

CLIENT ALERT

Fourth Circuit Extends Time For Retaliation Claims

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In *US ex rel Wilson v. Graham County Soil & Water Conserv. Dist.* (4th Cir. April 29, 2004) (a 2-1 decision perhaps inviting en banc review) the 4th Circuit joined the 7th Circuit in holding that the 6-year statute of limitations contained in the False Claims Act also applies to retaliation claims brought under § 3730(h), even though the 6 years commences with the submission of a false claim, which, of course, necessarily precedes any act of retaliation. The majority rejected the 9th Circuit interpretation that limits the FCA limitation period to the substantive causes of action under § 3729 and for retaliation claims looks to the statute of limitations applicable to the most analogous state cause of action which, in this case, would have been North Carolina's 3 year period applicable to wrongful discharge.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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