

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA,)	
EX REL. JEFFREY M. SIMONEAUX,)	
Relator)	
)	
<i>versus</i>)	CIVIL ACTION NO. 12-219-SDD-SCR
)	
E.I. du PONT de NEMOURS AND)	
COMPANY)	

MOTION FOR LEAVE TO FILE STATEMENT OF INTEREST

NOW INTO COURT, through undersigned counsel, comes the United States, the Party-at-Interest in the above-captioned case, who hereby moves this Court for leave to file the attached Statement of Interest, for the reasons set forth below.

1. On April 16, 2012, Relator Jeffrey Simoneaux filed this qui tam action for damages under the federal False Claims Act, 31 U.S.C. § 3729 *et seq.* On September 17, 2012, the United States informed this Court of its election to decline intervention. Relator filed an Amended Complaint against the defendant DuPont on October 10, 2012.
2. DuPont filed a motion for summary judgment on January 9, 2014, which Relator opposed. This Court denied Defendant’s summary judgment motion on April 4, 2014. Subsequent cross-motions for summary judgment were filed on other legal issues; these motions were denied on November 10, 2014.
3. The United States has been monitoring the case and is aware that all fact and expert discovery has been completed, and that all outstanding dispositive motions have been decided. The United States understands that the case is set for trial in January 2015, and that the trial is most likely to proceed as scheduled. The United States does not intend to intervene or otherwise present any testimony or evidence at trial.

4. As the Party-at-Interest in the case, the United States seeks to place in the district court record a statement setting forth its position on the legal issues and policy concerns posed by this *qui tam* litigation in the form of a Statement of Interest and accompanying Declaration. The Statement of Interest does not urge any action by this Court and is not filed to provoke this Court's reconsideration of its prior rulings. Rather, the Statement of Interest is filed solely to inform this Court, and the Court of Appeals in the likely event of appeal, of the United States' position on the legal issues and policy considerations posed by this unique *qui tam* litigation, in the event that this Court or the Court of Appeals may wish to consider the United States' position on legal and policy questions posed in this litigation or raised by the parties on appeal.

WHEREFORE the United States prays that its motion be granted, and that its Statement of Interest and accompanying Declaration be filed into the record. A proposed order is attached.

Respectfully submitted,

J. WALTER GREEN
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CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2014, a copy of the foregoing *Motion for Leave to File Statement of Interest*, together with the proposed *Statement of Interest* and accompanying *Declaration* was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

/s Catherine M. Maraist
Catherine M. Maraist

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CIVIL ACTION NO. 12-219-SDD-SCR

ORDER

CONSIDERING Defendant’s *Motion for Leave to File Statement of Interest* and considering the same to be meritorious;

It is hereby ORDERED that the motion is granted, and the Statement of Interest and accompanying Declaration shall be deemed filed into the record.

Signed this ____ day of _____, 2014.

UNITED STATES DISTRICT COURT