



False Claims Act Investigations, Defense & Response to Whistleblowers

"Their lawyers are extremely responsive, sharp and business savvy. The concern for the client is always foremost through every communication and strategy session."

Chambers USA

The federal False Claims Act is a powerful tool the U.S. government and whistleblowers wield that can subject companies and institutions to criminal and civil exposure. In Kilpatrick's False Claims Act practice, we partner with our clients to determine the most strategic and expedient path to reducing our client's exposure when faced with a False Claims Act matter, whether it is a government investigation or litigation initiated by a whistleblower (*qui tam* relator) or the U.S. government. As described in our experience listed below, we have often helped clients avoid litigating against the government by convincing the Department of Justice (DOJ) to refrain from initiating suit or intervening in a *qui tam* claim.

Our clients' industries run the gamut and include financial institutions and services, technology companies, construction companies, universities and research institutions, and healthcare systems and companies. We have experience with fact patterns ranging from purported improper billing to the government to false assurances of cybersecurity and false certifications and disclosures concerning environmental, safety, and research standards, as well as the submission of purportedly false data.

Experience

Performed an internal investigation for a university into potential False Claims Act violations and defended the client when responding to government inquiries, including Civil Investigative Demands. We convinced DOJ not to intervene, which led to the relators dismissing their action.

Represented a company in connection with a criminal False Claims Act investigation by a U.S. Attorney's office and the DOJ Healthcare Fraud Taskforce into telehealth services and the possibility of related healthcare offenses, and conducted a related internal investigation.

Performed an internal investigation in response to a Civil Investigative Demand involving whether the company had violated the False Claims Act. After more than two years of investigation, DOJ decided to close the matter without taking any action against the company.

Conducted internal investigation and defended *qui tam* investigation and litigation for hospital system concerning allegations of improper billing and False Claims Act violations. We successfully convinced DOJ not to intervene and obtained favorable resolution with relator's counsel.

Conducted internal investigations for a university hospital system concerning allegations of improper billing and False Claims Act violations. We successfully convinced DOJ not to take action.

Reached a favorable settlement with a relator, the federal government, and the State of Georgia in a False Claims Act litigation brought by a former employee.

Performed an internal investigation for a government contractor into potential False Claims Act violations after a whistleblower report by an employee.

Conducted an internal investigation for a government contractor into potential False Claims Act violations after the head of the client's employee complaint office raised concerns about misconduct, including retaliation.

Represented executive in novel False Claims Act investigation and litigation involving use of electronic medical records ("EMR").

Represented executive in False Claim Act investigation regarding COVID-19 testing and billing issues.

Primary Contacts



Hillary D. Rightler

Partner

t 404.815.6584

hrightler@ktslaw.com



Clay C. Wheeler

Partner

t 919.420.1717

cwheeler@ktslaw.com