



Joe W. Harper

Partner
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Joe focuses his practice on leading internal investigations, responding to government inquiries, and defending large corporations in lawsuits brought under the federal False Claims Act (FCA) throughout the United States. He has extensive FCA litigation and government investigation experience and has responded to Civil Investigative Demands, subpoenas, and requests for information involving the Department of Justice (DOJ), DoD IG, DCIS, AFOSI, FBI, CIA, NASA, National Reconnaissance Office, Department of the Interior, DCAA, and DCMA. He has successfully persuaded DOJ and other government agencies to decline intervention and/or terminate their investigations on favorable terms in these matters, which include cases implicating billions of dollars in alleged damages, alleged criminal conduct, and numerous high-profile, high-dollar defense programs.

An experienced FCA litigator, Joe has defeated claims brought by the United States in government-intervened cases. He has won numerous non-intervened cases, too, including obtaining dismissals of *qui tamsuits* prior to discovery. He has represented defense contractors in investigations and litigation and has also represented DOE contractors, health care entities, pharmaceutical companies, financial services institutions, and individuals accused of white collar crime. His experience encompasses all phases of litigation and discovery, ranging from pre-litigation investigations through federal criminal jury trials. He has conducted training for in-house legal departments on government investigations and FCA litigation, including how to mitigate liability and damages in future proceedings through effective communication, and has led internal corporate compliance reviews.

Additionally, Joe has served on the firm's Recruiting Committee and Women's Initiative and is active in the community.

Dinsmore on FCA: News and Insights on the False Claims Act

Services

- Litigation
- False Claims Act
- White Collar Defense
- Government Investigations

Education

- Northwestern University School of Law (J.D., 2005)
- University of Cincinnati (B.S., 2001)

Bar Admissions

- Ohio

Court Admissions

- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Northern District of Texas

Affiliations/Memberships

- Sycamore Advisory Commission
- United Way Tocqueville Society
- Supreme Court of Ohio Lawyer to Lawyer Mentoring Program, Mentor
- UC College of Law Membership Program, Mentor

Distinctions

- Ohio Super Lawyers, *Rising Stars*®

Experience

Obtained Dismissal of False Claims Act Case Alleging Fraudulent Inducement of Department of Energy Contract

Our attorneys represented a Department of Energy contractor in a qui tam lawsuit alleging fraudulent inducement of a contract to refurbish the spin rocket motor in the B61 thermonuclear bomb. The district court dismissed the relator's claims after limited discovery.

Obtained Dismissal of False Claims Act Case Regarding Employee Overtime

Our attorneys represented a defense contractor in a qui tam suit alleging fraudulent government billings relating to unearned employee overtime. The district court granted our motion to dismiss the relator's FCA claims prior to discovery.

Subpoena and Internal Investigation in False Claims Act case Involving Medicaid Drug Rebates

Our attorneys represented a major pharmaceutical distributor in a qui tam case involving the alleged failure to pay Medicaid rebates for repackaged drugs. All of the relator's claims were dismissed.

Obtained Favorable Settlement in Intervened False Claims Act Case Alleging Violation of Environmental Laws

Our attorneys represented a Department of Energy contractor in an intervened FCA lawsuit alleging the submission of false claims and statements associated with the contractor's compliance with environmental statutes and regulations. After more than a decade of litigation, the government agreed to settle the case for less than one percent of its initial damages calculation.

Successfully Resolved Intervened False Claims Act Case Against Department of Defense Contractor Involving Multiple Relators

Our attorneys represented a federal contractor in an intervened FCA lawsuit arising out of multiple *qui tam* suits alleging that the contractor acted recklessly by failing to oversee and discover the fraudulent activities of one of its suppliers. The attorneys obtained dismissal of one relator under the FCA's first-to-file rule at both the district court level and in the Fifth Circuit. They also successfully defeated an early motion for summary judgment brought by the Department of Justice on its common law claim premised on an alleged violation of the cost-plus-percentage-of-cost prohibition. After Court denied the Government's motion for summary judgment, the case settled for a fraction of the Government's alleged single damages.

Assistance with Internal Investigations, Government Investigations and Subpoenas

We regularly assist and advise companies with internal investigations in response to whistleblower complaints, internal reports of wrongdoing, and inquiries from federal agencies. We also routinely represent companies that have received a DOJ or IG subpoena, working quickly to respond to the subpoena and investigate the likely allegations. We have persuaded the Government to decline intervention in numerous sealed *qui tam* actions.

Publications

September 30, 2019

D.C. Circuit Revives Veterinarian's FCA Retaliation Suit Over Laboratory Animal Conditions

Dinsmore on FCA

September 18, 2019

Third Circuit Holds FCA Qui Tam Plaintiffs Not Entitled to Automatic Hearing on Government Motion to Dismiss

Dinsmore on FCA