

CLIENT ALERT

Whistleblower Rebuffs Counterclaim for Disclosing Confidential Information

May 20, 2016

In *U.S. ex rel. Cieszynski v. LifeWatch Servs.* (N.D. Ill., May 9), the court dismissed the defendant's counterclaim against a former employee and FCA whistleblower, ruling that the whistleblower's disclosure of protected patient information fell within the public policy protections for whistleblowers. As described in a post on the [Whistleblower Watch Blog](#), there has been an increase in recent years of FCA defendants raising counterclaims based on breaches of confidentiality agreements, and this will likely remain an active area of litigation until the courts clearly define what documents an FCA whistleblower can take from an employer and how the whistleblower can use those documents to support FCA allegations.

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

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