

Haynes and Boone Represents Trinity Industries in Landmark Victory

October 5, 2017 Nina Cortell, Ryan Paulsen, Andrew Guthrie

PRACTICES Appellate, False Claims Act and Qui Tam Defense

Haynes Boone Partners Jeremy Kernodle, [Nina Cortell](#) and Anne Johnson, Counsel [Ryan Paulsen](#) and Associates Nicole Somerville and [Andrew Guthrie](#) were part of a multi-firm appellate team that got a \$663 million judgment against client Trinity Industries under the False Claims Act overturned.

In a case followed nationally, the 5th U.S. Circuit Court of Appeals reversed the district court judgment and held that a former competitor of Trinity was not entitled to collect anything in a whistleblower suit over Trinity's highway guardrail system. The appeals court ruled in a [42-page opinion](#) that the Federal Highway Administration knew about changes Trinity had made to its guardrail system and continued to approve it for full federal funding. The FHWA approval in the face of the whistleblower's complaints meant that no fraud was committed against the federal government and, therefore, no legal claim could be sustained under the False Claims Act.

The court held: "When the government, at appropriate levels, repeatedly concludes that it has not been defrauded, it is not forgiving a found fraud — rather it is concluding that there was no fraud at all."

With one of the largest full-time appellate teams of any national law firm, Haynes Boone's Appellate Practice Group offers more than general appellate proficiency. We have the depth to match clients with appellate lawyers who offer personal experience with specific industries, procedural issues and courts. Our lawyers have argued appeals before the U.S. Supreme Court, the federal circuit courts of appeals and all levels of state appellate courts, setting precedents for our clients in jurisdictions from coast to coast.