

# Williams & Connolly Clients Win Motion to Dismiss All Claims in FCA Contract Suit

April 2016

The U.S. District Court for the Northern District of Alabama recently granted a motion to dismiss a False Claims Act lawsuit against Williams & Connolly clients Patriarch Partners, MD Helicopters, and Lynn Tilton. The district court rejected the relators' implied false certification arguments, finding that the provisions they cited – the Contractor Code of Business Ethics and Conduct, and the Truth in Negotiations Act – were neither express prerequisites to payment nor material requirements under any of the five foreign military sales (FMS) contracts at issue, and thus could not support a cause of action under the False Claims Act. The court also rejected the government's argument that it should reject the express condition approach adopted by the Second Circuit in the *Mikes v. Straus* line of cases.

Tilton, Patriarch Partners and MD Helicopters are represented by Williams & Connolly partners **Chris Manning** and **Ed Reddington**, and associates **Alexis Lien**, **Kristin Shapiro** and **Tracey Fung**.

## Press Contacts

**Tracey Fung**

[tfung@wc.com](mailto:tfung@wc.com)

D 202-434-5348

**Christopher Manning**

[cmanning@wc.com](mailto:cmanning@wc.com)

D 202-434-5121

**Edward Reddington**

[ereddington@wc.com](mailto:ereddington@wc.com)

D 202-434-5063