

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
AT ROCK ISLAND**

UNITED STATES OF AMERICA *EX REL.*)
JAMES A. BRADY, III)

Plaintiffs,)

vs.)

No: 07-CV-4008

HALLIBURTON COMPANY,)
KBR, INC.,)

Defendants.)

**MOTION FOR ADDITIONAL TIME TO FILE THE
UNITED STATES' COMPLAINT IN VIEW OF NEW
INFORMATION PROVIDED TO THE
GOVERNMENT BY YUKSEL ON APRIL 7, 2011**

COMES NOW the United States and moves this Court for additional time to file the United States' complaint in view of new information provided to the Government on April 7, 2011. The United States requests an additional thirty-one (31) days extension to and including May 16, 2011 to file its Complaint. The new information was provided to the undersigned counsel for the United States on April 7, 2011 by counsel for Yuksel Construction Company ("Yuksel") of Ankara, Turkey, the subcontractor to defendant KBR on the subcontract at issue

in this action. The relator does not object to this request.¹

In further support of this request, the Government states as follows:

On February 14, 2011, the United States filed its Notice of Election to Intervene in this action, and requested within that Notice that the United States be afforded sixty (60) days to file its Complaint. On March 11, 2011, upon the Government's motion, the Court entered its Order clarifying that the Government would have until April 15, 2011 to file its Complaint, and an additional thirty (30) days thereafter to serve the summons and Complaint upon KBR.

In the meantime, in late February 2011, following intervention, the United States' counsel in this matter was contacted by counsel for Yuksel. Yuksel's counsel requested an opportunity to meet with the Government to discuss the issues from Yuksel's perspective.

Government counsel met with Yuksel's counsel on March 4, 2011, who

¹ On April 11, 2011, the undersigned counsel for the Civil Division of the Department of Justice spoke with Jeffrey A. Lovitky, Esq., counsel for relator James A. Brady, III, who authorized the Government to represent that the relator does not object to the requested thirty-one (31) day extension.

Also on April 11, 2011, the undersigned left a message for Craig Margolis, Esq. of Vinson and Elkins in Washington, D.C., counsel for KBR, inquiring as to whether KBR had a position on the instant motion. As of 10:30 a.m. EDT on April 12, counsel had not received a return call. The Government did not want to delay filing this motion any longer, and therefore is not in a position to report KBR's views.

advised that he planned to travel to Ankara, Turkey to confer with his client, and that he would most likely seek a further opportunity to meet with the Government upon his return to provide pertinent information.

That follow-up meeting was held on April 7, 2011. Yuksel presented additional factual information bearing on the issues in the case. The undersigned counsel respectfully submit to the Court that they have an ethical obligation to thoroughly review and analyze the new information prior to filing the Government's complaint.

The undersigned counsel are attempting to arrange a meeting with the investigating agents and auditors during the week of April 18, 2011 at the United States Attorney's Office in Rock Island, Illinois, to discuss and analyze the information submitted by Yuksel. Several factors made it impracticable to schedule that meeting prior to the April 15, 2011 due date of the Government's complaint:²

1. The potential lapse in appropriations at midnight on April 8, 2011, made it impracticable to schedule meetings requiring travel during the week of

² Members of the Government investigative team met by telephone on April 8, 2011, the day following Yuksel's submission of the new information, to commence their analysis, and that analysis will be ongoing during this week. The meeting planned for the week of April 18, 2011, is intended to bring the entire team together in person to spend the necessary, focused time discussing the new information and reviewing in concerted fashion the underlying documentation provided by Yuksel.

April 11, 2011;

2. In addition, Assistant United States Attorney Michael McCoy was scheduled to be on trial in Peoria, Illinois, during the week of April 11, 2011.

Moreover, it is likely that, once the investigative team completes its review and analysis of Yuksel's information, Government counsel may need to confer further with Yuksel's counsel. For that reason the Government is requesting an additional thirty-one (31) days to and including May 16, 2011. The Government also requests that it have thirty (30) days following the filing of the Complaint, that is, to and including June 16, 2011, to serve KBR with the summons and complaint.

Respectfully submitted,

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Dated: April 11, 2011

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ORDER

The United States having intervened in this action, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4), and the United States, having shown good cause for an extension of time for the filing of its Complaint due to its receipt of additional information on April 7, 2011:

IT IS ORDERED that,

1. The United States shall have until and including May 16, 2011, to file its Complaint;

2. The United States shall serve its Complaint upon defendant, together with this Order, within thirty (30) days of filing its Complaint.

Dated: _____

UNITED STATES DISTRICT JUDGE