

## News & Insights

### Three Dykema Litigators Help Chrysler Secure Dismissal of False Claims Act Whistleblower Suit

James Feeney, Brittany Schultz, Dawn Williams Lead Successful Effort  
**November 1, 2013**

On October 29, 2013, a Michigan federal judge granted a motion to Chrysler Group LLC to dismiss a False Claims Act that had been brought by a former executive of the company who claimed the automaker had sought to retaliate against him for his efforts to uncover and report fraudulent activity against the U.S. government.

Three Dykema attorneys—James Feeney, one of the most prominent trial lawyers in the nation who specializes in high-profile, high-stakes litigation matters; Brittany Schultz, an experienced trial lawyer who, as a member of the Firm's Automotive Industry Group, defends automakers and suppliers in a wide range of cases from personal injury class actions to general negligence and supplier disputes; and Dawn Williams, a litigator whose practice focuses on complex high-dollar civil and commercial disputes. Feeney and Schultz are resident in Dykema's Bloomfield Hills office; Williams is based in Chicago.

The decision, announced by U.S. District Judge Avern Cohn, ends a legal tussle that originally began as a *qui tam* action against Chrysler, Fiat S.p.A., Fiat North America and Chrysler executives when the plaintiff—a former executive for Chrysler—alleged that Chrysler had arranged the sale of its Colombian subsidiary at a price below market value to help Fiat increase its ownership in Chrysler.

In December 2012, after federal prosecutors declined to participate in this suit, the plaintiff amended his complaint, dropped fraud and conspiracy claims under the False Claims Act, and dropped all defendants except Chrysler. The Dykema team representing Chrysler argued for dismissal of the amended suit, noting that the plaintiff has already sued the company for wrongful termination in State Court.

In deciding in favor of Chrysler, Judge Cohn noted, "After applying *res judicata* principles, the court comes to the conclusion that the claims in [the plaintiff's] first amended complaint must be dismissed. A dismissal with prejudice serves as a final adjudication for *res judicata* purposes."

#### Attorneys

James P. Feeney

#### Practice Areas

Litigation