

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, : Case No. 08-cv-1933
Relator, :
vs. :
BARACK HUSSEIN OBAMA, :
Defendant. :

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), and 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 Federal 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 31, 2009, that is twenty-two [22] 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, *pro se*, 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.

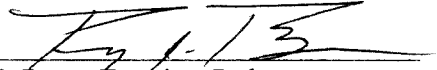
7. Relator Berg, *pro se*, on his own behalf and on behalf of the United States Government, seeks all remedies available to him pursuant to the remedies set forth in the Federal False Claims Act, including a refund of all salary monies paid to the Defendant, punitive damages and other certain fiscal penalties set forth in the Federal False Claims Act.

WHEREFORE, Relator, Philip J. Berg, Esquire, *pro se*, 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*, 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 against the Defendant
Barack Hussein Obama.

Respectfully submitted,



Philip J. Berg, Esquire, Relator

Pro Se

555 Andorra Glen Court, Suite 12

Lafayette Hill, PA 19444-2531

PA Identification No. 09867

(610) 825-3134

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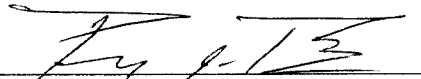
CERTIFICATE OF SERVICE

I, Philip J. Berg, Esquire, *pro se*, Relator, hereby certify that Plaintiff's Motion to Unseal this Case and permit him as Relator to Proceed with the Complaint herein Pursuant to the Federal False Claims Act, 31 U.S.C. 3729, was served by mail through the United States Postal Service, this 31st day of January 2009 upon the following:

U.S. Attorney General's Office
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

U.S. Attorney
501 3rd Street, NW
Washington, DC 20001

Respectfully submitted,



Philip J. Berg, Esquire, Relator
Pro Se
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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, *pro se*, 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 immediately be Unsealed and Philip J. Berg, Esquire, *pro se*, 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 Defendant Barack Hussein Obama pursuant to the Federal False Claims Act.

J.