

**18-315 COCHISE CONSULTANCY V. UNITED STATES**

DECISION BELOW: 887 F.3d 1081

LOWER COURT CASE NUMBER: 16-12836

**QUESTION PRESENTED:**

The False Claims Act establishes two distinct statute-of-limitations periods. Under 31 U.S.C. § 3731(b)(1), a False Claims Act civil action "may not be brought more than 6 years after the date" of the alleged violation. Under 31 U.S.C. § 3731(b)(2), a False Claims Act civil action "may not be brought more than 3 years after the date when facts material to the right of action are known or reasonably should have been known by the official of the United States charged with responsibility to act in the circumstances, but in no event more than 10 years after the date" of the alleged violation.

The question presented is whether a relator in a False Claims Act *qui tam* action may rely on the statute of limitations in 31 U.S.C. § 3731(b)(2) in a suit in which the United States has declined to intervene and, if so, whether the relator constitutes an "official of the United States" for purposes of Section 3731(b)(2).

CERT. GRANTED 11/16/2018