

OCT 15 2013

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA ex rel.  
DONNA M. MCLEAN,

Plaintiff - Appellant,

v.

THE COUNTY OF SANTA CLARA, a  
municipality; et al.,

Defendants - Appellees.

No. 11-17864

D.C. No. 5:05-cv-01962-HRL

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Howard R. Lloyd, Magistrate Judge, Presiding

Submitted October 10, 2013\*\*  
San Francisco, California

Before: WALLACE, M. SMITH, and IKUTA, Circuit Judges.

Appellant and *qui tam* relator Donna McLean contends that Defendant-  
Appellee the County of Santa Clara fraudulently overcharged the federal

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

government for child welfare services in violation of the False Claims Act, 31 U.S.C. § 3729, *et seq.*<sup>1</sup> McLean appeals from the district court’s order (1) granting summary judgment in favor of the County; (2) denying her motion for partial summary judgment; (3) resolving several evidentiary disputes against her; (4) declining to allow additional discovery; and (5) declining to transfer the case to a different venue for trial. Because the parties are familiar with the facts and procedural history of this case, we repeat only those facts necessary to resolve the issues raised on appeal. We affirm.

McLean obtained voluminous discovery in this case, and the district court granted multiple extensions. Accordingly, the district court properly exercised its “wide latitude,” *Yeti by Molly, Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1106 (9th Cir. 2001), in excluding testimony from McLean’s belatedly disclosed experts, denying her leave to designate additional experts, and denying her motion to obtain additional discovery. *See Cornwell v. Electra Cent. Credit Union*, 439 F.3d 1018, 1026 (9th Cir. 2006). Further, the district court did not abuse its “broad discretion,” *Harper v. City of Los Angeles*, 533 F.3d 1010, 1030 (9th Cir. 2008), in resolving several other evidentiary disputes against McLean. *See Fed. R. Evid.*

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<sup>1</sup> McLean originally brought suit against several other defendants. But she only challenges the district court’s judgment in favor of the County on appeal. *See Appellant’s Opening Br.* at 6 n.5.

402, 602, 701(c). In light of the district court's evidentiary holdings, the record shows that there is no genuine dispute as to any material fact and the County is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a); *Scott v. Harris*, 550 U.S. 372, 380 (2007).

For the foregoing reasons, we affirm the judgment of the district court. In view of this disposition, we decline to consider McLean's other arguments on appeal.

**AFFIRMED**