

CLIENT ALERT

Supreme Court Resolves “Original Source” Issue

Mar.28.2007

Resolving a circuit split, the Supreme Court, in a 6-2 decision, ruled yesterday against the relator in *Rockwell Int'l Corp. v. U.S.* (<http://www.supremecourtus.gov/opinions/06pdf/05-1272.pdf>), holding against the relator because he was not an “original source” of the information on which his allegations were based. The Court clarified that, in determining whether a relator qualifies as an “original source,” (i) the phrase “information on which the allegations are based” in 31 U.S.C. § 3730(e)(4) refers to the relator’s allegations, and not to the publicly disclosed allegations; (ii) a determination of jurisdiction over each of the relator’s allegations must be assessed on an allegation-by-allegation basis; and (iii) when the government has intervened in a qui tam suit, a subsequent determination that the court lacks jurisdiction over all of a relator’s allegations does not divest the court of jurisdiction over the government’s claims.

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

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