

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


UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
SHIRLEY ZEY SMITH,)
)
Defendant.)

Case No. CIV-11-136-SPS

**OPINION AND ORDER DENYING
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

Upon consideration of the Plaintiff’s Motion for Summary Judgment and Brief in Support [Docket No. 36], the Court finds genuine issues of material fact as to the following question: whether Ms. Smith’s submissions of claims for payment at each of her cosmetology schools were made “knowingly” as that term is defined by the False Claims Act, 31 U.S.C. § 3729(b). The existence of such a fact question precludes summary judgment, *see* Fed. R. Civ. P. 56(a) (“The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.”), and the Plaintiff’s motion is accordingly hereby DENIED.

DATED this 30th day of September, 2013.



Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma