

What To Expect From Justices' FCA Scienter Standard Review

In an action of signal importance to any company that does business with the federal government or that receives government funds under a complex regulatory framework, the U.S. Supreme Court has agreed to review a key issue concerning the False Claims Act — the federal statute that imposes severe penalties for knowingly submitting false claims for payment to the government.

In *U.S. v. SuperValu Inc.*, the court will decide whether the presence of a legal ambiguity in a statute or regulation precludes FCA liability by preventing the plaintiff from establishing that the contractor knowingly submitted false claims for payment.

SuperValu will be one of the most closely watched FCA actions in years, and it has the potential to dramatically affect the scope of FCA liability for companies and individuals.

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