

Teva Knocks Out FCPA Probe Retaliation Suit

By **Kat Greene**

Law360, Los Angeles (September 30, 2016, 5:07 PM EDT) -- Teva Pharmaceutical Industries Ltd. defeated a former executive's claims she was fired after she started cooperating with authorities on a bribery investigation when a Florida federal judge ruled Friday there was evidence showing the company had other reasons to want the executive out.

U.S. District Judge Beth Bloom rejected former Teva director of finance Keisha Hall's claim that she was retaliated against for helping the U.S. Securities and Exchange Commission and U.S. Department of Justice investigate potential Foreign Corrupt Practices Act violations tied to alleged bribes to government officials in Latin America, concluding on Friday that the company knew she had been talking to prosecutors for years before firing her.

Instead, Judge Bloom said, the company had presented a heap of evidence it had good reason to fire Hall: she had been running two personal businesses using company resources and time, she had caused some of those business contracts to include Teva's name, and she had failed to report for work, court records show.

"Plaintiff does not dispute that she participated in misconduct that her employer concluded was an egregious violation of company policy," Judge Bloom wrote. "Even viewing the facts in the light most favorable to plaintiff, she has simply not presented sufficient record evidence to demonstrate that a reasonable jury would conclude that this reason is unworthy of credence."

Hall's suit included three retaliation causes of action, each under a different federal law. Before the judge had considered the issue, Hall dropped her claim under the Family and Medical Leave Act, according to the decision. But she tried to keep alive her claims under the Dodd-Frank Act and the Florida Whistleblower Act. Both were shut down in Friday's order.

A certified fraud examiner, Hall filed suit in July 2015, saying she had been canned just a few days after she returned from maternity leave, a protected leave under the FMLA.

She had started working for Teva in 2008 as internal control manager for its Latin America region, according to the suit. In 2009, she developed FCPA forms to track payment approval for high-risk activities and later helped draft a global FCPA anti-corruption policy and implementation plan, she said.

In January 2011, Hall said she began reporting to a new regional compliance officer for the Latin America region who called the previous compliance efforts too restrictive and said compliance should not interfere with the business-related needs of the company.

Hall spoke with a supervisor about this but was pushed out of her role in compliance, according to the complaint.

In December 2013, Hall met with attorneys from the DOJ and SEC and told them of the high number of consultant contracts between Teva and doctors in Argentina, possible bribery of government officials in Venezuela and potentially fraudulent payments to the Mexican government, among other things, according to the suit.

In her complaint, Hall had argued that the reason the company had given for firing her in November 2014 was just a cover for ousting her over the investigation. But the company shot back in its summary judgment motion that it knew about her participation for years, and that there was no reason it would suddenly "flip a switch" and give her the ax a year later.

The generics pharma giant has been feeling heat from federal authorities since 2012 regarding potential FCPA violations. In November 2012, the company received DOJ requests for documents in connection with an FCPA probe in Latin America, following a similar request from the SEC.

In February 2015, Teva revealed in an annual report that a three-year internal investigation of FCPA issues had unearthed probable violations in Latin America, Russia and certain Eastern European countries.

Representatives for the parties didn't immediately respond to requests for comment on Friday.

Hall is represented by Ryan C. Brenton of Brenton Legal PA and William Robert Amlong, Karen Coolman Amlong and Jaclyn Sara Clark of Amlong & Amlong PA.

Teva is represented by Benjamin K. Jacobs, Carol Ann Field, Lauren E. Marzullo and Sarah E. Bouchard of Morgan Lewis & Bockius LLP.

The case is Hall v. Teva Pharmaceutical Industries Ltd., case number 0:15-cv-61356, in the U.S. District Court for the Southern District of Florida.

--Additional reporting by Carolina Bolado and Cara Salvatore. Editing by Catherine Sum.