
False Claims Act

With litigators who previously served as senior lawyers in the Departments of Justice and Defense, our team has successfully represented clients in difficult, high-stakes FCA litigation brought by relators and the government.

[!\[\]\(666e09182d4cd268646ea700ea60dcdf_img.jpg\) DOWNLOAD FALSE CLAIMS ACT FACT SHEET](#)

With a team of veteran litigators, prosecutors and former Justice and Defense Department lawyers, WilmerHale brings significant knowledge and experience to defending against False Claims Act (FCA) litigation brought by *qui tam* plaintiffs and the government, including the Department of Justice (DOJ) and state attorneys general. We also represent clients in DOJ investigations into alleged FCA violations, especially in the pharmaceutical and defense industries—two sectors that are frequent targets of federal scrutiny. We approach each representation with a deep understanding of the government's objectives and have obtained favorable resolutions of numerous matters without a formal action being filed. In *qui tam* litigation, we have advanced precedent-setting legal defenses and have obtained early dismissal or resolution of suits in both federal and state courts, including courts of appeal. Our team has represented clients in nearly every type of matter in every industry, including those that face the greatest risk of FCA exposure: pharmaceuticals and healthcare, defense, financial services and insurance, technology, construction, and consumer goods.

Key Contacts



Christopher E. Babbitt

PARTNER

 christopher.babbitt@wilmerhale.com

 WASHINGTON DC

 + 1 202 663 6681



Matthew D. Benedetto

PARTNER

✉ matthew.benedetto@wilmerhale.com

📍 LOS ANGELES

☎ + 1 213 443 5323



Ronald C. Machen

PARTNER

✉ ronald.machen@wilmerhale.com

📍 WASHINGTON DC

☎ + 1 202 663 6881



David W. Ogden

PARTNER

✉ david.ogden@wilmerhale.com

📍 WASHINGTON DC

☎ + 1 202 663 6440



Howard M. Shapiro

PARTNER

✉ howard.shapiro@wilmerhale.com

📍 WASHINGTON DC

☎ + 1 202 663 6606

Related Solutions

Federal Inspector General
Investigations

Experience

HEALTHCARE

- Secured a dismissal for a prominent pharmaceutical company alleged to have made false marketing claims regarding its product. The district court dismissed the case and the Fourth Circuit affirmed, holding that the general release of claims the relator signed upon leaving the company barred the relator's subsequent *qui tam* suit.
- Represented a major pharmaceutical company in a novel suit brought under the *qui tam* provision of California's Insurance Frauds Prevention Act by the California Insurance Commissioner and whistleblowers; obtained dismissal of whistleblowers on summary judgment.
- Represented a major medical device company in a suit brought under California's Insurance Frauds Prevention Act by a whistleblower; prevailed on summary judgment.
- Negotiated a favorable settlement with the DOJ and multiple states for a consumer goods company, closing a sprawling civil and criminal investigation of FCA and other claims associated with the marketing of medication reimbursed by federal and state healthcare programs.

DEFENSE

- Represented a major defense contractor in a suit alleging that the contractor fraudulently concealed defects in the equipment it manufactured for the military. The district court dismissed the *qui tam* case on Rule 9(b) grounds and the relator declined to appeal.
- Resolved a suit without any finding of FCA liability for a major government defense contractor in a DOJ investigation related to armored vehicles used in Iraq.
- Achieved a favorable settlement for clients engaged in a joint venture contracted by the Department of Energy in a suit related to Anti-Kickback Act and FCA claims.

FINANCIAL SERVICES AND INSURANCE

- Secured dismissal of a suite of FCA cases brought in state courts by a *qui tam* plaintiff against a major financial institution concerning fixed-rate municipal bonds.
- Won a dismissal for a major bank in *qui tam* litigation brought in district court by a former loan officer seeking damages based on allegations that the bank violated requirements for mortgages sold to Fannie Mae and Freddie Mac under the Home Affordable Refinance Program.
- Secured early dismissal for a national insurance carrier in *qui tam* litigation brought in the Western District of New York alleging reverse false claims based on purported industry-wide failure to comply with Medicare Secondary Payer Act regulations.
- Represented an industry-leading commercial mortgage lender in a DOJ FCA investigation concerning lending practices under the Housing and Urban Development Multi-Family Accelerated Processing program, successfully convincing the DOJ not to file an FCA action.
- Represented a student loan company in a *qui tam* suit challenging industry-wide

practice of recycling student loan proceeds to purchase additional loans entitled to fixed-rate special allowance payments (SAPs) from the Department of Education.

TECHNOLOGY

- Secured a dismissal for a major computer company in a suit alleging a conspiracy to violate the immigration laws related to work performed by foreign nationals in the United States. The district court dismissed the *qui tam* case for failure to state a claim; the relator ultimately dismissed his appeal.
- Successfully represented an optoelectronics and advanced electronic systems company in a *qui tam* complaint related to the manufacture and sale of high-voltage switches used in military radar systems, in which the federal government declined to intervene after an investigation by the US Attorney's Office.
- Secured the dismissal with prejudice—and affirmance on appeal—of an FCA case against a major telecommunications provider.

CONSUMER GOODS

- Successfully represented a major office supply company in FCA litigation relating to country of origin for imported pencils in relation to US Customs and Border Protection forms, in which the district court completely dismissed the case with prejudice.
- Secured a victory for a major entertainment client in a *qui tam* action filed under the FCA. A district court dismissed the complaint with prejudice on the ground that the plaintiff based the complaint on information that was publicly disclosed, so she did not qualify as an original source of information. The Eleventh Circuit affirmed.
- Secured a dismissal for a large food manufacturer in a *qui tam* suit brought by a former USDA inspector regarding compliance with USDA and FDA regulations for dairy products provided through federally funded programs.
- Won a complete victory for a major US city when a federal appeals court summarily affirmed the dismissal with prejudice of a *qui tam* FCA complaint related to the city's administration of three federal benefit programs.

Recognition

- Named *The National Law Journal's* inaugural Whistleblower Litigation Department of the Year, which honors the top law firms in the US Capitol (2023).