

CLIENT ALERT

DOJ Signals That It Will Increase FCA Enforcement to Curb Opioid Crisis in the Most Meritorious Cases

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The Department of Justice (DOJ) has signaled that it will increase its use of the False Claims Act (FCA) to address the opioid crisis. Addressing the Federal Bar Association's Qui Tam Conference on February 28th, Deputy Associate Attorney General Stephen Cox stated that the FCA "provides the government with a powerful tool to pursue all of those in the opioid distribution chain that are responsible for the improper marketing, distribution, prescription and diversion of opioids" and that it is a tool that DOJ is "increasingly using to address the opioid crisis." Mr. Cox also emphasized that the department would only focus on the most meritorious cases. He referred to the [Brand Memo](#), issued earlier this year, to reiterate that DOJ would not use agency guidance to create legal obligations in FCA enforcement. He also alluded to the Granston Memo from January, which contains internal department guidelines for exercising dismissal authority of *qui tam* cases. Mr. Cox concluded that DOJ "takes its responsibility seriously" and will move to dismiss "where necessary to protect the long-term interests of both the government and relators." (A full transcript of the address can be found [here](#)). For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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