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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, ex rel.
STEPHEN A. KRAHLING and JOAN A.
WLOCHOWSKI,

Plaintiffs,

v.

MERCK & CO.,

Defendant.

CIVIL ACTION
NO. 10-CV-4374

FILED

APR 27 2012

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

**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, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relators 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.* Therefore, the United States requests that, should either the relators or the defendant 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.

Furthermore, 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 orders issued by the Court be sent to the United States' counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later


date, and to seek the dismissal of the relators' action or claim. The United States also requests that it be served with all notices of appeal.

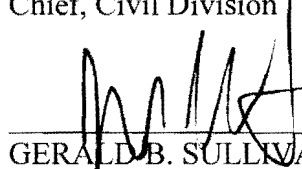
Finally, the United States requests that the relators' Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully,

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Date: April 27, 2012

CERTIFICATE OF SERVICE

I hereby certify that today, April 27, 2012, I sent, by email a copy of the foregoing

Notice of Election to Decline Intervention and proposed order to the following:

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Kathleen R. Scanlan, Esquire
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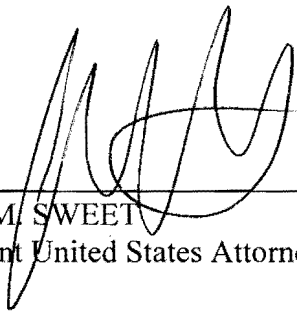
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