

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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CAROLINE HERRON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 10-00943 (RMC)
)	
FANNIE MAE, et al.,)	
)	
Defendants.)	
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ORDER

Caroline Herron worked for Fannie Mae as an employee and then as a contractor until she was terminated in January 2010, allegedly because she complained “about how Fannie Mae was (1) implementing its role to assist the Department of the Treasury (‘Treasury’) in modifications of home mortgage loans, (2) engaging in a gross waste of public funds, and (3) violating its contract with Treasury.” Compl. ¶ 1. Fannie Mae and the individual Defendants, all present or former Fannie Mae executives, renew their motion to dismiss Ms. Herron’s suit. They argue that Ms. Herron’s claims are barred because the False Claims Act, 31 U.S.C. § 3729, provides the comprehensive and exclusive means by which her alleged rights might be remedied.

The motion to dismiss will be denied. The parties’ arguments confuse legal concepts pertaining to Fannie Mae depending on whether it is/was a private employer or a federal agency, as alleged in the alternative in the Complaint. Further, the Complaint allegations do not clearly present a False Claims Act claim, no matter how Ms. Herron might have phrased her arguments in her brief, and it is the Complaint that governs ruling on a motion to dismiss.

The outstanding issue that will govern this case and that cannot be decided without

