



# False Claims Act Investigations & Defense

Our multidisciplinary group is dedicated to defending clients against allegations of fraud and misconduct under the False Claims Act (FCA).

Attorneys in Seyfarth's FCA practice have successfully defended clients in high stakes federal and state FCA and qui tam (whistleblower) actions brought by the government and private relators. We also defend clients in complex fraud investigations and enforcement proceedings. With the depth and breadth of our experience in key practice areas, including government contracts, health care, and securities litigation, our team is qualified to represent clients in all aspects of the FCA, including compliance counseling, investigations and litigation. We stand ready to take cases to trial, and we have also been extremely successful in resolving matters without going to trial, or in some instances even before the government files a case or intervenes in a qui tam action.

## Our Capabilities

<b>Compliance Counseling</b>	We advise clients on compliance with the FCA and other relevant laws and regulations to prevent potential violations and protect against potential liabilities or assess potential violations. This includes internal investigations and compliance counseling to minimize risk of FCA liability.
<b>FCA Litigation</b>	We have experience representing clients in FCA litigation brought by the government or Qui Tam Relators (whistleblowers) alleging statutory violations. This involves having subject matter experts to assess the substantive violations as well as litigators and trial attorneys to handle the lawsuit.
<b>Internal Investigations</b>	Our attorneys represent clients in FCA investigations arising out of internal employee reporting or Government-initiated actions such as grand jury subpoenas or Civil Investigative Demands.
<b>Settlement Negotiations</b>	Often our attorneys negotiate with the government on behalf of clients to settle FCA claims or investigations. This may involve negotiating the terms of a settlement agreement including potential penalties and other remedies and avoidance of debarment actions.
<b>Risk Assessment</b>	We can assist clients in assessing their potential exposure to FCA liability and develop strategies to mitigate and manage that risk.

## Key Contacts



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## Our Approach

Our team is composed of experienced litigators, former government attorneys, and compliance professionals with a deep understanding of the FCA and its enforcement. We provide tailored and strategic representation to clients, with a focus on achieving favorable outcomes through negotiation, litigation, and alternative dispute resolution methods.

## Our Experience

Our False Claims Act Group has successfully represented clients across a wide range of industries, including health care, defense contracting, pharmaceuticals, technology, financial services, retail, higher education, insurance, automotive, and accounting. We have defended against FCA allegations, negotiated favorable settlements, and achieved successful outcomes in civil litigation.

### Examples include:

- Successfully defended a major defense contractor against a qui tam suit alleging violations of the FCA, winning dismissal of the suit. The qui tam relator appealed the dismissal to the Court of Appeals which upheld the dismissal.
- Ongoing representation of large aerospace & defense contractor in ethics and compliance investigations across various company locations to assess possible misconduct and mandatory disclosure requirement.
- Successfully defended a major nonprofit organization against a qui tam suit alleging violations of the FCA, settling the case for approximately 2% of the alleged damages.
- Successfully represented government contractor client in a Qui Tam Lawsuit involving violations of the False Claims Act. Complaint dismissed and judge agreed it lacked jurisdiction and failed to meet the pleading requirements for fraud.
- Assisted a client with responding to a subpoena issued by the United States Attorney / NASA Office of Inspector General. The Government closed its investigation without action against our client.
- Represented a client in a case that involves a threatened civil FCA claim from the Defense Travel Management Office (DTMO). At issue is whether our client falsely billed the DTMO for added insurance on rentals from 2014–2020.
- Represented a large utility company in responding to a subpoena issued by Architect of the Capital Inspector General. The Government closing the investigation without action against our client.
- Successfully represented a marketing company in a FCA case alleging violations of the Lifeline program. After case was unsealed, a motion to dismiss the claims was granted by the Federal Court.
- Represented a staffing company in connection with FCA claims alleging fraud in connection with New York City's City Time implementation. After the court dismissed the substantive FCA claims, the case went to trial on the relator's retaliation claims. All claims were denied in favor of our client.
- Represented a major construction company in response to FCA claims brought in connection with the construction of the World Trade Center in New York. After case was unsealed, all claims were dismissed.
- Represented lending companies in responding to Civil Investigative Demands as part of FCA investigations for alleged PPP loan fraud of client customers.
- Represented health care company in responding to Civil Investigative Demands as part of FCA investigations for alleged upcoding and Medicare fraud.

## Industry Experience

- Health care
- Pharmaceuticals
- Financial services
- Higher education
- Automotive
- Defense contracting
- Technology
- Retail
- Insurance
- Accounting