

TRINITY INDUSTRIES INC
Form 8-K
January 07, 2019

UNITED STATES SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549
FORM 8-K
CURRENT REPORT
Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934
Date of Report (Date of Earliest Event Reported): January 7, 2019

(Exact name of registrant as specified in its charter)

| | | |
|---|-----------------------|---|
| Delaware | 1-6903 | 75-0225040 |
| (State or other jurisdiction of incorporation) | (Commission File No.) | (I.R.S. Employer Identification No.) |
| 2525 N. Stemmons Freeway, Dallas, Texas | | 75207-2401 |
| (Address of principal executive offices) | | (Zip Code) |

Registrant's telephone number, including area code: 214-631-4420

Not Applicable

Former name or former address, if changed since last report

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- .. Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- .. Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- .. Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- .. Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933 (§230.405 of this chapter) or Rule 12b-2 of the Securities Exchange Act of 1934 (§240.12b-2 of this chapter).

Emerging growth company ..

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act. ..

Item 8.01 Other Events.

On January 7, 2019, Trinity Industries, Inc. (the “Company”) issued a press release announcing that the United States Supreme Court denied Joshua Harman’s request to review the holding of the United States Court of Appeals for the Fifth Circuit (the “Fifth Circuit”) that the Company did not violate the federal False Claims Act regarding the ET Plus® highway end terminal system.

On September 29, 2017, the Fifth Circuit reversed a June 9, 2015, \$682.4 million judgment (the “Judgment”) entered against the Company and Trinity Highway Products, LLC (“Trinity Highway”) in a federal False Claims Act case styled Joshua Harman, on behalf of the United States of America, Plaintiff/Relator v. Trinity Industries, Inc., Defendant, Case 2:12-cv-00089-JRG and rendered judgment as a matter of law for the Company and Trinity Highway. The Judgment was entered against the Company and Trinity Highway following an October 2014 jury trial in United States District Court for the Eastern District of Texas, Marshall Division.

The United States Supreme Court’s denial of Mr. Harman’s petition ends the above-referenced case.

A copy of the press release is attached hereto as Exhibit 99.1.

Item 9.01 Financial Statements and Exhibits.

(d) Exhibits:

| Exhibit No. | Description |
|-------------|---|
| 99.1 | <u>Press release of the Company dated January 7, 2019</u> |

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Trinity Industries, Inc.

January 7, 2019 By: /s/ James E. Perry

Name: James E. Perry

Title: Senior Vice President and Chief Financial Officer