

U.S. ex Rel. Condie v. Board of Regents, Univ. of Calif.

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Opinion

No. C89-3550-FMS.

September 7, 1993

IV. Accrual of the Claims Against Utah

7 The Government asserts that the FCA claims are not time-barred because they accrued in 1984 when Utah submitted its ⁷ final grant reconciliation statements. Defendants argue that the operative date is when the claims were initially made.

There is a split of authority on this issue. Some courts have held that a violation of the FCA includes, for purposes of determining the running of the statute, both the submission of a false claim and the Government's payment of that claim. See Blusal Meats, Inc. v. U.S., [638 F. Supp 824, 829](#) (S.D.N.Y. 1986) ("The six-year limitations period under the FCA begins to run on the date the claim is made or, if the claim is paid, on the date of the payment."); U.S. v. Klein, [230 F. Supp. 426, 441](#) (W.D. Pa. 1964), aff'd, [356 F.2d 983](#) (3d Cir. 1966) (statute of limitations "becomes operative not when payment is first begun to be made on such false claims by the Government, but upon final payment.")

Other Courts have held that the statute begins to run once a claim is submitted to the Government. See e.g., U.S. v. Entin, 750 F. Supp. 512, 517 (S.D. Fla. 1988) (“the statute of limitations began to run once a claim for payment was submitted to the United States.”); U.S. v. Ettrick Wood Products, Inc., 683 F. Supp. 1262, 1263 (W.D. Wis. 1988) (“The statute begins to run when a demand has been made upon the Government for [payment]”); U.S. v. Stillwater Community Bank, 645 F. Supp. 18, 19 (W.D. Okla. 1986) (“the majority of cases hold that the presentation of the claim to the United States is the act which triggers the statute.”). *8

The latter line of cases is more recent and more compelling. Accordingly, the operative date for the statute to run is when the initial claims were filed.