

# What Can Be Learned from the DOJ's 2018 False Claims Act Recoveries?

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The U.S. Department of Justice (DOJ) released its annual False Claims Act (FCA) recovery statistics and announced that it obtained over \$2.88 billion in settlements and judgments in fiscal year 2018 from civil cases involving fraud and false claims against the government. Although substantial, this was the second straight year in which overall recoveries declined and marked the lowest annual recovery since fiscal year 2009. Nevertheless, the DOJ's announcements and underlying statistics regarding its FCA recoveries suggest that the government is expanding its use of the FCA as a powerful tool for combatting fraud not only in the health care industry but in other industries as well, and that it is being used increasingly against third parties viewed as having facilitated or permitted the wrongdoing by the primary actors. They also suggest that the government is securing large recoveries in claims initiated based on its own investigation independent of whistleblower complaints. The following article first presents a summary of the statistics reported by the DOJ with an analysis of those statistics relative to earlier years and the particular industries and defendants targeted. The article then addresses what is revealed by these statistics and other matters addressed in the DOJ's press release, including what we can expect in 2019.

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## Authors

[Suzanne Jaffe Bloom](#)

[Benjamin Sokoly](#)

[Cristina I. Calvar](#)

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Suzanne Jaffe Bloom



Benjamin Sokoly



Cristina I. Calvar

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