I appreciate your past courtesies. Carl [PACER Case 2:02-cv-02704-JCJ Document 1061 Filed 01/09/12 Page 2 of 6

November 16, 2011. SECOND AMENDED COMPLAINT against KING PHARMACEUTICALS, INC., WYETH, PFIZER INC., filed by ROBERT N. YOUNG, UNITED STATES OF AMERICA, TENNESSEE, TEXAS, NEVADA, DISTRICT OF COLUMBIA, LOUISIANA, DELAWARE, FLORIDA, ILLINOIS, STATES OF CALIFORNIA, HAWAII, MASSACHUSETTS, VIRGINIA. EXHIBITS (Attachments: # J EXHIBIT A, # 2 EXHIBIT B, # 3 EXHIBIT C, # 4 EXHIBIT D, # 5 EXHIBIT E, # 6EXHIBIT) (Entered: 11/17/2011).

These exhibits were on Medicaid Drug Rebates not related to antitrust; showing my attorneys and Pfizer's cooperating in a fraudulent False Claims Act case against Pfizer's King and Wyeth while not gathering or attempting to gather damages on Pfizer, or their other acquired Companies: G. D. Searle, Pharmacia & Upjohn) They were conspiring against the government and protecting Pfizer by a cooperative settlement of the 18 year old NY Antitrust case for an "Negotiated" equal amount to what we could settle for from a King and Wyeth HHS negotiated settlement, freeing other PhRMA manufacturers, while Pfizer waited for the Pfizer HHS CIA ending in 3 years. This involved E. Pa Court using Fed. R. Civ. P. 41(a)(l). to dismiss qui tams.

November 28, 2011, Carlton E. Wessel had a 4-page letter Hand Delivered to Judge Joyner, RE U.S. ex rel. Young v. King Pharmaceuticals, Inc.; Case Number: 2:02-cv02704-JCJ. "Writing on behalf of our clients, King Pharmaceuticals, Wyeth, and Pfizer: Complaining "On November 15, 2011, the Court granted Plaintiffs motion for leave to file a Second Amended Complaint (SAC) before we had an opportunity to file our brief in Opposition. Accordingly, we respectfully request the court to reconsider granting the motion to amend. He copied all my attorneys, all the 12 State MFCU Attorneys who were plaintiffs [and may or may not have stopped watching either case] Andrew J. Hoffman II, and 3 other Pfizer attorneys not seen otherwise in the matter including Gary F. Giampetruzzi Vice President and Assistant General Counsel, Head of Government Investigations and Karl Buch, Senior Corporate Counsel, and Patrick A. Castaneda. This and other correspondence direct to Judge Joyner seems to have started then and is not placed in PACER.

December 1, 2011, PACER ORDER THAT DEFENDANTS ARE GRANTED LEAVE TO FILE A MOTION TO RECONSIDER THE COURT'S ORDER GRANTING PLAINTIFFS LEAVE TO FILE A SECOND AMENDED COMPLAINT

When DOJ instructed courts to code all cases into PACER constantly installing "nature of suit" codes to digitize DOJ Court Records, must have been around this time providing needed data I.A listing of all parties and participants including judges,

REASONS FOR GRANTING THE PETITION

Before 1988, Court Records stayed in courts, and one had to go there to see them, if allowed. Since the First False Claims Act 1943 Amendment, qui tams stayed sealed for very long times in District Courts. Justice statistics show, from filing and after a 60-day "criminal check" it took a decade for big cases like Polansky's and mine, to be dismissed, as most all have been. In my case, over $200 billion in initial damages. With $5,000 to $10,000, per fraud penalties: if tripled, would equal or exceed the $1 trillion Relator Brook Jackson sued Ventavia and Pfizer for on January 8, 2001.

The most interesting part of the Polansky decision, was Judge Thomas's dissent, joined in by Justices Kavanaugh and Barrett, that the *Polansky decision* "has increased attention on arguments that the False Claims Act's *qui tam* provisions may be unconstitutional." I believe he implied SCOTUS should "look" for more False Claim Act cases, with Fed. R. Civ. P. 41(a)(1). used in their dismissals. Did Judge Thomas expect one so quickly, related to both June 2023 qui tam SCOTUS decisions? One that could "recover" seven times more than all 37 years of fraud recoveries. And one that with others, shows one cause of our $34 Trillion National Debt!

In my three cases, on a single "Nature of Cause" 375 False Claims Act; 22 and 25 years under seal and undismissed; I saw my NOA [Notice of Appeal] on 06/12/2023 was 4 days before SCOTUS Polansky June 16, 2023, decision when mailed to me. My Third Circuit Appeals case was all 3 and the en banc dismissal was 12 votes against me, I had to smile. I told them I was going to submit a Writ of Certiorari, wondering how Courts "backdate" PACER Filings?

It came 4 years after being awarded when I submitted it August 29, 2019, from a new address in PA, for 2-02-02704-JCJ. That case isn't traceable on E. Pa. Pacer as its format is wrong. When you

REASONS FOR GRANTING THE PETITION

When You Use the correct one 2:02cv02704 PACER finds it and 6 Identical cases: 2 in CA, and 1 each in LA, NY, TN; and NJ and PA in the Third Circuit.

I realized early some people in E. Pa. Courts use PACER filings as a weapon, as in my cases. As the Polansky case showed, many overbillings aren't knowingly deliberate, and hard to prove "knowingly" as the June 1, 2023 defined. From my first 1998 Reverse False Claim Act Case [still under seal], are exact. Computer Files are like fingerprints, bar codes, DNA, and National Drug Codes. I know how to read the ones I collected; all were knowingly not paying Rebates. I just did Medicaid, but they defrauded all customers on half of their prescriptions, unlike ICDs.

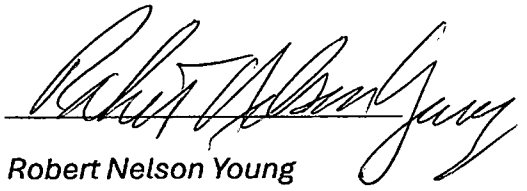
Mr. Polansky, worked with and reads healthcare Computer data, as I, can be "Knowingly" programed to cost more as they are not single codes as NDCs are Recovering these is the purpose of The False Claims Act and our related "Whistleblowers". These are government employees and contractors pledged to report all waste, fraud, and abuse. There are millions eligible who are fewer as they are, punished, not rewarded. The last 37 years Whistleblowers recovered $22 billion, while Relators recovered $50 billion, paying 12% fees. If Government doesn't intervene the fee is 30%, which never happens. Thirty-eighty billion of HHS recoveries are pharmaceutical case recoveries.

Most don't connect FCA Secrecy to First Amendment Rights, as Brook Jackson does. Her case stopped instantly when became known. The Two "Secrecy" Laws no other nation has are False Claim Act cases and Grand Juries, used lately in political cases. Sounds like a winning combo to me to keep silence, while keeping our first rights, and stopping frauds!

The Case Query (23-2073) shows the Originating case as 2-02-cv-02704, filed o5/06/2002, Judgement 09/10/2024, Notice of Award 06/12/2023 The Monday Before SCOTUS ruled on the Polansky Case.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Robert Nelson Young

March 11, 2024