

U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT COURT
AT OWENSBORO

HAROLD DILBACK)	
)	
Plaintiff)	Civil Action No. 4:00 CV 222-M
)	
v.)	Judge McKinley
)	
GENERAL ELECTRIC COMPANY)	THIRD AMENDED COMPLAINT
)	Electronically Filed
Defendant)	

I. INTRODUCTION AND SUMMARY OF ALLEGATIONS

1. This is an action brought to recover whistleblower retaliation damages on behalf of Harold Dilback, who is one of seven successful *qui tam* relators in this action.

II. JURISDICTION AND VENUE

2. This action arises under the United States False Claims Act, 31 U.S.C. § 3729 *et seq.* This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 31 U.S.C. § 3732(a).

3. Venue is proper with respect to all parties in the United States District Court for the Western District of Kentucky, Owensboro Division, pursuant to 28 U.S.C. § 1391(b)-(c) and 31 U.S.C. § 3732(a) because Defendant transacts business in this District and Division.

III. PARTIES

4. The Plaintiff, Harold Dilback (“Dilback”) is a resident of Providence, Kentucky who began working at the Defendant, General Electric’s Company’s production facility in Madisonville, Kentucky in 1997. Dilback retired from the United States Army Reserve in 1997 after being employed by the Defendant and after serving 27 years in the U.S. Military. He served within the General Electric Company’s Madisonville facility quality apparatus as a “Six Sigma Green Belt” for more than a year.

5. Defendant, General Electric Company (“GE”) is a New York Corporation which operates through various business units, including General Electric Aircraft Engines (“GEAE”), which owns and operates a turbine airfoil facility in Madisonville, Kentucky, known as the Turbine Airfoil Center of Excellence (TACoE).

V. FACTUAL ALLEGATIONS

6. On or about February 10, 1997, Dilback was hired by GE in the Electro Stream Drilling portion of TACoE.

7. Not later than the summer of 1998, Dilback became aware that production, quality, management, and record-keeping operations at TACoE were grossly improper and unlawful in many ways.

8. On or about August 21, 2000, Dilback became a *qui tam* relator in this matter.

9. On or about January 16, 2002, Defendant was advised, pursuant to a partial unsealing order entered by this Court, that Dilback was a *qui tam* relator in this matter.

10. On or about January 24, 2003, Dilback was suspended from employment without pay or benefits on account of his lawful acts undertaken in furtherance of this matter.

11. On or about January 24, 2004, Dilback was unlawfully severed from his employment with GE as a direct result of the lawful acts undertaken in furtherance of this matter.

12. Because of his involvement in this *qui tam* action, Dilback was subjected to harassment by the Defendant and its representatives, including, though not limited to, being offered the opportunity to return to employment at GE only if he would, among other things, abandon his *qui tam* action.

13. As a direct result of the Defendant’s retaliation against Dilback for his relator

activities, Dilback lost wages and benefits he otherwise would have received as an employee of GE.

14. Dilback has suffered great emotional distress, embarrassment, humiliation, and has suffered other non-monetary losses as a consequence of the Defendant's retaliation against him.

15. On or about July 21, 2006, the United States intervened in Dilback's *qui tam* case, settling it for \$11,500,000.00.

16. In the course of intervening in the *qui tam* allegations of the Plaintiff, the United States determined and asserted in this Court that it had claims or causes of action against GE, PCC, and Howmet under, among other provisions, the False Claims Act, 31 U.S.C. §§ 3729-3733, for conduct alleged in the Qui Tam Action pertaining to all turbine blades and vanes manufactured by TACoE and delivered to the United States on or after October 10, 1998 through the date of settlement.

COUNT I (Former Count V)
Retaliation against Relator Harold Dilback
In Violation of 31 U.S.C. 3730(h)

17. The allegations of paragraph 1 through 17 are incorporated herein by reference.

18. No later than August 21, 2000, the Plaintiff engaged in protected conduct as that term is defined in the False Claims Act, 31 U.S.C. § 3730(h) *et seq.*

19. Mr. Dilback was discharged, suspended, threatened, and harassed by his employer because of lawful acts done by Mr. Dilback in furtherance of an action under the False Claims Act, 31 U.S.C. § 3730 *et seq* including investigation for, initiation of, and assistance to the United States Government in an action filed under the False Claims Act.

20. The Defendant's retaliatory conduct violated 31 U.S.C. § 3730(h).

21. Mr. Dilback has been damaged as a result of the Defendant's retaliation against him for his protected activities.

WHEREFORE, Mr. Dilback prays:

1. That he be awarded double the amount of back pay accrued to the time of judgment and compensation for all special damages;
2. That he be awarded his attorneys' fees and all costs of litigation;
3. That he be reinstated to his position with the same seniority status a he would have had but for the retaliation against him;
4. That a trial by jury be held on all issues; and
5. That he receive all relief, both at law and in equity, necessary to make him whole.
6. For any and all other relief to which he may appear entitled.

Respectfully submitted,

PRIDDY, CUTLER, MILLER & MEADE, PLLC
800 Republic Building
429 West Muhammad Ali Boulevard
Louisville, KY 40202
(502) 587-8600

By s/Alton D. Priddy
Alton D. Priddy

FREDERICK M. MORGAN, JR.
Volkema Thomas
700 Walnut Street, Suite 400
Cincinnati, OH 45202-2015
(513) 651-4400

Attorneys for the Plaintiff

