



Eric H. Cottrell

Partner

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t 704.335.9850



Eric Cottrell represents clients in business litigation, government investigations, and federal compliance issues. He focuses a large part of his practice at the intersection of those areas under the False Claims Act. From the moment the government or a whistleblower (qui tam plaintiff) first raises a claim, clients rely on Eric to defend their interests and navigate the high-stakes process that follows.

Eric brings a unique perspective to his clients because of his extensive experience with both civil litigation and government investigations. He has served as lead counsel in more than 100 jury and bench trials in state and federal courts, including the North Carolina Business Court. He represents public and private entities in various commercial litigation matters, including shareholder litigation, commercial contract disputes, and trade secret and intellectual property disputes. He has deep experience managing large, time-sensitive electronic discovery matters.

Eric's government investigations practice extends beyond the False Claims Act to a variety of other white-collar criminal inquiries. He has conducted internal investigations on behalf of companies and other entities on a wide variety of issues, including accounting irregularities and employee misconduct. He has particular experience in managing complex Foreign Corrupt Practices Act (FCPA) investigations and advising companies on FCPA compliance matters. Additionally, he has significant experience advising companies on compliance with U.S. export control laws, as well as investigating and disclosing violations to federal authorities. He has conducted numerous internal investigations involving alleged violations of the ITAR, EAR, and OFAC regulations, including alleged exports to Sudan, Iraq, and Afghanistan.

In addition, Eric advises companies on how to assess anti-corruption and export compliance risk and design cost-effective compliance programs. He also works with companies to identify other areas of compliance risk (such as antitrust, anti-money laundering, etc.) and coordinates with Parker Poe attorneys to create comprehensive, enterprise-wide compliance plans.



CHARLOTTE OFFICE



PRACTICE AREAS

False Claims Act Investigations & Whistleblower Defense
Government Investigations & White Collar Defense
International Business
International Trade & Anti-Corruption Compliance Litigation
Public Company Growth & Compliance
International Dispute Resolution



EDUCATION

University of North Carolina at Chapel Hill
JD, with honors, 1995
Wake Forest University
BA, cum laude, 1992



ADMISSIONS

North Carolina, 1995



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REPRESENTATIVE EXPERIENCE

- Represented health care corporation in a whistleblower (qui tam) lawsuit alleging violations of False Claims Act and obtained dismissal of all claims.
- Defended university research professor in False Claims Act case alleging research fraud.
- Defended doctors and other health care providers in False Claims Act civil and criminal investigations.
- Represented defense contractor in federal investigation into potential violations of the False Claims Act.
- Represented biologics manufacturer in False Claims Act litigation.
- Served as trial counsel for large health care provider in a federal trial involving alleged breach of commercial contract; the trial resulted in the defeat of a \$26 million claim against the client and findings of liability against the opposing party.
- Defended software developer in breach of contract action brought by former customer.
- Served as discovery counsel for Fortune 100 company coordinating responses to multiple regulatory investigations and shareholder lawsuits.
- Represented financial institution in the Enron securities litigation.
- Represented Fortune 150 corporation in multimillion-dollar arbitration proceeding.
- Represented major chemical manufacturer in a multimillion-dollar commercial dispute.
- Represented top manufacturer of construction equipment in a multimillion-dollar dispute with first-tier supplier.
- Represented a foreign manufacturer seeking to protect the duty-free status of its U.S. exports in proceedings before the United States International Trade Commission.
- Represented defense contractor in comprehensive export enforcement action conducted by multiple federal agencies.



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- Represented defense contractor in multi-country FCPA investigation and successfully resolved the matter with no fines or penalties.
- Represented defense contractor in inquiry by U.S. Senate Committee.
- Conducted internal investigation into alleged accounting irregularities on behalf of audit committee of public corporation.
- Represented the estate of a majority stockholder in closely held corporation in a dispute with minority stockholder regarding control of the corporation.
- Represented closely held corporation in dispute with minority shareholder regarding valuation of stock.
- Represented real estate developer in lawsuit against U.S. Department of Housing and Urban Development.
- Advised defense contractors on Facility Security Clearances and related issues.
- Advised companies in assessing export and anti-corruption risk and developing cost-effective compliance plans.

CLIENT ALERTS

- "Trading With Cuba: Time to Light Up the Cohibas?", February 2017
- "ISO 37001 – The Potential Impact of the New International Anti-Bribery Management System Standard," December 2016
- "The New U.S. Sanctions Against North Korea: Dr. Evil's Got Nothing on Kim Jong-un," June 2016
- "Is Confession Good for the Corporate Soul? DOJ Announces New Mitigation Credit for Self-Disclosure of FCPA Violations," April 2016
- "False Claims Act Update: A Statistical Review of 2015 and Key Events for 2016," January 2016
- "Trading With Cuba: Too Soon to Mix Up the Cuba Libres?", October 2015
- "U.S. Export Laws Can Apply to Foreign Affiliates," June 2014



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- "Payments Extorted by Foreign Officials," December 2011
- "UK Bribery Act Could Have Major Impact on Domestic Companies' Business Overseas," September 2011
- "Department of Justice Announces "New Era" of FCPA Enforcement in 2010, Increases Actions by Record 85%," February 2011
- "Pharmaceutical Industry Targeted for Overseas Violations of Anti-Bribery Law," September 2010

PUBLICATIONS

- "Digging Into the Details of New FCPA Guidance From the U.S. Justice Department," TerraLex Connections, May 2018
- "2015 1st Half Review: Why Fewer FCPA Prosecutions Means That Internal Compliance Is More Worthwhile Than Ever," August 2015
- "False Claims Act – 2014 Year in Review," January 2015
- "Supreme Court Expands Whistleblower Protections of the Sarbanes-Oxley Act to Employees of Private Companies," March 2014
- "False Claims Act – 2012 Year in Review," February 2013
- "DOJ & SEC Issue Long-Awaited FCPA Guidance," February 2013

SPEAKING ENGAGEMENTS

- "Why Compliance? Reducing the Impact of Consequences When the Unthinkable Happens," Parker Poe Webinar, January 2019
- "The Implied Certification Theory: An Expansion of False Claims Liability?," CLE, The Knowledge Group, January 2017
- "Practical Aspects of False Claims Act Enforcement for Health Care Providers," Parker Poe Health Care Symposium, July 2016
- "Qui Tam Litigation: A Practitioner's Symposium," ABA Criminal Justice Section and the White Collar Crime Committee/Southeast Region Subcommittee, September 2015



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- "Introduction to the False Claims Act," N.C. Home Care & Hospice Association Annual Conference, April 2015
- "Doing Business in a Global Economy: Navigating U.S. Export and Anti-Corruption Laws," French American Chamber of Commerce and German American Chamber of Commerce, February 2013
- "Foreign Corrupt Practices Act (FCPA) Seminar: Know Your Risks and Limit Your Exposure," Durham and Charlotte, N.C., December 2010
- "Navigating the Minefield: Doing Business under the FCPA and Export Control Laws," Parker Poe Fall 2010 Public Company Forum, November 2010
- "Compliance With Anti-Corruption Laws, Including the Foreign Corrupt Practices Act," International Textile Credit Clearing House Group
- "Do You Know Your Customer? Strategies to Avoid Costly Fines When Doing Business Abroad," The Knowledge Congress
- "Doing Business Under the Foreign Corrupt Practices Act," Parker Poe Seminar
- "False Claims Act Fundamentals and Trends," Association of Corporate Counsel
- "The False Claims Act: A Year in Review & Looking Ahead," S.C. Home Care & Hospice Association Annual Conference
- "When the Government Comes Knocking on Your Door: Responding to Government Investigations," Association of Corporate Counsel, Charlotte Chapter

HONORS

- Woodward/White's *The Best Lawyers in America* in Arbitration, 2012-2019; Commercial Litigation, 2013-2019
- *Benchmark Litigation*, Local Litigation Star in North Carolina, 2014-2018
- Martindale-Hubbell AV® Preeminent™ in Government Investigations & White Collar Defense; Commercial Litigation; Antitrust & Business Torts; International Business



Related Practices:

False Claims Act Investigations & Whistleblower Defense • Government Investigations & White Collar Defense • International Business • International Trade & Anti-Corruption Compliance • Litigation • Public Company Growth & Compliance •



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- *American Lawyer* magazine 2013 Top Rated Lawyer in White Collar Criminal Defense Law
- *Business North Carolina* magazine's "Legal Elite" in Litigation, 2011
- *North Carolina Super Lawyers* Rising Star, 2010
- Wake Forest University, Carswell Scholar

MEMBERSHIPS

- Charlotte International Arbitration Society (CIAS), Board of Directors