

Habib Ilahi and Janae Aune Forecast an Increase in False Claims Act and Cybersecurity Enforcement in *Attorney at Law Magazine*

In the News
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Cyber threats to the government are increasing, and the U.S. Department of Justice (DOJ) continues to increase government-initiated investigations under the False Claims Act (FCA) to help protect government supply chains and other industries at risk.

In an article published in *Attorney at Law Magazine*, Partner Habib Ilahi and Associate [Janae Aune](#) discuss the DOJ's cybersecurity initiatives, the expanded use of the FCA into business sectors other than health care and government procurement, and what 2022 will bring regarding an increase in FCA and cybersecurity enforcement.

"There is no question that DOJ, the Biden Administration, and Congress intend to turn up the heat on cybersecurity and other matters," write Ilahi and Aune. "Based on their actions in 2021 and the increased number of government-initiated FCA actions last year, we can almost guarantee that the number of FCA actions and settlements involving cybersecurity violations will increase."

Ilahi and Aune also note that the DOJ has been pursuing its course to use the FCA for cybersecurity matters dating back to 2019, when the DOJ settled the first cybersecurity-related FCA whistleblower matter, and in addition to the Executive Branch, Congress is focused on cybersecurity protections and enforcement. "In July 2021, a bipartisan group of senators, led by Sen. Chuck Grassley (R-Iowa), introduced amendments to clarify and expand certain FCA provisions," Ilahi and Aune said. "In October, the Senate Judiciary Committee voted to advance the 'False Claims Amendments Act of 2021,' which, among other things, would ease the statutory definition of 'materiality' and heighten the standard for government dismissal of an FCA action."

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Ilahi has extensive experience advising clients on FCA matters involving a variety of regulatory regimes and has represented clients on all three sides of the FCA, as defense counsel, relator's counsel and government counsel during his tenure as a federal prosecutor with the Fraud Section of the DOJ, Civil Division. Outside of FCA matters, Ilahi has advised and represented numerous government contractors, foreign and domestic business entities, and individuals in various criminal, civil and administrative government investigation. Ilahi will be presenting on the panel "Aseracare Update: Insights into Objective Falsity in Litigation and Trials" at the upcoming ABA 11th Annual False Claims Act and Qui Tam Trial Institute 2022 in Boca Raton, Florida in February 2022.

Aune is a litigation associate whose practice is centered on representing clients in all phases of litigation.

[Read](#) the full article.

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