

07-214 ALLISON ENGINE CO., INC V. UNITED STATES

DECISION BELOW:471 F3d 610

LOWER COURT CASE NUMBER: 05-3502

QUESTIONS PRESENTED:

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Sections 3729(a)(2) and 3729(a)(3) of the False Claims Act impose liability upon anyone who uses a “false record or statement to get a false or fraudulent claim paid or approved by the Government” or who “conspires to defraud the Government by getting a false or fraudulent claim allowed or paid.” 31 U.S.C. § 3729(a)(2), (a)(3). In direct conflict with the decisions of four other circuits, the Sixth Circuit held that Sections 3729(a)(2) and 3729(a)(3) “cover[] false claims made to parties other than the government so long as the claim will be paid with government funds.” The question presented is whether a plaintiff asserting a cause of action under Section 3729(a)(2) or Section 3729(a)(3) of the False Claims Act is required to prove that a false claim was submitted to the federal government, or whether it is sufficient to establish that the claim was paid using federal funds.

CERT. GRANTED 10/29/2007