

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA,)	
<i>EX REL.</i> BRANCH CONSULTANTS, L.L.C.,)	
)	
Plaintiff,)	
v.)	Case No. 2:06-cv-4091
)	
FIDELITY NATIONAL INSURANCE)	
COMPANY, <i>et al.</i>)	
)	
Defendants.)	
)	
)	

**BRANCH CONSULTANTS, LLC’S NOTICE OF SUPPLEMENTAL AUTHORITY
REGARDING PENDING OBJECTIONS TO MAGISTRATE JUDGE’S ORDER**

Plaintiff-Relator Branch Consultants, LLC (“Branch”) respectfully attaches, for the Court’s consideration, the Solicitor General’s amicus brief for the United States in *Ortho Biotech Products v. United States ex rel. Duxbury* (09-654), filed with the Supreme Court on May 19, 2010.

Speaking to the efficacy of the complaint in that case, the Solicitor General’s brief advances the government’s position regarding the nature of information required from an effective, qualified relator attempting to plead a fraudulent scheme under the False Claims Act:

Subjecting qui tam relators to that requirement [pleading with particularity each false claim submitted pursuant to a fraudulent scheme] is especially unwarranted because it attaches elevated significance to the relator’s awareness of facts that in most instances are already known to the government. The government rarely if ever needs a relator’s assistance to identify claims for payment that have been submitted to the United States. Rather, relators who make valuable contributions to the government’s enforcement efforts typically do so by bringing to light information, outside the four corners of the claims for payment, that shows those claims to be false. Requiring qui tam complaints to identify specific false claims would not meaningfully assist the government’s enforcement efforts. To the contrary, the likely effect of such a requirement would be to discourage the filing of qui tam suits by relators who would otherwise have both the means and the incentive to expose acts of fraud against the United States.

Id. at 17, attached as Exhibit A.¹

Unlike the relator in the *Duxbury* case, who was not able to plead with specificity any instances of false claims submitted pursuant to the fraudulent scheme he alleged, Branch has identified specific false claims as examples of the fraudulent scheme at issue here. Yet the Solicitor General's explanation is no less on point: the False Claims Act does not limit the scope of a relator's case to claims for payment identified in the complaint.

DATED: July 26, 2010

Respectfully submitted,

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¹ The Supreme Court ultimately declined certiorari in the *Duxbury* case.

and

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Certificate of Service

I hereby certify that on July 26, 2010, a copy of the above and foregoing has been served on Defendants and Assistant United States Attorney, Jay D. Majors via email (by agreement).

/s/ Jonathan Bridges