

CLIENT ALERT

The Times They Are A'Changing – Or Are They? DOJ Announces It Will Move To Dismiss Qui Tam Complaints That Lack Merit

Nov.13.2017

After months of signaling that a change to the Department of Justice's qui tam practices was imminent, Michael Granston, Director of the Civil Fraud Section, announced the change during a presentation at the Health Care Compliance Association's Health Care Enforcement Compliance Institute on October 30. The Department of Justice will now move to dismiss a qui tam complaint when it concludes that it lacks merit. Although announced as a means of conserving judicial and litigant resources, we also wonder if the apparent change is spurred by a concern over the creation of bad law under Escobar's materiality standard is a driving force behind this decision. Given that DOJ rarely exercises its statutory authority to move to dismiss a qui tam complaint, it should not be difficult to ascertain whether DOJ's announcement is, in fact, a sign of a real shift in its enforcement tactics. For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

Brian Tully McLaughlin

Partner – Washington, D.C.

Phone: +1 202.624.2628

Email: bmclaughlin@crowell.com

Mark R. Troy

Senior Counsel – Los Angeles

Phone: +1 213.443.5576

Email: mtroy@crowell.com