

UNITED STATES of America, ex rel. Harold LaVALLEY, Plaintiff,
v.
The FIRST NATIONAL BANK OF BOSTON, Defendant.

Civ. A. No. 86-0236-WF.

United States District Court, D. Massachusetts.

August 23, 1988.

[2] While the fraud in this case is alleged to have occurred at the time application for the guarantee was made, there can be no violation of the False Claims Act until a claim is made. [United States v. McNinch](#), 356 U.S. 595, 78 S.Ct. 950, 2 L.Ed.2d 1001 (1958) (false application for FHA loan guarantee held not to be a "claim" which could form the basis for liability under the Act). Liability arises, and the False Claims Act's statute of limitations begins to run, from the date of claim. [United States v. Goldberg](#), 256 F.Supp. 540 (D.Mass.1966); [United States v. Klein](#), 230 F.Supp. 426, 441-42 (W.D.Pa.1964); *aff'd per curiam w.o. opinion*, 356 F.2d 983 (3rd Cir. 1966); [United States v. Globe Remodeling](#), 196 F.Supp. 652, 655 (D.Vt.1961).