

CLIENT ALERT

D.C. Circuit Loosens Public Disclosure Bar While Tightening the Reins on Damages

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In *United States ex rel. Davis v. District of Columbia* (May 15, 2011), the D.C. Circuit held that recent Supreme Court precedent had abrogated the Circuit's long-standing rule that a relator must provide the government with the information upon which his allegations are based not only before filing an action, but also prior to any public disclosure. The Circuit Court also applied its recent holding in *U.S. v. Science Applications Corp.*, 626 F.3d 1257, that proof of damages requires a showing that, as the result of the alleged fraud, the value of what the government received was less than what it believed it had purchased, finding that, in the matter before it, because there was no allegation that claimed reimbursements were for services not actually received or of inflated value -- only that they lacked documentary support -- "the government got what it paid for and there are no damages." For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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