

## BARTLIT BECK HELPS UTC SUCCESSFULLY RESOLVE LONG-RUNNING FALSE CLAIMS ACT LITIGATION AGAINST DOJ



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The Department of Justice's 17-year, \$600 million False Claims Act lawsuit against Bartlit Beck client United Technologies Corporation has ended very favorably for UTC. The government claimed that UTC division Pratt & Whitney had inflated prices of F-15 and F-16 jet engines in the "Great Engine War" with GE, a multi-billion dollar competitive Air Force procurement in the 1980s. The case involved a ten-week bench trial, two rounds of appeals to the Sixth Circuit, and two rounds of remand proceedings in the trial court. Bartlit Beck served as UTC's lead trial counsel and appellate co-counsel.

UTC hired Bartlit Beck 90 days before trial in 2004, after five years of document discovery, more than 150 depositions, and dozens of pre-trial motions. After the ten-week trial, the court held that Pratt had made three false statements in a 1983 offer and imposed a \$7.1 million statutory penalty, but the court rejected the government's \$600 million damages theory and held that actual damages were zero.

On remand after the first appeal, the trial court reversed its trial judgment, accepted the government's damages theory, and awarded \$664 million. On Pratt's appeal, the Sixth Circuit reversed, held that the trial record established that the government failed to prove any damages, and remanded to the trial court again. See *U.S. v. United Technologies*, 782 F.3d 718 (6<sup>th</sup> Cir. 2015).

On the second remand, the government abandoned its damages theory, and in June 2016 the trial court entered final judgment awarding a total of \$11.1 million (\$1.2 million in disgorgement, \$2.8 million in interest, and the \$7.1 million penalty). See *U.S. v. United Technologies*, 2016 WL 3141569, \_\_ F. Supp. 3d \_\_ (S.D. Ohio 2016). The government declined to appeal, finally ending the case.

Bartlit Beck's team included Jeff Hall, Fred Bartlit, Mike Valaik, Hamilton Hill, and Dan Taylor.

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