

CLIENT ALERT

Supreme Court to Decide Limitations Issue in FCA Case

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Despite the Solicitor General's contrary urging, the Supreme Court granted *certiorari* in *KBR, Inc. v. U.S. ex rel. Carter* and will decide next term (1) whether the Wartime Suspension of Limitations Act (WSLA) applies to FCA cases and thereby effectively eliminates the statute of limitations in such cases for the foreseeable future; and (2) whether, under the FCA's first-to-file bar, related actions that have since been dismissed on non-merits grounds continue to have preclusive effect. The WSLA issue garnered recent attention when – notwithstanding the Solicitor General's stated position that the WSLA applies to *all* FCA cases – the government failed to raise it when it partially intervened in the *U.S. ex rel. Landis v. Tailwind* (Lance Armstrong) case, as noted by the district court when it found the WSLA inapplicable to the FCA.

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