

Wiley Helps Secure Historic FCA Recovery in Aluminum Tariff Evasion Case

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Wiley, on behalf of the U.S. Aluminum Extruders Coalition (AEC), helped negotiate a historic settlement to a False Claims Act (FCA) case stemming from a \$1.8 billion tariff evasion scheme. The firm's leading capabilities in FCA litigation and international trade enforcement were pivotal to the successful resolution of this decade-long case.

The settlement yielded about \$549.5 million in recovery – the largest trade-based recovery in FCA history. Wiley's client will participate in the 17.5% relators' share.

Wiley and the AEC were at the forefront of every phase of this investigation and case, including whistleblowing to the government, securing scope rulings from the U.S. Department of Commerce that confirmed the fraudulent scheme, filing an FCA case, and providing evidence that the U.S. Department of Justice (DOJ) needed to successfully prove the fraud in a criminal case that resulted in convictions and a \$1.83 billion restitution award.

The fraud was part of a complex scheme to evade antidumping (AD) and countervailing duty (CVD) orders the U.S. government imposed in 2011 on aluminum extrusions from China. A network of Chinese-owned companies conspired over several years to import aluminum extrusions that had been shaped to look like pallets, to falsely represent upon importation that the aluminum was "finished merchandise" and therefore exempt from the duties.

After prevailing at trial and on appeal in the criminal case, DOJ consolidated AEC's FCA complaint with two other *qui tam* cases to effectuate a global resolution with the criminal defendants.

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Practice Areas

Antidumping and Countervailing Duties/
Trade Remedy Cases

Civil Fraud, False Claims, *Qui Tam* and
Whistleblower Actions

International Trade

White Collar Defense & Government
Investigations

“The successful outcome in this case for AEC follows years of work to enforce the antidumping and countervailing duty orders across many different venues. Actions like this one hold those who try to evade the orders accountable and help to level the playing field for the domestic industry.” said Robert E. DeFrancesco, partner in Wiley’s International Trade Practice. “Wiley will continue to work with AEC and the government to enforce these orders against foreign competitors who try to cheat and evade these and other forms of trade relief.”

“AEC is not a typical whistleblower in this case, but also a party injured by the fraudulent evasion scheme,” said Stephen J. Obermeier, partner in the firm’s Litigation Practice. “We are pleased that our client was in a position to contribute materially to the government’s investigation and to share in the ultimate recovery.”

The Wiley team representing AEC also includes Litigation Practice chair Ralph J. Caccia, International Trade Practice co-chair Alan H. Price, Litigation and International Trade partner Enbar Toledano, and International Trade partners Derick G. Holt and Elizabeth S. Lee