

## CLIENT ALERT

### Ninth Circuit Lowers the Bar for Original Source Status

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In an unanimous *en banc* ruling, the Ninth Circuit, in *U.S. ex rel. Hartpence v. Kinetic Concepts* (Jul. 7, 2015), overturned its 1992 decision in *Wang*, which required relators to have played a role in publicly disclosing the allegations and information on which their suits are based to qualify as an "original source" under the pre-2010 version of the public disclosure bar. This decision makes it easier for whistleblowers, in actions to which the pre-2010 version of the public disclosure bar is applicable, to qualify as an original source by narrowing the requirements to (1) the whistleblower must voluntarily inform the government before they file suit, and (2) the whistleblower must have direct and independent knowledge of the allegations.

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

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