

Table of Contents

Volume 1

PART I. FOUNDATIONS

CHAPTER 1. THEORETICAL AND POLICY FOUNDATIONS

II. THE PROBLEM OF FRAUD AGAINST THE GOVERNMENT

- § 1:3 The economics of cheating the Government
- § 1:4 The economics of cheating the Government—Lack of
information
- § 1:5 The economics of cheating the Government—Lack of
resources

CHAPTER 2. HISTORICAL FOUNDATIONS OF THE FALSE CLAIMS ACT

II. THE HISTORY OF QUI TAM AND THE FALSE CLAIMS ACT

- § 2:12 Development in the United States—2009 Amendments

III. DEVELOPMENT AND APPLICATIONS OF THE FALSE CLAIMS ACT

- § 2:16 Healthcare industry
- § 2:21 Other government programs

IV. FUTURE DEVELOPMENT OF THE FALSE CLAIMS ACT

- § 2:22 Future development
- § 2:29 Future development—The IRS Whistleblower Program

- § 2:33 Future development—Department of Justice whistleblower program *[New]*
- § 2:34 Future development—Department of Justice Antitrust whistleblower rewards program *[New]*

CHAPTER 3. CONSTITUTIONAL FOUNDATIONS

II. ARTICLE III

- § 3:2 Cases and controversies

III. ARTICLE II

- § 3:3 The appointments clause and take care clause
- § 3:4 The appointments clause and take care clause—The take care clause
- § 3:5 The appointments clause and take care clause—The appointments clause

PART II. LIABILITY

CHAPTER 4. LIABILITY TO THE GOVERNMENT FOR FALSE CLAIMS

I. OVERVIEW OF LIABILITY TO THE GOVERNMENT FOR FALSE CLAIMS

- § 4:2 Liability under 31 U.S.C.A. § 3729(a)(1)(A): Presentation of a false or fraudulent claim
- § 4:3 Liability under 31 U.S.C.A. § 3729(a)(1)(A): Presentation of a false or fraudulent claim—Causing to present
- § 4:4 Liability under 31 U.S.C.A. § 3729(a)(1)(A): Presentation of a false or fraudulent claim—Causing to present—Test for Causation
- § 4:5 Liability under 31 U.S.C.A. § 3729(a)(1)(A): Presentation of a false or fraudulent claim—Causing to present—Test for Causation—Anti-Kickback Statute
- § 4:7 Liability under 31 U.S.C.A. § 3729(a)(1)(B): Use of a false or fraudulent statement or record
- § 4:11 Liability under 31 U.S.C.A. § 3729(a)(1)(C): Conspiracy to violate the Act—Necessity of an agreement
- § 4:12 Liability under 31 U.S.C.A. § 3729(a)(1)(C): Conspiracy to violate the Act—Intra-corporate conspiracies
- § 4:15 Liability under 31 U.S.C.A. § 3729(a)(1)(D): Failure to return government property

TABLE OF CONTENTS

- § 4:18 Liability under 31 U.S.C.A. § 3729(a)(1)(G): Reverse false claims
- § 4:19 Liability under 31 U.S.C.A. § 3729(a)(1)(G): Reverse false claims—Obligation
- § 4:20 Liability under 31 U.S.C.A. § 3729(a)(1)(G): Reverse false claims—Obligation—Customs Duties and Visas
- § 4:21 Liability under 31 U.S.C.A. § 3729(a)(1)(G): Reverse false claims—Obligation—Unassessed Penalties
- § 4:22 Liability under 31 U.S.C.A. § 3729(a)(1)(G): Reverse false claims—Obligation—Overlap with other False Claims Act provisions
- § 4:23 Liability under 31 U.S.C.A. § 3729(a)(1)(G): Reverse false claims—Retention of overpayments
- § 4:24 Liability under 31 U.S.C.A. § 3729(a)(1)(G): Reverse false claims—Avoid an obligation

II. THE REQUIREMENT OF A “CLAIM”

- § 4:32 History of the term “claim”—2009 Amendments to the False Claims Act
- § 4:34 Specific types of claims—Claims to a third-party recipient of government funds
- § 4:35 Specific types of claims—Loans and insurance guarantees
- § 4:38 Specific types of claims—Exclusions—Fraud not involving the government treasury

III. FALSITY, KNOWLEDGE, AND OTHER THRESHOLD REQUIREMENTS

- § 4:40 False or fraudulent: Emergence of factually false/legally false distinction
- § 4:45 False or fraudulent: Implied certification post-*Escobar*: “At least” where specific representations are made
- § 4:46 False or fraudulent: Implied certification post-*Escobar*: Specific representations
- § 4:47 False or fraudulent—Invoices for goods or services not provided
- § 4:48 False or fraudulent—Invoices for goods or services not provided—Worthless services
- § 4:49 False or fraudulent—Goods or services that do not conform to contract specifications, laws, or regulations
- § 4:50 False or fraudulent—Goods or services that do not conform to contract specifications, laws, or regulations—Medical devices and drugs
- § 4:51 False or fraudulent—Fraud to obtain a contract
- § 4:52 False or fraudulent—Compliance with unambiguous regulatory or contractual requirements

THE FALSE CLAIMS ACT

- § 4:53 False or fraudulent—Reasonable interpretations of an ambiguous regulatory or contractual requirement
- § 4:54 False or fraudulent—Opinions
- § 4:56 False or fraudulent—Timing of the falsity
- § 4:57 Knowingly
- § 4:58 Knowingly—Actual knowledge
- § 4:59 Knowingly—Deliberate ignorance or reckless disregard
- § 4:62 Knowingly—Ambiguous law, regulation, or contract
- § 4:64 Knowingly—Government knowledge
- § 4:65 Knowingly—Collective knowledge
- § 4:72 Other threshold issues—Materiality
- § 4:73 Other threshold issues—Materiality—Test for determining materiality
- § 4:74 Other threshold issues—Materiality—Test for determining materiality—Holistic inquiry
- § 4:75 Other threshold issues—Materiality—Test for determining materiality—Condition of payment
- § 4:76 Other threshold issues—Materiality—Test for determining materiality—Heart of the bargain or minor and insubstantial
- § 4:77 Other threshold issues—Materiality—Test for determining materiality—Government action
- § 4:77.50 Other Threshold Issues—Defendant’s Knowledge of Materiality *[New]*
- § 4:78 Other threshold issues—Materiality—Question for the court or jury

IV. PERSONS AND ENTITIES WHO MAY BE LIABLE (POTENTIAL DEFENDANTS)

- § 4:85 Application to specific types of persons
- § 4:86 Application to specific types of persons—The federal Government, its agencies, officials and employees
- § 4:87 Application to specific types of persons—The states, their agencies, officials and employees
- § 4:90 Application to specific types of persons—Corporations—Liability of corporation for acts of employees
- § 4:91 Application to specific types of persons—Corporations—Personal liability of corporate officers and employees
- § 4:92 Application to specific types of persons—Corporations—Liability of parent for subsidiary
- § 4:95 Application to specific types of persons—Other entities—Indian tribes

TABLE OF CONTENTS

**CHAPTER 5. LIABILITY TO PRIVATE
INDIVIDUALS FOR RETALIATION**

II. LIABILITY UNDER § 3730(H)

- § 5:5 Statutory elements—Person engaged in activity protected by the statute—Employees within the scope of section 3730(h)—contractors, agents, and independent contractors
- § 5:6 Statutory elements—Person engaged in activity protected by the statute—Employees within the scope of section 3730(h)—Corporate employment
- § 5:7 Statutory elements—Person engaged in activity protected by the statute—Employees within the scope of section 3730(h)—Corporate employment—De facto employer.
- § 5:8 Statutory elements—Person engaged in activity protected by the statute—Employees within the scope of section 3730(h)—Corporate employment—Parents and subsidiaries.
- § 5:9 Statutory elements—Person engaged in activity protected by the statute—Employees within the scope of section 3730(h)—Former employment and applicants for employment
- § 5:10 Statutory elements—Person engaged in activity protected by the statute—Employees within the scope of section 3730(h)—Federal employment
- § 5:11 Statutory elements—Person engaged in activity protected by the statute—Employees within the scope of section 3730(h)—State employment
- § 5:13 Statutory elements—Protected activity
- § 5:16 Statutory elements—Protected activity—The plaintiff need not prove a False Claims Act violation
- § 5:17 Statutory elements—Protected activity—The activity must involve activity in furtherance of an action under the Act or an effort to stop a violation of the False Claims Act
- § 5:18 Statutory elements—Protected activity—Internal complaint procedures/intracorporate complaints
- § 5:19 Statutory elements—Protected activity—Refusal to participate in fraudulent scheme
- § 5:22 Statutory elements—Retaliation “because of” protected activity—Retaliation
- § 5:23 Statutory elements—Retaliation “because of” protected activity—Retaliation—Constructive Discharge
- § 5:24 Statutory elements—Retaliation “because of” protected activity—Retaliation—Post-termination retaliation
- § 5:25 Statutory elements—Retaliation “because of” protected activity—By employer

- § 5:26 Statutory elements—Retaliation “because of” protected activity—“Because of”
- § 5:27 Statutory elements—Retaliation “because of” protected activity—“Because of”—Defendant’s knowledge of protected activity
- § 5:28 Statutory elements—Retaliation “because of” protected activity—“Because of”—Defendant’s knowledge of protected activity—Employee assigned task of investigating fraud
- § 5:29 Statutory elements—Retaliation “because of” protected activity—“Because of”—Defendant’s knowledge of protected activity—Employer was motivated by retaliation for protected activity
- § 5:30 Statutory elements—Retaliation “because of” protected activity—“Because of”—Defendant’s knowledge of protected activity—Employer was motivated by retaliation for protected activity—Prima facie case
- § 5:31 Statutory elements—Retaliation “because of” protected activity—“Because of”—Defendant’s knowledge of protected activity—Employer was motivated by retaliation for protected activity—Legitimate nondiscriminatory reason
- § 5:32 Statutory elements—Retaliation “because of” protected activity—“Because of”—Defendant’s knowledge of protected activity—Employer was motivated by retaliation for protected activity—Pretext

III. PROCEDURE

- § 5:34 Statute of limitations—Relation back
- § 5:38 Arbitration agreements
- § 5:40 Arbitration agreements—Matters not subject to arbitration
- § 5:43 Res judicata and collateral estoppel
- § 5:44 Discovery

PART III. DAMAGES, PENALTIES AND OTHER REMEDIES

CHAPTER 6. DAMAGES AND OTHER REMEDIES

II. DAMAGES FOR HARM TO THE GOVERNMENT

- § 6:3 Measuring damages
- § 6:4 The general rule
- § 6:7 Causation, reliance, and consequential damages—
Causation and reliance

TABLE OF CONTENTS

- § 6:13 Damages in particular types of cases—Procurement or negotiation improprieties—Kickbacks
- § 6:14 Damages in particular types of cases—Product/service substitution and quality control
- § 6:16 Damages in particular types of cases—Ineligibility for goods or services
- § 6:19 Damages in particular types of cases—Loan guarantees
- § 6:20 Damages in particular types of cases—False representation of compliance with material contractual or regulatory requirements
- § 6:25 Additional elements of damages—Pre-judgment interest
- § 6:27 Additional elements of damages—Credits or offsets
- § 6:28 Additional elements of damages—Credits or offsets—Restitution
- § 6:29 Proving damages
- § 6:37 Tax, accounting, and bankruptcy considerations—Taxing attorney fee awards

III. DAMAGES FOR HARM TO PRIVATE INDIVIDUALS

- § 6:41 Mitigation measures
- § 6:42 Prejudgment interest
- § 6:43 Reinstatement
- § 6:44 Emotional distress

Volume 2

CHAPTER 7. CIVIL PENALTIES

II. ASSESSMENT OF PENALTIES

- § 7:2 The general rule
- § 7:3 Mandatory nature of penalties
- § 7:4 Increases under the Federal Civil Penalties Adjustment Act of 1990
- § 7:7 Determining the level of penalties—Lower penalty
- § 7:8 Determining the level of penalties—Higher penalty
- § 7:9 Determining the level of penalties—Middle range penalty
- § 7:13 Determining the number of penalties assessed—The number of false claims submitted is determined by the conduct of the defendant
- § 7:14 Determining the number of penalties assessed—Submission of multiple claims at the same time

III. CONSTITUTIONAL CHALLENGES TO PENALTIES

- § 7:20 Excessive fines

CHAPTER 8. THE RELATOR'S SHARE

II. ASSESSMENT OF RELATOR'S SHARE

- § 8:4 Department of Justice guidelines
- § 8:6 Cases the Government joins—Factors warranting higher percentage—Contribution of significant information
- § 8:8 Cases the Government joins—Factors warranting higher percentage—Whether relator's information was known to the Government
- § 8:15 Cases the Government declines to join
- § 8:18 Exceptions—Cases brought by person who planned or initiated the violation or were convicted of a crime based upon their role
- § 8:21 Share of the "proceeds" of the action or settlement—From the lawsuit or from a claim
- § 8:25 Enforcement

CHAPTER 9. ATTORNEYS' FEES, COSTS, AND EXPENSES

II. ATTORNEYS' FEES FOR RELATOR

- § 9:3 Successful Relator
- § 9:4 Successful Relator—Multi-Relator Cases
- § 9:8 Calculation: lodestar approach—Reasonableness of rates
- § 9:9 Calculation: lodestar approach—Reasonableness of rates—Relevant Market
- § 9:10 Calculation: lodestar approach—Reasonableness of rates—Current or historic rates
- § 9:11 Calculation: lode star approach—Number of hours worked
- § 9:12 Calculation: lodestar approach—Number of hours worked—Related matters
- § 9:16 Calculation: lodestar approach—Upward adjustment
- § 9:18 Calculation: lodestar approach—Downward adjustment—Partial success
- § 9:19 Calculation: lodestar approach—Downward adjustment—Unnecessary duplication of effort
- § 9:20 Calculation: lodestar approach—Downward adjustment—Inadequate documentation
- § 9:21 Calculation: lodestar approach—Downward adjustment—Lack of billing judgment
- § 9:26 Attorneys' fees for post-judgment proceedings—Fees for fee petitions
- § 9:28 Attorneys' fees for post-judgment proceedings—Relator's share litigation

TABLE OF CONTENTS

- § 9:29 Attorneys' fees for post-judgment proceedings—Time for filing
- § 9:29.1 Attorneys' fees for post-judgment proceedings—Post-judgment interest *[New]*

III. ATTORNEYS' FEES FOR DEFENDANT

- § 9:31 From the relator
- § 9:32 From the relator—Clearly vexatious
- § 9:33 From the relator—Clearly frivolous

V. COSTS

- § 9:38 Award to the Government and the relator
- § 9:40 Award to the Defendant—Costs taxed against a relator

VI. EXPENSES

- § 9:42 Generally

PART IV. PRACTICE AND PROCEDURE

CHAPTER 10. GENERAL PRACTICE AND PROCEDURE

II. JURISDICTION

- § 10:4 Subject matter jurisdiction—Court of claims exclusive jurisdiction
- § 10:7 Concurrent jurisdiction—Related federal court proceedings—Criminal proceedings
- § 10:10 Concurrent jurisdiction—Related federal court proceedings—Bankruptcy proceedings—False Claims Act cases held exempt from automatic stay
- § 10:14 Concurrent jurisdiction—Related federal agency proceedings (primary jurisdiction)—Application of primary jurisdiction doctrine to False Claims Act case rejected
- § 10:15 Concurrent jurisdiction—Related federal agency proceedings (primary jurisdiction)—False Claims Act case stayed under primary jurisdiction doctrine
- § 10:16 Concurrent jurisdiction—Arbitration
- § 10:22 Concurrent jurisdiction—Construction with other laws—Implied repeals of federal law
- § 10:27 Supplemental jurisdiction—Additional Government claims

THE FALSE CLAIMS ACT

- § 10:30 Supplemental jurisdiction—Defendant counterclaims against the Government
- § 10:38 Statute of limitations—Three-year limitation period and statute of repose: 31 U.S.C.A. § 3731(b)(2)—Government official with responsibility
- § 10:39 Statute of limitations—Three-year limitation period and statute of repose: 31 U.S.C.A. § 3731(b)(2)—Determining when facts material to the right of action are known
- § 10:40 Statute of limitations—Wartime Suspension of Limitations Act
- § 10:41 Affirmative defenses
- § 10:42 Prefiling release of claims by qui tam relator
- § 10:43 Prefiling release of claims by qui tam relator—Government’s lack of knowledge may invalidate release
- § 10:44 Prefiling release of claims by qui tam relator—Release may be enforced where Government is aware of claims
- § 10:45 Post-complaint release of claims by qui tam relator
- § 10:46 Abatement upon death of defendant
- § 10:47 Res judicata and collateral estoppel
- § 10:49 Retroactivity
- § 10:50 Retroactivity—Constitutionality
- § 10:51 Personal jurisdiction

III. VENUE

- § 10:52 Generally
- § 10:54 Motions to transfer venue—Motion denied
- § 10:55 Motions to transfer venue—Motion granted

IV. PLEADINGS

- § 10:62 Rule 9(b): Pleading fraud with particularity—Circuit overview
- § 10:63 Rule 9(b): Pleading fraud with particularity—Identification of specific example of fraudulent conduct
- § 10:64 Rule 9(b): Pleading fraud with particularity—Alleging persons involved in the fraud
- § 10:66 Rule 9(b): Pleading fraud with particularity—Knowledge or intent
- § 10:67 Rule 9(b): Pleading fraud with particularity—Materiality
- § 10:68 Rule 9(b): Pleading fraud with particularity—Conspiracy allegations
- § 10:69 Rule 9(b): Pleading fraud with particularity—Nationwide/industry wide schemes
- § 10:70 Rule 9(b): Pleading fraud with particularity—Leave to amend
- § 10:71 Amending the complaint
- § 10:72 Amending the complaint—Relation back

TABLE OF CONTENTS

V. DISCOVERY

- § 10:75 Special procedures for the Government—Civil investigative demands
- § 10:86 Special procedures for the Government—Subpoenas
- § 10:90 Privileges—Attorney-client privilege and work-product doctrine
- § 10:93 Privileges—Attorney-client privilege and work-product doctrine—Government witness interviews
- § 10:95 Privileges—Attorney-client privilege and work-product doctrine—Voluntary disclosure programs
- § 10:96 Privileges—Attorney-client privilege and work-product doctrine—Documents submitted to Government by relators
- § 10:98 Privileges—Deliberative process
- § 10:103 Privileges—Health records—Health Insurance Portability and Accountability Act (“HIPAA”)

VII. ISSUES AT TRIAL

- § 10:112 Evidence
- § 10:113 Evidence—Statistical Evidence
- § 10:114 Evidence—Witness subpoenas
- § 10:115 Jury instructions

VIII. SETTLEMENT

- § 10:116 Generally
- § 10:119 Corporate integrity agreements

IX. COLLECTION OF JUDGMENT

- § 10:121 Federal Debt Collection Procedure Act
- § 10:123 Insurance

CHAPTER 11. PROCEDURE IN QUI TAM ACTIONS

II. COMMENCING A QUI TAM CASE

- § 11:3 “A person”; (potential relators)
- § 11:8 “A person”; (potential relators)—Debtor in bankruptcy
- § 11:9 “A person”; (potential relators)—Pro se relators
- § 11:13 Filing complaint and written disclosure of material evidence in camera and under seal: 31 U.S.C.A. § 3730(b)(2)—Written disclosure

THE FALSE CLAIMS ACT

- § 11:14 Filing complaint and written disclosure of material evidence in camera and under seal: 31 U.S.C.A. § 3730(b)(2)—Failure to comply with the filing requirements
- § 11:17 Government election whether to intervene—Initially—Extensions of time
- § 11:19 Government election whether to intervene—Initially—Rights of the parties—Rights of the relator
- § 11:23 Government election whether to intervene—Subsequently—Government monitoring of a case
- § 11:25 Lifting the seal
- § 11:26 Lifting the seal—Anonymous relators
- § 11:27 Lifting the seal—Service of process and failure to prosecute

III. STATUTORY LIMITS ON QUI TAM CASES

- § 11:32 Allegations already the subject of Government litigation: 31 U.S.C.A. § 3730(e)(3)
- § 11:34 Allegations already the subject of Government litigation: 31 U.S.C.A. § 3730(e)(3)—Civil suit or administrative civil money penalty proceeding
- § 11:38 Allegations publicly disclosed in certain hearings, reports or the news media: 31 U.S.C.A. § 3730(e)(4)—Retroactivity
- § 11:39 Allegations publicly disclosed in certain hearings, reports or the news media: 31 U.S.C.A. § 3730(e)(4)—Jurisdiction
- § 11:43 Allegations publicly disclosed in certain hearings, reports or the news media: 31 U.S.C.A. § 3730(e)(4)—Relevant forum
- § 11:45 Allegations publicly disclosed in certain hearings, reports or the news media: 31 U.S.C.A. § 3730(e)(4)—Relevant forum—Public disclosure in a criminal, civil, or administrative hearing—Pleadings and discovery materials
- § 11:46 Allegations publicly disclosed in certain hearings, reports or the news media: 31 U.S.C.A. § 3730(e)(4)—Relevant forum—Public disclosure in a criminal, civil, or administrative hearing—Pleadings and discovery materials—Relator’s own case
- § 11:49 Allegations publicly disclosed in certain hearings, reports or the news media: 31 U.S.C.A. § 3730(e)(4)—Relevant forum—Publicly disclosed in congressional or Government Accountability Office, or other federal report, hearing, audit, or investigation

TABLE OF CONTENTS

- § 11:50 Allegations publicly disclosed in certain hearings,
reports or the news media: 31 U.S.C.A. § 3730(e)(4)—
Relevant forum—Publicly disclosed in congressional
or Government Accountability Office, or other federal
report, hearing, audit, or investigation—Freedom of
Information Act (FOIA) requests
- § 11:51 Allegations publicly disclosed in certain hearings,
reports or the news media: 31 U.S.C.A. § 3730(e)(4)—
Relevant forum—Publicly disclosed in congressional
or Government Accountability Office, or other federal
report, hearing, audit, or investigation—Other federal
hearings
- § 11:52 Allegations publicly disclosed in certain hearings,
reports or the news media: 31 U.S.C.A. § 3730(e)(4)—
Relevant forum—Publicly disclosed in congressional
or Government Accountability Office, or other federal
report, hearing, audit, or investigation—
Investigations
- § 11:54 Allegations publicly disclosed in certain hearings,
reports or the news media: 31 U.S.C.A. § 3730(e)(4)—
Relevant forum—In the news media
- § 11:55 Allegations publicly disclosed in certain hearings,
reports or the news media: 31 U.S.C.A. § 3730(e)(4)—
Substantially the same allegations or transactions
underlying complaint
- § 11:56 Allegations publicly disclosed in certain hearings,
reports or the news media: 31 U.S.C.A. § 3730(e)(4)—
Allegations or transactions underlying complaint—
Specific defendants
- § 11:60 Allegations publicly disclosed in certain hearings,
reports or the news media: 31 U.S.C.A. § 3730(e)(4)—
Original source—Direct and independent knowledge
- § 11:61 Allegations publicly disclosed in certain hearings,
reports or the news media: 31 U.S.C.A. § 3730(e)(4)—
Original source—Direct
- § 11:62 Allegations publicly disclosed in certain hearings,
reports or the news media: 31 U.S.C.A. § 3730(e)(4)—
Original source—Independent
- § 11:63 Allegations publicly disclosed in certain hearings,
reports or the news media: 31 U.S.C.A. § 3730(e)(4)—
Original source—Voluntarily provided information to
the Government prior to filing
- § 11:64 Allegations publicly disclosed in certain hearings,
reports or the news media: 31 U.S.C.A. § 3730(e)(4)—
Original source—Voluntarily
- § 11:65 Allegations publicly disclosed in certain hearings,
reports or the news media: 31 U.S.C.A. § 3730(e)(4)—
Original source—Voluntarily—Government officials

THE FALSE CLAIMS ACT

- § 11:67 Allegations publicly disclosed in certain hearings, reports or the news media: 31 U.S.C.A. § 3730(e)(4)—Original source—Timing of disclosure
- § 11:70 Meaning of original source under 2010 amendment to section 31 U.S.C.A. § 3730(e)(4)
- § 11:71 Meaning of original source under 2010 amendment to section 31 U.S.C.A. § 3730(e)(4)—Materially adds
- § 11:72 Related action based on facts underlying a pending action: 31 U.S.C.A. § 3730(b)(5)
- § 11:73 Related action based on facts underlying a pending action: 31 U.S.C.A. § 3730(b)(5)—Pending action
- § 11:74 Related action based on facts underlying a pending action: 31 U.S.C.A. § 3730(b)(5)—Based on facts underlying pending action
- § 11:75 Related action based on facts underlying a pending action: 31 U.S.C.A. § 3730(b)(5)—Based on facts underlying pending action—Same material elements of fraud test
- § 11:76 Related action based on facts underlying a pending action: 31 U.S.C.A. § 3730(b)(5)—Based on facts underlying pending action—Same essential facts test
- § 11:77 Related action based on facts underlying a pending action: 31 U.S.C.A. § 3730(b)(5)—Based on facts underlying pending action—Same kind of conduct
- § 11:78 Related action based on facts underlying a pending action: 31 U.S.C.A. § 3730(b)(5)—Nature of the bar
- § 11:79 Related action based on facts underlying a pending action: 31 U.S.C.A. § 3730(b)(5)—Nature of the bar—Amending the complaint
- § 11:81 Related action based on facts underlying a pending action: 31 U.S.C.A. § 3730(b)(5)—Nature of the bar—Inapplicable to invited relators
- § 11:82 Related action based on facts underlying a pending action: 31 U.S.C.A. § 3730(b)(5)—Nature of the bar—Same relator
- § 11:86 Alternate remedy: 31 U.S.C.A. § 3730(c)(5)
- § 11:90 Alternate remedy: 31 U.S.C.A. § 3730(c)(5)—Miscellaneous Proceedings—Relationship to relator’s fraud allegations
- § 11:92 Alternate remedy: 31 U.S.C.A. § 3730(c)(5)—Criminal proceedings
- § 11:93 Statute of limitations
- § 11:99 Related bankruptcy proceedings
- § 11:100 Counterclaims against relator
- § 11:101 Counterclaims against relator—Defend Trade Secrets Act of 2016
- § 11:104 State law claims
- § 11:105 Survivability of claims—Relator’s death

TABLE OF CONTENTS

IV. PLEADINGS

- § 11:110 Amending the complaint
- § 11:112 Amending the complaint—Relation back
- § 11:113 Amending the complaint—Sealing requirement
- § 11:114 Amending the complaint—Adding a relator
- § 11:115 Amending the complaint—Adding information

V. DISCOVERY AND OTHER PRETRIAL ISSUES

- § 11:116 Generally
- § 11:121 Discovery from the Government
- § 11:122 Discovery from the Government—Documents relator submits to Government
- § 11:123 Sanctions

VII. SETTLEMENT AND DISMISSAL

- § 11:129 Government's right to object to relator's settlement and dismissal: 31 U.S.C.A. § 3730(b)(1)—Right to object is absolute
- § 11:133 Government's right to object to relator's settlement and dismissal: 31 U.S.C.A. § 3730(b)(1)—Court consent to dismissal
- § 11:135 Government's right to object to relator's settlement and dismissal: 31 U.S.C.A. § 3730(b)(1)—Relator's right to hearing to object to the Government's settlement and dismissal: 31 U.S.C.A. § 3730(c)(1)
- § 11:136 Government's right to object to relator's settlement and dismissal: 31 U.S.C.A. § 3730(b)(1)—Relator's right to hearing to object to the Government's settlement and dismissal: 31 U.S.C.A. § 3730(c)(1)—Government intervention to dismiss
- § 11:146 Appeals—Interlocutory

PART V. STATE FALSE CLAIMS LAWS

CHAPTER 12. STATE FALSE CLAIMS LAWS

I. OVERVIEW OF STATE FALSE CLAIMS LAWS

- § 12:1 Overview
- § 12:4 California: False Claims Act
- § 12:5 California: False Claims Act—Liability

THE FALSE CLAIMS ACT

- § 12:12 California: False Claims Act—Procedure—Subject matter jurisdiction—“Public Disclosure”
- § 12:20 Colorado: Colorado False Claims Act and Medicaid False Claims Act
- § 12:21 Connecticut: Connecticut False Claims Act
- § 12:22 Delaware: False Claims and Reporting Act
- § 12:23 District of Columbia: District of Columbia False Claims Act
- § 12:28 Hawaii: False Claims to the State and False Claims to the Counties
- § 12:30 Illinois: Illinois False Claims Act—Liability
- § 12:31 Illinois: Illinois False Claims Act—Procedure
- § 12:35 Indiana: False Claims and Whistleblower Protection Act and Medicaid False Claims and Whistleblower Protection Act
- § 12:36 Iowa: Iowa False Claims Act
- § 12:37 Kansas: Kansas False Claims Act
- § 12:39 Louisiana: Medical Assistance Programs Integrity Law
- § 12:40 Maryland: Maryland False Health Claims Act and Maryland False Claims Act
- § 12:41 Massachusetts: Massachusetts False Claims Act
- § 12:49 Nevada: Submission of False Claims to State or Local Government
- § 12:50 New Hampshire: New Hampshire False Claims Act
- § 12:51 New Jersey: New Jersey False Claims Act
- § 12:52 New Mexico: New Mexico Fraud Against Taxpayers Act and Medicaid False Claims Act
- § 12:53 New York: New York False Claims Act
- § 12:54 North Carolina: North Carolina False Claims Act
- § 12:55 Oklahoma: Oklahoma Medicaid False Claims Act
- § 12:59 Texas: Texas Medicaid Fraud Prevention Act
- § 12:60 Vermont: Vermont False Claims Act
- § 12:61 Virginia: Virginia Fraud Against Taxpayers Act
- § 12:62 Washington: Medicaid Fraud False Claims Act
- § 12:64 Territories: Puerto Rico and Guam *[Retitled]*

II. LOCAL GOVERNMENT FALSE CLAIMS LAWS

- § 12:67 New York City False Claims Act
- § 12:68 Pennsylvania Municipal False Claims Ordinances

APPENDICES

APPENDIX A-1. The False Claims Act

Table of Laws and Rules

Table of Cases

TABLE OF CONTENTS

Index