



# Erin J. Hoyle

ASSOCIATE

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## Overview

Erin Hoyle concentrates her practice on government investigations, corporate internal investigations, and white collar criminal defense, with a focus on the False Claims Act (FCA), whistleblower complaints, allegations of health care fraud, securities litigation, and cybersecurity and privacy compliance.

Her FCA experience includes defending health care clients in civil qui tam actions alleging the submission of false claims for payment, federal anti-kickback and Stark Law violations, and employer retaliation claims. Erin counsels companies on how to best avoid and detect potential FCA violations, and how to most effectively respond when faced with such allegations.

Erin also defends companies, executives, and employees in other government and criminal investigations and conducts internal investigations. Her experience in this area includes government contracting fraud, cybercrime, trade secret misappropriation, video voyeurism, theft of government property, health care technology, bribery of public officials, initial coin offerings, securities, public company accounting, and compliance with professional standards of conduct. The internal investigations have been prompted by government enforcement proceedings, as well as company-initiated investigations based on suspected wrongdoing by employees, competitors, and other third parties.

Erin advises clients on data breach and similar cyber incident preparation and response, related state attorney general investigations, and further action stemming from those incidents.

Before joining the firm, Erin worked in academic fundraising, preparing state universities for national fundraising campaigns. She now advises educational institutions on an array of sensitive matters, including employment issues, records retention, student safety, administrative best practices, and compliance.

Erin serves as a member of the Rankings and Endorsements Committee and the Young Professionals Committee of the Women's White Collar Defense Association, an organization promoting diversity for female attorneys who specialize in the defense of government enforcement actions and internal investigations. She is a frequent speaker and author on the False Claims Act, corporate compliance, and telehealth issues.

## Experience

- *United States v. HPC Healthcare, Inc.*, 723 F. App'x 783 (11th Cir. 2018). The Eleventh Circuit Court of Appeals affirmed dismissal with prejudice of a qui tam action brought against our client for the alleged fraudulent submission of medical billing to Medicare and Medicaid. The Eleventh Circuit agreed that the plaintiff had failed to plead detailed allegations sufficient to satisfy the applicable standards under Federal Rule of Civil Procedure 9(b).

- *United States v. Advanced Anesthesia*. Relator's complaint dismissed with prejudice.

## All Insights

10.29.2021	DOJ's New Enforcement Team May Intensify Push to Recover Cyberattack Payments <i>Connecticut Employment Law Letter</i>
10.20.2021	DOJ Unveils New Initiative to Pursue Cybersecurity-Related Fraud by Government Contractors and Grant Recipients
10.14.2021	New DOJ Enforcement Team Suggests DOJ May Take Additional Efforts to Recover Cyberattack Ransoms
05.11.2021	Record-Breaking SEC Whistleblower Awards Signal the Need for Robust Anti-Retaliation Policies
05.05.2021	More Aggressive Enforcement Sprouts at SEC
10.05.2020	Maintaining Privilege: A Refresher on Attorney-Client Privilege for the Remote-Work Environment
06.15.2020	Industry Voices — Relaxing Telehealth Regulations Does Not Mean Relaxing Fraud Enforcement <i>Fierce Healthcare</i>
06.10.2020	CARES Act Provider Relief Funding: Think Before You Deposit
04.30.2020	Five Steps to Minimize the Risk of Future FCA Investigations and Enforcement Actions Stemming From COVID-19 Stimulus Funding
03.31.2020	Federal and State Officials Launch Joint Efforts to Investigate and Prosecute Fraud Related to the Coronavirus
01.09.2020	Recent Cases Indicate Viability of False Claims Act Liability Connected to Federal Cybersecurity Standards
10.04.2019	SEC Now May Consider a Simultaneous Settlement Offer and Waiver Request
09.11.2019	US v. AseraCare: Eleventh Circuit Holds That Contradictory Clinical Judgments Alone Cannot Trigger FCA Liability
12.07.2016	Home Depot Cyber Derivative Action Shuttered: Another Data-Breach Derivative Suit Fails to Clear Fundamental Corporate Law Hurdles

12.05.2016	Whistleblowers on Campus: DOJ Adds Research Universities to its False Claims Act Focus
07.18.2016	Collaboration Key to Combating Cyber Threats: Federal Government Issues Final Guidance Clarifying Liability Protection for Private Entities that Share Cybersecurity Information
06.02.2016	Share What You Know: Liability Protection for Private Entities that Share Cybersecurity Information Pursuant to Federal Guidelines
05.02.2016	Avoiding a Messy Break-Up: How a Firm's Investigation Can Deflect a Financial Advisor's Form U-5 Defamation Claim
02.01.2016	In <i>Flannery v. SEC</i> , First Circuit Rebukes Commission, Signals Departure from Deferential Review
01.05.2016	New Federal Law Protects Companies that Share Cyber Threat Information
12.16.2015	Flawed Auctions and Buy-Side Conflicts: Financial Advisor Liability for Aiding and Abetting Breach of the Duty of Care in <i>RBC Capital Markets v. Jervis</i>
01.01.2014	Including the Frozen Heir: Expanding the Florida Probate Code to include Posthumously Conceived Children's Inheritance Rights

## All News

10.29.2021	Carlton Fields Attorneys Discuss DOJ's New Enforcement Team
01.05.2021	Government Enforcement Agencies Increasing Focus on Telehealth Fraud
07.07.2020	Doctors Cashing Telehealth Paychecks Run Fraud Risk After Virus
06.15.2020	Relaxing Telehealth Regulations Does Not Mean Relaxing Fraud Enforcement
03.07.2018	Adam Schwartz and Erin Hoyle Author Article in <i>Trial Advocate Quarterly</i> on Corporate Internal Investigations
01.25.2018	Carlton Fields Wins Appeals Court Victory in False Claims Act Case
01.24.2018	11th Circ. Won't Revive \$320M Fla. Hospice FCA Case

## Recognition

- *The Best Lawyers in America: Ones to Watch*, Commercial Litigation, Criminal Defense: White-Collar, Health Care Law, Litigation – Securities (2021–2022)

# Professional & Community Involvement

- Women's White Collar Defense Association
  - Young Professionals Committee
  - Rankings and Endorsements Committee
- National Association of Criminal Defense Lawyers
- Tampa Connection
  - Director

## Speaking Engagements

- “A Day at the Beach? Preventing and Defending False Claims Act Complaints Through Compliance,” Association of Corporate Counsel, Tampa Bay Chapter, Longboat Key, FL (August 2021)
- “Maintaining Privilege: A Refresher on Attorney-Client Privilege for the Remote Work Environment,” Association of Corporate Counsel, Tampa Bay Chapter, St. Petersburg, FL (November 2020)
- “Legal Considerations and Response to an Information Security Incident,” 2019 Cyber Security Symposium, Tampa, FL (October 2019)
- “Advising Boards & Management: Ethical Rules & Professional Liability Risks of Corporate Counsel on Advancement and Indemnification,” Association of Corporate Counsel, Tampa Bay Chapter, St. Petersburg, FL (May 2019)
- “Best Practices for Effective Compliance Programs,” Association of Corporate Counsel, Tampa Bay Chapter, Longboat Key, FL (November 2018)
- “Avoiding Broken Glass: When the Government Comes Knocking,” Association of Corporate Counsel, West Central Florida Chapter, St. Petersburg, FL (April 2018)
- “Painting a Compliance Picture in a False Claims Landscape,” Association of Corporate Counsel, West Central Florida Chapter, St. Petersburg, FL (May 2017)

## Credentials

### EDUCATION

- Stetson University College of Law (J.D., 2015)
  - Editor in Chief, *Stetson Law Review*
- The George Washington University (M.A., 2005)
- Florida State University (B.A., 2003)

### COURT ADMISSIONS

- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida
- Florida State Courts

### BAR ADMISSIONS

- Florida

## Background

- Independent Consultant, St. Petersburg, FL (2011–2012)

- Florida State University Foundation, Tallahassee, FL
  - Interim Chief of Staff (2011)
  - Director of Research and Prospect Management (2008–2011)
  - Director of Research (2007–2008)
  - Senior Research Analyst (2007)
  - Research Analyst (2005–2007)

## Areas of Focus

### PRACTICES

- Cybersecurity and Privacy
- Education
- Litigation and Trials
- Securities and Derivative Litigation
- White Collar Crime & Government Investigations

### INDUSTRIES

- Health Care