

IN THE SUPREME COURT OF THE UNITED STATES

No. 23-1127

WISCONSIN BELL, INC., PETITIONER

v.

UNITED STATES, EX REL. TODD HEATH

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

MOTION OF THE UNITED STATES FOR LEAVE TO
PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE
AND FOR DIVIDED ARGUMENT

Pursuant to Rule 28 of the Rules of this Court, the Solicitor General, on behalf of the United States, respectfully moves that the United States be granted leave to participate in the oral argument in this case and that the time be allotted as follows: 30 minutes for petitioner, 20 minutes for respondent, and 10 minutes for the United States. Counsel for respondent consents to this motion.

This case presents the question whether a request for reimbursement under the Federal Communications Commission's E-Rate

program is a "claim" under the False Claims Act (Act), 31 U.S.C. 3729 et seq. The United States has filed a brief as amicus curiae supporting respondent, arguing that such a request is a claim.

The United States has a substantial interest in the resolution of the question presented. The United States is a "'real party in interest'" in an action under the Act and is entitled to "the lion's share of the recovery." United States ex rel. Polansky v. Executive Health Resources, Inc., 599 U.S. 419, 425 (2023) (citation omitted). It has a substantial interest in the proper interpretation of the Act, which is the primary mechanism through which it recoups losses suffered because of fraud. It also has a substantial interest in preventing fraud in the E-Rate program, which serves important federal objectives.

The United States has participated in oral argument as amicus curiae in previous False Claims Act cases. See, e.g., United States ex rel. Schutte v. SuperValu, Inc., 598 U.S. 739 (2023) (No. 21-1326); Cochise Consultancy, Inc. v. United States ex rel. Hunt, 587 U.S. 262 (2018) (No. 18-315); State Farm Fire & Cas. Co. v. United States ex rel. Rigsby, 580 U.S. 39 (2016) (No. 15-513); Universal Health Services, Inc. v. United States ex rel. Escobar, 579 U.S. 176 (2016) (No. 15-7); Kellogg Brown & Root Services, Inc. v. United States ex rel. Carter, 575 U.S. 650 (2015) (No. 12-1497). The United States' participation in oral argument could materially assist the Court in its consideration of this case.

Respectfully submitted.

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record

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