

05-1272
Filed: April 4, 2006
On Appeal from CA10

*Rockwell Int'l Corp. and Boeing North American, Inc., v.
USA and USA ex rel. James S. Stone,*

Counsel of Record: Maureen E. Mahoney, Latham & Watkins

QP

1. Whether the Tenth Circuit erred by affirming the entry of judgment in favor of a *qui tam* relator under the False Claims Act, based on a misinterpretation of the statutory definition of an "original source" set forth in 31 U.S.C. § 3730(e)(4)? **(Grant limited to this question)**

2. Whether the judgment must be reversed because the *qui tam* provisions of the False Claims Act, 31 U.S.C. §§ 3729-33, either on their face or as applied in this case, violate the Appointments and Take Care Clauses of Article II of the United States Constitution?