

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

PHILIP J. BERG, ESQUIRE, *pro se*, on his own :
BEHALF and on BEHALF of the :
GOVERNMENT OF THE UNITED STATES :
OF AMERICA :
555 Andorra Glen Court, Suite 12 :
Lafayette Hill, PA 19444, :

Case No. 08-cv-1933

Relator, :

vs. :

BARACK HUSSEIN OBAMA, :

Defendant. :

ORDER TO UNSEAL CASE
and
RELATOR SHALL PROCEED WITH COMPLAINT
PURSUANT TO FEDERAL FALSE CLAIMS ACT

AND NOW this day of February, 2009 after consideration of the Motion of Philip J. Berg, Esquire, as the Relator, to unseal this Case and to permit him to proceed with this Complaint pursuant to the Federal False Claims Act, 31 U.S.C. 3729, et sequitur, against the Defendant Barack Hussein Obama, and any Response thereto, it is hereby

ORDERED and DECREED that this case shall be immediately Unsealed and Philip J. Berg, Esquire shall proceed as the Relator in this case on his own Behalf and on Behalf of the Government of the United States of America against Barack Hussein Obama pursuant to the Federal False Claims Act.

J.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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Relator, :
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MOTION TO UNSEAL CASE
and
PERMIT RELATOR TO PROCEED
WITH COMPLAINT PURSUANT TO FEDERAL FALSE CLAIMS ACT

Philip J. Berg, Esquire, *pro se* in this matter requests this Honorable Court to unseal this Case and permit him as Relator to Proceed with the Complaint herein Pursuant to the Federal False Claims Act and avers as follows:

Facts:

1. On November 7, 2008 Philip J. Berg, Esquire, *pro se*, as Relator, filed the Complaint herein on his own Behalf and on Behalf of the Government of the United States of America based upon a cause of action arising under the Federal False Claims Act found at 31 U.S.C. Sections 3729 through 3733.
2. Philip J. Berg, Esquire, *pro se*, as Relator, has standing pursuant to 31 U.S.C. §3730(b), virtually anyone can be a *qui tam* relator. The statute

specifically says: “[a] person may bring a civil action for a violation of §3729 for the person and for the United States Government.” The Supreme Court has held the 1986 Amendments, which expanded standing to private relators in situations where private suits were previously foreclosed, created a new cause of action. *Hughes Aircraft Co. v. United States ex rel. Schumber*, 520 U.S. 939, 945 (1997). Philip J. Berg, Esquire, *pro se*, as Relator has further standing pursuant to a decision by The United States Supreme Court in *Sprint Communications Co. L.P. v. APCC Services Inc.*, ___ U.S. ___, 128 S.Ct. 2531 (2008) quoting *Vermont v. United States*, 529 U.S. 765 (2000) that a private citizen such as the Relator herein has standing to bring an action under the False Claims Act as this.

3. On November 10, 2008, the United States Attorney was properly served at two [2] locations and Affidavits of Service were duly filed and docketed indicating proper service.
4. On or before January 9, 2009, the United States Attorney had to file either of the following:
 - a. Notice that they were proceeding with this case; or
 - b. Request for an Extension of Time; or
 - c. Notice that they would not be proceeding with this case.
5. It is now January 30, 2009, that is twenty-one [21] days after the deadline for the United States Attorney to take a position and they have failed to do so.

6. Therefore, Relator, Philip J. Berg, Esquire, requests this Honorable Court to:
 - a. Unseal this case;
 - b. Permit Philip J. Berg, Esquire, *pro se*, as the Relator in this case on his own Behalf and on Behalf of the Government of the United States of America to pursue this Federal False Claims Act.
7. Relator Berg, on his own behalf and on behalf of the United States Government, seeks all remedies available to him pursuant to the remedies set forth in the False Claims Act, including a refund of all salary monies paid to the Defendant, punitive damages and other certain fiscal penalties set forth in the False Claims Act.

WHEREFORE, Relator, Philip J. Berg, Esquire on his own behalf and on behalf of the Government of the United States of America requests this Honorable Court to:

- a. Unseal this case; and
- b. Permit Philip J. Berg, Esquire, *pro se* and as the Relator in this case on his own Behalf and on Behalf of the Government of the United States of America to pursue this Federal False Claims Act.

Respectfully submitted,

s/ Philip J. Berg

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