

## CLIENT ALERT

### Government Sees \$104 Million Verdict Vanish After Its Theory of Liability Is Rejected Post-Trial

January 8, 2015

*U.S. ex rel. Bunk v. Birkart Globalistics*, an FCA case spanning twelve years and two jury trials, came to an apparent end when the district court set aside the jury's verdict and damages award of \$104 million, ruling that the government's theory of liability failed as a matter of law. The government's upset "expectations" of competitive bidding was itself an insufficient ground for a finding of falsity, and the government failed to show that any of the cargo carriers bidding on the contracts "presented a claim for payment based on a prime rate that was, in fact, inflated because of Gosselin's alleged conduct" and failed to present sufficient evidence of damages.

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

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