

CLIENT ALERT

Disclosure to Public Officials Is Not "Public": Relator to Have Yet Another Day in Court

Feb.05.2015

The "long and winding road" of *U.S. ex rel. Wilson v. Graham County*, which has twice taken it to the Supreme Court and back, will continue on remand after the Fourth Circuit reversed the district court's dismissal for want of jurisdiction. Siding with five other circuits in a rebuke of the Seventh Circuit's holding in *U.S. v. Bank of Farmington* that disclosure to a "competent" public official authorized to act on the information was sufficient to trigger the FCA's public disclosure bar, the Fourth Circuit ruled instead that information shared within the government, even between federal, state, and local agencies, has not reached the public domain, notwithstanding its availability through a public records request.

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

Alan W. H. Gourley

Partner – Washington, D.C.

Phone: +1 202.624.2561

Email: agourley@crowell.com

Brian Tully McLaughlin

Partner – Washington, D.C.

Phone: +1 202.624.2628

Email: bmclaughlin@crowell.com