

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM).

I. (a) PLAINTIFF

UNITED STATES OF AMERICA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANT

LISA ANN KEANE

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

© ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Jacqueline C. Romero, AUSA
 United States Attorney's Office
 615 Chestnut Street, Suite 1250
 Philadelphia, PA 19106
 (215) 861-8470

ATTORNEYS (IF KNOWN)

Ellen Brotzman, Esquire
 123 South Broad Street
 Philadelphia, PA 19109

II. BASIS OF JURISDICTION

(PLACE "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | |
|---------------------------------------|----------------------------|--|----------------------------|----------------------------|
| | PTF | DEF | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| | | Incorporated or Principal Place of Business in Another State | | |
| Citizen or Subject of a Foreign Cntry | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| | | Foreign Nation | | |

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

False Claims Act, 31 U.S.C. § 3729, et seq.

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment at Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med. Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Prod. Liab. PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Prod Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure at Property 21 U.S.C. 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Rega. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 U.S.C. 158 <input type="checkbox"/> 423 Withdrawal 28 U.S.C. 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 U.S.C. 3140 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determ Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITION <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other (including 1983 Actions)	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung(923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 U.S.C. 7609

VI. ORIGIN

- 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION DEMAND CHECK YES only if demanded in complaint:
 UNDER F.R.C.P. 23

VII. RELATED CASE(S) IF ANY (See instructions):

DATE

8-8-08

SIGNATURE OF ATTORNEY OF RECORD

Jacqueline C. Romero, AUSA

JCR7429

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

UNITED STATES OF AMERICA

v.

LISA ANN KEANE

:
:
:
:
:
:
:

CIVIL ACTION NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on Page 2 of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus - Cases brought under 28 U.S.C. §2441 through §2255. ()
- (b) Social Security - Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration - Cases required to be designated for arbitration under Local Civil Rule 8. ()
- (d) Asbestos - Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management - Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management - Cases that do not fall into any of the other tracks. (X)

8/7/08
(Date)



Attorney at Law

Jacqueline C. Romero, AUSA
Attorney for Plaintiff

Civil Justice Expense and .Delay Reduction Plan
Assignment to a Management Track (PAGE 2)

(a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.

(b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall; with its first appearance, submit to the clerk of *court* and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

©The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.

(d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.

(e) Nothing in this Plan is intended to supersede Local Civil Rules 3 or 7, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See § 1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)

Special management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problem and require extraordinary treatment. See ~0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; Class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See f~0.22 of the first *Manual* for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA - DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 615 Chestnut Street, Suite 1250, Philadelphia, PA 19106

Address of Defendant: 8624 Ferndale Street, Philadelphia pa 19115

Place of Accident, Incident or Transaction: (Use Reverse Side for Additional Space)

Does this case involve multidistrict litigation possibilities? Yes ___ No _X_

RELATED CASE IF ANY

Case Number _____ Judge _____ Date Terminated _____

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ___ No _X_
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ___ No _X_
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ___ No _X_

CIVIL: (Place ___ in ONE CATEGORY ONLY)

A. Federal Question Cases:

B. Diversity Jurisdiction Cases:

- 1. ___ Indemnity Contract, Marine Contract, and all Other Contracts
2. ___ FELA
3. ___ Jones Act-Personal Injury
4. ___ Antitrust
5. ___ Patent
6. ___ Labor-Management Relations
7. ___ Civil Rights
8. ___ Habeas Corpus
9. ___ Securities Act(s) Cases
10. ___ Social Security Review Cases
11. _X_ All other Federal Question Cases (False Claims Act, 31 U.S.C. § 3729, et seq)
1. ___ Insurance Contract and other Contracts
2. ___ Airplane Personal Injury
3. ___ Assault, Defamation
4. ___ Marine Personal Injury
5. ___ Motor Vehicle Personal Injury
6. ___ Other Personal Injury (Please Specify)
7. ___ Products Liability
8. ___ Products Liability - Asbestos
9. ___ All Other Diversity Cases (Please Specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Jacqueline C. Romero, AUSA, counsel of record do hereby certify:

X Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
___ Relief other than monetary damages is sought,

DATE: 8-7-08

Signature of Jacqueline C. Romero, AUSA
Attorney-at-Law Jacqueline C. Romero, AUSA

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above,

DATE: 8-7-08

Signature of Jacqueline C. Romero, AUSA
Attorney-at-Law Jacqueline C. Romero, AUSA

Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff	:	
	:	
v.	:	CIVIL ACTION NO.
	:	
LISA ANN KEANE,	:	
	:	
Defendant	:	

COMPLAINT

The United States of America, by LAURIE MAGID, Acting United States Attorney for the Eastern District of Pennsylvania, and Jacqueline C. Romero, Assistant United States Attorney for the said District, brings this action for triple damages and civil penalties under the False Claims Act, 31 U.S.C. § 3729, *et seq.*, and in the alternative, for repayment under theories of payment by mistake, unjust enrichment, common law fraud and negligent misrepresentation.

Jurisdiction and Venue

1. This court has jurisdiction over this matter pursuant to 31 U.S.C. § 3730(a) and 28 U.S.C. § 1345.
2. Venue is proper in the Eastern District of Pennsylvania pursuant to 31. U.S.C. § 3732(a), 28 U.S.C. § 1391, and 28 U.S.C. § 1395(a).

Parties

3. The plaintiff is the United States of America on behalf of the United States Department of Education (“the Department”).
4. Defendant, Lisa Ann Keane, is a domiciliary of the Commonwealth of Pennsylvania and resides at 8624 Ferndale Street, Philadelphia, Pennsylvania 19115.

Factual Background

5. The United States provides student financial assistance in the form of Pell Grants, Supplemental Educational Opportunity Grants (SEOGs), and subsidized Perkins Loans and Stafford Loans (collectively, "Loan") to eligible students to help defray the costs of their education following high school.

6. The Pell Grant, SEOG, and Loan programs are authorized by the Higher Education Act, Title IV, Parts A, C and E. These programs are administered by the Department and provide federal monies to eligible post-secondary students in financial need. Schools make Perkins loans to students from a loan fund capitalized by Federal funds and matching school funds.

7. To qualify for Pell Grant, SEOG and Loan programs, students must meet financial eligibility requirements. The post-secondary institution determines a student's eligibility for grants based on the student's financial need, which involves an evaluation of income. If a student has been supported by his or her parents in the previous year, then the student is considered a dependent student and the parents' income for the previous year is used to determine financial need.

8. The post-secondary institution acts as the disbursement agent for the Department. Pell Grant, SEOG, and Loan funds received from the Department are credited to the student's account and applied against tuition costs or issued to the student by the post-secondary institution.

9. From 1998 through 2003, defendant's sons, Daniel Keane, Jr. and Kevin Keane, were supported by defendant and her husband, Daniel Keane, Sr. and, therefore, were considered

dependent students. Because Daniel Keane, Jr. and Kevin Keane were dependent students, they were obligated to declare both parents' income on their student financial aid applications for purposes of determining their eligibility for federal financial aid.

10. In the school years commencing in 1998, 1999, 2000, 2001 and 2002, when applying for student financial assistance for her sons, defendant knowingly submitted financial aid applications to the Department using false income information. Defendant omitted Daniel Keane, Sr.'s income in the federal financial aid applications, thus, qualifying her sons for federal financial assistance to which they were not entitled. Defendant then concealed this false information from plaintiff. Based on the false income information submitted by defendant, defendant's sons, Daniel Keane Jr. and Kevin Keane, received overpayments of Pell Grants, SEOGs, and Loans as follows:

Daniel Keane's Loans/Grants

<u>School Year</u>	<u>Type of Award</u>	<u>Amount</u>
1998/1999		
	Pell Grant	\$3,000
	Supplemental Educational Opportunity Grant (SEOG)	\$ 800
	Perkins Loan	\$1,500
1999/2000		
	Pell Grant	\$3,125
	SEOG	\$ 800
	Perkins Loan	\$1,500

2000/2001

Pell Grant	\$3,300
SEOG	\$ 800
Perkins Loan	\$2,000

2001/2002

Pell Grant	\$2,344
SEOG	\$ 400
Stafford Loan	\$2,750

2002/2003

Stafford Loan	\$10,500
---------------	----------

Total Disbursed: \$32,819

Kevin Keane's Loans/Grants

School Year Type of Award Amount

2001/2002

Pell Grant	\$3,750
SEOG	\$ 800
Stafford Loan	\$2,625

2002/2003

Perkins Loan	\$2,200
Stafford Loan	\$3,500

Total Disbursed: \$12,875

11. But for defendant's false statements and claims, the defendant's sons would not have received federal student financial aid. If the Department had been aware of the false statements in the applications submitted by defendant, the Department would not have issued any federal student financial aid to defendant's sons.

12. As a result of defendant's actions, plaintiff has been damaged in the amount of \$45,319.00, plus interest and costs.

Count I

False Claims Act - False Claims

13. Plaintiff repeats and realleges each allegation set forth above in paragraphs 1 through 12 as if set forth fully herein.

14. By virtue of the acts described above, in 1998, 1999, 2000, 2001, and 2002/03, the defendant knowingly presented, or caused others to present, to an officer, employee or agent of the United States false or fraudulent claims to obtain payment or approval in violation of the False Claims Act, 31 U.S.C. §§ 3729-3733.

15. As used in this count, the term "knowingly" means that the person, with respect to information, (a) has actual knowledge of the information; (b) acts in deliberate ignorance of the truth or falsity of the information; or (c) acts in reckless disregard of the truth or falsity of the information.

16. Plaintiff paid the false or fraudulent claims because of the acts of defendant and, as a result, the United States has incurred actual damages in the amount of \$45,319.00, exclusive of interest and costs.

17. Pursuant to the False Claims Act, 31 U.S.C. § 3729(a)(1), as amended, defendant may be liable to the United States under the treble damage and civil penalty provision of the False Claims Act for civil penalty of not less than \$5,500 and not more than \$11,000 for each of the false or fraudulent claims herein, plus three (3) times the amount of damages which the United States has sustained because of the defendant's actions.

Count II

Payment By Mistake

18. Plaintiff repeats and realleges each allegation set forth above in paragraphs 1 through 17 as if set forth fully herein.

19. Plaintiff made payments on the claims submitted by defendant under the erroneous belief that the claims for payment were based upon representations which were factually accurate and which represented actual amounts of income.

20. Plaintiff's erroneous belief was material to the payments made by plaintiff to the defendant, and had the true facts been known, plaintiff would not have made the payments to defendant.

21. Because of these mistakes of fact, defendant has received monies to which she is not entitled.

22. By reason of the overpayments described above, plaintiff is entitled to damages in the amount of at least \$45,319.00, plus interest and costs.

23. There is no statute of limitations on plaintiff's ability to recover overpayments made to defendant. See 20 U.S.C. § 1091a.

Count III

Unjust Enrichment

24. Plaintiff repeats and realleges each allegation set forth above in paragraphs 1 through 23 as if set forth fully herein.

25. Because of defendants' conduct, the defendant has been unjustly enriched with federal monies which in good conscience she should not be allowed to retain.

26. Defendant has been unjustly enriched to the detriment of the United States in the amount of \$45,319.00.

27. There is no statute of limitations on plaintiff's ability to recover overpayments made to defendant. See 20 U.S.C. § 1091a.

Count IV

Common Law Fraud

28. Plaintiff repeats and realleges each allegation set forth above in paragraphs 1 through 27 as if set forth fully herein.

29. From 1998 through 2002, defendant knowingly made material false representations to plaintiff with the intent that plaintiff rely on them.

30. Plaintiff reasonably relied upon defendant's knowingly false representations, and plaintiff was injured in the amount of \$45,319.00 as the result of its reliance.

31. There is no statute of limitations on plaintiff's ability to recover overpayments made to defendant. See 20 U.S.C. § 1091a.

Count V

Negligent Misrepresentation

32. Plaintiff repeats and realleges each allegation set forth above in paragraphs 1 through 31 as if set forth fully herein.

33. In the course of applying for student loans, defendant made false representations to plaintiff. Defendant had a pecuniary interest in making the statements. Defendant owed a duty of care to see that she communicated truthful information to plaintiff. Defendant failed to exercise reasonable care or competence in communicating the information to plaintiff.

Defendant breached the duty of care owed to plaintiff by failing to exercise due care.

34. Plaintiff justifiably relied on the defendant's representations.

35. Plaintiff suffered a pecuniary loss of \$45,319.00 as the proximate result of reliance upon defendant's misrepresentations.

36. There is no statute of limitations on plaintiff's ability to recover overpayments made to defendant. See 20 U.S.C. § 1091a.

Claim For Relief

WHEREFORE, the United States demands judgment against defendant as follows:

(a) on Count I (False Claims), judgment against defendant for treble plaintiff's single damages of \$45,319.00, plus civil penalty as provided in the statute;

(b) on Count II (Payment by Mistake), judgment against defendant for single damages, pre- and post-judgment interest, and any such further relief as the court deems appropriate; and

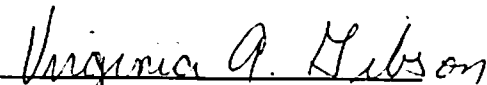
(c) on Count III (Unjust Enrichment), judgment against defendant for single damages, pre- and post-judgment interest, and any such further relief as the court deems appropriate.

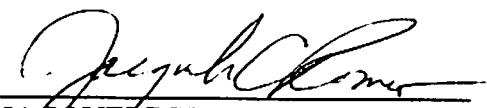
(d) on Count IV (Common Law Fraud), judgment against defendant for single damages, pre- and post-judgment interest, and any such further relief as the court deems appropriate.

(e) on Count V (Negligent Misrepresentation), judgment against defendant for single damages, pre- and post-judgment interest, and any such further relief as the court deems appropriate.

Respectfully Submitted,

LAURIE MAGID
Acting United States Attorney


VIRGINIA A. GIBSON *mlh*
Assistant United States Attorney
Chief, Civil Division


JACQUELINE C. ROMERO
Assistant United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106-4476
Phone: 215-861-8470
Fax: 215-861-8349

Dated: *August 7, 2008*