

July 29, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

---

No. 02-20712  
Summary Calendar

---

United States of America, *ex rel.*  
RONALD L. CAMPBELL; DANIEL  
C. RICE,

Plaintiffs-Appellants,

versus

MONTGOMERY COUNTY HOSPITAL  
DISTRICT, ET AL.,

Defendants,

MONTGOMERY COUNTY HOSPITAL  
DISTRICT; MONTGOMERY COUNTY  
HEALTH CARE FOUNDATION, A TEXAS  
NON-PROFIT CORPORATION,

Defendants-Appellees.

---

Appeal from the United States District Court for  
the Southern District of Texas  
(USDC No. H-97-CV-3502)

---

Before REAVLEY, JONES and PRADO, Circuit Judges.

PER CURIAM:\*

The parties agree that the district court's dismissal of appellees MCHD and MCHF on grounds that these defendants were not "persons" under the False Claims Act must be reversed in light of the Supreme Court's intervening decision to the contrary in Cook County v. United States ex rel. Chandler, \_\_U.S.\_\_, 123 S. Ct. 1239 (2003).

Insofar as appellees ask that we direct the district court to now reach an alternative ground for dismissal—that the complaint did not meet the specificity requirement of FED. R. CIV. P. 9(b)—we trust that the district court will reach this issue if necessary and at the proper time. Insofar as appellees ask us to hold that treble damages cannot be assessed against them under the False Claims Act, that issue was not considered by the district court, and we leave it to the district court to decide in the first instance when and if necessary.

REVERSED and REMANDED.

---

\*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.