



## Benjamin Sokoly

Of Counsel

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Benjamin is an accomplished litigator with experience in False Claims Act litigation, complex commercial matters, sports law, and white collar criminal defense. His strong advocacy skills and commitment to learning his clients' business and industries allows him to achieve favorable outcomes for his high-profile and Fortune 500 clients in complex government investigations, negotiations and litigations.

Benjamin regularly represents clients in connection with high-stakes white collar criminal matters, government investigations, and corporate internal investigations, as well as complex *qui tam*/whistleblower litigation. His extensive experience defending clients in these matters and ability to mount vigorous defenses enable him to achieve his clients' objectives in an effective and efficient manner. Benjamin's practice also focuses on the preparation and trial of complex commercial cases presenting a broad array of legal issues, including alleged violations of the False Claims Act and the Anti-Kickback Statute, health care fraud, contract and business torts, class actions, tax controversy, insurance, and antitrust matters. Benjamin has represented clients in all stages of litigation—including trial and appeals—in federal and state courts and before arbitral panels across the country.

## Key Matters

Benjamin's representative matters include:

## **FCA/GOVERNMENT CONTRACTING**

- Representation of lenders in connection with investigations conducted by numerous federal government agencies related to the CARES Act program, including the Paycheck Protection Program.
- Representation of a Fortune 100 company in connection with parallel federal and multi-state investigations of alleged violations of federal and state false claims acts involving government contracts for technology and security systems.
- Representation of an international manufacturer of artificial playing surfaces in connection with a *qui tam* action alleging violations of the New York State and City False Claims Acts. Secured a voluntary dismissal with prejudice of all of relator's claims in the *qui tam* action.

## **FCA/HEALTH CARE**

- Successfully represented a major insurance company and certain affiliates in defense of False Claims Act complaint, obtaining a pre-trial dismissal of the complaint with prejudice. Thereafter, successfully represented clients in connection with the appeal of the decision to the Second Circuit Court of Appeals, securing an affirmance of the lower court's dismissal with prejudice.
- Representation of substance abuse treatment centers in connection with an investigation by the U.S. Attorney's Office for the Eastern District of Kentucky, the Drug Enforcement Administration, and other enforcement agencies regarding allegations of drug diversion and insurance fraud and the anticipated trial of the former owners and doctors at the treatment centers. Provided compliance advice to the treatment centers—assisting the centers to update certain procedures and advising the centers on various best practices to ensure compliance with applicable laws and regulations.
- Represent a rehabilitation therapy provider and certain current and former employees of the provider in connection with federal investigations of alleged violations of the federal False Claims Acts.
- Representation of a Fortune 500 company in connection with an investigation of alleged violations of the False Claims Act and Anti-Kickback Statute.
- Representation of a Fortune 500 company in connection with a *qui tam* action pending in the United States District Court for the District of Massachusetts brought under federal and state false claims acts based upon alleged unlawful discount and rebate arrangements related to the purchase and sale of certain pharmaceuticals.
- Served as an integral member of a team that secured a significant victory for a Fortune 500 company by persuading a relator to voluntarily dismiss *qui tam* claims brought under federal and state false claims acts based upon allegations that the company engaged in health care fraud with respect to the purchase and sale of certain pharmaceuticals. Relator dismissed company after motion to dismiss was filed without requiring the company to make any settlement payments.
- Representation of a Fortune 500 company in a *qui tam* action brought under federal and state false claims acts based upon allegations that the company paid unlawful kickbacks in connection with the acquisition of certain pharmacies. The team successfully secured a declination of intervention from the relevant federal and state government authorities and a favorable resolution of the *qui tam* litigation.

## **GOVERNMENT INVESTIGATIONS AND WHITE COLLAR DEFENSE**

- Representation of an internet media and services company in connection with a multi-state attorneys' general investigation of alleged deceptive practices, false advertising, and fraud.
- Representation of a non-profit hospital and certain former employees in connection with a wide-ranging criminal investigation conducted by a state attorney general's office.
- Representation of a global investment bank in a multi-billion-dollar, cross-border FCPA investigation, along with related shareholder, derivative, and class action securities litigation.

- Representation of a major international financial institution and its current and former employees in their defense of grand jury, SEC, IRS, and congressional investigations and related civil litigation relating to tax-related transactions.
- Representation of a global investment bank in connection with a wide-ranging Commodity Futures Trading Commission investigation.

## PRO BONO

- Representation of a pro bono client in a housing repair action, including leading a team of associates in preparing and filing a summary judgment motion and arguing the motion
- Representation of pro bono clients seeking name changes with the Transgender Legal Defense & Education Fund

## Recent Experience

Prevailed before Supreme Court for Omnicare in Landmark Securities Act Case

## Credentials

### EDUCATION

Benjamin earned a J.D., *cum laude*, from Harvard Law School and graduated *summa cum laude* from the College of William and Mary where he was a member of Phi Beta Kappa.

### ADMISSIONS

- New York
- New Jersey

## Related Insights & News

### PUBLICATIONS

- “[2023 DOJ FCA Enforcement: Expectations for Future](#),” Bloomberg Law, April 5, 2024
- “What Cos. Can Learn From The 2021 FCA Recovery Statistics,” Law360, Feb. 16, 2022
- “Recently Announced Plea Agreements and New DOJ Task Force Signal Aggressive Pursuit of Fraud Targeting Pandemic Relief Programs,” Mondaq, May 31, 2021
- “As AG Takes Wheel At HHS, Biden Faces Rocky Legal Road,” Law360, Quoted, March 19, 2021
- “7 False Claims Act Enforcement Trends To Watch,” Law360, Feb. 15, 2021
- “High Court Could Expand FCA Reach In Resolving Circuit Split,” Law360, Dec. 1, 2020
- “Inside The First Paycheck Protection Program Fraud Charges,” Law360, May 15, 2020
- “Key Takeaways From DOJ’s 2019 FCA Recovery Stats,” Law360, March 31, 2020

- “DOJ’s Civil Division Issues Valuable Guidance on False Claims Act Self-Disclosure, Cooperation, and Remediation Credit,” *Westlaw Journal Government Contract, Volume 33, Issue 4*, June 17, 2019
  - “What Can Be Learned from the DOJ’s 2018 False Claims Act Recoveries?” *Pratt’s Government Contracting Law Report*, April 2019
  - “Analysis of the DOJ’s Reported \$3.7 Billion in False Claims Act Recoveries in FY 2017 Reveals Continued Aggressive Use of the False Claims Act by the Government and Qui Tam Relators,” *Pratt’s Government Contracting Law Report*, April 2018
  - “False Claims Act Statistics Signal that DOJ Will Continue Rigorous Enforcement with a Focus on the Health Care Industry and on Individual Accountability,” *Pratt’s Government Contracting Law Report*, May 2017
  - “2015 DOJ False Claims Act Statistics Reveal Trend Shifts and Increasing Enforcement for 2016,” *Pratt’s Government Contracting Law Report*, April 2016
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## **BLOG**

Future FCA Enforcement Expectations in Light of New Administration Priorities and 2024 Recoveries

MAY 1, 2025

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## **BLOG**

Understanding and Addressing Increased FCA Exposure Risks Resulting from DEI-Focused Executive Order

JANUARY 31, 2025

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## **BLOG**

2023 DOJ FCA Enforcement: Expectations for Future

APRIL 8, 2024

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## **BLOG**

DOJ’s 2022 FCA Recoveries Announcement Reveals One of the Smallest Hauls in Recent Years, But Indicates a Different 2023 Outlook

MARCH 28, 2023

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## **BLOG**

The Announcement of the DOJ’s Near-Record-Breaking 2021 FCA Recoveries Provides Valuable Guidance on What to Expect in the Coming Years

FEBRUARY 9, 2022

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## **BLOG**

Sutter Health’s \$90 Million FCA Settlement Highlights Enforcement Focus on Medicare Advantage Program Fraud

SEPTEMBER 21, 2021

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## **BLOG**

Recently Announced Plea Agreements and New DOJ Task Force Signal Aggressive Pursuit of Fraud Targeting Pandemic Relief Programs

MAY 25, 2021

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## BLOG

7 False Claims Act Enforcement Trends To Watch

FEBRUARY 16, 2021

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## BLOG

DOJ's FY 2020 False Claims Act Statistics – Understanding Where We Have Been and Where We Are Headed

JANUARY 26, 2021

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## PRESS RELEASE

Winston & Strawn Fraud Response Team Prepared For Increase In Government Investigations Pending Passage Of New COVID-19 Relief Legislation

DECEMBER 23, 2020

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## BLOG

High Court Could Expand FCA Reach In Resolving Circuit Split

DECEMBER 2, 2020

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## CLIENT ALERT

From Hospice Care Eligibility to PPP Loan Eligibility – a Potential Supreme Court Decision in the *Care Alternatives* FCA Case Could Have Wide-Ranging Ramifications

NOVEMBER 20, 2020

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# Capabilities

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Antitrust/Competition

Commercial Litigation & Disputes

Government Investigations, Enforcement & Compliance

Government Program Fraud, False Claims Act & Qui Tam Litigation

Insurance Litigation

Financial Services

Health Care

Professional Services

Medical Devices

Insurance

Technology, Media & Telecommunications

Life Sciences