

21-1326 UNITED STATES EX REL. SCHUTTE V. SUPERVALU INC.

DECISION BELOW: 9 F. 4th 455

LOWER COURT CASE NUMBER: 20-2241

QUESTION PRESENTED:

The False Claims Act protects government programs from fraud by, *inter alia*, imposing civil liability on anybody who knowingly presents false claims for payment to the government or makes false statements that are material to such claims. 31 U.S.C. § 3729(a). The statute defines "knowingly" to include acting with: (1) actual knowledge; (2) deliberate ignorance; or (3) reckless disregard of the falsity of information. *See id.* § 3729(b)(1)(A). The question presented is:

Whether and when a defendant's contemporaneous subjective understanding or beliefs about the lawfulness of its conduct are relevant to whether it "knowingly" violated the False Claims Act.

CONSOLIDATED WITH 22-111 FOR ONE HOUR ORAL ARGUMENT

CERT. GRANTED 1/13/2023