

CLIENT ALERT

Similar State FCA Allegations Yield Mixed Results

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In two California Civil False Claims Act (FCA) cases recently decided by different districts of the California Court of Appeal, *California ex rel. Harris v. PricewaterhouseCoopers LLP* (Jan. 20, 2005) and *California ex rel. Bowen v. Bank of America* (Jan. 31, 2005), qui tam relators got mixed results on their novel “reverse false claims” allegations that the defendants failed to report and turn over to the State unclaimed property as required by California law. In *Harris*, applying case law under the federal FCA, the court upheld liability against an escrow title company and reversed summary judgment in favor of its accountants; but in *Bowen*, the Court, also applying federal case law, upheld the dismissal of the consolidated complaint against several banks on the ground that the plaintiffs had failed to allege facts that would make the subject property “certain and liquidated,” such that no reverse false claim could arise from the failure to report and turn over the property.

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