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Kirby McInerney LLP is pleased to announce that its client, a HongKong-based whistleblower, helped the U.S. government recover \$1.5million in allegedly underpaid U.S. import duties from WindsEnterprises, Inc. of California, and its affiliate, Winds Enterprises,Ltd. of Hong Kong, which manufacture and import athletic wear forpopular brands in the United States.

The settlement resolves “*qui tam*” claims brought by thewhistleblower, a former executive of Winds, under the False Claims Actin United States federal court in Seattle, Washington. The action wasfiled under seal in 2013. The settlement was announced earlier this weekafter the Court unsealed the complaint and the U.S. governmentintervened in the case.

Under the False Claims Act, parties who know about fraud, waste or abusecommitted against the government – known as *qui tam* Relators -can file a complaint on behalf of the United States and be rewarded witha share of the recovery. In this action, the whistleblower will receivean award of 20% of the \$1.5 million settlement, or \$300,000.

The whistleblower’s complaint alleged that Winds submitted false customsdeclarations under-reporting the value of imports from China andMadagascar, thereby cheating the government of duties. The U.S.Attorney’s Office for the Western District of Washington and U.S.Customs and Border Protection investigated the allegations before-reaching the settlement. Winds admits no wrongdoing in the settlement.

In a press release issued by the U.S. Attorney’s Office of the WesternDistrict of Washington regarding the settlement, U.S. Attorney AnnetteL. Hayes stated that “[t]he undervaluing of imports not only defraudsour customs program, it skews the playing field for competitors. Thesetypes of *qui tam* lawsuits are an important tool for keeping themarketplace honest.”

“Our client helped the taxpayers recover a considerable sum from Winds,”said Kirby McInerney partner Mark Strauss. “This is an excellent exampleof how a courageous whistleblower can contribute to combating fraudagainst the government.”

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If you know about a potential fraud against the U.S. government and wish to discuss your rights, you may contact attorney Mark A. Strauss by email at mstrauss@kmlp.com (<mailto:mstrauss@kmlp.com>), by telephone at (212) 371-6600, or toll free at (888) 529-4787. There is no cost or obligation to you.

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