



## Have a Case? Questionnaire

If you would like to have Phillips & Cohen LLP evaluate your potential case and consider representing you in a False Claims Act lawsuit:

- 1) Carefully read this page.
- 2) Fill out the form below.
- 3) Sign the statement at the bottom and send it and the completed information form to us by fax, the U.S. mail or other delivery service.

If you don't have a printer or have trouble with the form, please contact us and a staff member will mail or fax you one.

We ask that you submit information about your potential case in writing so that we may properly assess the merits of your allegations and the strategic issues they raise. This will help us make an informed decision about whether Phillips & Cohen will be able to represent you. Please provide as much detail as possible. If you have supporting documentation, please let us know what that documentation is. If you would rather write a narrative, please address all the issues the questionnaire raises.

Once we have reviewed the information form, we will contact you and may request additional information. Phillips & Cohen carefully reviews potential cases to determine whether the False Claims Act applies, whether there is sufficient evidence of the fraud and how much money the government may have lost because of the fraud.

By law, your communications with us during the evaluation process are regarded as privileged and confidential and will be treated by us accordingly.

Company/companies believed to be involved in the fraud:

Location of that company/companies (city, state):

Your name:

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Your address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Tel. numbers: Home: (\_\_\_\_\_) \_\_\_\_\_ Work: (\_\_\_\_\_) \_\_\_\_\_

Which telephone number would you prefer that we call? \_\_\_\_\_

What times are best to reach you? \_\_\_\_\_

Fax number: (\_\_\_\_\_) \_\_\_\_\_ E-mail address: \_\_\_\_\_

Profession/Job title: \_\_\_\_\_

Employer: \_\_\_\_\_

**Please answer the questions on the following pages in as much detail as possible.**

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The False Claims Act generally allows whistleblowers to bring qui tam lawsuits when the government has made payments based on false claims, paid claims based on false certifications or has not been paid money owed to it. The law does not apply every time the government makes an unwise purchasing or management decision. It also does not apply to cases of mistake or negligence.

1) With this in mind, describe how you believe that the company has violated the False Claims Act.

a) What actions or activities do you believe were fraudulent?

b) Who was engaged in the fraud? What are their job titles or positions, and what role did those people play in the fraud?

c) When and how did you become aware of the fraud?

d) When did the fraud begin?

Has it ended? \_\_\_\_\_ If so, when?

e) What involvement, if any, did you have in the fraud?

f) What documents exist that would help prove the fraud? Do you have any of these Documents?

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- g) What witnesses would support your allegations? What evidence can they provide?
- 2) Have you discussed your allegations with anyone, including your employer, a local, state or federal government official or someone in the media? If so, please state with whom you discussed the matter, the circumstances and any response.
- 3) If you discussed your allegations and concerns with your employer, was there any change in your employer's practices after the conversation? Did anyone working for your employer threaten to retaliate against you, or was there any retaliation? If so, please describe.
- 4) If you lost your job, have you filed or are you considering filing a wrongful termination lawsuit? Please describe any action you have taken in this regard.
- 5) Have your allegations been the subject of any legal or legislative action? For example, have they been disclosed in the course of a wrongful termination action, a products liability case, a congressional hearing or agency proceeding? If so, please describe.
- 6) How much, in dollar terms, would you estimate the government has been damaged by the alleged

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6) How much, in dollar terms, would you estimate the government has been damaged by the alleged wrongdoing? (In your calculations, exclude any penalties.) Describe how you arrived at your estimated damages.

7) If the company involved in the fraud is not a large corporation, please describe what you believe to be the financial capability of the company to pay a large False Claims Act judgment.

8) Have you ever filed a lawsuit against anyone or any company before?  
What was the case about?

**If you have filled out the entire questionnaire and are ready to mail or fax it, please read the following and sign the statement at the bottom.**

- By providing you these materials and by reviewing the information you send, Phillips & Cohen has *not* agreed to represent you nor have you agreed to retain Phillips & Cohen.
- A False Claims Act lawsuit can, and usually does, take a number of years from start to finish. When we accept a case, we make a major commitment in terms of personnel, money and other resources to bring it to a successful conclusion. Because of that commitment, we conduct thorough analyses of potential cases before we accept them.
- Our review to determine whether your case is viable and our decision whether to accept it may take some time for several reasons. Before we commit ourselves to representing someone, we thoroughly analyze the applicability of the False Claims Act to the potential case. This process may include an investigation of the facts presented and sometimes consultations with experts in the field. At the same time, we must continue to work on our existing cases and conduct reviews of other potential lawsuits. If you have any questions, please feel free to contact us at any time about the status of our review of your potential case.

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- Part of our analysis of your potential case will focus on practical considerations. Cases may be too small or too unsubstantiated (and therefore too risky) to justify the commitment of our firm's resources.

If our time constraints do not fit your needs, you may wish to discuss your potential case with other counsel. Other law firms may approach the investigation of a potential False Claims Act case differently, such as filing a lawsuit at an earlier date with less substantiation than Phillips & Cohen requires, or may have more time and resources instantly available to investigate a potential case.

As you search for counsel, bear in mind that the statute of limitations can be as short as six years. In addition, any public disclosure of the fraudulent conduct, the filing of another False Claims Act lawsuit making the same charges or government action on the matter before your lawsuit is filed might be grounds for dismissal of a case. Please be aware that our thorough and selective approach to case analysis may present added risks that one of these events might occur before we are in a position to decide whether to represent you and file a lawsuit on your behalf. **If you know of any impending events that might pre-empt your claim, tell us immediately.**

If you would like Phillips & Cohen to review your potential case and you have filled out the above questionnaire, please acknowledge that you have read the above considerations and agree to them by signing your name and the date below.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Please send to:*  
*Phillips & Cohen LLP*  
*First floor*  
*2000 Massachusetts Ave., NW*  
*Washington, DC 20036*  
*Fax: 202.833.1815*

### Important notice

**These pages should not be construed to contain legal advice. While we will treat any information provided as privileged and confidential, you should understand that when you provide information about a potential case to Phillips & Cohen LLP, we do not become your attorneys. With your permission, we may use your information to investigate whether we wish to represent you to bring a case. But until we both sign a written agreement, we do not represent you and have not agreed to do so.**