

CLIENT ALERT

Supremes Hold FOIA Response Satisfies FCA Public Disclosure Bar

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The Supreme Court (<http://www.supremecourt.gov/opinions/10pdf/10-188.pdf>), reversing a decision of the Second Circuit, today held that a federal agency's written response to an FOIA request for records constitutes a "report" within the meaning of the public disclosure bar in the False Claims Act. The Court, characterizing the case as "a classic example of the 'opportunistic' litigation that the public disclosure bar is designed to discourage," noted that the words congressional, administrative or GAO, which precede the word report, "tell us nothing more than that a 'report' must be governmental." For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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