

UNITED STATES of America, Plaintiff,
v.
Robert M. ENTIN, Gary B. Sack, Richard Gilliam, and Israel
Discount Bank, Ltd., Defendants.

[No. 84-2422-CIV.](#)

United States District Court, S.D. Florida.

October 26, 1990.

A civil action under section 3730 may not be brought

(1) more than 6 years after the date on which the violation of section 3729 is committed, or (2) more than 3 years after the date when facts material to the right of action are known or reasonably should have been known by the official of the United States charged with responsibility to act in the circumstances, but in no event more than 10 years after the date on which the violation is committed, whichever occurs last.

31 U.S.C. § 3731(b).

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In the present action, the statute of limitations began to run once a claim for payment was submitted to the United States.^[20]^{*518} That claim was the Application for Funds submitted by defendants Entin, Sack and Gilliam on October 13, 1978.^[21] This action was commenced by the filing of the complaint on October 12, 1984. Clearly, under the amended version of the statute of limitations, the present action has been timely brought.

^[20] In this regard, the Fifth Circuit has stated:

Little need be said as to the statute of limitations. The six year period is to be computed from the time of the "commission of the act.".... The "act" in question is the filing of the false claim. [Smith v. United States](#), 287 F.2d 299, 304 (5th Cir.1961).