

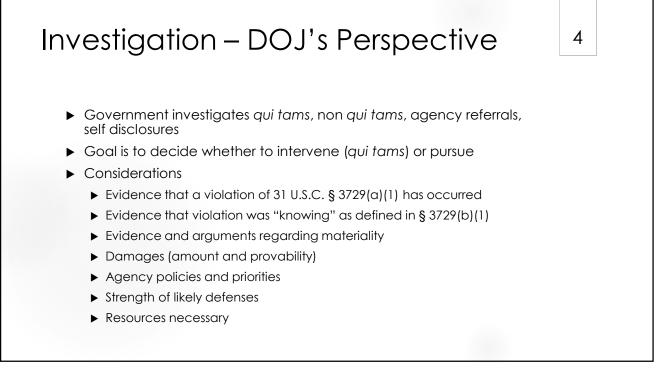


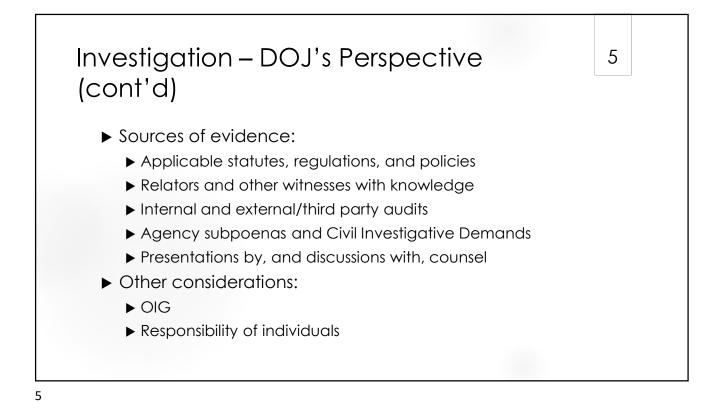
Relator's Pre-Filing Investigation and Considerations

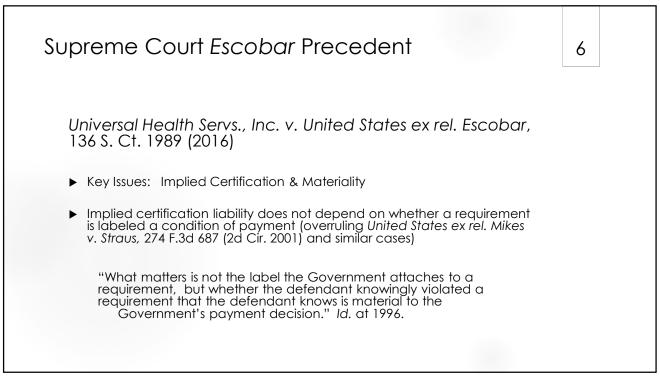
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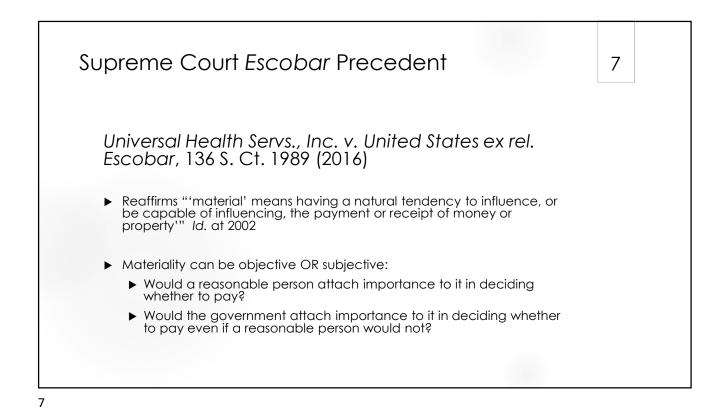
- ► Knowledge of facts involving clear FCA violation?
- Documentary evidence, other proof of fraud?
- Sufficient evidence of "who, what, when, where and why" supporting fraud and damages?
- Specific examples of the fraud?
- Requisite scienter/knowledge evidence for Defendant?
- Damages large enough to justify risks to the relator?
- Level of Government interest in specific area of law and type of fraud? Is it material to the government?

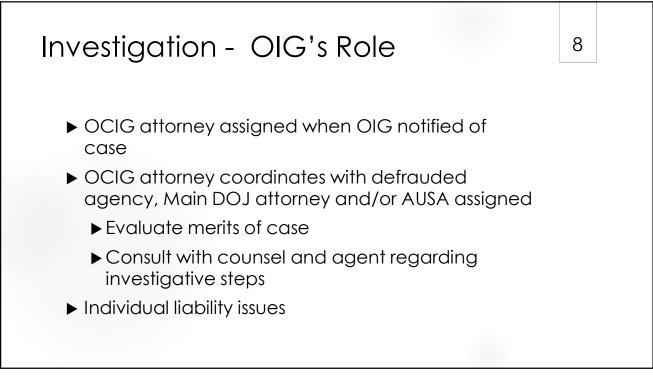
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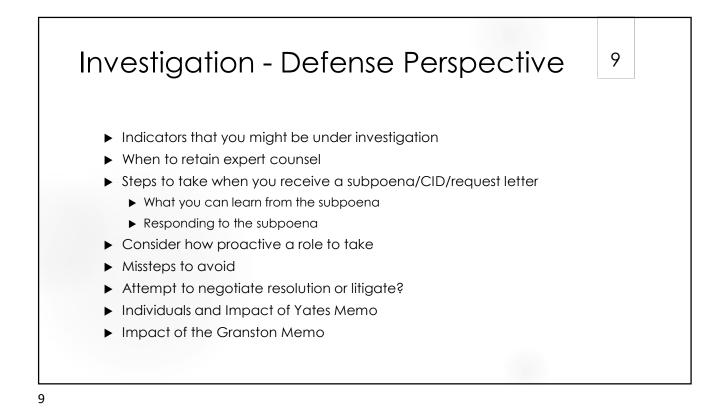


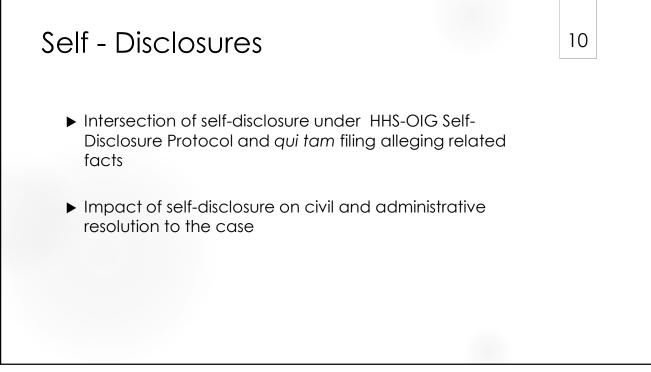






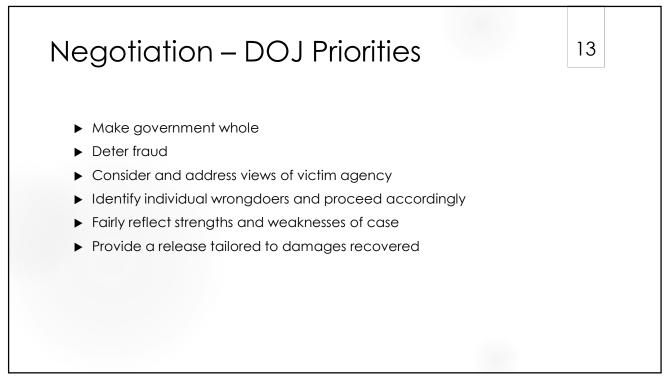






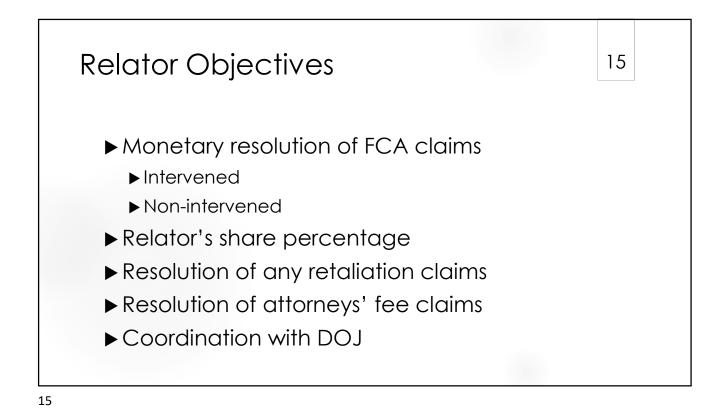


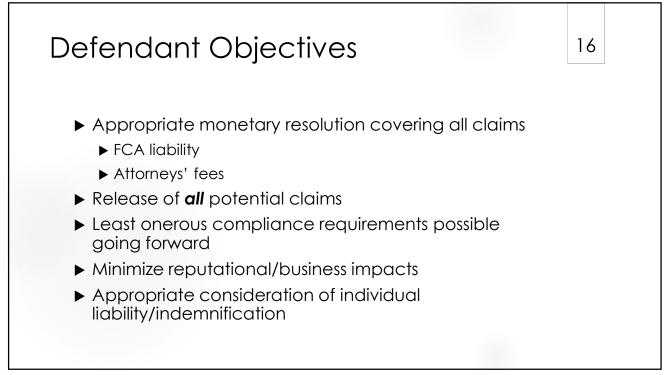
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Deverview - Negotiation
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Iming can vary
Objectives of the various parties (DOJ, OIG, MFCU, relator, defendant)
Key negotiating issues
Civil monetary damages
Scope of release
Administrative remedy
Relators' share
Attorneys' fees

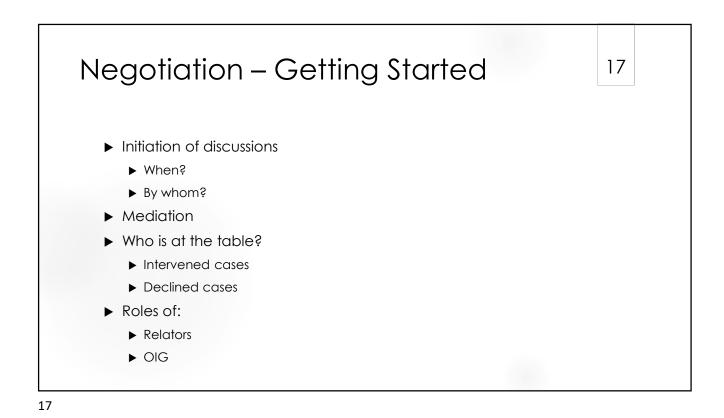


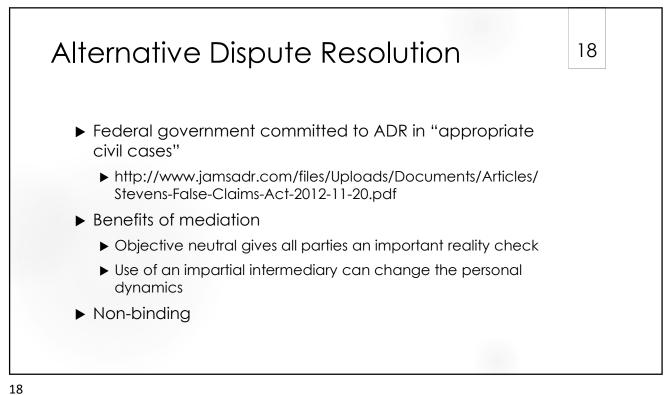




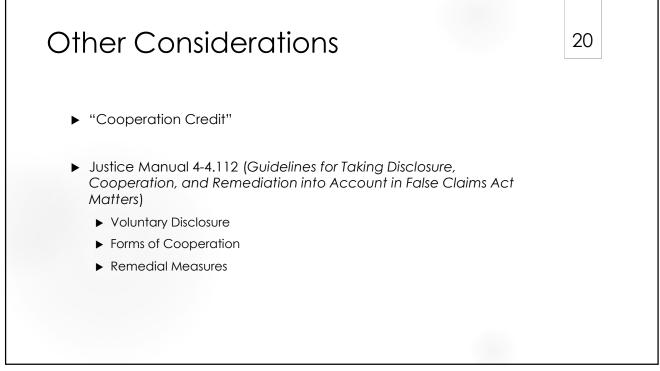














Settlement Agreement
DOJ sends initial draft
Standard language (including re: restitution)
Key terms to negotiate (ideally <u>before</u> handshake agreement reached):

Covered conduct
Released parties

(Mostly) Non-negotiable terms, including:

Post-handshake interest
Definition and treatment of "unallowable costs"
Agreement to cooperate with investigation of individuals

