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*State Farm Fire & Casualty Co. v. United States ex rel. Rigsby*, No. 15-513

The False Claims Act permits a *qui tam* relator to bring a civil action alleging that a false claim has been made against the United States. The complaint must be filed under seal, in part to permit the United States an opportunity to investigate the claim to determine whether it wishes to intervene. Today, the Supreme Court agreed to decide what the remedy should be when the *qui tam* relator violates the seal requirement by disclosing the existence of the False Claims Act suit.

The lower courts that have considered this issue are divided. Some courts (including the Fifth Circuit, in the decision pending Supreme Court review) have applied a balancing test, pursuant to which a complaint will be dismissed only if the violation frustrates the purpose of the seal requirement or causes actual harm to the Government. The Sixth Circuit, by contrast, has held that any violation of the seal requirement requires dismissal of the complaint.

The Court previously invited the Solicitor General to express the view of the United States as to whether certiorari should be granted. The Solicitor General opposed review, noting that even the Sixth Circuit might have adopted a different approach in this case, where the violation was not within the 60-day sealing period mandated by Congress but during an extension granted by the court in its discretion.

This case will dictate whether *qui tam* relators can engage in media campaigns