

STONE MAGNANINI

COMPLEX LITIGATION

April 5, 2018

Clerk of the Supreme Court
U.S. Supreme Court Building
One 1st Street NW, Room 30
Washington, DC 20543-0002

Re: *United States, ex rel. Benjamin Carter v. Halliburton Co., et al., petition for cert. filed* (U.S. Jan. 25, 2018) (No. 17-1060)

Dear Clerk:

This firm is Counsel for the Plaintiff in the above-referenced action. We regret to inform the Court that Mr. Carter, the Relator and nominal Plaintiff in this False Claims Act (“FCA”) action filed on behalf of the United States Government, passed away during the course of appellate proceedings.

We intend to take steps to correct the caption in the matter to reflect this development, and we are currently working with the clerk’s offices to determine whether and where such a motion should be filed. It is well-settled that FCA actions survive the death of the relator, and we had received specific instructions from Mr. Carter prior to his passing to continue litigating the matter until a final decision is reached. Furthermore, Counsel has been repeatedly instructed by Mr. Carter’s widow, who is also the personal representative of his estate, that she wishes us to continue this action and has retained us to do same.

Nevertheless, while we do not believe it should have any effect on granting the petition in this case, we wanted to disclose the matter to the Court and all parties prior to any final decisions on the pending petition are made. We had intended to move in the District Court to modify the caption to this effect but if the Court would prefer, we could move now in the Supreme Court either while the petition is pending or after it is granted, if it is granted.

We thank the Court for its courtesy in connection with this matter.

Respectfully submitted,

s/ David S. Stone
David S. Stone

cc: All Counsel of Record (via CM/ECF)
Hon. T. S. Ellis, III, U.S.D.C.

100 Connell Drive, Suite 2200, Berkeley Heights, New Jersey 07922
P 973.218.1111 / F 973.218.1106 / www.stonemagnalaw.com