

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

UNITED STATES OF AMERICA EX REL.  
JOSHUA HARMAN,

*Relator / Plaintiff,*

v.

TRINITY INDUSTRIES, INC. and  
TRINITY HIGHWAY PRODUCTS, LLC,

*Defendants.*

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CASE NO. 2:12-CV-00089-JRG

**FINAL JUDGMENT**

This matter comes before the Court on the Plaintiff/Relator’s Post-Trial Motion to Enter Judgment Setting Damages, Penalties, and the Relator’s Share of the Total Award, and Awarding Attorneys’ Fees, Costs and Expenses (Dkt. No. 623). Relator’s motion follows a jury trial that commenced on October 13, 2014. At the conclusion of that trial, the jury rendered a unanimous verdict, on October 20, 2014, finding that Defendants Trinity Industries, Inc. and Trinity Highway Products, LLC (collectively, “Trinity”) “knowingly made, used, or caused to be made or used, a false record or statement material to a false or fraudulent claim” in violation of the False Claims ACT (“FCA”). Dkt. No. 570. The jury further rendered a unanimous verdict, finding that the U.S. government suffered damages in the amount of \$175,000,000 as the result of Trinity’s violations of the FCA. *Id.*

Having considered all of the parties’ arguments and the entire record in this case, the Court hereby **ORDERS** as follows:

- the jury's verdict of \$175,000,000.00 is trebled to \$525,000,000.00, pursuant to 31 U.S.C. § 3729;
- Defendants Trinity Industries, Inc. and Trinity Highway Products, LLC are hereby assessed a civil penalty of \$8,250.00, for each of the 16,771 false certifications Trinity made in connection with false claims for payment, for a total penalty of \$138,360,750.00; which penal sum the Court has elected to set at the midpoint of the statutory range; and,
- Final Judgment against Trinity and in favor of Relator and the U.S. government in the amount of \$663,360,750.00 shall be entered herein, exclusive of attorneys' fees, expenses, and costs.

The Court also **ORDERS** that:

- Given that the U.S. government opted not to participate in the trial of this case and left the full burden of prosecuting this *qui tam* action to the Relator, Joshua Harman, the Relator is hereby awarded as his commission thirty percent (30%) of the total proceeds of such \$663,360,750.00, or \$199,008,225.00; and,
- Relator, Joshua Harman, is hereby further awarded attorneys' fees of \$16,535,035.75; expenses of \$2,300,000.00; and, taxable costs of \$177,830.00. Relator is designated as the prevailing party.

Consistent with the Orders stated above, pursuant to Rule 58 of the Federal Rules of Civil Procedure, and in accordance with the jury's verdict, the **COURT FURTHER ORDERS AND HEREBY ENTERS FINAL JUDGMENT** that the United States Government have and recover the sum of \$464,352,525.00 from Defendants Trinity Industries, Inc. and Trinity Highway Products, LLC, jointly and severally; and, that the Relator, Joshua Harman, have and recover the

sum of \$218,021,090.75 from Defendants Trinity Industries, Inc. and Trinity Highway Products, LLC, jointly and severally.

All other pending motions are hereby **DENIED**. The Clerk is directed to enter this Final Judgment in the record and to close this action.

**So ORDERED and SIGNED this 9th day of June, 2015.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE