

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA <u>ex rel.</u> ,)	
ERVIN AND ASSOCIATES, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 96-CV-1258
)	(LFO)
)	Civil Action No. 99-CV-1698
)	(LFO)
THE HAMILTON SECURITIES GROUP,)	
INC., <u>et al.</u> ,)	
)	
Defendants.)	
)	
)	

ORDER AND JUDGMENT

On August 16, 2004, the Court filed an Order and Partial Judgment [Dkt. No. 452] that (1) entered Judgment for Ervin and Associates, Inc. (“Ervin”) on Count IX of the Second Amended Complaint [Dkt. No. 276], related to the North and Central Note Sale; (2) entered Judgement for Hamilton Securities Group, Inc. (“Hamilton”) on Count II of the Second Amended Complaint [Dkt. No. 276], related to the Single Family Offering; (3) entered Judgment for Hamilton on Counts XIII and XIV of the Second Amended Complaint [Dkt. No. 276], related to the Williams, Adley 8(a) Contract; and (4) entered Judgment for Hamilton on Counts XV and XVI of the Second Amended Complaint [Dkt. No. 276], related to the cross-cutting contract.

In that same Order, the Court ordered supplemental briefing on (1) the proper penalty to be assessed under 31 U.S.C. § 3729; and (2) the proper division of payment as between Ervin and the United States. For reasons explained in an accompanying memorandum, it is this 25th

day of January 2005 hereby

ORDERED: that the Memorandum filed today supersedes the Memorandum filed on August 16, 2004 [Dkt No. 453];

ORDERED: that Hamilton pay a total damage award, including penalties under 31 U.S.C. § 3729, of \$4,538,732.00; it is further

ORDERED: that Ervin is entitled to 29% of this award under 31 U.S.C. § 3729(d)(2), totaling \$1,316,232.28; it is further

ORDERED: that the United States is entitled to the remaining 71% of this award, totaling \$3,222,499.72; it is further

ORDERED: that Counts X, XI and XII of the Second Amended Complaint [Dkt. No. 276] are DISMISSED; and it is further

ORDERED: that Hamilton's Motion for Summary Judgment on Count IX of the Second Amended Complaint [Dkt. No. 438] is DENIED.

Louis F. Oberdorfer
UNITED STATES DISTRICT JUDGE