

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:19-cv-02856-RBJ

UNITED STATES OF AMERICA,
ex rel. WILLIAM CUSICK,
Plaintiff

, v.

JOHN DAVID KUTZKO,
LINDA WINGATE
KUTZKO, TOBY DAVID
LIROT, CASEY DEE
LIROT,
PAGOSA P & C, INC., a Colorado corporation,
TODD HENRY ANTROBUS,
WANDA LUCILLE ANTROBUS,
BRIAN KEITH HICKS,
PAGOSA SPRINGS PHARMACY LLC, a Colorado limited liability
company, NHS PHARMA SALES, INC., a California corporation,
NHS PHARMA, INC., a California corporation,
CHARLES RONALD GREEN, JR.,
MELINDA ELIZABETH GREEN,
DAVID PALMER TENNEY, and
DONALD E. JONES, Jr.
Defendants.

STIPULATION FOR DISMISSAL

The Relator, William Cusick, by and through his counsel, along with counsel for Defendants John and Linda Kutzko (the “Kutzko Defendants”), counsel for Defendants Casey and Toby Lirot (the “Lirot Defendants”), counsel for Defendants NHS Pharma Sales, Inc., NHS Pharma, Inc., Charles Green, Jr. and Melinda Green (collectively, the “NHS Pharma Defendants”), and Todd Henry Antrobus, Wanda Lucille Antrobus and Donald E. Jones, Jr. each of whom are proceeding *pro se* (the “*Pro Se* Defendants”) (collectively, the “Appearing

Defendants”), pursuant to Fed. R. Civ. P. 41(a)(1), submit their Stipulation for Dismissal, and state as follows:

1. Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure provides that an action may be dismissed without order of the Court by the filing of a stipulation of dismissal signed by all parties who have appeared in the action. Fed. R. Civ. P. 41(a)(1)(A)(ii).

2. The parties hereto have agreed to a “walk away” dismissal in which no consideration or monies have been or will be exchanged between the parties.

3. Relator, the Kutzko Defendants, the Lirot Defendants, the NHS Pharma Defendants and the *Pro Se* Defendants represent all of the parties who have appeared in this action, and they hereby consent to and submit this Stipulation for Dismissal.

4. As to Relator and the Appearing Defendants, the dismissal is **with prejudice** as to all claims asserted herein or that could have been asserted herein by Relator and the Appearing Defendants.

5. As to the United States of America, the dismissal is **without prejudice**.

6. Relator and the Appearing Defendants each agree to bear his, her or its own attorney’s fees, costs and expenses incurred in the above-captioned case.

7. The dismissal provided for herein is subject to and conditioned upon the United States of America filing a notice of its consent, as required by 31 U.S.C. §3730(b)(1) of the False Claims Act. Relator’s undersigned counsel has been authorized to represent that the government has informed him that the United States consents to dismissal without prejudice as to the United States. The United States will shortly after the filing of this stipulation file its notice of consent to the dismissal outlined in this stipulation.

Respectfully submitted this Wednesday, December 11, 2024.

By: /s/ Paul S. Enockson
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Ronald Green, Jr., and Melinda Elizabeth
Green**

By: /s/ Wanda Lucille Antrobus
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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2024, I filed the foregoing with the Clerk of the Court using the CM/ECF system. Participants in the case who are registered CM/ECF user will be served by the CM/ECF system.

/s/ Paul S. Enockson
Paul S. Enockson