

CLIENT ALERT

Defective Pricing & the False Claims Act

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The enactments of the False Claim Act (FCA) and the Truth in Negotiations Act (TINA) were separated by nearly 100 years, yet the two statutes have become kissing cousins, with many defective pricing cases turning into fraud actions. In [Defective Pricing & the False Claims Act](#), published in the April 2019 issue of Thomson Reuters’s Briefing Papers, Crowell & Moring attorneys discuss: (1) the historical factors and practical warning signs linking defective pricing and FCA actions; (2) the burdens and elements of proof in TINA and FCA litigations and how certain elements may overlap and even bolster defenses to both defective pricing and fraud actions; and (3) the procedural elements of TINA and FCA actions—such as stays of proceedings, evidentiary standards, and statutes of limitation—and where these factors may determine the outcomes in both defective pricing and fraud proceedings.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

Brian Tully McLaughlin

Partner – Washington, D.C.

Phone: +1 202.624.2628

Email: bmclaughlin@crowell.com