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## Kellogg Brown & Root Services, Inc. v. United States ex rel. Carter

Docket No.	Op. Below	Argument	Opinion	Vote	Author	Term
12-1497	4th Cir.	TBD	TBD	TBD	TBD	OT 2014

**Issue:** (1) Whether the Wartime Suspension of Limitations Act – a criminal code provision that tolls the statute of limitations for “any offense” involving fraud against the government “[w]hen the United States is at war,” 18 U.S.C. § 3287, and which this Court has instructed must be “narrowly construed” in favor of repose – applies to claims of civil fraud brought by private relators, and is triggered without a formal declaration of war, in a manner that leads to indefinite tolling; and (2) whether, contrary to the conclusion of numerous courts, the False Claims Act’s so-called “first-to-file” bar, 31 U.S.C. § 3730(b)(5) – which creates a race to the courthouse to reward relators who promptly disclose fraud against the government, while prohibiting repetitive, parasitic claims – functions as a “onecase- at-a-time” rule allowing an infinite series of duplicative claims so long as no prior claim is pending at the time of filing. **CVSG: 10/07/2013.**

### SCOTUSblog Coverage

- [Solicitor General files invitation briefs -- Part 2 \(UPDATED June 13, 2014\)](#)

Date	Proceedings and Orders
Jun 24 2013	<a href="#">Petition for a writ of certiorari filed. (Response due July 26, 2013)</a>
Jul 16 2013	<a href="#">Order extending time to file response to petition to and including August 26, 2013.</a>
Jul 26 2013	<a href="#">Motion for leave to file amicus brief filed by National Defense Industrial Association.</a>
Jul 26 2013	<a href="#">Motion for leave to file amici brief filed by Chamber of Commerce of the United States of America, et al.</a>
Aug 26 2013	<a href="#">Brief of respondent United States, ex rel. Benjamin Carter in opposition filed.</a>
Sep 10 2013	<a href="#">Reply of petitioners Kellogg Brown &amp; Root Services, Inc., et al. filed.</a>
Sep 11 2013	DISTRIBUTED for Conference of September 30, 2013.
Sep 26 2013	<a href="#">Supplemental brief of petitioners Kellogg Brown &amp; Root Services, Inc., et al. filed. (Distributed)</a>
Oct 7 2013	The Solicitor General is invited to file a brief in this case expressing the views of the United States.
May 27 2014	<a href="#">Brief amicus curiae of United States filed.</a>
Jun 10 2014	DISTRIBUTED for Conference of June 26, 2014.
Jun 10 2014	<a href="#">Supplemental brief of petitioners Kellogg Brown &amp; Root Services, Inc., et al. filed. (Distributed)</a>
Jun 23 2014	<a href="#">Supplemental brief of petitioners regarding intervening decision filed. (Distributed)</a>
Jun 30 2014	DISTRIBUTED for Conference of June 30, 2014.
Jul 1 2014	<a href="#">Motion for leave to file amici brief filed by Chamber of Commerce of the United States of America, et al. GRANTED.</a>
Jul 1 2014	<a href="#">Motion for leave to file amicus brief filed by National Defense Industrial Association GRANTED.</a>
Jul 1 2014	<a href="#">Petition GRANTED.</a>
Jul 18 2014	<a href="#">The time to file the joint appendix and petitioners' brief on the merits is extended to and including August 29, 2014.</a>
Jul 18 2014	<a href="#">The time to file respondent's brief on the merits is extended to and including October 14, 2014.</a>

