IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

UNITED STATES ex rel. CLARISSA ZAFIROV

Plaintiff-Appellant,

and

UNITED STATES OF AMERICA

Intervenor-Appellant

v.

FLORIDA MEDICAL ASSOCIATES, LLC, et al

Defendants-Appellees.

On Appeal from the United States District Court
for the Middle District of Florida, Tampa Division
Case No. 8:19-cv-01236-KKM-SPF
Honorable Kathryn Kimball Mizelle

BRIEF OF *AMICI CURIAE* THE PHARMACEUTICAL RESEARCHERS AND MANUFACTURERS OF AMERICA AND THE NATIONAL ASSOCIATION OF MANUFACTURERS IN SUPPORT OF DEFENDANTS-APPELLEES

Jamie L.M. Jones
Scott D. Stein
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
(312) 853-7000
jamie.jones@sidley.com

Kwaku A. Akowuah
Counsel of Record
Joshua J. Fougere
Matthew H. Simpson
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, DC 20005
(202) 736-8000
kakowuah@sidley.com

Counsel for Amici Curiae

CERTIFICATE OF INTERESTED PARTIES

Pursuant to Eleventh Circuit Rules 26.1-1 through 26.1-3 and Fed. R. App. P. 26.1, undersigned counsel for amici curiae **Pharmaceutical Researchers And Manufacturers of America and the National Association of Manufacturers** certifies that he believes the Certificates of Interested Persons filed in the opening briefs of appellants Zafirov and the United States are, together, complete, except for the omission of the following persons who have an interest attributable to the filing of this brief:

- Akowuah, Kwaku A.
- Pharmaceutical Researchers and Manufacturers of America
- National Association of Manufacturers
- Stein, Scott D.
- Jones, Jamie L. M.
- Fougere, Joshua J.
- Simpson, Matthew H.

CORPORATE DISCLOSURE STATEMENT

Amicus curiae Pharmaceutical Researchers and Manufacturers of America is a nonprofit, non-stock corporation. It has no parent corporation, and no publicly traded corporation has an ownership interest in it of any kind.

Amicus curiae National Association of Manufacturers is a nonprofit, non-stock corporation. It has no parent corporation, and no publicly traded corporation has an ownership interest in it of any kind.

March 17, 2025

Respectfully submitted,

/s/ Kwaku Akowuah

Kwaku A. Akowuah
Joshua J. Fougere
Matthew H. Simpson
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, DC 20005
(202) 736-8000

Jamie L.M. Jones
Scott D. Stein
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
(312) 853-7000

Attorneys for Amici Curiae Pharmaceutical Researchers and Manufacturers of America and the National Association of Manufacturers

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INTERESTS OF *AMICI CURIAE*[1]

The Pharmaceutical Research and Manufacturers of America (PhRMA) is a voluntary, nonprofit association representing the country's leading innovative biopharmaceutical research companies, which are laser-focused on developing innovative medicines that transform lives and create a healthier world. Over the last decade, PhRMA's members have invested more than $800 billion in the search for new treatments and cures.

The National Association of Manufacturers (NAM) is the largest manufacturing association in the United States, representing small and large manufacturers in all fifty states and in every industrial sector. Manufacturing employs nearly 13 million people, contributes $2.93 trillion to the economy annually, has the largest economic impact of any major sector, and accounts for over half of all private-sector research and development in the nation, fostering the innovation that is vital for this

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[1] Undersigned counsel state that no party's counsel has authored this brief in whole or in part; no party nor party's counsel contributed money that was intended to fund preparing or submitting this brief; and no person—other than amicus curiae, its members, or its counsel—contributed money that was intended to fund preparing or submitting the brief. *See* Fed. R. App. P. 29(a)(4)(E). All parties have consented to the filing of this brief.

economic ecosystem to thrive. The NAM is the voice of the manufacturing community and leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

The *qui tam* system is spiraling out of control and, in the process, doing disproportionate harm to leading American companies, including the members of PhRMA and the NAM. Although *amici* recognize the importance of ensuring that the United States has strong, well-calibrated tools for deterring and punishing frauds against the public fisc, the *qui tam* provisions of the False Claims Act are not well-calibrated. Much of the systemic breakdown can be traced to the class of False Claims Act cases that the government does not dismiss or litigate itself, but instead allows a private relator to control. This case centers on that class of cases, and specifically whether they are consistent with Article II of the Constitution. *Amici* write to emphasize the practical stakes of that constitutional question for American businesses.

INTRODUCTION AND SUMMARY

Three features of the current False Claims Act ecosystem are particularly important to understanding the real-world environment confronted by American industry.

First, contemporary *qui tam* practice is permeated by professional investors who treat the *qui tam* system as a virtual casino, taking one spin of the wheel after another in pursuit of private investment gain. These professional relators are not whistleblowers – they have no relationship to or inside experience within the companies they attack. Increasingly, they are corporate shells formed solely to pursue *qui tam* recoveries by draining corporate accounts.

Second, contemporary *qui tam* practice is increasingly built on theories that companies were out of step with highly technical legal obligations. All too often, the relator's theory leverages for private gain ambiguity that the government has created through vague pronouncements. It is also commonplace that the relator's theory of the company's legal obligations has not been endorsed by the government. In some instances, government agencies have even directly *rejected* the theory that the relator is prosecuting. And yet the relator forges forward, knowing that

companies face settlement pressures that may lead them to compromise even meritless claims.

Third, the unsurprising reality is that *qui tam* suits that the government declines to take over and litigate itself frequently are meritless. Such cases nevertheless do often result in settlements, which should not be surprising given the onerous financial risks of an adverse False Claims Act judgment (treble damages, civil penalties, exclusion from participation in government programs). A close look at the data, however, shows that the government's recoveries in such cases are a very small share of its overall recoveries.

These features of today's False Claims Act environment are symptoms of an unconstitutional system in which private parties, appointed by no one and unaccountable to the President and the public alike, have been improperly vested with power that properly belongs to the Executive Branch.

This Court should affirm the district court's conclusion that the *qui tam* provisions of the False Claims Act violate Article II.

STATEMENT OF THE ISSUE

Whether the district court correctly held that the *qui tam* provisions of the False Claims Act violate Article II of the Constitution.

ARGUMENT

The practical business realities emphasized in this brief connect in important ways with the issue of litigation control that underpins the parties' constitutional dispute.

Especially in non-intervened cases, relators have no meaningful connection to the government and yet pursue a self-interested search for financial bounty. The government often has no idea *who* is even controlling the litigation, because relators can and do sell stakes in their claims to private investors and litigation finance firms, and sometimes enter into skewed contingent fee arrangements that, in effect, make the relators' lawyers the real parties in interest.[2] Third-party funding can come

[2] *See Ruckh v. Salus Rehab., LLC*, 963 F.3d 1089, 1100–03 (11th Cir. 2020); *see also* Ethan P. Davis, Principal Deputy Att'y Gen., U.S. Dep't of Just., *Remarks on the False Claims Act at the U.S. Chamber of Commerce's Institute for Legal Reform* (June 26, 2020), https://perma.cc/778D-FLEP ("[W]e don't really know the extent to which third party litigation funders are behind the *qui tam* cases we are investigating, litigating, or monitoring. We also don't know whether relators are sharing information with third party funders, or whether and to what extent the funders are exercising control over relators' litigation and settlement decisions.")

from foreign sources, including government and private actors whose interests are adverse to those of the United States.[3] To generate these cases, relators and their counsel mine every corner of the administrative state for theories that the government often does not endorse or affirmatively disavows. And non-intervened cases often are groundless.

The upshot is a law-enforcement scheme that is far removed from anything the Framers would have recognized when they vested the executive authority of the United States in a President and required that the officers of the United States who help execute that power must be properly appointed in the manner prescribed by the Appointments Clause.

I. Feature One: The *Qui Tam* Ecosystem Is Beset With Professional Relators Who Treat *Qui Tam* Litigation As An Investment Strategy.

"The [False Claims Act's] *qui tam* provisions have long inhabited something of a constitutional twilight zone." *United States, ex rel. Polansky v. Exec. Health Res., Inc.*, 599 U.S. 419, 449 (2023) (Thomas, J., dissenting). *Qui tam* statutes like the False Claims Act bestow on unelected

[3] *See* Matt Webb, U.S. Chamber of Com., *Pulling the Curtain Back on Foreign Influence In Third Party Litigation Funding* (Apr. 2, 2024) https://tinyurl.com/s93nxepm.

and unaccountable private parties the government's extraordinary power to enforce the laws, and thus have been recognized to raise "substantial constitutional questions under Article II." *Wisconsin Bell, Inc. v. United States ex rel. Heath*, 145 S. Ct. 498, 515 (2025) (Kavanaugh, J., concurring).

Defenders of the *qui tam* system often contend that it supports important policy interests by providing insiders who are witnesses to fraudulent activity with powerful financial incentives to bring such misconduct to light, including in circumstances that the government would not likely discover on its own. But even if so, the *qui tam* suits are hardly the only means of achieving this end. The government could (and in other programs does) reward whistleblowers for information it deems valuable without ceding enforcement power to private parties. And policy aims, even if laudable, cannot justify an unconstitutional structure. *See Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477, 499 (2010) ("[T]he fact that a given law or procedure is efficient, convenient, and useful in facilitating functions of government, standing alone, will not save it if it is contrary to the Constitution."); *Nat'l Fed'n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 538 (2012) ("[R]espect for Congress's policy

judgments thus can never extend so far as to disavow restraints on federal power that the Constitution carefully constructed.").

Moreover, *qui tam* litigation is not limited to traditional whistleblowers. Today, many *qui tam* claims are brought by relators who have no claim to be insiders, but simply are uninjured professional investors whose sole motive is profit and who warp the system—and the law—to meet their aims.

A. Professional Relators Have No Direct or Personal Knowledge of Alleged Fraud, Only Incentives to Pursue Aggressive Positions.

The "paradigm *qui tam* plaintiff" is "the 'whistleblowing insider.'" *Wang v. FMC Corp.*, 975 F.2d 1412, 1419 (9th Cir. 1982). "*Qui tam* provisions were intended to expand the government's ability to prosecute wrongdoing directed at the government by rewarding informers; they were not primarily for the benefit of the informer." *Yates v. Pinellas Hematology & Oncology, P.A.*, 21 F.4th 1288, 1313 (11th Cir. 2021) (citation omitted).

The proliferation of professional relators has undermined this traditional purpose and understanding. The lure of *qui tam* rewards has spawned a sophisticated industry of professional bounty-hunters.

Indeed, relators sometimes form special purpose corporate entities for the purpose of organizing ownership shares and administering and funding False Claims Act litigation. *United States ex rel. Cimznhca, LLC v. UCB, Inc.*, 970 F.3d 835, 839 (7th Cir. 2020). In most circumstances, these professional relators do not possess any direct or personal knowledge about the fraud they allege. They simply have a business model premised on the notion that, like a casino, they will come out ahead with repeat litigation because the game ultimately tilts in their favor. And, unlike traditional whistleblowers (who may bring to light information that would be otherwise inaccessible to the government), professional relators often bring claims based on data that has been mined from publicly available sources. *See, e.g.*, *United States ex rel. Health Choice Alliance, L.L.C. v. Eli Lilly & Co.*, 4 F.4th 255, 259 & n.1 (5th Cir. 2021) (collecting a string of identical cases brought by affiliated professional relator entities against various pharmaceutical companies based largely on public-source data mining operations). The False Claims Act's public disclosure bar provides important protection against derivative claims such as these, but does not entirely resolve the concern, as companies

must still pointlessly incur defense costs even when the public disclosure bar ultimately shuts down such relator-driven claims.

The financial incentives created by the *qui tam* device also promote misconduct. In one instance, a federal district court concluded that a relator's legal team "devised and implemented an elaborate scheme of misrepresentation and deceit under the guise of a legitimate medical research study … solely for the purpose of ensuring that the complaint survived a motion to dismiss." *Leysock v. Forest Labs., Inc.*, No. 12-11354, 2017 WL 1591833, at *12–13 (D. Mass. Apr. 28, 2017). In another, the Second Circuit held that a company's former general counsel used confidential information to bring a *qui tam* action against his former employer in violation of the ethical rule against "side-switching." *United States v. Quest Diagnostics Inc.*, 734 F.3d 154, 157–58, 161 (2d Cir. 2013). And the Fifth Circuit dismissed a *qui tam* claim brought by an attorney who was attempting to use information he had obtained through another litigation matter as the basis of his claim. *United States ex rel. Holmes v. Northrop Grumman Corp.*, 642 F. App'x 373, 375–76 (5th Cir. 2016) (per curiam).

B. Professional Relator Suits Are Bad For The Economy.

Frivolous *qui tam* litigation is "downright harmful" to legitimate business interests. *See Graham Cnty. Soil & Water Conservation Dist. v. United States ex rel. Wilson*, 559 U.S. 280, 298 (2010).

The reasons why are well known, but worth repeating. Such suits are expensive and time-consuming to defend. Relators know that even meritless allegations can "be used to extract settlements." Sean Elameto, *Guarding the Guardians: Accountability in Qui Tam Litigation Under the Civil False Claims Act*, 41 Pub. Cont. L.J. 813, 824 (2012). That is so because even the most tenuous False Claims Act allegations "can do great damage to a firm," *United States ex rel. Grenadyor v. Ukrainian Vill. Pharm., Inc.*, 772 F.3d 1102, 1105–08 (7th Cir. 2014), thereby creating settlement leverage. *See* Dayna Bowen Matthew, *The Moral Hazard Problem with Privatization of Public Enforcement: The Case of Pharmaceutical Fraud*, 40 U. Mich. J.L. Reform 281, 314 (2007) (observing this trend in federal False Claims Act litigation).

The resulting, constant drumbeat of *qui tam* litigation—too often prompted by the profit motives of parasitic professional relators—

distracts corporations across a wide array of industries from innovating, serving their customers, and returning profits to their shareholders.

In the pharmaceutical industry, that means less time and fewer resources are available to develop and seek regulatory approval for life-saving and life-altering treatments. Indeed, relator claims are a persistent problem for pharmaceutical companies, who, by virtue of operating in an industry in which expanding government programs have established government entities as large purchasers and payors, have become more likely than their counterparts in any other industry to face *qui tam* settlements exceeding $10 million. Tammy W. Cowart et al., *Carrots and Sticks of Whistleblowing: What Classification Trees Say about False Claims Act Lawsuits*, 17 ALSB J. Emp. & Lab. L. 1, 13, 15 (2019) (analyzing claim data for the decade ending 2014).

Taxpayers ultimately share in the cost of frivolous *qui tam* suits. In some circumstances, the cost is borne directly – Federal Acquisition Regulations permit cost-based government contractors to pass up to 80% of their legal expenses back to the government when they successfully defend against non-intervened *qui tam* claims. *See* 48 C.F.R. § 31.205-47(a)(3), (e). And even litigation costs not directly shouldered by the

taxpayer may be passed along by contractors who increase prices to compensate for their litigation expenses. *See, e.g.*, *United States v. Data Translation, Inc.*, 984 F.2d 1256, 1262 (1st Cir. 1992) (Breyer, C.J.) ("[S]ignificantly increasing competitive firms' cost of doing federal government business[] could result in the government's being charged higher, not lower, prices."). Further, the threat of *qui tam* suits may discourage firms from doing business with the government at all, leading to decreased competition, higher prices paid, and fewer options for service provision in critical areas like healthcare and defense. *See, e.g.*, Memorandum from Michael D. Granston, Dir., Com. Litig. Branch, Fraud Section, U.S. Dep't of Just., to Attorneys, Com. Litig. Branch, Fraud Section at 5 (Jan. 10, 2018), https://tinyurl.com/3r546ten ("[T]here may be instances where an action is both lacking in merit and raises the risk of significant economic harm that could cause a critical supplier to exit the government program or industry.").

II. Feature Two: Relators Exploit Legal and Policy Ambiguities to Extract Settlements From Companies.

An unavoidable fact of dealing with the modern administrative state is that much of the relevant law – whether it stems from statute, regulation, sub-regulatory guidance, order, contract, or some

combination of the above – is "subject to multiple interpretations." *United States v. AseraCare, Inc.*, 938 F.3d 1278, 1299 (11th Cir. 2019).

The legal instruments that private parties must navigate in their relations with the federal government have been called "byzantine" (Agricultural Marketing Agreement Act of 1937) (*United States ex rel. Sequoia Orange Co. v. Sunland Packing House Co.*, 912 F. Supp. 1325, 1329 (E.D. Cal. 1995)), "onerous, "intricate" and "almost unintelligible" (the Social Security Act) (*Schweiker v. Gray Panthers*, 453 U.S. 34, 43 (1981) (citation omitted)), and "onerous and impenetrable" and "byzantine to the point of incomprehensibility" (government procurement rules) (Steven R. Koltai, *How the Healthcare.gov Mess Happened and How To Fix It*, Brookings Inst. (Nov. 25, 2013), https://brook.gs/3oaOkdr (referencing "onerous and impenetrable procurement rules"); David Freeman Engstrom, *Agencies as Litigation Gatekeepers*, 123 Yale L.J. 616, 672 n.180 (2013) (referencing "byzantine" two-thousand-page Federal Acquisition Regulations governing federal government procurement).

The False Claims Act's draconian damage and penalty provisions raise the stakes for companies facing those often ambiguous legal requirements by making liability "essentially punitive in nature."

Universal Health Servs., Inc. v. United States, 579 U.S. 176, 182 (2016). And experience shows that all too often, companies with strong defenses conclude that they must lay those defenses down and pay the relators to settle rather than bear the costs and risks of trial.

An "army of whistleblowers, consultants, and, of course, lawyers" has descended into this target-rich environment. John T. Boese, *Civil False Claims and Qui Tam Actions*, at xxi (4th ed. 2011). Though the concerns with *qui tam* suits equally apply to frivolous or novel cases brought by traditional whistleblowers, these professional relators especially have strong profit-driven incentives to press claims that are explicitly at odds with administrative guidance, legal precedent, and substantial policy interests.

For example, in *Eli Lilly* (4 F.4th 255), the National Health Care Analysis Group, a for-profit, private investment group, filed in district courts across the country eleven substantially similar complaints against thirty-eight pharmaceutical companies alleging defendants violated federal law by providing free patient education programs about pharmaceuticals sold by the defendants. As the Seventh Circuit held in one of the related cases also brought by the National Healthcare Analysis Group,

this profit-driven litigation theory was contrary to "nine cited agency guidances, advisory opinions and final rulemakings" in which federal officials had "consistently held" that such patient support services were "[n]ot only lawful, but beneficial to patients and the public." *UCB, Inc.*, 970 F.3d at 852.

The government declined to intervene and ultimately sought dismissal of the cases after determining that "further litigation ... will undermine practices that benefit federal healthcare programs by providing patients with greater access to product education and support." *Eli Lilly*, 4 F.4th at 267. The professional relators vigorously opposed the government's efforts to dismiss the suit, going so far as to call the government's dismissal request a "policy of Executive Branch nullification of binding statutory authority." Br. of Appellants at *52, *Eli Lilly*, 4 F.4th 255 (5th Cir.) (No. 19-40906), 2020 WL 231331. Their fierce advocacy for a claim that clearly stood contrary to both law and public interest was not surprising given their substantial pecuniary interest in achieving a litigation win. *Eli Lilly*, 4 F.4th at 267.

And while the government's dismissal motion ultimately did end these cases, other meritless False Claims Act actions drag on for years and at great expense to defendants.

Moreover, companies often face litigation stemming from statutory or contractual ambiguities in situations where the relevant administrative agencies have not provided guidance about how the government itself understands the law. In *United States ex rel. Sheet Metal Workers Int'l Ass'n, Local Union 20 v. Horning Invs., LLC*, 828 F.3d 587, 594 (7th Cir. 2016), a roofing subcontractor was sued under the False Claims Act for knowingly "violat[ing] the Davis-Bacon Act by deducting Trust contributions from the paychecks of employees whose rights to fringe benefits had not yet vested," even though the agency manual addressed only insurance plans, not trust contributions. Similarly, in *United States ex rel. Marshall v. Woodward, Inc.*, 812 F.3d 556, 562 (7th Cir. 2015), a helicopter manufacturer was sued over whether its brazed sensor joints met requirements for diametrical clearance, masking, and stop-off and flux removal. The court held there was a reasonable "difference in interpretation" about these brazing requirements. And in *United States v. Sodexho, Inc.*, No. 03-6003, 2009 WL 579380, at *17 (E.D. Pa. Mar. 6, 2009), the

court granted a motion to dismiss a suit concerning whether a school lunch contractor was required to credit supplier rebates to the government where the Office of Management and Budget and the relevant Office of Inspector General had "differing opinions" on this issue.

The government should and often does refrain from bringing False Claims Act cases like these. But the *qui tam* provisions allow relators to pursue enforcement for private profit even where the federal government has decided, in the exercise of its prosecutorial discretion, not to pursue an enforcement claim on its own. That is inconsistent with Article II.

III. Feature Three: Most Non-Intervened Suits Lack Merit.

Some people say that non-intervened *qui tam* suits are worth the costs because False Claims Act defendants sometimes settle them, resulting in recovery for the government. But this ignores the government's loss of prosecutorial discretion in choosing which cases to bring to best serve the interests of good governance. And of course, as noted above, settlements do not imply that the underlying claims had merit; defendants often have incentives to settle meritless claims. And a desire to add to the government fisc cannot justify the use of unconstitutional means to achieve that end.

Moreover, the data shows that cases the government pursues are far more likely than relator-driven cases to lead to significant recoveries. As an initial matter, government intervention results in settlement or recovery around 90 percent of the time, while only 10 percent of non-intervened cases result in recovery. *United States ex rel. Hunt v. Cochise Consultancy, Inc.*, 887 F.3d 1081, 1087–88 (11th Cir. 2018) (citing David Freeman Engstrom, *Public Regulation of Private Enforcement: Empirical Analysis of DOJ Oversight of Qui Tam Litigation Under the False Claims Act*, 107 Nw. U. L. Rev. 1689, 1720–21 (2013)), *aff'd,* 587 U.S. 262 (2019).

Older studies, moreover, suggest that same strong correlation between government intervention and recovery has persisted for many years. *See, e.g.*, David Kwok, *Evidence From the False Claims Act: Does Private Enforcement Attract Excessive Litigation?*, 42 Pub. Cont. L.J. 225, 237 (2013) ("DoJ's published data demonstrate that relators and their law firms do not have a good track record in successfully litigating non-intervened cases."); Christina Orsini Broderick, *Qui Tam Provisions and the Public Interest*, 107 Colum. L. Rev. 949, 971 (2007) (demonstrating "much support for the assumption that the Attorney General will intervene when a suit has merit").

These disparities have not stopped the *qui tam* suits from coming. The 979 *qui tam* actions brought in 2024 represent a 61 percent increase over the 598 actions brought in 2021. U.S. Dep't of Justice, *Fraud Statistics—Overview: Oct. 1, 1986-Sept. 30, 2024*, at 2 (2025), https://tinyurl.com/5xrdk868. Meanwhile, the total fraud recovery by the government in 2024 was barely half of the 2021 all-time-high of $5.6 billion. *Id.*

To be clear, *qui tam* suits cannot be justified as a necessary evil. There are plenty of meaningful alternatives that have made it easier than ever for a whistleblower to report wrongdoing inside government agencies, at government contractors, and throughout private industry. Federal agencies have developed dedicated whistleblower programs,[4] online portals for reporting fraud,[5] and targeted initiatives such as the

[4] *See e.g.*, Dep't of Labor, *The Whistleblower Protection Programs*, https://www.whistleblowers.gov/ (last visited Mar. 12, 2025); Off. of Inspector Gen., Dep't of Homeland Sec., *Whistleblower Protection*, https://tinyurl.com/nhyxjyaj (last visited Mar. 12, 2025).

[5] *See e.g.*, FTC, *ReportFraud.ftc.gov*, https://reportfraud.ftc.gov/ (last visited Mar. 12, 2025).

Department of Justice's Corporate Whistleblower Awards Pilot Program.[6]

These programs, and others that the political branches could devise, protect the fiscal interests of the federal government without devolving core Executive authority to unaccountable relators.

[6] *See* U.S. Dep't of Just., *Criminal Division Corporate Whistleblower Awards Pilot Program*, https://tinyurl.com/j8uhk4sy (last visited Mar. 12, 2025).

CONCLUSION

The district court's judgment should be affirmed.

DATED: March 17, 2025

Respectfully submitted,

/s/ Kwaku Akowuah

Kwaku A. Akowuah
Joshua J. Fougere
Matthew H. Simpson
SIDLEY AUSTIN LLP
1501 K Street, NW
Washington, DC 20005
(202) 736-8000

Jamie L.M. Jones
Scott D. Stein
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
(312) 853-7000

Attorneys for Amici Curiae Pharmaceutical Researchers and Manufacturers of America and the National Association of Manufacturers

CERTIFICATE OF COMPLIANCE

1. This amicus brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 29(a)(5) and Circuit Rule 29 because this brief contains 3844 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f).

2. This amicus brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because this brief has been prepared on proportionally spaced typeface using Microsoft Word ion 14-point size and Century Schoolbook Style.

DATED: March 17, 2025

/s/ Kwaku A. Akowuah
Kwaku A. Akowuah

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the CM/ECF system, which will automatically send email notifications of such filing to all attorneys of record.

DATED: March 17, 2025

/s/ *Kwaku A. Akowuah*
Kwaku A. Akowuah