

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA, ex rel.)	
ANDREW SCOLLICK,)	
)	
Plaintiff-Relator,)	
)	
v.)	
)	
VIJAY NARULA, et al.,)	
)	
Defendants.)	
)	

Case No. 1:14-cv-01339 RCL

**DEFENDANTS OST, INC., VIJAY NARULA, AND AJAY MADAN’S MOTION TO
DISMISS AND/OR FOR JUDGMENT ON THE PLEADINGS**

Defendants OST, Inc., Vijay Narula, and Ajay Madan (hereinafter “OST Defendants”) respectfully submit this motion to dismiss the complaint and/or for judgment on the pleadings pursuant to Rule 12 of the Federal Rules of Civil Procedure.

I. INTRODUCTION

The Supreme Court’s recent decision in *U.S. ex rel. Polansky v. Exec. Health Res., Inc.*, 143 S. Ct. 1720, 1741 (2023), and notably Justice Thomas’s dissent, which was joined by two other Justices, has reinvigorated a constitutional question that the OST Defendants now place before this Court – can this *qui tam* case, in which the government did not intervene, continue to proceed with only the Plaintiff-Relator or does the continuation of this case violate Articles II and III of the United States Constitution? It is respectfully submitted that this case can no longer proceed and this Court should dismiss the case and/or enter judgment on the pleadings for the OST Defendants.

II. PROCEDURAL HISTORY

This case was initially filed by the Plaintiff-Relator on August 6, 2014. ECF No. 1. The government filed a notice of election not to intervene on February 9, 2015. ECF No. 2. An amended complaint was filed on August 11, 2017, ECF No. 169, and a second amended complaint, the current operative complaint, was filed on September 8, 2020. ECF No. 298. Since the government's declination over 9 years ago, Plaintiff-Relator and his private counsel prosecuted this case by conducting extensive discovery, taking numerous depositions, and filing and responding to multiple motions to dismiss and summary judgment motions filed by the OST Defendants and other defendants. The motions for summary judgment were decided on July 19, 2022, and the OST Defendants' motions were denied. ECF No. 398. A status conference is set for March 15, 2024, and a trial date has not yet been set.

III. ARGUMENT

A. Legal Standards for Motion to Dismiss and Motion for Judgment on the Pleadings

Rule 12(b)(1) of the Federal Rules of Civil Procedure relates to the Court's ability to hear a matter for which it does not have subject matter jurisdiction. FRCP 12(b)(1). The arguments raised herein are constitutional questions, thus permitting the Court to rule on the motion and dismiss the action if it determines "at any time that it lacks subject-matter jurisdiction." Fed.R.Civ.Proc. 12(h)(3). As set forth herein, if the constitutional challenges asserted herein are successful, this Court does not have subject matter jurisdiction to hear this case.

Additionally, Rule 12(c) of the Federal Rules of Civil Procedure states that "[a]fter the pleadings are closed – but early enough not to delay trial—a party may move for judgment on the pleadings." With no current trial date set, there is no delay to the trial schedule, and based on

the reinvigorated constitutional arguments made in the *Polansky* dissent and the Justices who joined in the opinion, review by the Court is appropriate at this stage.

B. *Polansky Re-Ignites Qui Tam Constitutional Questions*

Polansky considered the standard for District Courts to review a government’s dismissal of a *qui tam* suit over a Plaintiff-Relator’s objection and the timing of such dismissal. *Polansky*, 143 S.Ct. at 1720. The Court held that the government could seek to dismiss a *qui tam* complaint whenever it intervened in the suit, regardless of the timing, and a District Court should employ the standard of Federal Rule of Civil Procedure 41(a) when reviewing the government’s request for dismissal. *Id.* at 1735. Although the Court’s ruling on the government’s power and timing was not particularly remarkable or unexpected, what was remarkable and unexpected was the dissent authored by Justice Thomas.

In the dissent, which was joined by Justices Kavanaugh and Barrett, Justice Thomas stated that the FCA “has long inhabited something of a *constitutional twilight zone*,” and “there are substantial arguments that the *qui tam* device is inconsistent with Article II” and that Plaintiff-Relators may not represent the United States in litigation. *Id.* at 1741. Justices Barrett and Kavanaugh, in concurrence, stated that they agreed with Justice Thomas that “[t]here are substantial arguments that the *qui tam* device is inconsistent with Article II and that private relators may not represent the interests of the United States in litigation.” *Id.* at 1737. Furthermore the concurring Justices stated that the Court “should consider the competing arguments on the Article II issue in an appropriate case.” *Id.* Finally, in addition to these statements by the dissenting Justices, in the majority opinion, Justice Kagan stated that the FCA “has been enforced by a unique public-private scheme,” acknowledging that the FCA is not a typical federal statute. *Id.* at 1727.

Based on the fact that one-third of the Supreme Court has identified the potential constitutional issues and encouraged review in an appropriate case, this case can be the vehicle for that important argument because it has been pending for nearly 10 years, nine of which accrued after the government declined to intervene. Therefore, the OST Defendants have been subject to nearly a decade of litigation conducted by a self-appointed, unharmed private actor, who is motivated purely by personal financial reasons and not for the government's greater good.

C. The History of the False Claims Act Demonstrates its Unconstitutionality

In a Memorandum Opinion for the Attorney General written by former Attorney General William Barr when he was an Assistant Attorney General with the Office of Legal Counsel, the history of the FCA and its constitutionality were discussed. 13 U.S. Op. Off. Legal Counsel 207 (O.L.C.), 1989 WL 595854 (July 18, 1989) (“OLC Opinion”). The OLC Opinion stated that the *qui tam* component of the FCA has its roots in fourteenth century England as an aid “to the government’s primitive law enforcement capabilities,” and from the sixteenth century forward, its use was curtailed. OLC Opinion, p. 2. In the United States, the FCA was enacted in 1863 during “the emergency of the Civil War,” and Congress resorted to “this archaic device in response to widespread contractor fraud.” *Id.* The OLC Opinion further stated that after the Civil War, the statute “fell into relative desuetude,” and “had become an anachronism.” *Id.*

In 1986 Congress was “dissatisfied with the way the executive branch was enforcing government procurement laws,” and amended the FCA to include treble damages, increased penalties, and a bounty for the relator of up to thirty percent of any recovery. *Id.* The purpose for these amendments was very clear – to “deputize” private citizens to enforce the laws. *Id.* For example, Senator Charles Grassley, the FCA’s modern day champion, stated that “the Government bureaucracy [was] . . . unwilling to guard against or aggressively punish fraud,” and

Congressman Howard Berman stated that “the Department of Justice has not done an acceptable job of prosecuting defense contractor fraud” and stated that relators were given full party status to “keep pressure on the Government to pursue the case in a diligent fashion.” OLC Opinion, p. 14 (citing 131 Cong. Rec. 22,322 (1985), 132 Cong. Rec. 29,322 (1986)). Finally, and most poignantly, Congressman Berman stated that “[t]his is precisely what this law is intended to do: *deputize ready and [willing] people . . . to bring to justice those contractors who overcharge the government.*” *Id.* (citing 132 Cong. Rec. 29,322 (1986)) (emphasis added).

Not surprisingly, the number of *qui tam* cases since 1986 has skyrocketed and continues to rise. In fiscal year 2023, whistleblowers filed 712 *qui tam* suits, nearly two new cases per day, a far cry from the 31 cases filed in 1987. FCA FY2023 Statistics, Exhibit 1. The DOJ reported settlements of \$2.7 billion in 2023, and \$2.3 billion of those settlements came from *qui tam* actions. *Id.* In fact, in each year since 1995, the number of *qui tam* actions exceeded non-*qui tam* actions, with most years the *qui tam* actions doubling, tripling or more the number of non *qui tam* actions. *Id.* In 2023, Relators received nearly \$349 million, and \$489 million the prior year. *Id.* Since 1986, Relators have received almost 9 billion dollars from FCA cases.

It is abundantly clear that the 1986 amendments sought to provide executive power to private individuals so they could “bring people to justice” while benefitting financially. The *qui tam* FCA provisions were used sparingly, if at all, before 1986 and then flourished once the amendments provided bounties to individuals – in other words, when an individual with a personal financial interest chose how, where and when to enforce this country’s laws. This was foretold by the OLC Opinion, which stated that Congress will vest the authority to “its own corps of private bounty hunters,” and fortifies the argument that “[a] relator, however, is interested only in money, not in the faithful execution of the laws . . . [r]ather he holds a personal financial

stake that in all other contexts would disqualify him from representing the government's interests." OLC Opinion, p. 1, 7. This history shows why the statute should not be used to support this case and allow it to proceed.

To the extent the Relator asserts that the FCA's long history is actually a positive fact because the First Congress passed *qui tam* statutes, the dissent in *Polansky* noted that "historical patterns cannot justify contemporary violations of constitutional guarantees . . . even when the practice in question 'covers our entire national existence and indeed predates it.'" *Polansky*, 599 U.S. at 450 (citations omitted). *Polansky* also stated "[n]or is enactment by the First Congress a guarantee of a statute's constitutionality." *Id.* (citing *Marbury v. Madison*, 1 Cranch 137, 2 L.Ed 60 (1803)); see also James T. Branch, *The Constitutionality of the False Claims Act Qui Tam Provision*, 16 Harv. J.L. & Pub. Pol'y 701 (1993) (concluding that "despite their long history, the FCA and its *qui tam* provision are out of step with modern constitutional jurisprudence and should be held unconstitutional.") (hereinafter "Branch"). With that historical framework set, the specific Constitutional provisions demonstrate why the FCA *qui tam* provisions violate the Constitution and, therefore, why this case cannot proceed.

D. The *Qui Tam* Provisions of the False Claims Act Violate The Constitution

Justice Thomas stated in the *Polansky* dissent that [t]he potential inconsistency of *qui tam* suits with Article II has been noticed for decades." *Polansky*, 143 S.Ct. at 1741. The inconsistency rests on three clauses within Article II – the Vesting Clause, the Appointments Clause, and the Take Care Clause. Additionally, Relators do not have standing before this Court under Article III of the Constitution. The OLC Opinion states that the *qui tam* provisions of the FCA are "patently unconstitutional" and "[i]n our view, this is not even a close question." OLC

Opinion, p. 2. As set forth herein, relief is appropriate based on the violation of these critical constitutional provisions.

1. **The Vesting and Appointments Clauses Do Not Support the Relator Continuing to Prosecute this Case**

Article II vests the executive power to pursue cases in the name of the government in the President alone. U.S. Const. art. II, § 1, cl. 1 (Executive Power Clause – “The Executive Power shall be vested in a President of the United States”); U.S. Const. art. II, § 1, cl. 8 (Oath of Office Clause); *see also United States v. Nixon*, 418 U.S. 683, 693, (1974) (stating that “the Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case”).

It is very clear that Plaintiff-Relator, as a private citizen, is not vested with any executive power whatsoever. *See Dep’t of Transportation v. Ass’n of American Railroads*, 135 S.Ct. 1225, 1237 (2014) (Alito, J., Concurring) (concurring opinion stating that private parties are not “vested with the “executive Power,” Art. II, § 1, cl. 1, which belongs to the President.).

a. **Plaintiff-Relator is Not Appointed by the President and Therefore has no Ability to Pursue this Case**

Plaintiff-Relator could only wield executive power if he was properly appointed by the President. The Appointments Clause states that the following:

[The President] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

U.S. Const. art II, § 2, cl. 2. Justice Thomas noted in *Polansky* that prior Supreme Court precedent held that the executive power belongs to the President alone, and that a suit that is conducting civil litigation to vindicate public rights of the United States is a public function that

“may be discharged only by persons who are ‘Officers of the United States’ under the Appointments Clause.” *Id.* (citing *Selia Law LLC v. Consumer Financial Protection Bureau*, 140 S.Ct. 2183 (2020) and *Buckley v. Valeo*, 424 U.S. 1, 138-40 1976)). Justice Alito also noted in *Ass’n of American Railroads* that “[i]ndeed, it raises “[d]ifficult and fundamental questions” about “the delegation of Executive power” when Congress authorizes citizen suits.” *Ass’n of American Railroads*, 135 S.Ct. at 1237.

A Plaintiff-Relator, who is self-appointed, is not an “Official of the United States.” Justice Thomas noted in *Polansky* that a Plaintiff-Relator under the FCA is not “appointed as an officer of the United States” under Article II of the Constitution, and “it thus appears to follow that Congress cannot authorize a private relator to wield executive authority to represent the United States’ interest in civil litigation.” *Polansky*, 143 S.Ct. at 1741.

This issue was also addressed by the Supreme Court in an FCA case regarding the applicable statute of limitations. In *Cochise Consultancy, Inc. v. United States ex. rel. Hunt*, 139 S.Ct. 1507 (2019), the case was dismissed on statute of limitations grounds by the District Court and affirmed on appeal. The Supreme Court affirmed that the statute of limitations dismissal was appropriate, and specifically addressed a critical issue with respect to the constitutional issue before this Court – whether a private relator is an “official of the United States” which would trigger an additional 3-year statute of limitations period pursuant to 31 U.S.C. §3731(b)(2)¹. *Id.* at 1510. The Court, by Justice Thomas, stated that a private relator is “not an “official of the United States” in the ordinary sense of that phrase.” *Id.* at 1514. Furthermore, the Court held that “a relator is neither appointed as an officer of the United States, see U.S. Const., Art. II, § 2,

¹ The applicable statute of limitations states that an FCA action must be brought within 6 years after the statutory violation occurred, or 3 years after the “official of the United States charged with responsibility to act in the circumstances” knew or should have known the relevant facts, but not more than 10 years after the violation. 31 U.S.C. §3731(b)(2).

cl. 2, nor employed by the United States.” *Id.* Finally, the Court held that although the FCA provisions state that the action is brought in the name of the government, the statute “does not make the relator anything other than a private person, much less “the official of the United States referenced by statute.” *Id.* (citations omitted).

Critically, in *Buckley*, the Supreme Court held that a Federal Election Campaign Commission empowered to investigate and prosecute violations of the Federal Election Campaign Act whose members were not appointed under the Appointments Clause was improper, stating that giving the Commission “primary responsibility for conducting civil litigation in the courts of the United States for vindicating public rights” violated the Appointments Clause, and that “[s]uch functions may be discharged only by persons who are ‘Officers of the United States.’” *Buckley*, 424 U.S. at 140 (emphasis added).

Similarly, in *Freytag v. C.I.R.*, 501 U.S. 868, 878-880 (1991), the Court stated that “[t]he Appointments Clause prevents Congress from distributing power too widely by limiting the actors whom Congress may vest the power to appoint. *The Clause reflects our Framers’ conclusion that widely distributed appointment power subverts democratic government.*” (emphasis added). 501 U.S. at 878-880.

The Branch article summarized the potent constitutional combination of *Buckley* and *Freytag* – “[w]hen one combines *Buckley*’s holding that only properly appointed officers can litigate on behalf of the United States with *Freytag*’s holding that Congressional diffusion of the appointment power—and not only aggrandizement—can violate the Appointments Clause, the conclusion is simple: It is unconstitutional for qui tam relators to enforce the FCA on behalf of the United States government because they have not been properly appointed to do so.” Branch, p. 16-17.

Therefore, a Plaintiff-Relator is not vested with any executive power, and is also not appointed as an Official of the United States. To the extent Plaintiff-Relator seeks to evade the Appointment Clause requirement and assert that he is an agent rather than an official that is required to be appointed, this argument is foreclosed by *Buckley*, which held that conducting civil litigation in the Courts of the United States for vindicating a public right may be discharged “only by persons who are ‘Officers of the United States.’” *Buckley*, 424 U.S. at 140 (emphasis added). Therefore, the plain language of the Constitution and the cases that have interpreted the relevant Constitutional clauses support the motion to dismiss and motion for judgment on the pleadings and dictate that the Plaintiff-Relator cannot proceed with this case.

2. The *Oui Tam* Provisions Violate the Take Care Clause

The *qui tam* provisions also violate the Take Care Clause of the Constitution. U.S. Const. art. II, § 3. The Clause states that the President shall “take Care that the Laws be faithfully executed, personally and through officers whom he appoints.” *Id.* The duty and power to faithfully execute the laws resides with the Executive branch – “[t]he power to decide when to investigate, and when to prosecute, lies at the core of the Executive’s duty to see to the faithful execution of the laws . . . [t]hat authority is non-existent in cases such as the one posited here, because ‘a private citizen lacks a judicially cognizable interest in the prosecution or non-prosecution of another.’” *Community for Creative Non-Violence v. Pierce*, 786 F.2d 1199, 1201 (D.C. Cir. 1986); *see also Buckley*, 424 U.S. at 138 (stating that a “lawsuit is the ultimate remedy for a breach of the law, and it is to the President, and not to the Congress, that the Constitution entrusts the responsibility to ‘take Care that the Laws be faithfully executed’”).

a. **The FCA Improperly Dilutes the Take Care Clause**

The language of the FCA demonstrates how the Take Care clause has been improperly diluted. When the government intervenes within the first 60 days after the Plaintiff-Relator files suit (or after extensions of that time for good cause shown), it takes over the authority of the case, but even in that scenario, its powers are limited in three important ways. First, if the DOJ seeks to restrict Plaintiff-Relator's participation in the case, the Court *may*, in its discretion, impose limitations on the Plaintiff-Relator's participation regarding the number of witnesses called, the length of the witness's testimony, limiting cross-examination, or a more general limitation of participation. 31 U.S.C. § 3730 (c)(2)(c). Second, and perhaps even more restrictive of the Executive's power, is in connection with settlement of a *qui tam* case. Although the DOJ is empowered to move to settle FCA cases over a Plaintiff-Relator's objections, a court must still determine after a hearing that the "proposed settlement is fair, adequate, and reasonable under all the circumstances." 31 U.S.C. §3730(c)(2)(B). Finally, with respect to dismissal of a *qui tam* suit, although the DOJ may move to dismiss FCA cases pursuant to 31 U.S.C. §3730(c)(2)(A), which was the issue discussed in *Polansky*, the Plaintiff-Relator is entitled to notice of the motion and an opportunity for a hearing. *Polansky* decided that the standard for a District Court to review such motions is under Federal Rule of Civil Procedure 41, the voluntary dismissal rule, which permits a Court to dismiss a case post-answer under "terms that the Court considers proper." *Polansky*, 143 S.Ct. at 1734; Fed.R.Civ.Proc. 41(a)(2).

When the DOJ does not intervene, its rights and abilities are even more curtailed. The DOJ is entitled to copies of all pleadings and copies of deposition transcripts at the government's expense, and can intervene at a later date upon a showing of good cause; however, in that

instance the Court shall not limit “the status and rights of a person initiating the action.” 31 U.S.C. § 3730 (c)(3).

If the Executive Branch has to jump through procedural and substantive hoops for (i) how it can manage the litigation, (ii) how it can enter a case after the initial intervention period, (iii) how it can settle a case, and (iv) how it can dismiss it,² even under *Polansky*’s deferential dismissal standard, then the Take Care Clause has been effectively qualified and significantly diluted, which is impermissible. The Constitution does not state that the President shall take care that the laws be faithfully executed after sufficient notice and a hearing to a private, non-appointed person and, in some cases, only if it shows good cause to assert its own interests when it chooses to intervene later in a case. The Executive’s power cannot be diluted in deference to Congressional language in a statute, and a Federal Rule of Civil Procedure standard that is subject to a Court’s review of its decision on how to manage and dispose of a case. That construct, by its very nature, implicates serious separation of powers concerns.

b. Plaintiff-Relator is Not Empowered to Decide How to Enforce the Law and That Unconstitutional Power is Subject to Abuse

The faithful execution of the law does not mean the transfer of exclusive authority to individual relators who are primarily motivated by personal gain rather than the protection of federal funds. In *Transunion LLC v. Ramirez*, 594 U.S. 413, 429 (2021), the Supreme Court noted the significant constitutional issues raised by private parties being able to decide how to enforce the law – “the choice of how to prioritize and how aggressively to pursue legal actions

² The DOJ has exercised its discretion to seek dismissal very sparingly, dismissing a small fraction of *qui tam* cases filed. See Remarks of Deputy Assistant Attorney General Michael D. Granston at the ABA Civil False Claims Act and Qui Tam Enforcement Institute, December 2, 2020. <https://www.justice.gov/opa/speech/remarks-deputy-assistant-attorney-general-michael-d-granston-aba-civil-false-claims-act> (last visited March 4, 2024). Mr. Granston stated that: “the Department has filed motions to dismiss in approximately 50 *qui tam* actions since it was issued. While that is more than had been dismissed prior to the guidance, *it is a very small fraction of the more than 2000 qui tam actions that have been filed over that same period of time.*” (emphasis added) Thus, the government essentially permits Plaintiff-Relators to handle their cases without seeking dismissal in thousands of *qui tam* cases.

against defendants who violate the law falls within the discretion of the Executive Branch, not within the purview of private plaintiffs (and their attorneys).” 594 U.S. at 429. The Court further noted that “[p]rivate plaintiffs are not accountable to the people and are not charged with pursuing the public interest in enforcing a defendant’s general compliance with regulatory law.” *Id.* (citations omitted). Furthermore, in *Lujan v. Defenders of Wildlife*, 112 S.Ct. 2130, 2136 (1992), a case also involving a citizen suit statute, the Court held that “[t]o permit Congress to convert the undifferentiated public interest in executive officers’ compliance with the law into an ‘individual right’ vindicable in the courts is to permit Congress to transfer from the President to the courts the Chief Executive’s most important constitutional duty, to ‘take Care that the Laws be faithfully executed.’”³ 112 S.Ct. at 2136.

The lack of accountability and potential for abuse is particularly stark where the government declines to intervene. The Plaintiff-Relator can effectively substitute its judgment for that of the Department of Justice regarding which cases proceed and which do not:

[e]ven where the Attorney General determines that instituting a suit is not warranted, the qui tam relator is empowered to override his judgment and initiate the fraud action. When the Attorney General concludes that proceeding with a suit is not merited or otherwise not in the United States’ interests, the fraud action nevertheless goes forward in the government’s name, under the complete control of the self-interested relator.

OLC Opinion, p. 13. The FCA essentially permits the Plaintiff-Relator to exercise his own private, self-motivated discretion and make a public policy decision regarding which aspects of the law to enforce, an act he has no actual power to do. The Executive Branch, not the Plaintiff-Relator, has the power to make such policy and prosecution judgments. *See In re: Aiken County*, 725 F.3d 255, 262-264 (D.C. Cir. 2013) (stating that “[t]he Presidential power of prosecutorial

³ The citizen suit statute stated that “any person may commence a civil suit on his own behalf ... to enjoin any person, including the United States and any other governmental instrumentality or agency ... who is alleged to be in violation of any provision of this chapter.” 16 U.S.C. § 1540(g).

discretion is rooted in Article II, including the Executive Power Clause, the Take Care Clause, the Oath of Office Clause, and the Pardon Clause,” and “The Executive’s broad prosecutorial discretion and pardon powers illustrate a key point of the Constitution’s separation of powers.”).

This improper exercise of private prosecutorial discretion has had significant consequences for the OST Defendants. Over the course of 10 years, the case has hung over them like a specter with the attendant scrutiny by contracting officers, bid protestors, and competitors based on the unfounded, non-intervened allegations in this case brought by a private individual, who does not have the duty, the power, or the appointment to faithfully execute the laws. They have also had to endure nearly a decade of painstaking litigation including extensive document productions, multiple depositions, and lengthy briefing at the motions to dismiss and summary judgment phases. This is precisely why the FCA is subject to abuse and requires a constitutionally appointed officer to enforce it – the government did not file this case, it decided quickly not to intervene, and now it is the private Plaintiff-Realtor, who is motivated purely by financial gain, to “take care” that the law is faithfully executed. *See* OLC Opinion, p. 2 (“[t]he Constitution does not permit Congress to vest governmental law enforcement authority in self-selected private parties, who have not been injured and who act from mercenary motives, without commitment to the United States’ interests and without accountability”). Indeed, “[a] relator, however, is interested only in money, not in the faithful execution of the laws.” *Id.* p. 7.

This case has had and will have a significant impact on the OST Defendants – the Supreme Court identified the gravity of this issue for litigants: “[t]he exercise of judicial power, which can so profoundly affect the lives, liberty, and property of those to whom it extends, is therefore restricted to litigants who can show ‘injury in fact’ resulting from the action which they seek to have the court adjudicate.” *Valley Forge Christian College v. Americans United for*

Separation of Church and State, Inc., 454 U.S. 464, 473 (1974); *see also* OLC Opinion, p. 3 (“[o]ne of the central tenets of the Framers was that the power to execute the law must be kept in the hands that are both independent of the legislature and politically accountable to the people.”). Therefore, the FCA violates the Take Care clause and the OST Defendants’ motion to dismiss and motion for judgment on the pleading should be granted.

3. Article III Standing Requires Concrete, Particularized Harm

Not only does the FCA violate Article II of the Constitution, private *qui tam* actions also violate the Article III standing requirements. In *Transunion*, the Supreme Court discussed the history of Article III, stating that the Constitution sets judicial power to hear only “cases” and “controversies.” *Transunion*, 594 U.S. at 423; U.S. Const. art. III. For there to be a case or controversy under Article III, *Transunion* summarized the requirement in a simple question – “***What’s it to you?***” *Transunion*, 594 U.S. at 423 (citing Scalia, *The Doctrine of Standing as an Essential Element of the Separation of Powers*, 17 Suffolk U.L. Rev. 881, 882 (1983)) (emphasis added).

To answer that fundamental question, the Court stated that a plaintiff must show “(i) that he suffered an injury in fact that is concrete, particularized, and actual or imminent; (ii) that the injury was likely caused by the defendant; and (iii) that the injury would likely be redressed by judicial relief.” *Transunion*, 594 U.S. at 423. In *Valley Forge*, the Court reduced Article III to its essence – “at an irreducible minimum, Art. III requires the party who invokes the court’s authority to ‘show that he personally has suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant.’” *Valley Forge*, 454 U.S. at 472.

Although Courts will afford due respect to Congress’s decision to grant a cause of action to sue, the Supreme Court rejected the proposition that “a plaintiff automatically satisfies the

injury-in-fact requirement whenever a statute grants a person a statutory right and purports to authorize that person to sue to vindicate that right,” specifically stating that “Article III standing requires a concrete injury even in the context of a statutory violation.” *Id.* (citing *Spokeo, Inc. v. Robins*, 578 U.S. 330, 340 (2016)); *see also* Branch, p. 7 (stating that “Congress simply cannot reduce the irreducible minimum of Article III’s standing requirement, whether it does so by statutory grant or by statutory assignment.”). The Supreme Court summarized this issue in *Gladstone Realtors v. Village of Bellwood*, 441 U.S. 91, 100 (1979):

Congress may, by legislation, expand standing to the full extent permitted by Art. III, thus permitting litigation by one “who otherwise would be barred by prudential standing rules.” ***In no event, however, may Congress abrogate the Art. III minima: A plaintiff must always have suffered “a distinct and palpable injury to himself,” ibid., that is likely to be redressed if the requested relief is granted.***

441 U.S. at 100 (emphasis added) (citations omitted),

The *qui tam* provisions of the FCA abrogate the “Art. III minima” in this case. *Transunion* noted that an “uninjured plaintiff” is not “seeking to remedy any harm to herself but instead is merely seeking to ensure a defendant’s ‘compliance with regulatory law’ (and, of course, to obtain some money via the statutory damages)” and an expansion of Article III to provide standing to that scenario would “*flout constitutional text, history and precedent.*” *Transunion*, 594 U.S. at 428 (emphasis added). The Court then stated that: “[i]n our view, the public interest that private citizens comply with the law cannot ‘be converted into an individual right by a statute that denominates it as such, and that permits all citizens . . . to sue,” and ended the opinion with a simple maxim – “[n]o concrete harm, no standing.” *Id.* at 428, 442.

The OLC Opinion also discussed the Article III standing requirement, and stated that “[p]rivate *qui tam* actions violate the well-settled doctrine of Article III standing.” OLC Opinion, p. 10. Furthermore, the OLC Opinion noted that “Congress has not created any

substantive legal right for qui tam plaintiffs the invasion of which creates Article III injury.” *Id.*, p. 12.

a. Plaintiff-Relator Has No Article III Standing

Plaintiff-Relator has no standing in this case. It is without question that he was not personally harmed in this case and has suffered no concrete, particularized harm. Indeed, by the FCA’s very nature, it is the government’s interests that are being protected. *See Polansky*, 143 S.Ct. at 1728 (stating that “[t]he Government, after all, is a ‘real party in interest’ in a *qui tam* action”); *see also* Branch, p. 10 (the “right to receive money under the FCA turns on his initiation of a lawsuit to redress an injury that he did not suffer.”).

Plaintiff-Relator also cannot assert that the injury he has suffered is a general one – for instance his taxpayer money being misspent – as that has been resoundingly rejected by Courts. *See Valley Forge*, 454 U.S. at 482 (“[r]espondents, therefore, are plainly without standing to sue as taxpayers.”); *see also* Branch, p. 5 (stating that “[f]ar from holding that Congress can— consistently with Article III—create causes of action for generalized injury, the Supreme Court has stated repeatedly that to satisfy Article III’s injury-in-fact requirement, the plaintiff must have suffered harm that is “distinct and palpable,” “concrete,” “particularized, ... personal , and individual.”).

Furthermore, to the extent the Plaintiff-Relator asserts that the bounty provision of the FCA confers standing, the Supreme Court held that an “interest unrelated to injury in fact is insufficient to give a plaintiff standing.” *Vermont Agency of Natural Resources v. United States ex. rel. Stevens*, 529 U.S. 765, 772 (2000) (citing *Valley Forge*, 454 U.S. 486). *Stevens* further stated that “[t]he interest must consist of obtaining compensation for, or preventing, the violation of a legally protected right,” and that a “*qui tam* relator has suffered no such invasion – indeed,

the “right” he seeks to vindicate does not even fully materialize until the litigation is completed and the relator prevails.” *Id.* (citations omitted). The Court analogized the interest in the potential future recovery to no different than a bet – “the same might be said of someone who has placed a wager upon the outcome.” *Id.* Thus, the bounty provision by itself does not confer standing – theoretically if the statute was constitutional, and the case was successful and the government did not pay the Plaintiff-Relator his share, standing could then conceivably arise to seek that share, but not at the instance of filing the suit, when Plaintiff-Relator has no constitutional right to assert the suit.

Although *Stevens* is correct that the bounty provision did not provide standing, it side-stepped the constitutional issues, and without proper basis, held that standing was appropriate because the *qui tam* structure was effectively a partial assignment of the government’s claim. *Id.* at 773. However, as noted above, a Plaintiff-Relator has not been appointed as an Officer of the United States per Article II, and there is no authority for Congress to have made such assignment or for the Court to recognize it. It is the Executive Branch’s power to appoint, not Congress’s power to assign the Executive’s rights to private persons. Therefore, although the OST Defendants agree with *Stevens*’ rationale regarding the lack of standing for the bounty provision itself, the back-door manner in which the Court circumvented the Constitution and the entire concept of separation of powers by conferring standing purely by legislative assignment renders this standing theory incorrect. In short, Congress cannot remove the minimum Article III concrete harm requirements by assignment. *See Transunion*, 594 U.S. at 428 (“the concrete harm requirement is essential to the Constitution’s separation of powers”); *Lujan*, 112 S.Ct. 2136 (stating that “[i]f the [standing doctrine’s] concrete injury requirement has the separation-of-powers significance we have always said, the answer must be obvious” regarding the FCA’s

impermissible transfer of power from the Executive to Congress); *see also* Branch, p. 7 (“[i]n constitutional law as in contract law, one cannot give away what one does not possess.”).

Therefore, it is abundantly clear that Plaintiff-Relator cannot answer the fundamental standing question “*What’s it to you?*” other than for the unadulterated, self-motivated, self-serving quest for money. Plaintiff-Relator will be hard pressed to state that his motivation is purely to protect the federal contracting program that he alleged was harmed – if that was the case, he should be willing to proceed without any fees. Rather, he is seeking money even though he was not personally harmed in this case. Plaintiff-Relator has suffered no harm and this lack of harm violates Article III and the case must be dismissed for lack of standing.

IV. CONCLUSION

Wherefore, based on the foregoing, it is respectfully requested that the Court grant the OST Defendants’ motion and dismiss this case or enter judgment on the pleadings in favor of the OST Defendants, and grant the OST Defendants all other relief to which they may be entitled.

Dated: March 13, 2024

Respectfully submitted,

By: /s/ Brian W. Stolarz

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document filed through the CM/ECF system on March 13, 2024, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Brian W. Stolarz
Brian W. Stolarz

E HIBIT 1

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ⁶		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED					
1987	340	31	86,479,949	0	0	86,479,949	0	0	0	0	
1988	199	53	173,287,663	2,309,354	33,750	2,343,104	175,630,767	88,750	8,438	97,188	
1989	215	94	197,202,180	15,111,719	1,681	15,113,400	212,315,580	1,446,770	200	1,446,970	
1990	232	83	189,564,367	40,483,367	75,000	40,558,367	230,122,734	6,590,936	20,670	6,611,606	
1991	232	87	270,530,467	70,384,431	69,500	70,453,931	340,984,398	10,667,537	18,750	10,686,287	
1992	282	116	137,958,206	133,949,447	994,456	134,943,903	272,902,109	24,121,648	259,784	24,381,432	
1993	304	138	181,945,576	183,643,787	6,603,000	190,246,787	372,192,363	27,576,235	1,766,902	29,343,137	
1994	279	216	706,022,897	379,018,205	2,822,323	381,840,528	1,087,863,425	69,453,350	838,896	70,292,246	
1995	232	269	269,989,642	239,024,292	1,635,000	240,659,292	510,648,934	45,162,296	465,800	45,628,096	
1996	185	340	247,357,271	124,361,203	13,522,433	137,883,636	385,240,908	22,119,619	3,731,978	25,851,597	
1997	182	548	465,568,061	621,919,274	6,021,200	627,940,474	1,093,508,535	65,857,419	1,658,485	67,515,904	
1998	119	468	151,435,794	438,834,846	30,248,075	469,082,921	620,518,715	70,264,372	8,486,645	78,751,017	
1999	141	493	245,390,485	482,565,233	5,067,503	487,632,736	733,023,221	63,018,064	1,374,487	64,392,552	
2000	94	363	367,887,197	1,208,370,688	1,688,957	1,210,059,645	1,577,946,841	183,679,377	375,143	184,054,520	
2001	85	314	494,496,974	1,215,525,916	128,587,151	1,344,113,067	1,838,610,042	187,590,470	30,701,881	218,292,350	
2002	61	319	119,598,292	1,078,174,023	25,786,140	1,103,960,162	1,223,558,454	161,377,822	4,582,319	165,960,141	
2003	94	334	711,098,299	1,534,862,352	5,185,911	1,540,048,263	2,251,146,563	337,307,857	1,382,741	338,690,598	
2004	112	432	115,656,023	561,717,502	9,261,879	570,979,382	686,635,404	110,224,220	2,376,128	112,600,348	
2005	107	407	276,914,983	1,149,047,524	7,481,593	1,156,529,117	1,433,444,099	168,580,543	2,031,695	170,612,237	

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED					
2006	76	385	1,712,459,257	1,491,105,499	22,711,363	1,513,816,862	3,226,276,119	219,976,072	5,647,836	225,623,908	
2007	146	365	564,826,844	1,251,726,955	160,246,894	1,411,973,849	1,976,800,693	194,463,212	4,616,899	199,080,111	
2008	166	379	312,193,480	1,103,918,516	12,678,936	1,116,597,452	1,428,790,932	208,432,587	2,997,615	211,430,202	
2009	134	433	470,685,686	1,964,005,251	33,776,480	1,997,781,730	2,468,467,417	249,567,135	9,684,147	259,251,282	
2010	144	576	644,090,368	2,279,055,248	109,778,613	2,388,833,862	3,032,924,230	379,518,436	30,915,991	410,434,427	
2011	136	634	241,365,995	2,656,802,414	173,888,703	2,830,691,117	3,072,057,112	525,035,022	49,041,606	574,076,628	
2012	158	655	1,612,212,862	3,375,495,169	90,248,343	3,465,743,512	5,077,956,374	439,622,456	24,861,743	464,484,199	
2013	117	757	188,376,772	2,818,607,362	203,992,659	3,022,600,021	3,210,976,794	513,347,278	51,197,091	564,544,369	
2014	119	716	1,677,608,226	4,390,679,739	91,136,701	4,481,816,440	6,159,424,665	703,127,381	17,615,475	720,742,857	
2015	129	639	738,442,487	1,898,041,298	516,875,695	2,414,916,993	3,153,359,480	344,293,369	139,015,177	483,308,546	
2016	185	709	1,929,502,680	2,928,674,132	108,298,069	3,036,972,202	4,966,474,881	525,393,509	29,658,600	555,052,108	
2017	176	681	283,626,021	2,555,280,735	602,682,052	3,157,962,787	3,441,588,807	410,079,051	135,360,010	545,439,060	
2018	133	649	769,596,453	1,998,680,585	210,796,053	2,209,476,638	2,979,073,091	327,953,091	37,505,357	365,458,449	
2019	150	637	852,782,697	1,914,480,113	305,554,613	2,220,034,725	3,072,817,423	290,977,474	75,143,367	366,120,841	
2020	261	676	547,903,198	1,522,461,904	193,883,475	1,716,345,380	2,264,248,578	276,749,867	51,274,154	328,024,020	
2021	212	598	3,993,418,820	1,237,816,864	480,654,272	1,718,471,136	5,711,889,956	201,375,057	62,488,398	263,863,455	
2022	305	658	250,337,200	803,328,072	1,187,919,176	1,991,247,248	2,241,584,448	146,970,269	349,821,043	496,791,312	
2023	500	712	356,180,683	1,890,932,754	442,334,476	2,333,267,231	2,689,447,914	267,625,538	82,009,363	349,634,900	

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹				RELATOR SHARE AWARDS ²			
	NON QUI TAM	QUI TAM	NON ³ QUI TAM		QUI TAM		TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
			TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL				
	6,742	15,964	22,553,994,057	47,560,395,773	5,192,542,125	52,752,937,899	75,306,931,956	7,779,634,088	1,218,934,812	8,998,568,901
TOTAL										

NOTES:

0. New Matters refers to newly received referrals, investigations, and qui tam actions.
1. Settlements and judgments include common law recoveries arising out of our False Claims Act investigations.
2. Relator share awards are calculated on the portion of the settlement or judgment attributable to the relators' claims, which may be less than the total settlement or judgment. Relator share awards do not include amounts recovered in subsection (h) or other personal claims. See 31 U. S. C. 3730(h).
- 3 Historically, non qui tam settlements and judgments did not include matters separately handled by the United States Attorneys' Offices, as the Civil Division did not maintain that data. However, beginning October 1, 2019, non qui tam settlements and judgments include settlements and judgments occurring on or after October 1, 2019 in matters separately handled by the United States Attorneys' Offices when those settlements and judgments have been reported to the Civil Division.

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL					
1987	12	3	11,361,826	0	0	0	11,361,826	0	0	0	
1988	5	7	2,182,675	355,000	0	355,000	2,537,675	88,750	0	88,750	
1989	19	16	350,460	5,099,661	0	5,099,661	5,450,121	50,000	0	50,000	
1990	27	11	10,327,500	903,158	0	903,158	11,230,658	119,474	0	119,474	
1991	19	12	8,670,735	5,420,000	0	5,420,000	14,090,735	861,401	0	861,401	
1992	26	15	9,821,640	2,192,478	0	2,192,478	12,014,118	446,648	0	446,648	
1993	22	38	12,523,165	151,760,404	0	151,760,404	164,283,569	22,946,101	0	22,946,101	
1994	42	75	381,470,015	6,280,815	240,000	6,520,815	387,990,830	1,113,597	72,000	1,185,597	
1995	26	87	96,290,779	84,061,789	1,620,000	85,681,789	181,972,568	14,337,982	465,800	14,803,782	
1996	20	177	63,059,873	49,236,698	2,340,000	51,576,698	114,636,572	8,707,168	667,400	9,374,568	
1997	48	269	351,440,027	578,987,081	92,500	579,079,581	930,519,608	58,852,605	20,250	58,872,855	
1998	35	276	40,107,920	251,824,167	2,526,075	254,350,242	294,458,162	46,863,357	187,015	47,050,372	
1999	28	315	88,000,792	396,402,128	1,366,699	397,768,827	485,769,619	45,174,556	317,829	45,492,385	
2000	35	212	208,899,015	723,152,746	333,457	723,486,203	932,385,218	115,397,403	87,343	115,484,746	
2001	34	181	435,849,179	931,262,922	14,991,554	946,254,475	1,382,103,654	143,904,700	3,735,500	147,640,200	
2002	22	194	74,454,427	937,841,186	23,407,571	961,248,757	1,035,703,184	150,280,717	4,008,686	154,289,403	
2003	27	215	541,929,810	1,304,920,314	2,880,785	1,307,801,099	1,849,730,909	284,074,368	722,233	284,796,601	
2004	28	273	34,816,447	470,335,081	5,775,062	476,110,142	510,926,589	95,920,149	1,625,129	97,545,278	
2005	35	270	204,821,548	906,656,836	6,671,593	913,328,429	1,118,149,977	120,989,298	1,900,095	122,889,393	

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL					
2006	19	216	1,050,520,714	1,227,114,221	16,229,540	1,243,343,761	2,293,864,475	163,167,984	3,921,996	167,089,981	
2007	30	199	465,052,993	929,615,846	152,456,640	1,082,072,486	1,547,125,480	157,860,623	2,497,177	160,357,799	
2008	64	231	162,972,022	1,005,797,375	6,852,571	1,012,649,946	1,175,621,969	192,433,605	1,522,164	193,955,770	
2009	36	279	240,061,424	1,368,411,522	30,283,452	1,398,694,974	1,638,756,398	155,440,550	8,669,822	164,110,372	
2010	42	385	549,097,732	1,955,805,336	16,366,232	1,972,171,568	2,521,269,301	335,084,132	4,639,804	339,723,936	
2011	42	417	178,287,545	2,183,142,674	88,291,393	2,271,434,067	2,449,721,612	446,890,505	24,055,563	470,946,068	
2012	31	417	561,373,967	2,580,255,899	37,838,668	2,618,094,567	3,179,468,534	296,518,575	10,598,793	307,117,368	
2013	30	504	61,354,329	2,575,656,951	122,854,972	2,698,511,924	2,759,866,253	475,354,113	29,569,605	504,923,718	
2014	34	471	89,054,490	2,282,799,137	75,322,326	2,358,121,462	2,447,175,952	385,057,130	13,397,186	398,454,316	
2015	27	426	160,758,915	1,492,103,005	477,123,065	1,969,226,070	2,129,984,985	272,916,832	133,278,440	406,195,271	
2016	96	503	97,354,415	2,552,466,698	75,145,688	2,627,612,387	2,724,966,802	464,489,816	20,481,847	484,971,663	
2017	70	494	32,627,357	1,676,043,191	446,222,506	2,122,265,697	2,154,893,054	301,070,938	123,637,553	424,708,490	
2018	61	448	568,069,015	1,866,262,636	172,958,622	2,039,221,258	2,607,290,272	302,832,476	27,091,647	329,924,123	
2019	59	449	700,838,735	1,623,696,829	284,366,591	1,908,063,420	2,608,902,154	231,928,954	69,037,315	300,966,269	
2020	121	458	402,745,794	1,295,390,759	180,079,049	1,475,469,808	1,878,215,602	230,136,355	48,094,625	278,230,979	
2021	102	389	3,591,206,587	1,074,269,163	454,044,509	1,528,313,672	5,119,520,259	168,559,467	54,937,327	223,496,794	
2022	100	371	110,945,182	666,723,748	1,013,430,856	1,680,154,604	1,791,099,786	120,273,612	298,530,981	418,804,593	
2023	94	348	240,476,085	1,330,070,669	247,105,984	1,577,176,653	1,817,652,738	165,496,061	34,748,859	200,244,919	

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹				RELATOR SHARE AWARDS ²			
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM		TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED					
	1,568	9,651	11,839,175,135	36,492,318,125	3,959,217,959	40,451,536,083	52,290,711,218	5,975,639,999	922,519,982	6,898,159,981
TOTAL										

NOTES:

** The information reported in this table covers matters in which the Department of Health and Human Services is the primary client agency.

0. New Matters refers to newly received referrals, investigations, and qui tam actions.

1. Settlements and judgments include common law recoveries arising out of our False Claims Act investigations.

2. Relator share awards are calculated on the portion of the settlement or judgment attributable to the relators claims, which may be less than the total settlement or judgment. Relator share awards do not include amounts recovered in subsection (h) or other personal claims. See 31 U. S. C. 3730(h).

3. Historically, non qui tam settlements and judgments did not include matters separately handled by the United States Attorneys' Offices, as the Civil Division did not maintain that data. However, beginning October 1, 2019, non qui tam settlements and judgments include settlements and judgments occurring on or after October 1, 2019 in matters separately handled by the United States Attorneys' Offices when those settlements and judgments have been reported to the Civil Division.

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL					
1987	236	21	27,897,128	0	0	0	27,897,128	0	0	0	
1988	117	33	149,136,213	0	33,750	33,750	149,169,963	0	8,438	8,438	
1989	115	36	154,588,297	10,002,058	0	10,002,058	164,590,355	1,394,770	0	1,394,770	
1990	69	46	117,115,978	21,630,713	69,000	21,699,713	138,815,691	3,776,850	18,870	3,795,720	
1991	78	45	227,898,245	57,200,000	42,000	57,242,000	285,140,245	8,625,800	10,500	8,636,300	
1992	73	61	62,603,695	127,700,000	994,456	128,694,456	191,298,151	23,540,000	259,784	23,799,784	
1993	93	53	83,742,840	24,000,000	5,707,641	29,707,641	113,450,481	3,280,425	1,671,498	4,951,923	
1994	62	80	222,799,421	369,136,206	1,530,000	370,666,206	593,465,627	67,712,678	451,200	68,163,878	
1995	54	88	110,459,386	140,548,237	15,000	140,563,237	251,022,623	28,348,711	0	28,348,711	
1996	44	75	78,085,099	55,908,927	5,924,726	61,833,653	139,918,752	10,825,550	1,696,923	12,522,473	
1997	45	79	30,734,273	35,090,213	1,513,700	36,603,913	67,338,186	6,018,810	379,435	6,398,244	
1998	29	61	71,063,139	122,463,185	27,717,000	150,180,185	221,243,324	12,213,171	8,298,630	20,511,801	
1999	33	66	30,522,711	15,114,509	745,137	15,859,646	46,382,357	2,684,186	179,750	2,863,936	
2000	9	40	53,007,693	95,607,325	505,500	96,112,825	149,120,518	15,668,259	122,800	15,791,059	
2001	10	41	17,472,751	30,030,696	88,083,098	118,113,794	135,586,545	5,955,566	19,451,866	25,407,432	
2002	16	41	15,017,365	18,057,658	1,350,000	19,407,658	34,425,022	2,576,196	381,000	2,957,196	
2003	11	36	107,337,000	204,884,468	0	204,884,468	312,221,468	48,592,795	0	48,592,795	
2004	16	49	10,098,491	21,581,366	0	21,581,366	31,679,857	3,031,610	0	3,031,610	
2005	16	49	19,049,935	101,125,200	0	101,125,200	120,175,135	21,428,085	0	21,428,085	

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²			
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM		TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED							
2006	14	68	586,550,385	52,480,219	1,520,203	54,000,421	640,550,806	11,128,675	299,986	11,428,661		
2007	26	50	16,400,000	36,230,796	496,909	36,727,705	53,127,705	4,983,718	126,419	5,110,137		
2008	28	43	70,756,834	60,468,116	5,701,365	66,169,481	136,926,315	11,891,101	1,439,451	13,330,552		
2009	17	51	21,739,266	416,852,869	140,000	416,992,869	438,732,135	64,469,853	26,600	64,496,453		
2010	25	56	24,371,482	231,354,446	9,473,700	240,828,146	265,199,628	28,632,565	2,833,839	31,466,404		
2011	19	45	29,484,345	113,130,570	0	113,130,570	142,614,915	23,428,627	0	23,428,627		
2012	19	59	2,000,000	167,886,739	307,000	168,193,739	170,193,739	21,077,673	70,000	21,147,673		
2013	16	78	4,869,169	47,118,462	154,000	47,272,462	52,141,631	7,246,939	41,580	7,288,519		
2014	13	44	14,102,250	51,734,251	9,014,000	60,748,251	74,850,501	9,439,658	2,693,500	12,133,158		
2015	8	36	109,991,660	145,989,076	26,572,197	172,561,273	282,552,933	24,600,368	2,561,920	27,162,288		
2016	8	32	60,625,089	47,939,275	13,715,000	61,654,275	122,279,365	9,837,392	3,928,000	13,765,392		
2017	22	29	13,528,713	209,117,135	3,162,577	212,279,712	225,808,425	42,795,778	800,644	43,596,422		
2018	15	34	11,765,439	46,056,955	16,700,000	62,756,955	74,522,394	9,709,444	4,592,500	14,301,944		
2019	13	40	65,852,842	190,394,081	350,000	190,744,081	256,596,922	41,904,151	101,500	42,005,651		
2020	32	35	31,213,617	51,415,401	5,709,798	57,125,199	88,338,817	11,743,785	934,905	12,678,690		
2021	26	27	21,778,471	98,491,421	35,000	98,526,421	120,304,892	20,062,097	10,150	20,072,247		
2022	26	40	47,879,577	27,136,293	28,675,000	55,811,293	103,690,871	6,817,050	8,583,125	15,400,175		
2023	28	40	50,710,491	388,972,451	112,227,532	501,199,983	551,910,474	71,896,517	32,489,621	104,386,138		

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹				RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM		TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED				
	1,481	1,807	2,772,249,291	3,832,849,316	368,185,288	4,201,034,604	687,338,853	94,464,434	781,803,287
TOTAL									

NOTES:

- ** The information reported in this table covers matters in which the Department of Defense is the primary client agency.
- 0. New Matters refers to newly received referrals, investigations, and qui tam actions.
- 1. Settlements and judgments include common law recoveries arising out of our False Claims Act investigations.
- 2. Relator share awards are calculated on the portion of the settlement or judgment attributable to the relators claims, which may be less than the total settlement or judgment. Relator share awards do not include amounts recovered in subsection (h) or other personal claims. See 31 U. S. C. 3730(h).
- 3. Historically, non qui tam settlements and judgments did not include matters separately handled by the United States Attorneys' Offices, as the Civil Division did not maintain that data. However, beginning October 1, 2019, non qui tam settlements and judgments include settlements and judgments occurring on or after October 1, 2019 in matters separately handled by the United States Attorneys' Offices when those settlements and judgments have been reported to the Civil Division.

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²			
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM		TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED							
1987	92	7	47,220,995	0	0	0	0	0	0	0	0	0
1988	77	13	21,968,775	1,954,354	0	1,954,354	0	0	0	0	0	0
1989	81	42	42,263,423	10,000	1,681	11,681	2,000	200	2,000	200	200	2,200
1990	136	26	62,120,889	17,949,496	6,000	17,955,496	2,694,612	1,800	2,694,612	1,800	1,800	2,696,412
1991	135	30	33,961,487	7,764,431	27,500	7,791,931	1,180,336	8,250	1,180,336	8,250	8,250	1,188,586
1992	183	40	65,532,871	4,056,969	0	4,056,969	135,000	0	135,000	0	0	135,000
1993	189	47	85,679,571	7,883,383	895,359	8,778,742	1,349,709	95,404	1,349,709	95,404	95,404	1,445,113
1994	175	61	101,753,461	3,601,184	1,052,323	4,653,507	627,074	315,696	627,074	315,696	315,696	942,770
1995	152	94	63,239,477	14,414,266	0	14,414,266	2,475,603	0	2,475,603	0	0	2,475,603
1996	121	88	106,212,299	19,215,578	5,257,707	24,473,285	2,586,902	1,367,655	2,586,902	1,367,655	1,367,655	3,954,557
1997	89	200	83,393,761	7,841,980	4,415,000	12,256,980	986,005	1,258,800	986,005	1,258,800	1,258,800	2,244,805
1998	55	131	40,264,735	64,547,494	5,000	64,552,494	11,187,844	1,000	11,187,844	1,000	1,000	11,188,844
1999	80	112	126,866,982	71,048,596	2,955,667	74,004,263	15,159,323	876,908	15,159,323	876,908	876,908	16,036,231
2000	50	111	105,980,489	389,610,617	850,000	390,460,617	52,613,715	165,000	52,613,715	165,000	165,000	52,778,715
2001	41	92	41,175,045	254,232,298	25,512,500	279,744,798	37,730,204	7,514,514	37,730,204	7,514,514	7,514,514	45,244,718
2002	23	84	30,126,500	122,275,178	1,028,569	123,303,748	8,520,908	192,633	123,303,748	192,633	192,633	8,713,542
2003	56	83	61,831,489	25,057,571	2,305,126	27,362,697	4,640,694	660,508	4,640,694	660,508	660,508	5,301,202
2004	68	110	70,741,084	69,801,056	3,486,818	73,287,873	11,272,462	750,999	11,272,462	750,999	750,999	12,023,461
2005	56	88	53,043,500	141,265,488	810,000	142,075,488	26,163,159	131,600	26,163,159	131,600	131,600	26,294,759

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL					
2006	43	101	75,388,158	211,511,060	4,961,620	216,472,680	291,860,838	45,679,413	1,425,854	47,105,266	
2007	90	116	83,373,851	285,880,313	7,293,344	293,173,657	376,547,508	31,618,872	1,993,303	33,612,175	
2008	74	105	78,464,624	37,653,025	125,000	37,778,025	116,242,649	4,107,880	36,000	4,143,880	
2009	81	103	208,884,996	178,740,859	3,353,028	182,093,887	390,978,883	29,656,732	987,725	30,644,457	
2010	77	135	70,621,154	91,895,466	83,938,681	175,834,147	246,455,301	15,801,739	23,442,348	39,244,087	
2011	75	172	33,594,105	360,529,170	85,597,310	446,126,480	479,720,585	54,715,891	24,986,043	79,701,934	
2012	108	179	1,048,838,895	627,352,531	52,102,675	679,455,206	1,728,294,101	122,026,208	14,192,949	136,219,158	
2013	71	175	122,153,274	195,831,949	80,983,687	276,815,636	398,968,910	30,746,225	21,585,906	52,332,131	
2014	72	201	1,574,451,486	2,056,146,352	6,800,375	2,062,946,727	3,637,398,213	308,630,594	1,524,789	310,155,383	
2015	94	177	467,691,913	259,949,218	13,180,432	273,129,650	740,821,563	46,776,169	3,174,818	49,950,986	
2016	81	174	1,771,523,175	328,268,159	19,437,381	347,705,540	2,119,228,715	51,066,300	5,248,753	56,315,052	
2017	84	158	237,469,951	670,120,409	153,296,969	823,417,378	1,060,887,329	66,212,335	10,921,813	77,134,148	
2018	57	167	189,762,000	86,360,994	21,137,431	107,498,425	297,260,425	15,411,171	5,821,211	21,232,382	
2019	78	148	86,091,121	100,389,203	20,838,022	121,227,225	207,318,346	17,144,369	6,004,552	23,148,921	
2020	108	183	113,943,787	175,655,744	8,094,628	183,750,372	297,694,159	34,869,727	2,244,624	37,114,351	
2021	84	182	380,433,763	65,056,279	26,574,764	91,631,043	472,064,805	12,753,493	7,540,921	20,294,414	
2022	179	247	91,512,440	109,468,031	145,813,320	255,281,351	346,793,791	19,879,607	42,706,937	62,586,544	
2023	378	324	64,994,108	171,889,634	83,000,961	254,890,594	319,884,702	30,232,960	14,770,883	45,003,843	

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹				RELATOR SHARE AWARDS ²			
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM		TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED					
TOTAL	3,693	4,506	7,942,569,632	7,235,228,333	865,138,878	8,100,367,211	16,042,936,843	1,116,655,236	201,950,396	1,318,605,632

NOTES:

- ** The information reported in this table covers matters in which the primary client agency is neither the Department of Health and Human Services nor the Department of Defense.
- 0. New Matters refers to newly received referrals, investigations, and qui tam actions.
- 1. Settlements and judgments include common law recoveries arising out of our False Claims Act investigations.
- 2. Relator share awards are calculated on the portion of the settlement or judgment attributable to the relators claims, which may be less than the total settlement or judgment. Relator share awards do not include amounts recovered in subsection (h) or other personal claims. See 31 U. S. C. 3730(h).
- 3. Historically, non qui tam settlements and judgments did not include matters separately handled by the United States Attorneys' Offices, as the Civil Division did not maintain that data. However, beginning October 1, 2019, non qui tam settlements and judgments include settlements and judgments occurring on or after October 1, 2019 in matters separately handled by the United States Attorneys' Offices when those settlements and judgments have been reported to the Civil Division.

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ⁶		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED					
1987	340	31	86,479,949	0	0	86,479,949	0	0	0	0	
1988	199	53	173,287,663	2,309,354	33,750	2,343,104	175,630,767	88,750	8,438	97,188	
1989	215	94	197,202,180	15,111,719	1,681	15,113,400	212,315,580	1,446,770	200	1,446,970	
1990	232	83	189,564,367	40,483,367	75,000	40,558,367	230,122,734	6,590,936	20,670	6,611,606	
1991	232	87	270,530,467	70,384,431	69,500	70,453,931	340,984,398	10,667,537	18,750	10,686,287	
1992	282	116	137,958,206	133,949,447	994,456	134,943,903	272,902,109	24,121,648	259,784	24,381,432	
1993	304	138	181,945,576	183,643,787	6,603,000	190,246,787	372,192,363	27,576,235	1,766,902	29,343,137	
1994	279	216	706,022,897	379,018,205	2,822,323	381,840,528	1,087,863,425	69,453,350	838,896	70,292,246	
1995	232	269	269,989,642	239,024,292	1,635,000	240,659,292	510,648,934	45,162,296	465,800	45,628,096	
1996	185	340	247,357,271	124,361,203	13,522,433	137,883,636	385,240,908	22,119,619	3,731,978	25,851,597	
1997	182	548	465,568,061	621,919,274	6,021,200	627,940,474	1,093,508,535	65,857,419	1,658,485	67,515,904	
1998	119	468	151,435,794	438,834,846	30,248,075	469,082,921	620,518,715	70,264,372	8,486,645	78,751,017	
1999	141	493	245,390,485	482,565,233	5,067,503	487,632,736	733,023,221	63,018,064	1,374,487	64,392,552	
2000	94	363	367,887,197	1,208,370,688	1,688,957	1,210,059,645	1,577,946,841	183,679,377	375,143	184,054,520	
2001	85	314	494,496,974	1,215,525,916	128,587,151	1,344,113,067	1,838,610,042	187,590,470	30,701,881	218,292,350	
2002	61	319	119,598,292	1,078,174,023	25,786,140	1,103,960,162	1,223,558,454	161,377,822	4,582,319	165,960,141	
2003	94	334	711,098,299	1,534,862,352	5,185,911	1,540,048,263	2,251,146,563	337,307,857	1,382,741	338,690,598	
2004	112	432	115,656,023	561,717,502	9,261,879	570,979,382	686,635,404	110,224,220	2,376,128	112,600,348	
2005	107	407	276,914,983	1,149,047,524	7,481,593	1,156,529,117	1,433,444,099	168,580,543	2,031,695	170,612,237	

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ⁶		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED					
											TOTAL
2006	76	385	1,712,459,257	1,491,105,499	22,711,363	1,513,816,862	3,226,276,119	219,976,072	5,647,836	225,623,908	
2007	146	365	564,826,844	1,251,726,955	160,246,894	1,411,973,849	1,976,800,693	194,463,212	4,616,899	199,080,111	
2008	166	379	312,193,480	1,103,918,516	12,678,936	1,116,597,452	1,428,790,932	208,432,587	2,997,615	211,430,202	
2009	134	433	470,685,686	1,964,005,251	33,776,480	1,997,781,730	2,468,467,417	249,567,135	9,684,147	259,251,282	
2010	144	576	644,090,368	2,279,055,248	109,778,613	2,388,833,862	3,032,924,230	379,518,436	30,915,991	410,434,427	
2011	136	634	241,365,995	2,656,802,414	173,888,703	2,830,691,117	3,072,057,112	525,035,022	49,041,606	574,076,628	
2012	158	655	1,612,212,862	3,375,495,169	90,248,343	3,465,743,512	5,077,956,374	439,622,456	24,861,743	464,484,199	
2013	117	757	188,376,772	2,818,607,362	203,992,659	3,022,600,021	3,210,976,794	513,347,278	51,197,091	564,544,369	
2014	119	716	1,677,608,226	4,390,679,739	91,136,701	4,481,816,440	6,159,424,665	703,127,381	17,615,475	720,742,857	
2015	129	639	738,442,487	1,898,041,298	516,875,695	2,414,916,993	3,153,359,480	344,293,369	139,015,177	483,308,546	
2016	185	709	1,929,502,680	2,928,674,132	108,298,069	3,036,972,202	4,966,474,881	525,393,509	29,658,600	555,052,108	
2017	176	681	283,626,021	2,555,280,735	602,682,052	3,157,962,787	3,441,588,807	410,079,051	135,360,010	545,439,060	
2018	133	649	769,596,453	1,998,680,585	210,796,053	2,209,476,638	2,979,073,091	327,953,091	37,505,357	365,458,449	
2019	150	637	852,782,697	1,914,480,113	305,554,613	2,220,034,725	3,072,817,423	290,977,474	75,143,367	366,120,841	
2020	261	676	547,903,198	1,522,461,904	193,883,475	1,716,345,380	2,264,248,578	276,749,867	51,274,154	328,024,020	
2021	212	598	3,993,418,820	1,237,816,864	480,654,272	1,718,471,136	5,711,889,956	201,375,057	62,488,398	263,863,455	
2022	305	658	250,337,200	803,328,072	1,187,919,176	1,991,247,248	2,241,584,448	146,970,269	349,821,043	496,791,312	
2023	500	712	356,180,683	1,890,932,754	442,334,476	2,333,267,231	2,689,447,914	267,625,538	82,009,363	349,634,900	

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Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹				RELATOR SHARE AWARDS ²			
	NON QUI TAM	QUI TAM	NON ³ QUI TAM		QUI TAM		TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
			TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL				
	6,742	15,964	22,553,994,057	47,560,395,773	5,192,542,125	52,752,937,899	75,306,931,956	7,779,634,088	1,218,934,812	8,998,568,901
TOTAL										

NOTES:

0. New Matters refers to newly received referrals, investigations, and qui tam actions.
1. Settlements and judgments include common law recoveries arising out of our False Claims Act investigations.
2. Relator share awards are calculated on the portion of the settlement or judgment attributable to the relators' claims, which may be less than the total settlement or judgment. Relator share awards do not include amounts recovered in subsection (h) or other personal claims. See 31 U. S. C. 3730(h).
- 3 Historically, non qui tam settlements and judgments did not include matters separately handled by the United States Attorneys' Offices, as the Civil Division did not maintain that data. However, beginning October 1, 2019, non qui tam settlements and judgments include settlements and judgments occurring on or after October 1, 2019 in matters separately handled by the United States Attorneys' Offices when those settlements and judgments have been reported to the Civil Division.

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL					
1987	12	3	11,361,826	0	0	0	11,361,826	0	0	0	
1988	5	7	2,182,675	355,000	0	355,000	2,537,675	88,750	0	88,750	
1989	19	16	350,460	5,099,661	0	5,099,661	5,450,121	50,000	0	50,000	
1990	27	11	10,327,500	903,158	0	903,158	11,230,658	119,474	0	119,474	
1991	19	12	8,670,735	5,420,000	0	5,420,000	14,090,735	861,401	0	861,401	
1992	26	15	9,821,640	2,192,478	0	2,192,478	12,014,118	446,648	0	446,648	
1993	22	38	12,523,165	151,760,404	0	151,760,404	164,283,569	22,946,101	0	22,946,101	
1994	42	75	381,470,015	6,280,815	240,000	6,520,815	387,990,830	1,113,597	72,000	1,185,597	
1995	26	87	96,290,779	84,061,789	1,620,000	85,681,789	181,972,568	14,337,982	465,800	14,803,782	
1996	20	177	63,059,873	49,236,698	2,340,000	51,576,698	114,636,572	8,707,168	667,400	9,374,568	
1997	48	269	351,440,027	578,987,081	92,500	579,079,581	930,519,608	58,852,605	20,250	58,872,855	
1998	35	276	40,107,920	251,824,167	2,526,075	254,350,242	294,458,162	46,863,357	187,015	47,050,372	
1999	28	315	88,000,792	396,402,128	1,366,699	397,768,827	485,769,619	45,174,556	317,829	45,492,385	
2000	35	212	208,899,015	723,152,746	333,457	723,486,203	932,385,218	115,397,403	87,343	115,484,746	
2001	34	181	435,849,179	931,262,922	14,991,554	946,254,475	1,382,103,654	143,904,700	3,735,500	147,640,200	
2002	22	194	74,454,427	937,841,186	23,407,571	961,248,757	1,035,703,184	150,280,717	4,008,686	154,289,403	
2003	27	215	541,929,810	1,304,920,314	2,880,785	1,307,801,099	1,849,730,909	284,074,368	722,233	284,796,601	
2004	28	273	34,816,447	470,335,081	5,775,062	476,110,142	510,926,589	95,920,149	1,625,129	97,545,278	
2005	35	270	204,821,548	906,656,836	6,671,593	913,328,429	1,118,149,977	120,989,298	1,900,095	122,889,393	

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL					
2006	19	216	1,050,520,714	1,227,114,221	16,229,540	1,243,343,761	2,293,864,475	163,167,984	3,921,996	167,089,981	
2007	30	199	465,052,993	929,615,846	152,456,640	1,082,072,486	1,547,125,480	157,860,623	2,497,177	160,357,799	
2008	64	231	162,972,022	1,005,797,375	6,852,571	1,012,649,946	1,175,621,969	192,433,605	1,522,164	193,955,770	
2009	36	279	240,061,424	1,368,411,522	30,283,452	1,398,694,974	1,638,756,398	155,440,550	8,669,822	164,110,372	
2010	42	385	549,097,732	1,955,805,336	16,366,232	1,972,171,568	2,521,269,301	335,084,132	4,639,804	339,723,936	
2011	42	417	178,287,545	2,183,142,674	88,291,393	2,271,434,067	2,449,721,612	446,890,505	24,055,563	470,946,068	
2012	31	417	561,373,967	2,580,255,899	37,838,668	2,618,094,567	3,179,468,534	296,518,575	10,598,793	307,117,368	
2013	30	504	61,354,329	2,575,656,951	122,854,972	2,698,511,924	2,759,866,253	475,354,113	29,569,605	504,923,718	
2014	34	471	89,054,490	2,282,799,137	75,322,326	2,358,121,462	2,447,175,952	385,057,130	13,397,186	398,454,316	
2015	27	426	160,758,915	1,492,103,005	477,123,065	1,969,226,070	2,129,984,985	272,916,832	133,278,440	406,195,271	
2016	96	503	97,354,415	2,552,466,698	75,145,688	2,627,612,387	2,724,966,802	464,489,816	20,481,847	484,971,663	
2017	70	494	32,627,357	1,676,043,191	446,222,506	2,122,265,697	2,154,893,054	301,070,938	123,637,553	424,708,490	
2018	61	448	568,069,015	1,866,262,636	172,958,622	2,039,221,258	2,607,290,272	302,832,476	27,091,647	329,924,123	
2019	59	449	700,838,735	1,623,696,829	284,366,591	1,908,063,420	2,608,902,154	231,928,954	69,037,315	300,966,269	
2020	121	458	402,745,794	1,295,390,759	180,079,049	1,475,469,808	1,878,215,602	230,136,355	48,094,625	278,230,979	
2021	102	389	3,591,206,587	1,074,269,163	454,044,509	1,528,313,672	5,119,520,259	168,559,467	54,937,327	223,496,794	
2022	100	371	110,945,182	666,723,748	1,013,430,856	1,680,154,604	1,791,099,786	120,273,612	298,530,981	418,804,593	
2023	94	348	240,476,085	1,330,070,669	247,105,984	1,577,176,653	1,817,652,738	165,496,061	34,748,859	200,244,919	

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹				RELATOR SHARE AWARDS ²			
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM		TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED					
	1,568	9,651	11,839,175,135	36,492,318,125	3,959,217,959	40,451,536,083	52,290,711,218	5,975,639,999	922,519,982	6,898,159,981
TOTAL										

NOTES:

** The information reported in this table covers matters in which the Department of Health and Human Services is the primary client agency.

0. New Matters refers to newly received referrals, investigations, and qui tam actions.

1. Settlements and judgments include common law recoveries arising out of our False Claims Act investigations.

2. Relator share awards are calculated on the portion of the settlement or judgment attributable to the relators claims, which may be less than the total settlement or judgment. Relator share awards do not include amounts recovered in subsection (h) or other personal claims. See 31 U. S. C. 3730(h).

3. Historically, non qui tam settlements and judgments did not include matters separately handled by the United States Attorneys' Offices, as the Civil Division did not maintain that data. However, beginning October 1, 2019, non qui tam settlements and judgments include settlements and judgments occurring on or after October 1, 2019 in matters separately handled by the United States Attorneys' Offices when those settlements and judgments have been reported to the Civil Division.

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL					
1987	236	21	27,897,128	0	0	0	27,897,128	0	0	0	
1988	117	33	149,136,213	0	33,750	33,750	149,169,963	0	8,438	8,438	
1989	115	36	154,588,297	10,002,058	0	10,002,058	164,590,355	1,394,770	0	1,394,770	
1990	69	46	117,115,978	21,630,713	69,000	21,699,713	138,815,691	3,776,850	18,870	3,795,720	
1991	78	45	227,898,245	57,200,000	42,000	57,242,000	285,140,245	8,625,800	10,500	8,636,300	
1992	73	61	62,603,695	127,700,000	994,456	128,694,456	191,298,151	23,540,000	259,784	23,799,784	
1993	93	53	83,742,840	24,000,000	5,707,641	29,707,641	113,450,481	3,280,425	1,671,498	4,951,923	
1994	62	80	222,799,421	369,136,206	1,530,000	370,666,206	593,465,627	67,712,678	451,200	68,163,878	
1995	54	88	110,459,386	140,548,237	15,000	140,563,237	251,022,623	28,348,711	0	28,348,711	
1996	44	75	78,085,099	55,908,927	5,924,726	61,833,653	139,918,752	10,825,550	1,696,923	12,522,473	
1997	45	79	30,734,273	35,090,213	1,513,700	36,603,913	67,338,186	6,018,810	379,435	6,398,244	
1998	29	61	71,063,139	122,463,185	27,717,000	150,180,185	221,243,324	12,213,171	8,298,630	20,511,801	
1999	33	66	30,522,711	15,114,509	745,137	15,859,646	46,382,357	2,684,186	179,750	2,863,936	
2000	9	40	53,007,693	95,607,325	505,500	96,112,825	149,120,518	15,668,259	122,800	15,791,059	
2001	10	41	17,472,751	30,030,696	88,083,098	118,113,794	135,586,545	5,955,566	19,451,866	25,407,432	
2002	16	41	15,017,365	18,057,658	1,350,000	19,407,658	34,425,022	2,576,196	381,000	2,957,196	
2003	11	36	107,337,000	204,884,468	0	204,884,468	312,221,468	48,592,795	0	48,592,795	
2004	16	49	10,098,491	21,581,366	0	21,581,366	31,679,857	3,031,610	0	3,031,610	
2005	16	49	19,049,935	101,125,200	0	101,125,200	120,175,135	21,428,085	0	21,428,085	

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL					
2006	14	68	586,550,385	52,480,219	1,520,203	54,000,421	640,550,806	11,128,675	299,986	11,428,661	
2007	26	50	16,400,000	36,230,796	496,909	36,727,705	53,127,705	4,983,718	126,419	5,110,137	
2008	28	43	70,756,834	60,468,116	5,701,365	66,169,481	136,926,315	11,891,101	1,439,451	13,330,552	
2009	17	51	21,739,266	416,852,869	140,000	416,992,869	438,732,135	64,469,853	26,600	64,496,453	
2010	25	56	24,371,482	231,354,446	9,473,700	240,828,146	265,199,628	28,632,565	2,833,839	31,466,404	
2011	19	45	29,484,345	113,130,570	0	113,130,570	142,614,915	23,428,627	0	23,428,627	
2012	19	59	2,000,000	167,886,739	307,000	168,193,739	170,193,739	21,077,673	70,000	21,147,673	
2013	16	78	4,869,169	47,118,462	154,000	47,272,462	52,141,631	7,246,939	41,580	7,288,519	
2014	13	44	14,102,250	51,734,251	9,014,000	60,748,251	74,850,501	9,439,658	2,693,500	12,133,158	
2015	8	36	109,991,660	145,989,076	26,572,197	172,561,273	282,552,933	24,600,368	2,561,920	27,162,288	
2016	8	32	60,625,089	47,939,275	13,715,000	61,654,275	122,279,365	9,837,392	3,928,000	13,765,392	
2017	22	29	13,528,713	209,117,135	3,162,577	212,279,712	225,808,425	42,795,778	800,644	43,596,422	
2018	15	34	11,765,439	46,056,955	16,700,000	62,756,955	74,522,394	9,709,444	4,592,500	14,301,944	
2019	13	40	65,852,842	190,394,081	350,000	190,744,081	256,596,922	41,904,151	101,500	42,005,651	
2020	32	35	31,213,617	51,415,401	5,709,798	57,125,199	88,338,817	11,743,785	934,905	12,678,690	
2021	26	27	21,778,471	98,491,421	35,000	98,526,421	120,304,892	20,062,097	10,150	20,072,247	
2022	26	40	47,879,577	27,136,293	28,675,000	55,811,293	103,690,871	6,817,050	8,583,125	15,400,175	
2023	28	40	50,710,491	388,972,451	112,227,532	501,199,983	551,910,474	71,896,517	32,489,621	104,386,138	

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹				RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM		TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED				
	1,481	1,807	2,772,249,291	3,832,849,316	368,185,288	4,201,034,604	687,338,853	94,464,434	781,803,287
TOTAL									

NOTES:

- ** The information reported in this table covers matters in which the Department of Defense is the primary client agency.
- 0. New Matters refers to newly received referrals, investigations, and qui tam actions.
- 1. Settlements and judgments include common law recoveries arising out of our False Claims Act investigations.
- 2. Relator share awards are calculated on the portion of the settlement or judgment attributable to the relators claims, which may be less than the total settlement or judgment. Relator share awards do not include amounts recovered in subsection (h) or other personal claims. See 31 U. S. C. 3730(h).
- 3. Historically, non qui tam settlements and judgments did not include matters separately handled by the United States Attorneys' Offices, as the Civil Division did not maintain that data. However, beginning October 1, 2019, non qui tam settlements and judgments include settlements and judgments occurring on or after October 1, 2019 in matters separately handled by the United States Attorneys' Offices when those settlements and judgments have been reported to the Civil Division.

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²			
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM		TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED							
1987	92	7	47,220,995	0	0	0	0	0	47,220,995	0	0	0
1988	77	13	21,968,775	1,954,354	0	1,954,354	0	0	23,923,129	0	0	0
1989	81	42	42,263,423	10,000	1,681	11,681	2,000	200	42,275,104	2,000	200	2,200
1990	136	26	62,120,889	17,949,496	6,000	17,955,496	2,694,612	1,800	80,076,385	2,694,612	1,800	2,696,412
1991	135	30	33,961,487	7,764,431	27,500	7,791,931	1,180,336	8,250	41,753,418	1,180,336	8,250	1,188,586
1992	183	40	65,532,871	4,056,969	0	4,056,969	135,000	0	69,589,840	135,000	0	135,000
1993	189	47	85,679,571	7,883,383	895,359	8,778,742	1,349,709	95,404	94,458,313	1,349,709	95,404	1,445,113
1994	175	61	101,753,461	3,601,184	1,052,323	4,653,507	627,074	315,696	106,406,968	627,074	315,696	942,770
1995	152	94	63,239,477	14,414,266	0	14,414,266	2,475,603	0	77,653,743	2,475,603	0	2,475,603
1996	121	88	106,212,299	19,215,578	5,257,707	24,473,285	2,586,902	1,367,655	130,685,584	2,586,902	1,367,655	3,954,557
1997	89	200	83,393,761	7,841,980	4,415,000	12,256,980	986,005	1,258,800	95,650,741	986,005	1,258,800	2,244,805
1998	55	131	40,264,735	64,547,494	5,000	64,552,494	11,187,844	1,000	104,817,229	11,187,844	1,000	11,188,844
1999	80	112	126,866,982	71,048,596	2,955,667	74,004,263	15,159,323	876,908	200,871,245	15,159,323	876,908	16,036,231
2000	50	111	105,980,489	389,610,617	850,000	390,460,617	52,613,715	165,000	496,441,106	52,613,715	165,000	52,778,715
2001	41	92	41,175,045	254,232,298	25,512,500	279,744,798	37,730,204	7,514,514	320,919,843	37,730,204	7,514,514	45,244,718
2002	23	84	30,126,500	122,275,178	1,028,569	123,303,748	8,520,908	192,633	153,430,248	8,520,908	192,633	8,713,542
2003	56	83	61,831,489	25,057,571	2,305,126	27,362,697	4,640,694	660,508	89,194,186	4,640,694	660,508	5,301,202
2004	68	110	70,741,084	69,801,056	3,486,818	73,287,873	11,272,462	750,999	144,028,957	11,272,462	750,999	12,023,461
2005	56	88	53,043,500	141,265,488	810,000	142,075,488	26,163,159	131,600	195,118,988	26,163,159	131,600	26,294,759

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹						RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM			TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL	
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL					
2006	43	101	75,388,158	211,511,060	4,961,620	216,472,680	291,860,838	45,679,413	1,425,854	47,105,266	
2007	90	116	83,373,851	285,880,313	7,293,344	293,173,657	376,547,508	31,618,872	1,993,303	33,612,175	
2008	74	105	78,464,624	37,653,025	125,000	37,778,025	116,242,649	4,107,880	36,000	4,143,880	
2009	81	103	208,884,996	178,740,859	3,353,028	182,093,887	390,978,883	29,656,732	987,725	30,644,457	
2010	77	135	70,621,154	91,895,466	83,938,681	175,834,147	246,455,301	15,801,739	23,442,348	39,244,087	
2011	75	172	33,594,105	360,529,170	85,597,310	446,126,480	479,720,585	54,715,891	24,986,043	79,701,934	
2012	108	179	1,048,838,895	627,352,531	52,102,675	679,455,206	1,728,294,101	122,026,208	14,192,949	136,219,158	
2013	71	175	122,153,274	195,831,949	80,983,687	276,815,636	398,968,910	30,746,225	21,585,906	52,332,131	
2014	72	201	1,574,451,486	2,056,146,352	6,800,375	2,062,946,727	3,637,398,213	308,630,594	1,524,789	310,155,383	
2015	94	177	467,691,913	259,949,218	13,180,432	273,129,650	740,821,563	46,776,169	3,174,818	49,950,986	
2016	81	174	1,771,523,175	328,268,159	19,437,381	347,705,540	2,119,228,715	51,066,300	5,248,753	56,315,052	
2017	84	158	237,469,951	670,120,409	153,296,969	823,417,378	1,060,887,329	66,212,335	10,921,813	77,134,148	
2018	57	167	189,762,000	86,360,994	21,137,431	107,498,425	297,260,425	15,411,171	5,821,211	21,232,382	
2019	78	148	86,091,121	100,389,203	20,838,022	121,227,225	207,318,346	17,144,369	6,004,552	23,148,921	
2020	108	183	113,943,787	175,655,744	8,094,628	183,750,372	297,694,159	34,869,727	2,244,624	37,114,351	
2021	84	182	380,433,763	65,056,279	26,574,764	91,631,043	472,064,805	12,753,493	7,540,921	20,294,414	
2022	179	247	91,512,440	109,468,031	145,813,320	255,281,351	346,793,791	19,879,607	42,706,937	62,586,544	
2023	378	324	64,994,108	171,889,634	83,000,961	254,890,594	319,884,702	30,232,960	14,770,883	45,003,843	

October 1, 1986 - September 30, 2023

Civil Division, U.S. Department of Justice

FY	NEW MATTERS ^o		SETTLEMENTS AND JUDGMENTS ¹				RELATOR SHARE AWARDS ²		
	NON QUI TAM	QUI TAM	NON ³ QUI TAM	QUI TAM		TOTAL QUI TAM AND NON QUI TAM	WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED	TOTAL
				WHERE U.S. INTERVENED OR OTHERWISE PURSUED	WHERE U.S. DECLINED				
TOTAL	3,693	4,506	7,942,569,632	7,235,228,333	865,138,878	8,100,367,211	1,116,655,236	201,950,396	1,318,605,632

NOTES:

- ** The information reported in this table covers matters in which the primary client agency is neither the Department of Health and Human Services nor the Department of Defense.
- o. New Matters refers to newly received referrals, investigations, and qui tam actions.
- 1. Settlements and judgments include common law recoveries arising out of our False Claims Act investigations.
- 2. Relator share awards are calculated on the portion of the settlement or judgment attributable to the relators claims, which may be less than the total settlement or judgment. Relator share awards do not include amounts recovered in subsection (h) or other personal claims. See 31 U. S. C. 3730(h).
- 3. Historically, non qui tam settlements and judgments did not include matters separately handled by the United States Attorneys' Offices, as the Civil Division did not maintain that data. However, beginning October 1, 2019, non qui tam settlements and judgments include settlements and judgments occurring on or after October 1, 2019 in matters separately handled by the United States Attorneys' Offices when those settlements and judgments have been reported to the Civil Division.