

## Civil False Claims Act and *Qui Tam* Litigation Experience

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1. United States ex rel. Boisjoly v. Morton Thiokol, Inc., 706 F. Supp. 795 (D. Utah 1989)  
  
 Represented Morton Thiokol in the defense of *qui tam* action arising out of Challenger accident. The *qui tam* suite was dismissed for failure to state a claim.
2. United States ex rel. Schwarzkopf and Taxpayers Against Fraud v. Raytheon Co. (D. DC 1989)  
  
 Represented Raytheon in successfully seeking a change of venue of a *qui tam* case from Washington, DC to Boston, Massachusetts. Boston counsel then assumed responsibility for the litigation.
3. United States ex rel. Victor Herbert v. National Academy of Sciences, (C.A. No. 90 2568 D. DC) (Sporkin), 1992 U.S. Dist. Lexis 14003  
  
 Represented National Academy of Sciences (“NAS”) in successful defense of *qui tam* case regarding certain work performed by plaintiff for the NAS. Case dismissed for lack of subject matter jurisdiction; attorneys fees and costs awarded to defendant under 31 U.S.C. § 3730(d)(4) and Rule 11.
4. The Boeing Company v. United States ex rel. Kevin G. Kelly, Petition for Writ of Certiorari, No. 93-817 (Oct. Term 1993)  
  
 Represented Boeing on petition for writ of *certiorari* seeking review of the constitutionality of the *qui tam* provisions of civil False Claims Act. Petition denied.
5. United States ex rel. Springfield Terminal Railway Co. v. Francis X. Quinn, C.A. No. 91-2081 DDC (H. Greene):  
  
 Representation of an arbitrator in the defense of a *qui tam* action filed by plaintiff railroad and its president. Case dismissed for lack of subject matter jurisdiction in April 1992, reversed, 14 F.3d 645 (D.C. Cir. 1994). Defendant’s Motion for Summary Judgment dismissing the case on the merits granted April 20, 1995.
6. Pentagen Technologies Int’l, Ltd. v. CACI Int’l, Inc. et al., Nos. 94 Civ. 2925,96 Civ. 7827 (S.D.N.Y.); and appeal to U.S. Court of Appeals for the Second Circuit  
  
 Represented CACI in successful defense of *qui tam* case alleging false claims arising, *inter alia*, from proposal representations and breach of contract.

7. United States v. First Union Mortgage Corp. (D. Mo.)  
 Represented First Union Mortgage in FCA action brought by Department of Justice relating to bank lending issues. Case settled prior to trial.
8. State of Vermont Agency of Natural Resources v. U.S. ex rel. v Stevens, U.S. Supreme Court, No. 98-1828 (Oct. Term 1999)  
 Represented Aerospace Industries Association as *amicus curiae* before U.S. Supreme Court opposing issue of relators' standing to sue under civil False Claims Act. Case decided May 22, 2000, upholding relator standing.
9. United States v. AstroPower, Inc., C.A. No. 00-912 (RRM) (D. Del.)  
 Represented AstroPower in defense of civil False Claims Act action brought by Department of Justice alleging false claims in connection with indirect cost rate submissions. Case settled following a mediation.
10. United States ex rel. LeBlanc v. ITT Industries, Inc., No. 07-CV-401 (S.D.N.Y.)  
 Represented ITT in qui tam action relating to a government contract; case dismissed at the outset of litigation in 2007.
11. United States ex rel. Mary Angela Cafasso v. General Dynamics C4 Systems, Inc., No. CV-06-01381 (D. AZ)  
 Currently representing General Dynamics C4 Systems in qui tam action filed by former employee and in which the Department of Justice has decided not to intervene. The case has been consolidated with previously-filed action filed by General Dynamics against the former employee alleging theft of company documents, including attorney-client communications and trade secrets.