

CLIENT ALERT

Supreme Court Denies Cert. in Rule 9(b) Pleading Requirements Case

April 3, 2014

The Supreme Court has followed the government's recommendation (discussed in a previous [bullet point](#) and [blog post](#)) not to hear an appeal challenging the dismissal of relator's complaint in *U.S. ex rel. Nathan v. Takeda Pharmaceuticals*, 707 F.3d 451 (4th Cir. 2013), for failure to allege specific false claims instead of a false scheme – an issue over which the government admits there is "at least some continuing uncertainty." The Court has invited the government's views on granting cert. in another prominent FCA case, *KBR, Inc. v. U.S. ex rel. Carter* (addressing the scope of the FCA's first-to-file bar and the Wartime Suspension of Limitations Act) (discussed [here](#)), but the Solicitor General has not yet weighed in.

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

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