

Presented at the
**30TH ANNUAL LABOR AND
EMPLOYMENT LAW CONFERENCE**

June 2, 2023

Whistleblowers

Drew L. Harris & Austin Kaplan

This presentation is presented by the authors in their personal capacities, and the views expressed are not necessarily reflect the official position of their employers.

1

Roadmap

- Updates on notable recoveries and whistleblower law updates
- Updates and case study on False Claims Act and National Defense Authorization Act
- Updates and case study on the Texas Whistleblower Act
- Discuss ethical issues related to attorney whistleblowers / whistleblower best practices



2

Big Whistleblower Lawsuit Recoveries

- **\$3.9 million jury award against City of Denton**
 - *Grim and Maynard v. City of Denton* (February 2020 trial)
 - Final judgment: \$2,759,195.49, plus post-judgment interest at the rate of five percent per annum
 - 5th District opinion affirming trial court's judgment (Aug. 29, 2022)
- **\$22 million SOX whistleblower award**
- **\$200 million award to CFTC whistleblower**

3



Michael Bawduniak · 3rd

Retired

New Hope, Pennsylvania, United States · [Contact info](#)

500+ connections

[Message](#)

[+ Follow](#)

[More](#)

Activity

600 followers

Michael Bawduniak commented on a post · 8mo

Absolutely brilliant!! Very proud to know you David.

[Show all activity →](#)

Experience



Happily Retired....for now

Self-employed

Jan 2023 - Present · 5 mos



Regional Business Director

Genzyme · Full-time

Jun 2012 - Feb 2023 · 10 yrs 9 mos
Greater Philadelphia Area

4

\$279m to SEC Whistleblower



Ericsson logo is seen at its headquarters in Stockholm, Sweden June 14, 2018. REUTERS/Olof Swahnberg

May 26 (Reuters) - The record \$279 million whistleblower award issued by the U.S. Securities and Exchange Commission earlier this month stemmed from a bribery case against Swedish telecommunications company Ericsson ([ERICb.ST](#)), the Wall Street Journal [reported](#) on Friday.

The award from the regulator's cash-for-tip program was related to the \$1.1 billion settlement the company reached with U.S. authorities in 2019 over allegations that it conspired to make illegal payments to win business in five countries, the report said, citing people familiar with the matter.

Whistleblower Update Top 7

1. **SOX Causation:** SCOTUS grants *writ of certiorari* on SOX causation burden
2. **AMLA:** NEW! Improvement Act
3. **California Dreamin':** whistleblower protection even for known violations. *People ex rel. Garcia-Brower v. Kolla's, Inc.*
4. **Qui Tam:** FCA Settlements and Judgments Exceed \$2 Billion in 2022
5. **SEC Severance Carveout:** employers cannot silence SEC whistleblowers via severance agreements. Rule 21F-17
6. **COVID Close Out:** Porsche Dealer Reinstatement
7. **NDAAs Cover ALL Federal Grantees**

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Whistleblowers

Also available as part of the eCourse

[2023 Labor and Employment Law eConference](#)

First appeared as part of the conference materials for the
30th Annual Labor and Employment Law Conference session
"Whistleblowers"