

## SCOTUS Opinion: Court Expands Limitations Period For Qui Tam Actions

13 May 2019

Under the False Claims Act, a *qui tam* civil action must be brought either within six years of the alleged statutory violation, or three years after the U.S. official charged with responsibility to act knew or should have known the relevant facts, but not more than 10 years after the violation, whichever is later. The issue in [Cochise Consultancy, Inc. v. U.S. ex rel. Hunt](#) was how to calculate the statute of limitations period when the U.S. was put on notice of fraud but chose not to intervene. In this case, the alleged fraud occurred more than six years prior to suit, but within three years of when Hunt, a private contractor, informed federal agents of the fraud, and within ten years of the fraud itself. The district court dismissed Hunt's action as being time-barred after considering three different interpretations of the limitations periods that the courts of appeal had used, reasoning that the six-year period applied, and the other period did not apply because the U.S. did not intervene. The Eleventh Circuit held that the limitations periods apply as stated regardless of whether the U.S. intervened, and also held that the private person initiating the *qui tam* suit could not be considered the U.S. official for purposes of calculating the second limitations period. The Court, in a unanimous decision by Justice Thomas, affirmed. First, the Court held that the three-year limitations period did apply in cases regardless of whether the U.S. intervened because the suit itself would still be civil in nature and thus subject to the plain language of the Act. The Court next held that there was no basis to consider a private actor like Hunt to be a U.S. official under the terms of the Act. A link to the opinion is [here](#).

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U.S. intervened because the suit itself would still be civil in nature and thus subject to the plain language of the Act. The Court next held that there was no basis to consider a private actor like Hunt to be a U.S. official under the terms of the Act. A link to the opinion is [here](#).

**TAGGED:** scotus, Statute Of Limitations, SCOTUS opinion, Qui Tam, False Claims Act, Cochise Consultancy Inc. v. U.S. ex rel. Hunt