

UNITED STATES of America, Plaintiff,
v.
TECH REFRIGERATION, Diane Kulaski, and Thomas Kulaski,
Defendants.

No. 00 C 3511.

United States District Court, N.D. Illinois, Eastern Division.

June 5, 2001.

The parties have discussed only the False Claims Act claim, so we will focus our analysis there as well. We begin with the language of the False Claims Act. The statute provides that a civil action under § 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). "The six-year limitations period begins to run `on the date the claim is made, or if the claim is paid, on the date of the payment.'" *United States ex rel. Kreindler & Kreindler v. United Technologies, Corp.*, 777 F.Supp. 195, 200 (N.D.N.Y.1991) (quoting *Blusal Meats, Inc. v. United States*, 638 F.Supp. 824, 829 (S.D.N.Y.1986), *aff'd*, 817 F.2d 1007 (2d Cir.1987)). See also *Jana, Inc. v. United States*, 41 Fed.Cl. 735, 743 (1998) (when the government pays a false claim, the FCA statute of limitations begins to run on the date of final payment).