

White Collar 2025 WRAP UP

In This Issue

Foreword	2
Upcoming Events	2
Key Findings	3

Firm News & Articles.....	7
Regulatory Developments	12
Bribery & Foreign Corrupt Practices Act	15
Fraud	15
2026 Trends Forecast	18

Foreword

As we close out 2025, our team is deeply grateful for the trust and collaboration of our clients and friends.

Throughout the year, our White Collar, Government Investigations & Regulatory Compliance team has had the privilege of helping companies, executives and public agencies navigate complex regulatory challenges and high-stakes investigations and, even more so, helping them avoid problems before they arise. With a team that includes former prosecutors, regulators and trial lawyers, we take great pride in offering clear, practical guidance when it matters most.

Thank you for your continued partnership and confidence. We look forward to a healthy, successful and prosperous 2026—and, as always, please reach out if we can assist with any investigation, enforcement matter or compliance issue in the year ahead.



Marisa Darden
Chair, White Collar,
Government
Investigations &
Regulatory Compliance

Upcoming Events

March 10-13, 2026

2026 White Collar Crime Institute

Join us aboard the *Emerald Hornblower* during the **ABA White Collar Crime Institute** to celebrate our expanded White Collar capabilities. Enjoy sweeping views of the Sand Diego harbor while networking with colleagues – *Set Sail for Connection!*



March 11, 2026 | 4:00 PM – 7:00 PM

Business Meets the Bay: An Evening Afloat
Dockside Networking Reception – Where Ideas Meet the Tide



333 Harbor Dr. San Diego, CA 92101
Marriott Marina: Gate 3-Dock F

Guests are welcome to arrive and depart at their convenience; the yacht will remain docked throughout the evening.

RSVP to Emily Bodziony at ebodziony@beneschlaw.com

Key Findings

Firm News and Articles

Attorneys in Benesch's White Collar, Government Investigations & Regulatory Compliance Practice Group **weighed in on a wide range of matters**, including:

A new [class action lawsuit](#) against rap artist Aubrey "Drake" Graham, influencer Adin Ross and the online casino Stake.

The [NCAA President's call](#) for **stricter state sports betting laws** following the [NBA betting scandal](#).

[The Streamline Act](#), meant to allow banks to focus on **more meaningful anti-money laundering efforts**.

The U.S. Department of Justice and Department of Health and Human Services's [joint False Claims Act Working Group](#) to intensify enforcement against fraud involving federal healthcare programs.

Medicaid price reports and the need to [accurately include price increases](#).

The Eleventh Circuit's affirmation of dismissal of a **qui tam FCA suit** against Quest Diagnostics, finding the FAC did not meet the burden required by Rule 9(b).

The Second Circuit's ruling in *United States vs. Chastain*, which widens **the gap between wire fraud and intangible interests**.

Trends

Global **white-collar crime enforcement priorities continued to shift in 2025**, requiring corporations to adapt swiftly.

In the U.S., the [DOJ](#) may focus less on corporate prosecutions and economic fraud while the SEC has subtly changed its injunction approach, especially in insider trading cases.

In Mexico, **the government folded the National Transparency, Access to Information, and Personal Data Protection Institute into the new Anti-Corruption and Good Government Secretariat**, raising concerns about transparency and the state of its democracy.

The U.K. released [guidance on its "failure to prevent fraud" offense](#), which took effect in September, aiming to ensure organizations are taking action to prevent fraud.

- The FCA [revised](#) proposals **to publicly name firms under investigation** after facing [backlash](#).

China [boosted](#) its **anti-corruption efforts** in healthcare, education and workplace safety.

- A medical corruption crackdown led to 40,000 disciplinary actions and launched a nationwide campaign against corruption in the funeral and burial industry.

SOURCES: Bloomberg, Law360, U.S. Department of Justice, CFTC, The Globe and Mail, U.K. Government, China Daily, Latin Law

continued on next page

Regulatory Developments

Whistleblower programs, whose awards slowed significantly in 2025, are still relevant.

The NWC is [calling for reforms](#) to the [IRS Whistleblower Program](#), noting delays in payments, decreased payments and flawed bureaucratic policies.

The **SEC Whistleblower Program** [awarded](#) \$255 million to 47 whistleblowers in FY 2024, with 62% being company insiders.

- Awards have [slowed significantly](#) in 2025, with reduced funding and a massive backlog contributing to the slowed pace.

The **CFTC Whistleblower Program** is still awaiting a long-term solution for its funding issue after a stopgap spending bill only extended an emergency short-term fix until March 14.

- The program [issued](#) a record 12 award orders in FY 2024.

The **DOJ's Corporate Whistleblower Awards Pilot Program**, which [received](#) 250-plus tips between August and December 2024, appears to be safe.

SOURCES: National Whistleblower Center, American Enterprise Institute for Public Policy Research, SEC, Bloomberg, U.S. Department of Justice

The SEC has subtly changed its [injunction approach](#), using more tailored injunctions—especially in insider trading cases.

A U.S. appeals court has ordered the SEC to reassess the [economic impact](#) of its Biden-era rules increasing transparency around short-selling, following a lawsuit by hedge fund groups.

- FINRA has approved a [rule change](#) to eliminate the \$25,000 minimum equity requirement for pattern day traders, making active day trading more accessible to smaller retail investors. Instead, traders will be subject to an [intraday margin rule](#) based on existing maintenance margin requirements.

The SEC and CFTC have announced a [new era of collaboration](#) aimed at reducing duplicative regulations and enforcement and held a [joint roundtable](#).

The [Spring 2025 Unified Agenda](#) marks a major shift toward deregulation, with agencies streamlining, rescinding or delaying rules and reducing staff. Meanwhile, the CFPB's [Spring 2025 Agenda](#), published in September, outlines 25 regulatory actions at various stages, signaling a move away from expansive rulemaking toward regulatory restraint and review.

SOURCES: Law360, Reuters, SEC, Benesch, CNBC, Forbes, JD Supra

continued on next page

Bribery & Foreign Corrupt Practices

A federal appeals court has reversed a lower court's "["shockwave" ruling](#)" that would have forced FirstEnergy to turn over internal investigation documents related to its 2020 bribery scandal.

A U.S. judge has ruled that [Huawei Technologies](#) must face most of the criminal charges in a federal indictment that accuses the company of stealing trade secrets from U.S. competitors, engaging in racketeering and misleading banks about its business dealings in Iran through a subsidiary.

The U.S. Department of Education has launched a [foreign funding investigation](#) into the University of Michigan, citing incomplete and inaccurate disclosures and concerns about national security, including alleged agroterrorism by Chinese nationals in UM labs.

SOURCE: Reuters, U.S. Department of Education

Title IX

Potential implications of court rulings relating to the CTA's BOI reporting requirements and Title IX:

The [future of the CTA](#) still seems [uncertain](#) after the U.S. Supreme Court's decision in [McHenry v. Texas Top Cop Shop](#).

- The Supreme Court will hear [two cases regarding transgender athletes](#) in January 2026, expected to impact the Kentucky federal district court's ruling in *State of Tennessee v. Cardona*, which [impaired efforts to expand Title IX protections](#) for transgender students and implement additional safeguards for other marginalized groups.
- Meanwhile, a federal judge ordered [Stephen F. Austin State University](#) to reinstate three women's sports teams, ruling that financial pressures do not justify cutting women's programs and affirming the continued use of the Department of Education's three-part test for Title IX compliance.

SOURCES: Benesch, Florida Bar, SCOTUS, USA Today

A federal judge dismissed, without prejudice, the Consumer Financial Protection Bureau's lawsuit against Experian over [alleged mishandling of consumer dispute investigations](#), but allowed the agency to amend and refile its case. The [CFPB](#) has since refiled.

SOURCE: Law360

continued on next page

Fraud

Two Major League Baseball pitchers have been charged with participating in a scheme to [rig pitches during MLB games](#) in exchange for bribes from sports bettors. If convicted, the players face up to 20 years in prison.

A federal judge in Pennsylvania [dismissed](#) a whistleblower lawsuit against Gilead Sciences, finding no evidence that the company paid illegal kickbacks to doctors or patients to promote its [hepatitis C drugs](#), Sovaldi and Harvoni.

Amazon has agreed to a \$2.5 billion [settlement](#) with the FTC over allegations it deceptively enrolled customers in Prime memberships and made cancellations difficult. The settlement includes the largest civil penalties in FTC history for a rule violation—and \$1.5 billion in refunds to affected consumers.

The Federal Trade Commission and seven states have [sued Live Nation and Ticketmaster](#), alleging they allowed ticket brokers to bypass purchase limits and resell tickets at inflated prices, costing fans billions.

The Justice Department ordered the dismissal of a criminal case against a Utah doctor accused of issuing [fake COVID-19 vaccination cards](#) and destroying vaccine doses. The case had already been reviewed and allowed to proceed the dismissal.

The U.S. Senate has launched an [investigation](#) into UnitedHealth Group's nursing home practices after reports alleged the company paid secret bonuses to nursing homes to reduce hospital transfers, potentially risking residents' health.

A federal judge has ordered CVS Caremark to pay nearly \$290 million in damages and penalties for [overcharging Medicare](#) for prescription drugs, following a whistleblower lawsuit.

Morgan Stanley, Goldman Sachs and Wells Fargo will pay [\\$120 million to settle claims](#) they hid conflicts of interest during ViacomCBS share sales that contributed to Archegos Capital Management's collapse.

After 14 years, a federal judge in New York has [dismissed all remaining antitrust claims](#) against major banks in long-running litigation over alleged Libor interest rate rigging.

SOURCE: NBC, Reuters, United States Committee on Finance, Healthcare Dive, Bloomberg, Associated Press, FTC

continued on next page

Firm News & Articles

Good Morning America Interviews Marisa Darden: 'Drake sued over online gambling promotion'

Benesch White Collar, Government Investigations & Regulatory Compliance Chair [Marisa Darden](#) was featured on [Good Morning America](#) weighing in on a new class action lawsuit filed in Missouri against rap artist Aubrey "Drake" Graham, influencer Adin Ross and the online casino Stake.

The lawsuit, *Killham v. Sweepsteaks Limited, Adin Ross & Aubrey Drake Graham* (Jackson County, Missouri, Case No. 2516-CV35089), alleges violations of Missouri gambling laws and claims that Stake operates an unlicensed online casino disguised as a "social casino." The suit further accuses the defendants of misleading consumers, particularly young fans, through celebrity-driven marketing campaigns that glamorize gambling.

In the GMA segment, Marisa provided legal insight into the case, noting, "The civil complaint here is for violations of Missouri gambling law and other typical civil remedies that may or may not be influenced by how many people have access to it or how Drake goes about advertising the product."



SOURCE: Benesch

Forbes Breaking News Interviews Marisa Darden on Mafia-Linked NBA Gambling Scandal

[Marisa Darden](#), chair of Benesch's White Collar, Government Investigations & Regulatory Compliance Practice Group, was interviewed on [Forbes Breaking News](#) to discuss two recent federal indictments involving NBA players and organized crime. One indictment alleges players shared non-public information to place illegal bets, while another details a nationwide scheme to rig high-stakes poker games tied to organized crime families, with alleged losses reaching into the tens of millions.

In the segment, Marisa notes the unusually bold nature of these schemes, which combine insider access, advanced technology, and direct ties to organized crime. She adds that beyond the significant legal consequences for those involved, the cases raise broader concerns about the integrity of professional sports, the growth of legalized betting, and the likelihood of increased regulatory scrutiny.



Marisa T. Darden
Chair, White Collar, Government
Investigations & Regulatory
Compliance

SOURCE: Benesch

The “Streamline Act” Seeks to Raise Reporting Thresholds and Modernize the Bank Secrecy Act

The Streamline Act, introduced by U.S. Senators on October 21, 2025, proposes to [significantly increase the reporting thresholds](#) for currency transaction reports (CTRs) and suspicious activity reports (SARs) under the Bank Secrecy Act (BSA), marking the first major update to these limits since the law’s enactment in 1970. The bill would raise the reporting thresholds from \$10,000 to \$30,000 for CTRs, and from \$5,000 or \$2,000 to \$10,000 and \$3,000 for SARs, with future adjustments for inflation. It also calls for a review of reporting forms to reduce redundancy and improve automation while maintaining security. Supporters, including major banking trade groups, argue that these changes will reduce unnecessary paperwork for financial institutions, allow banks to focus on more meaningful anti-money laundering efforts, and provide law enforcement with more targeted and useful information, while also protecting consumer privacy.



Marisa T. Darden
Chair, White Collar, Government
Investigations & Regulatory
Compliance



Matthew David Ridings
Partner



Robert J. Kolansky
Of Counsel



Bianca Smith
Associate

SOURCE: Benesch

DOJ and HHS Launch Joint False Claims Act Working Group: Heightened Enforcement Risk Ahead for Healthcare and Government-Funded Entities

The U.S. Department of Justice and Department of Health and Human Services have launched a joint False Claims Act Working Group to intensify enforcement against fraud involving federal healthcare programs. This new group will use advanced data analytics, AI and enhanced collaboration to target high-risk providers and priority areas such as Medicare Advantage, drug pricing, kickbacks and electronic health record manipulation. The move follows a major healthcare fraud takedown and signals a more proactive, data-driven approach to FCA enforcement, increasing risk for healthcare and government-funded entities and encouraging whistleblower and self-disclosure activity.



Marisa T. Darden
Chair, White Collar, Government
Investigations & Regulatory
Compliance



Christopher T. Grohman
Partner



Ryan. J. Levitt
Of Counsel



Pilar G. Mendez
Managing Associate

SOURCE: Benesch

continued on next page

Seventh Circuit Holds Drug Manufacturer's AMP Reporting Violated False Claims Act by Excluding Post-Sale Price Increases

Relator Ronald Streck [filed suit](#) under the False Claims Act (FCA) asserting that Eli Lilly falsely under-reported its Average Manufacturer Price (AMP) for Medicaid by excluding “price increase values” (sometimes called “clawbacks”) that wholesalers were required to remit back to Lilly when Lilly raised drug prices after initial wholesale sales but before those wholesalers sold to pharmacies. Between 2005–2017, Lilly’s practice was to report only the initial price paid by wholesalers, not the subsequent “price increase value” that wholesalers handed back to Lilly. This had the effect of lowering Lilly’s AMP and thereby reducing its Medicaid rebate obligations. A jury found in favor of Streck, awarding substantial damages, which were trebled under the FCA. Lilly appealed.



Frank Carsonie
Partner



Marisa T. Darden
Chair, White Collar, Government
Investigations & Regulatory
Compliance



Mark J. Silberman
Partner



Christopher T. Grohman
Partner



Robert J. Kolansky
Of Counsel



Ryan J. Levitt
Of Counsel

SOURCE: Benesch

Eleventh Circuit Upholds Dismissal of Qui Tam FCA Suit for Failure to Meet Rule 9(b) Specificity

The Eleventh Circuit [upheld the dismissal](#) of a whistleblower’s False Claims Act (FCA) lawsuit against Quest Diagnostics, emphasizing the need for precise factual detail in FCA pleadings. The relator, a former compliance officer, alleged that Quest submitted false claims for medically unnecessary lab tests using confusing “custom panels.” However, the court found that general knowledge of billing practices and access to records were not enough—FCA complaints must identify specific false claims, including who submitted them, when, and how, as required by Rule 9(b). This decision highlights the importance for compliance and legal teams to maintain thorough documentation and ensure any FCA-related complaint is supported by detailed, representative examples of alleged false claims.



Christopher T. Grohman
Partner



Kennedy Dickson
Associate

SOURCE: Benesch

Second Circuit Widens the Gap Between Wire Fraud and Intangible Interests –Confidential Business Information Without Commercial Value Is Not “Property”

The Second Circuit has [significantly narrowed](#) the scope of the federal wire fraud statute, holding that confidential business information must have actual commercial value to qualify as “property” under 18 U.S.C. § 1343. In *United States v. Chastain*, the court vacated the wire fraud and money laundering convictions of a former OpenSea executive, finding that the misused confidential information lacked demonstrated economic value. This decision limits wire fraud liability in cases involving intangible assets—such as digital or NFT-related information—unless their commercial worth is clearly documented. The ruling underscores the importance for companies to quantify and document the value of confidential assets, review fraud risk policies, and strengthen internal controls. Legal strategies may need to pivot toward trade secret or civil remedies when commercial value is hard to prove.



Marisa T. Darden
Chair, White Collar, Government
Investigations & Regulatory
Compliance



Christopher T. Grohman
Partner



Robert J. Kolansky
Of Counsel



Kennedy Dickson
Associate

SOURCE: Benesch

Benesch White Collar Crime Attorney Named a 2025 Illinois Super Lawyer

[Christopher T. Grohman](#), former Assistant U.S. Attorney for the Northern District of Illinois and a partner in Benesch’s White Collar, Government Investigations & Regulatory Compliance Practice Group, was honored by his legal community peers as a [2025 Illinois Super Lawyer](#). Only five percent of attorneys are chosen for the Super Lawyers list, which involves a rigorous selection process that evaluates attorneys on professional achievement and peer recognition; honors and awards; firm and bar involvement and leadership; scholarship and professional writings; community service and pro bono activities; and other outstanding achievements.



Christopher T. Grohman
Partner

SOURCE: Benesch

continued on next page

Benesch Partner Marisa Darden Named to Leadership Cleveland Class of 2026

Marisa Darden, Chair of Benesch's White Collar, Government Investigations & Regulatory Compliance Practice Group, has been selected for the Cleveland Leadership Center's (CLC) [Leadership Cleveland Class of 2026](#).

Leadership Cleveland is a highly selective program that brings together 66 senior-level executives across Northeast Ohio's public, private and nonprofit sectors. Over the course of 10 months, participants will engage in cross-sector dialogue, explore civic challenges and opportunities, and build lasting connections with others committed to driving positive change in the Cleveland community.



Marisa T. Darden

Chair, White Collar, Government
Investigations & Regulatory
Compliance

SOURCE: Benesch

Benesch Launches State Attorneys General Investigations & Enforcement Practice

Benesch is excited to announce the launch of its [State Attorneys General \(AG\) Investigations & Enforcement Practice](#), further strengthening the firm's ability to represent clients in high-stakes regulatory, enforcement and litigation matters across the United States. The group is led by Kevin Frankel, a former New York Assistant Attorney General and accomplished trial lawyer with nearly two decades of experience representing major financial institutions, corporations and executives in complex litigation and government investigations. Benesch's team also includes former state assistant attorneys general, federal prosecutors, senior advisors to AGs and other government employees and lobbyists. With bipartisan relationships across all 56 state AG offices, the group is uniquely positioned to anticipate AG actions, navigate political dynamics and resolve matters swiftly and discreetly.



Kevin B. Frankel

Chair, State Attorneys
General Practice

SOURCE: Benesch

Regulatory Developments

NWC Calls for IRS Whistleblower Program Reforms

The National Whistleblower Center (NWC) is calling for urgent reforms to the IRS Whistleblower Program to address delays in award payments, arbitrary caps, and inconsistent administration. Recent policy changes have made it harder for whistleblowers to receive timely awards, especially for complex cases involving multiple taxpayers. The NWC, supported by bipartisan Senate leaders, is pushing for the restoration of “disaggregation” (allowing rolling payments as cases conclude) and the removal of caps on older awards. The nomination of Donald Korb as IRS Chief Counsel presents a key opportunity for change, with advocates urging the Senate to secure his commitment to fairer, faster processing of whistleblower claims. The NWC continues to press for reforms that will strengthen anti-fraud enforcement and protect whistleblowers.

Source: Whistleblowers

Whistleblower Awards Slow to Trickle as SEC Raises Bar on Claims

The SEC is denying a record number of whistleblower claims, with 31 consecutive denials between April and July and only about 13% of claims approved so far this year—down from 37% last year. This marks the longest award drought since the program began in 2010. Attorneys say the commission, now with a Republican majority, is applying stricter standards and looking for technical reasons to disqualify claims, a shift from previous years when requirements were more often waived. The agency has awarded about \$20 million so far in 2025, compared to \$255 million last year. Some see the trend as a policy shift, while others cite staff and budget constraints. The SEC declined to comment, but the changes have drawn attention from whistleblower advocates and Senator Charles Grassley, who is reviewing the situation.

Source: Bloomberg

How The SEC Has Subtly Changed Its Injunction Approach

The SEC has begun using more tailored injunctions that specify the conduct being prohibited, especially in insider trading cases, but this approach is not yet consistent across all cases or jurisdictions. This inconsistency can lead to different outcomes for similarly situated defendants and create confusion about what conduct is actually forbidden. While a complete change in SEC policy has not yet occurred, the trend toward more specific injunctions may continue, and a uniform approach would benefit both the SEC and defendants.

SOURCE: Law360

continued on next page

US appeals court orders SEC to review short-selling rules

A U.S. appeals court has ordered the Securities and Exchange Commission (SEC) to reassess the economic impact of its Biden-era rules increasing transparency around short-selling, following a lawsuit by hedge fund groups. While the court upheld the SEC's authority to regulate and rejected claims that the rules would expose confidential trading positions, it found the agency failed to adequately analyze costs and benefits. The SEC, now under new leadership, must review the rules, which were introduced after the 2021 "meme stock" frenzy. Hedge funds expect the SEC may propose a revised version rather than abandon the rules.

SOURCE: Reuters

FINRA To Nix Minimum Equity Requirement For Day Traders

FINRA has approved a rule change to eliminate the \$25,000 minimum equity requirement for pattern day traders, making active day trading more accessible to smaller retail investors. Instead, traders will be subject to an [intraday margin rule](#) based on existing maintenance margin requirements. The change, pending SEC approval, reflects advances in technology and risk management since the rule's adoption in 2001. Supporters say it will expand market access, while some regulators caution that minimum equity requirements still help manage risk. The move could increase trading activity, especially for platforms like Robinhood.

SOURCE: CNBC, Law360

Harmonization: A New Era of Collaboration between the SEC and CFTC

The SEC and CFTC have announced a [new era of collaboration](#) aimed at reducing duplicative regulations and enforcement, particularly as financial innovation blurs traditional boundaries between securities and commodities. At a joint roundtable, leaders coordinated rulemaking, exemptions and enforcement to provide clarity and efficiency for markets. While some commissioners and industry leaders support innovation exemptions for new technologies like blockchain, others caution against favoring upstarts over established firms. The agencies plan to work closely on digital asset regulation, seeking to maintain U.S. financial leadership while ensuring robust investor protections.

SOURCE: SEC, Law360

Supreme Court will hear cases in January on transgender athletes, gun rights, and Trump's firing of Fed governor

January 2026, the Supreme Court will hear two major cases challenging state laws that ban transgender women and girls from participating on women's and girls' sports teams. The justices will consider the constitutionality of Idaho and West Virginia laws that restrict transgender athletes from competing in school sports, with arguments scheduled for January 13. Lower courts have ruled against both states, finding the bans violate constitutional protections and Title IX. The outcomes could set important national precedents for the rights of transgender students in athletics.

SOURCE: SCOTUS Blog

continued on next page

Trump administration drops proposal to undo Title IX protections

The Trump administration dropped a proposal to [roll back Title IX protections](#) for students in sports and education programs funded by the Department of Energy after receiving significant public opposition. Meanwhile, a federal judge ordered [Stephen F. Austin State University](#) to reinstate three women's sports teams, ruling that financial pressures do not justify cutting women's programs and affirming the continued use of the Department of Education's three-part test for Title IX compliance. These developments reinforce strong federal protections against sex-based discrimination in education and athletics, signaling that gender equity requirements remain robust despite recent legal and policy challenges.

SOURCE: EdSource, USA Today

Experian Gets CFPB Credit Reporting Suit Tossed, For Now

A federal judge dismissed, without prejudice, the Consumer Financial Protection Bureau's lawsuit against Experian over alleged mishandling of consumer dispute investigations, but allowed the agency to amend and refile its case. The CFPB has since [refiled](#), arguing its Fair Credit Reporting Act claims are timely and detailing allegations that Experian failed to forward millions of disputes, complete timely reinvestigations and remove inaccurate information. Experian is seeking dismissal, but the CFPB maintains its amended complaint addresses the court's concerns and should move forward.

SOURCE: Law360

Diary Of Deconstruction: Trump Releases Unified Agenda Of Federal Regulations

The Trump administration's Spring 2025 Unified Agenda marks a major shift toward deregulation, with agencies streamlining, rescinding or delaying rules and reducing staff. The Agenda lists 3,816 rulemakings—many focused on rollbacks rather than new mandates—reflecting the push to “deconstruct” the administrative state. Meanwhile, the CFPB's [Spring 2025 Agenda](#), published in September, outlines 25 regulatory actions at various stages, including efforts to streamline mortgage servicing, amend data transparency standards, and revisit rules on payday lending and small business lending data. Both agendas signal a move away from expansive rulemaking toward regulatory restraint and review.

SOURCE: JDSupra, Forbes

I Bribery & Foreign Corrupt Practices

Appeals court halts ‘shockwave’ attorney-client privilege ruling

A federal appeals court has reversed a lower court’s “shockwave” ruling that would have forced FirstEnergy to turn over internal investigation documents related to its 2020 bribery scandal. The district court had found that attorney-client and work-product protections did not apply because the company used the legal advice for business purposes. The Sixth Circuit disagreed, holding that privilege applies as long as legal advice is sought, regardless of business use, and granted FirstEnergy’s petition to keep the documents confidential. The decision preserves key protections for internal corporate investigations amid ongoing securities litigation.

SOURCE: Reuters

China’s Huawei must face US criminal charges, judge rules

A U.S. judge has ruled that Huawei Technologies must face most of the criminal charges in a federal indictment that accuses the company of stealing trade secrets from U.S. competitors, engaging in racketeering and misleading banks about its business dealings in Iran through a subsidiary. The judge found there was enough evidence for the case to proceed, rejecting Huawei’s attempt to dismiss 13 of the 16 charges. Huawei has pleaded not guilty, with trial set for May 2026.

SOURCE: Reuters

I Fraud

Two Current Major League Baseball Players Charged in Sports Betting and Money Laundering Conspiracy

Cleveland Guardians pitchers Emmanuel Clase de la Cruz and Luis Leandro Ortiz Ribera have been indicted on federal charges for allegedly conspiring with corrupt sports bettors to rig pitches during MLB games. The indictment accuses the players of providing inside information and intentionally throwing specific pitches to benefit bettors, resulting in fraudulent wagers worth hundreds of thousands of dollars. Both players face charges including wire fraud conspiracy, bribery, and money laundering. Ortiz was arrested in Boston and will appear in court, while Clase is not currently in U.S. custody. The charges highlight serious concerns about integrity and fair play in professional sports.

Source: Department of Justice

continued on next page

Gilead Defeats Whistleblower's Hepatitis C Kickback Suit

A federal judge in Pennsylvania dismissed a whistleblower lawsuit against Gilead Sciences, finding no evidence that the company paid illegal kickbacks to doctors or patients to promote its [hepatitis C drugs](#), Sovaldi and Harvoni. The judge ruled that the former employee's claims, including allegations of sham speaker programs and improper charitable donations, were unsupported after years of discovery. Gilead's earlier \$202 million settlement over similar claims involving HIV drugs was deemed irrelevant to this case. The whistleblower's attorneys plan to appeal the decision, but the court declined to sanction him for bringing the suit.

SOURCE: Reuters, Bloomberg

Amazon to pay \$2.5 billion to settle FTC allegations it duped customers into enrolling in Prime

Amazon has agreed to a \$2.5 billion settlement with the FTC over allegations it deceptively enrolled customers in Prime memberships and made cancellations difficult. The settlement includes \$1 billion in civil penalties—the largest in FTC history for a rule violation—and \$1.5 billion in refunds to affected consumers. The FTC accused Amazon of using confusing sign-up and cancellation processes, while Amazon denied wrongdoing but chose to settle to avoid prolonged litigation. As part of the agreement, Amazon must clearly disclose subscription terms, obtain express consent, and ensure cancellations are simple and straightforward for customers.

SOURCE: AP News

FTC Sues Live Nation and Ticketmaster for Engaging in Illegal Ticket Resale Tactics and Deceiving Artists and Consumers about Price and Ticket Limits

The Federal Trade Commission and seven states have [sued Live Nation and Ticketmaster](#), alleging they allowed ticket brokers to bypass purchase limits and resell tickets at inflated prices, costing fans billions. The lawsuit claims Ticketmaster knowingly enabled brokers to acquire large numbers of tickets, profited from resale fees, and used deceptive pricing by hiding mandatory fees until checkout. Internal emails show company leaders “turned a blind eye” to these practices. The FTC seeks civil penalties and further relief, deepening legal troubles for Live Nation and Ticketmaster, which control about 80% of primary ticketing for major concert venues.

SOURCE: FTC

CaaStle Founder Charged In \$300 Million Fraud Scheme

Christine Hunsicker, founder of clothing tech startup CaaStle, was charged with [defrauding investors and banks](#) out of over \$300 million through falsified financial statements, fake audits and forged documents. Despite promoting CaaStle as a billion-dollar business, Hunsicker concealed its financial distress and used deception to raise funds for both CaaStle and a related venture, P180. She continued fraudulent activities even after being removed from CaaStle's board. CaaStle filed for bankruptcy in June 2025, and Hunsicker faces multiple federal charges and a related SEC lawsuit.

SOURCE: DOJ

Wyden and Warren Launch Major Investigation Into UnitedHealth Nursing Home Practices

U.S. Senators Ron Wyden and Elizabeth Warren have launched an investigation into UnitedHealth Group's nursing home practices after reports alleged the company paid secret bonuses to nursing homes to reduce hospital transfers, potentially risking residents' health. The senators' letter to UnitedHealth's CEO requests detailed information on incentive programs, hospitalization policies and advance directive practices, citing concerns that cost-cutting measures may delay necessary care and pressure residents into Do Not Resuscitate orders. UnitedHealth denies wrongdoing, but faces ongoing scrutiny from both Congress and the Department of Justice over its Medicare and nursing home operations.

SOURCE: United States Committee on Finance

CVS Caremark fined \$290M for Medicare fraud

A federal judge has ordered CVS Health's pharmacy benefit manager, CVS Caremark, to pay nearly \$290 million in damages and penalties for [overcharging Medicare](#) for prescription drugs, following a whistleblower lawsuit by former Aetna actuary Sarah Behnke. The court found the fraud was financially motivated and not accidental, tripling the damages under the False Claims Act and adding a civil fine. CVS plans to appeal. This follows a separate \$948.8 million judgment against CVS's Omnicare unit in another whistleblower case, which the company is also appealing.

SOURCE: Healthcare Dive

Morgan Stanley, Goldman, Wells Fargo reach settlement tied to Archegos collapse

Morgan Stanley, Goldman Sachs and Wells Fargo will pay [\\$120 million to settle claims](#) they hid conflicts of interest during ViacomCBS share sales that contributed to Archegos Capital Management's collapse. The settlement, pending court approval, will compensate former ViacomCBS shareholders. The banks denied wrongdoing and lawyers plan to seek \$35 million in fees.

SOURCE: Reuters

Big banks win dismissal of Libor-rigging litigation in New York

A federal judge in New York has dismissed all remaining antitrust claims against major banks, including Bank of America, Barclays and JPMorgan Chase, in long-running litigation over alleged Libor interest rate rigging. After 14 years, the court found investors lacked sufficient evidence to prove a coordinated conspiracy among the banks to suppress Libor rates and defraud investors. The decision ends a major chapter in the Libor scandal, which previously led to about \$9 billion in fines and the benchmark's phase-out in 2022. Plaintiffs included cities, universities and federal agencies.

SOURCE: Reuters



2026 Trends Forecast

Driven by new Department of Justice (DOJ) priorities and evolving global risks, organizations face heightened scrutiny in areas ranging from healthcare fraud to digital asset crimes. We've highlighted the DOJ's latest enforcement focus, recent shifts in Foreign Corrupt Practices Act (FCPA) policy and the practical implications for companies navigating this complex environment.

In May 2025, the office of the Assistant Attorney General issued a memo titled "Focus, Fairness, and Efficiency in the Fight Against White-Collar Crime," outlining the DOJ Criminal Division's enforcement priorities for the coming year. The memo underscores the Department's commitment to pursuing cases that deliver tangible benefits to the public and the economy, rather than focusing on symbolic victories. It also highlights the importance of fostering cooperation with industry partners and maintaining integrity throughout the enforcement process.

As the memo states:

"Focused, fair, and efficient white-collar enforcement promotes American economic and national security interests while protecting American taxpayers, investors, consumers, and businesses. Results of the Criminal Division's efforts in this regard will be measured by the practical benefits brought to bear for all relevant parties, not symbolic resolutions against shell entities or running up the scoreboard."

The ten areas of focus for white collar crime enforcement are as follows:

1. Waste, fraud, and abuse, including healthcare fraud and federal program and procurement fraud;
2. Trade and customs fraud, including tariff evasion;
3. Fraud perpetrated through VIEs, including, but not limited to, offering fraud, "ramp and dumps," elder fraud, securities fraud, and other market manipulation schemes;
4. Fraud that victimizes U.S. investors, individuals, and markets including, but not limited to, Ponzi schemes, investment fraud, elder fraud, servicemember fraud, and fraud that threatens the health and safety of consumers;
5. Conduct that threatens the country's national security;
6. Material support by corporations to foreign terrorist organizations, including recently designated Cartels and TCOs;
7. Complex money laundering, including organizations involved in laundering funds used in the manufacturing of illegal drugs;
8. Violations of the Controlled Substances Act and the Federal Food, Drug, and Cosmetic Act (FDCA);
9. Bribery and associated money laundering that impact U.S. national interests; and
10. Digital crimes (1) involving digital assets that victimize investors and consumers; (2) that use digital assets in furtherance of other criminal conduct; and (3) willful violations that facilitate significant criminal activity. Cases involving cartels, TCOs, terrorist groups or facilitating drug money laundering or sanctions evasion shall receive highest priority.

continued on next page



2026 Trends Forecast (cont'd)

Note that these priorities also zero in on specific issues like healthcare fraud and trade and customs fraud, as well as broader wording concerning “national security” and “national interests”. While we can extrapolate that specifically named areas of focus will be heavily enforced under these new guidelines, there will likely also be high-priority matters when seen as threatening to national interests or security.

In addition to these broad enforcement priorities, the DOJ has also revised its approach to FCPA enforcement, reflecting a more targeted and risk-based strategy for addressing foreign corruption in its new prosecutorial guidelines:

- “[L]imit undue burden on American companies that operate abroad”
- “[T]arget enforcement actions against conduct that directly undermines US national interests”
- Focus on cases implicating criminal conduct by individuals rather than corporations

- Proceed expeditiously, and
- Consider collateral consequences throughout the investigation, not just the resolution process.

The guidelines also define four non-exhaustive factors for determining when DOJ will “pursue FCPA investigations and enforcement actions,” although the guidance notes that facts may not be known at the beginning of a matter and prosecutors must apply facts learned during the course of the investigation to the analysis.

The four non-exhaustive factors are:

- Total elimination of cartels and transnational criminal organizations
- Safeguarding fair opportunities for U.S. companies
- Advancing U.S. national security
- Prioritizing investigations of serious misconduct

This 2026 enforcement agenda signals a move toward more focused, efficient and risk-based prosecution of white collar crime. Companies should anticipate increased scrutiny in areas that intersect with national security, digital assets and global trade—and should be prepared to demonstrate robust compliance and self-reporting mechanisms. By staying ahead of these trends, organizations can better manage risk and position themselves for success in an evolving regulatory environment.