4th Circuit Adopts 'Implied Certification' Theory of False Claims Act Liability

Ropes & Gray has published an examination of a recent 4th U.S. Circuit Court of Appeals ruling on the False Claims Act (FCA) in *United States ex rel. Badr v. Triple Canopy, Inc.*, No. 13-2101.

As the firm described the case, private security company Triple Canopy, Inc. contracted with the government to provide security services at a U.S. military airbase, then falsified its employees' marksmanship scorecards to cover up their failure to meet the required qualifications. Although the district court had dismissed the government's claims, the 4th Circuit reversed, and in so doing it adopted the "implied certification" theory of FCA liability and issued an important decision analyzing materiality as related to that theory, the firm reported.

Read the story.