

CLIENT ALERT

Must DOJ Intervene In *Qui Tam* Cases Within 60 Days After The Case Is Filed?

Jan.14.2009

On its own motion, a federal district court in the recently reported case of *U.S. ex rel. Law v. Spurlock*, 582 F. Supp. 2d 1350 (N.D. Ala., Sept. 8, 2008), has found that the clear and unambiguous language of the False Claims Act requires the United States to make a decision about intervention in *qui tam* cases within 60 days after the case is filed under seal and permits the United States to request extension of the seal beyond that 60-day period, but does not permit the United States to request extension of the period to intervene beyond 60 days. If widely followed, the decision could have a significant procedural impact on *qui tam* cases, but, as the decision notes, the issue has never arisen before because defendants in such cases are unaware that the cases even exist, so they have no opportunity to oppose requests for extension, which are routinely granted by the courts.

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

Brian C. Elmer

Retired Partner – Washington, D.C.

Email: belmer@crowellretiredpartners.com