

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
BLAKE PERVICAL, ET AL.,)	
Plaintiffs,)	
)	Civ. No. 14-726 RMC
v.)	
)	
U.S. INVESTIGATION SERVICES, LLC,)	
Defendant.)	
_____)	

**MOTION TO EXTEND THE DEADLINE TO ANSWER OR OTHERWISE RESPOND
TO THE AMENDED RELATOR COMPLAINT AND THE INTERVENOR
COMPLAINT, CONSENTED TO BY THE GOVERNMENT**

Pursuant to Federal Rule of Civil Procedure 6(b), U.S. Investigation Services, LLC ("USIS") respectfully requests that the deadline to answer or otherwise respond to the Amended Relator Complaint, [M.D. Ala. Case 2:11-cv-00527-WKW-WC (hereinafter "M.D. Ala.") Dkt. 31] and the Intervenor Complaint, [M.D. Ala. Dkt. 26] by thirty (30) days and, therefore, set the responsive pleading deadline at June 4, 2014. In further support, USIS states as follows:

1. On July 1, 2011, Relator Blake Percival filed a Complaint pursuant to the False Claims Act against USIS. [M.D. Ala. Dkt. 1]. On October 24, 2013, the Government elected to intervene, and on October 29, 2013, District Court for the Middle District of Alabama unsealed, among other documents, the Relator Complaint. [M.D. Ala. Dkt. 24-25]. Following its election to intervene, on January 22, 2014, the Government filed its Complaint ("the Intervenor Complaint"). [M.D. Ala. Dkt. 26]. On February 5, 2014, Mr. Percival filed an Amended Complaint ("the Amended Relator Complaint"). [M.D. Ala. Dkt. 31].

2. On April 24, 2014, in response to an unopposed motion, the District Court for the Middle District of Alabama granted USIS's request to extend the deadline to answer or otherwise respond to the Amended Relator Complaint and the Intervenor Complaint to ten (10) days after

the court entered a decision regarding the pending Motion for Transfer to this court. [M.D. Ala. Dkt. 50, Dkt. 44]. The order granting the Motion for Transfer was entered on the same day. [M.D. Ala. Dkt 51]. Accordingly, the date by which USIS must answer all counts of this action is currently due on May 5, 2014.

3. The Intervenor Complaint and the Amended Relator Complaint assert claims under the False Claims Act arising from alleged "dumping" by USIS—that is, the alleged "releasing of Cases to OPM that were represented as Field Finished that were not reviewed by a Reviewer and/or had not been investigated at all." [M.D. Ala. Dkt. 31, ¶ 29].

4. Aside from the breach-of-contract claim in the Intervenor Complaint and the retaliation claim in the Amended Relator Complaint, the claims in each Complaint are generally the same and rest on the same factual allegations. [M.D. Ala. Dkt. 26, 31].

5. On April 11, 2014 and pursuant to 28 U.S.C. § 1404(a), the Government filed a Motion to Transfer Venue and requested that the Court transfer its action to the U.S. District Court for the District of Columbia. [M.D. Ala. Dkt. 44]. USIS did not oppose the motion. [M.D. Ala. Dkt. 46]. Despite the Relator's opposition to transfer the retaliation claims raised under 31 U.S.C. § 3730(h), [M.D. Ala. Dkt. 47] the Court directed the transfer to the U.S. District Court for the District of Columbia of the entire case. [M.D. Ala. Dkt. 51].

6. An extension is needed in order to allow time for the Government to move for a stay which the Government has represented it intends to do.

7. USIS also needs additional time to prepare its response to both Complaints, both of which concern USIS's long-term transactions with the United States as well as complex legal considerations under the False Claims Act. In particular, the Intervenor Complaint and the Amended Relator Complaint assert claims arising out of contracts with the United States that

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following counsel of record either through this Court's electronic filing system, U.S. Mail, or by email on this 1st day of May, 2014:

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_/_s/_____
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[PROPOSED] ORDER

For good cause shown, it is hereby ORDERED that the deadline to answer or otherwise respond to the Amended Relator Complaint and the Intervenor Complaint is extended by thirty days from May 5, 2014 to June 4, 2014.

Enter this _____ day of _____ 2014

Judge