



## Investigations & White-Collar Defense

Lathrop GPM's Investigations & White-Collar Defense team represents businesses, executives and others facing investigation or charges of federal and state law violations. Our team includes attorneys who have served as former prosecutors at the federal, state, and local levels—including former U.S. Attorneys and Assistant U.S. Attorneys, District Attorneys, former head of a state agency, and former Assistant State Attorneys General.

This seasoned team has decades of experience on both the prosecution and defense side standing ready to provide the protection and counseling needed when the government begins an investigation. We provide a focused approach to identifying clients' needs, aligned with their goals, and providing proactive advice to deliver insightful results. We help clients develop robust compliance programs and procedures for responding to government investigations and enforcement actions, should the occasion arise. In all investigative matters, we are sensitive to the need to maintain the company's control over the confidentiality of all matters.

We represent clients in the following areas:

- Antitrust and Competition
- Campaign Finance/Congressional and Administrative Investigations
- Consumer Fraud
- Corporate Compliance/Internal Controls
- Customs and Export Controls/Office of Foreign Asset Control
- Director, Officer, and Entity Defense
- Environmental Violations
- False Claims Act (FCA), including *Qui Tam* Litigation
- Financial Fraud/Financial Institution Fraud
- Foreign Corrupt Practices Act (FCPA)
- Government Contracting and Procurement Fraud/Government Contract Disputes

- Health Care Fraud and Abuse
- Insurance Coverage
- Internal Corporate Investigations
- Legal Ethics
- Securities Fraud
- Tax Fraud, Civil and Criminal
- Trade Secrets

Clients benefit from our deep industry experience in the full spectrum of proceedings, including the following:

### **Congressional, Regulatory, Grand Jury & Internal Investigations**

Clients rely on Lathrop GPM for experience-based preparation and advocacy in critical situations, such as testifying before Congress, state legislative and regulatory bodies, and grand juries. When complaints of potential or actual wrongdoing or inquiries from federal or state law enforcement agencies occur, we conduct thorough internal investigations on behalf of clients. Additionally, we assist with responses to requests, letters and subpoenas seeking information from companies or individuals, and provide sound advice and counsel when search warrants are executed.

### **Trials & Arbitrations**

When an amicable resolution cannot be reached, we collaborate efficiently and effectively with clients and aggressively advocate on their behalf to minimize business and personal interruption. Our team also represents individuals who are the subject of civil or criminal investigations, working to convince the government to refrain from bringing a civil action or criminal indictment. In those instances where the government insists on taking action, we work diligently to reach an appropriate resolution, which can include aggressively litigating the case before a judge, jury, or regulatory agency.

### **False Claims Act & *Qui Tam* / Whistleblower Litigation**

For corporations doing business with the government, the False Claims Act can often feel like the omnipresent elephant in the room. We are

well-versed in False Claims Act litigation and have defended corporations and executives in False Claims Act cases brought by federal and state government prosecutors, as well as by private whistleblowers in *qui tam* actions.

### **Corporate Compliance**

We help clients navigate government investigations, litigation and enforcement actions. With a proactive mindset, we detect problems at an early stage and help clients attempt to deter wrongful conduct before it happens. Accordingly, we are frequently called upon to develop robust compliance programs for clients operating in heavily regulated industries. Recognizing that one size does not fit all, we work collaboratively with clients to develop policies, procedures and programs addressing their specific needs and ensuring agreement with the Federal Sentencing Guidelines. We also provide regular training for clients and their employees in an effort to foster a culture of compliance throughout an organization.

### **Agency Experience**

We have broad experience representing and defending clients before local, state and federal agencies, including but not limited to:

- State Departments of Commerce
- State Departments of Employment and Economic Development (DEED)
- State Departments of Health and Human Services
- State Departments of Labor
- State Departments of Revenue
- Equal Employment Opportunity Commission (EEOC)
- Immigration & Custom Enforcement (ICE)
- National Association of Securities Dealers (NASD)
- Office of Federal Contractors Compliance Programs (OFCCP)
- Office of Higher Education
- Office of the Secretary of State
- State Pollution Control Agencies

- State Medical Licensing Boards
- Federal Bureau of Investigation (FBI)
- Federal Trade Commission (FTC)
- U.S. Army Corps of Engineers (USACE)
- U.S. Department of Commerce (DOC)
- U.S. Department of Defense (DOD)
- U.S. Department of Justice (DOJ)
- U.S. Department of Labor/DOL/Employee Benefits Security Administration
- U.S. Environmental Protection Agency (EPA)
- U.S. Small Business Administration (SBA)
- U.S. Food and Drug Administration (FDA)
- U.S. Securities and Exchange Commission (SEC)
- United States Attorneys' Offices

Through our experience representing clients in governmental investigations and white-collar defense matters, we have negotiated and litigated against numerous state and federal prosecutors and regulators, including multiple States' Attorney General Offices, local State Prosecutors, United States Attorneys' Offices and the United States Department of Justice.

## **Representative Experience**

### ***Bar Ethics Matters***

- Represented partners of major D.C. law firm in conflicts of interest investigation concerning international tax fraud.
- Representing a member of the District of Columbia Bar in appeals to the D.C. Board on Professional Responsibility and the D.C. Court of Appeals in a disciplinary proceeding involving multiple alleged bar rule violations related to the representation of various defrauded investors on a contingent basis.
- Represented the D.C. office of an international law firm, and employees thereof, in multiple inquiries by the District of Columbia Committee on Unauthorized Practice of Law and addressed various compliance issues related thereto.

### ***Campaign Finance, Congressional and Administrative Investigations***

- Represented a company and individuals in grand jury investigation concerning President Clinton's pardon of Marc Rich.
- Represented an individual in the DOJ's investigation into alleged violations of the Foreign Corrupt Practices Act.
- Represented an individual in the Senate Ethics Committee investigation of Senator John Ensign (R. Nev.).
- Represented an institute of higher education in a lengthy and high-profile investigation by a U.S. Senate Committee.
- Represented individuals and organizations accused of campaign finance and election law violations.

### ***Consumer Fraud***

- Represented major football helmet brand in FTC investigation into concussion and other health and safety claims. Closed with no enforcement.
- Represented global cosmetic brand in FTC investigation involving implied safety claims for skin products. Closed with no enforcement.
- Represented national dietary supplement brand in FTC investigation into healthy aging claims. Closed with no enforcement.
- Represented biotech company affiliated with major university in FTC investigation into cognitive function claims for products. No-money settlement reached.
- Represented several food and dietary supplement brands in California District Attorney investigations involving health-related marketing claims.
- Represented start-up company in investigation by Florida Attorney General's office into marketing claims for sleep, wellness, and relaxation products.
- Represented a global money transfer business in defense of consumer fraud claims asserted in numerous jurisdictions within the United States and Canada.

### ***Environmental Violations***

- Conducted an internal investigation for a construction company allegedly involved in repeated environmental violations.
- Represented a Canadian biotech firm with respect to an internal investigation and compliance with Health Canada and Environment Canada regulations, many of which have criminal penalties relating to the manufacture, sale, and distribution of various bacteria products, many of which have criminal penalties.
- Represented a chemical manufacturer with respect to potential criminal liability arising out of compliance with the U.S. EPA's Risk Management Plan (RMP) regulations under the Clean Air Act.
- Represented an environmental consulting firm in responding to subpoena in multimedia criminal investigation.

***False Claims Act (FCA), including Qui Tam Litigation***

- Represented a federal government contractor in parallel criminal, civil, and administrative investigations into alleged Federal False Claims Act and certifications violations.
- Represented a national health care provider in a civil *qui tam* (or whistleblower) action brought in federal court in the State of Washington in which the Relator alleged violations of the Stark and Anti-kickback laws, and upcoding.

***Financial Fraud / Financial Institution Fraud***

- Represented nonprofit executive accused of embezzlement of federal funds.
- Represented agricultural producer accused of visa fraud and financial improprieties.
- Advised a large employer in connection with the discovery that its CFO had been embezzling from the company and obtained summary judgment in civil suit requiring the CFO to repay embezzled funds and forfeit his compensation.
- Represented a broadcasting company in the internal investigation and prosecution related to a multimillion-dollar fraud and embezzlement scheme.
- Represented a company which was the subject of bad cash management investments which were criminal; met several times with the FBI to investigate the transactions and conducted our own internal investigation of the employee.
- Represented an insurance and benefits administration company in investigating embezzlement by its former CFO and helped obtain

multimillion-dollar judgments for forfeiture and fraud.

- Represented an investment executive charged with embezzlement by state authorities.
- Represented companies and individuals in Maryland, Virginia, and Minnesota in connection with allegations of government contract fraud.
- Represented the former high-level executive of a large soft drink manufacturing and distribution company in the DOJ's and SEC's parallel investigations of the company for alleged false earnings claims.
- Represented the former president of a mortgage lending firm in a criminal mortgage fraud case brought in federal court in Virginia.
- Represented the bankruptcy trustee and, working with forensic accountants, developed a database which was ultimately used by the FBI to investigate the Ponzi scheme of the debtors.
- Represented a transportation company in connection with a fraud and embezzlement scheme conducted by a former employee and obtained summary judgment ruling ordering restitution and the forfeiture of compensation paid by the employer.
- Represented various banks and have assisted them in filing criminal referrals in matters involving false financial statements and Bank Secrecy Act matters.

#### ***Foreign Corrupt Practices Act (FCPA)***

- Represented multiple individuals in DOJ investigations into alleged violations of the Foreign Corrupt Practices Act.
- Represented an individual in the government's investigation of a multinational telecommunications company for alleged violations of the Foreign Corrupt Practices Act.
- Assisted numerous companies with development and launch of FCPA compliance programs.
- Conducted an internal investigation on behalf of a health care company into allegations of Foreign Corrupt Practices Act violations occurring in Southeast Asia.

#### ***Health Care Fraud and Abuse***

- Represented pharmaceutical company executive in Medicare fraud and licensing board investigation.

- Represented a health care insurer in a Congressional investigation regarding Medicaid managed care rate setting activities.
- Represented a health care provider in a whistleblower case alleging improper billing under the Medicare program.
- Represented health care providers in alleged rate setting violations for state programs.
- Represented health care providers in inquiries related to compliance with federal and state antitrust laws.
- Represented health care providers in investigations into orders regarding alleged tainted pharmaceuticals purchased from New England Compound Center (NECC).
- Represented laboratory providers in regulatory investigations with respect to alleged violations of Clinical Laboratories Improvement Act (CLIA) proficiency testing rules.
- Represented a national health care provider in a civil *qui tam* (whistleblower) action brought in federal court in the State of Washington in which the Relator alleged violations of the Stark and Anti-kickback laws, and upcoding.
- Represented third party administrator of self-insured health plans in defense of allegations by U.S. Department of Labor that the TPA had failed to disclose to its plan clients costs that it imposed on the plans, resulting in an alleged breach by the TPA of its fiduciary duties.
- Conducted investigation of vendor for the Centers for Medicare and Medicaid Services into whether its employees had violated CMS guidelines in the reporting of certain of its processes and activities.

### ***Internal Corporate Investigations***

- Advised a large employer in connection with the discovery that its CFO had been embezzling from the company and obtained summary judgment in civil suit requiring the CFO to repay embezzled funds and forfeit his compensation.
- Conducted an internal investigation for a construction company allegedly involved in repeated environmental violations.
- Conducted investigations for numerous employers into alleged employee misconduct or legal violations, including alleged harassment, discrimination, retaliation, and complaints received on the client's whistleblower hotline.
- Investigated allegations relating to the alleged adulteration of meat products by a meat packer's employee.



- Represented a broadcasting company in the internal investigation and prosecution related to a multimillion-dollar fraud and embezzlement scheme.
- Represented a company that was the subject of bad cash management investments which were criminal; met several times with the FBI to investigate the transactions and conducted our own internal investigation of the employee.
- Represented a state broadcasting company in prosecution and an internal investigation related to a multimillion-dollar fraud and embezzlement scheme.
- Represented a Washington, D.C., corporation in an internal investigation of potential conflicts of interest.
- Represented a transportation company in connection with a fraud and embezzlement scheme conducted by former employee and obtained summary judgment ruling ordering restitution and the forfeiture of compensation paid by the employer.

#### ***Securities Fraud***

- Represented the former high-level executive of a large soft drink manufacturing and distribution company in the DOJ's and SEC's parallel investigations of the company for alleged false earnings claims.
- Represented individual corporate officers in seeking defense costs arising from alleged violations of Section 10(b) of the Securities Exchange Act and Investment Advisors Act.
- Represented individuals accused of violations of securities regulations.
- Represented individuals and venture capital funds accused of violating federal securities laws.

#### ***Trade Secret Theft Prosecutions***

- Representing a Chinese-American scientist formerly employed by a Fortune 300 multinational pharmaceutical company indicted in the U.S. District Court for the Eastern District of Pennsylvania for wire fraud, conspiracy to commit wire fraud, theft of trade secrets, and conspiracy to steal trade secrets.
- Represented an engineer formerly employed by a Fortune 25 multinational conglomerate in pre-indictment theft of trade secrets investigation, plea, and post-plea cooperation and sentencing matters.

- Represented a regulatory affairs professional formerly employed by a Fortune 250 multinational pharmaceutical company in pre-indictment investigation related to matters concerning trade secrets.