

Cir. July 25, 2018).¹ Because the opinion addressed issues raised in Defendants' motions to dismiss, and was decided after the conclusion of briefing, Defendants seek leave to supplement their motions with *Berkowitz*.²

4. On July 30, 2018, Defendants' counsel conferred with Relator's counsel and asked if Relator objected to this motion. Relator does not oppose this motion.

WHEREFORE, Defendants respectfully request that this Court grant their motion and consider *United States ex rel. Berkowitz v. Automation Aids, Inc., et al.*, 2018 WL 3567836 (7th Cir. July 25, 2018) as binding supplemental authority (in contrast to the authority addressed at the past status conference) in support of their motions to dismiss.

Dated: July 30, 2018

Respectfully Submitted,

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¹ The opinion is available on Westlaw and, therefore, is not attached per the Court's Standing Order on Memoranda of Law and Citations.

² Several Defendants cited the district court case subject to appeal, *United States ex rel. Berkowitz v. Automation Aids*, No. 13 C 08185, 2017 WL 1036575 (N.D. Ill. Mar. 16, 2017), in support of their motions to dismiss. See ECF Nos. 102, 153. The recent Seventh Circuit opinion affirming the district court's dismissal of the complaint with prejudice is thus directly relevant to the arguments raised in those motions.

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