



Qui Tam & False Claims Act

We have proudly and successfully represented whistleblowers in *qui tam* cases brought under the federal False Claims Act and comparable state laws, as well as other statutes with *qui tam* provisions for years. We often partner with other prominent plaintiff-side *qui tam* firms to create a joint venture on such cases, and are always happy to evaluate new cases on our own dime to let whistleblowers or potential co-counsel know what we think about the case and if it's a case we would prosecute.

The False Claims Act is sure to be a major tool used in the coming years to address the inevitable hundreds of millions (or billions) of dollars of fraud relating to Government programs enacted in response to the COVID-19 (novel coronavirus) crisis, and Susman Godfrey is well-equipped to prosecute those cases. Our record—including our recent \$390 million False Claims Act settlement against Swiss drug manufacturer Novartis—speaks for itself.

- ***United States of America et al. ex rel. Martinez et al., v. Apria Healthcare Group.*** Secured a \$40.5 million settlement in a False Claims Act case from Apria Healthcare Group, Inc. and its affiliate, Apria Healthcare LLC (Apria). Susman Godfrey represented *qui tam* whistleblowers who, together with former Apria employees, alleged that Apria continually charged federal health programs, including Medicare and Medicaid, for rentals of non-invasive medical ventilators that were not being used by patients, or that were being used in a therapy mode that did not qualify for the billing codes used. After investigating relators' allegations, the United States government intervened in the case and filed its own complaint, which closely tracked the allegations first made by the firm's clients. The relators represented by Susman Godfrey recovered \$4.34 million.
- ***Strauser v. Stephen L. LaFrance Holdings (Walgreens Qui Tam Litigation).*** Secured a \$16 million deal to resolve a whistleblower lawsuit alleging that Walgreens, Stephen L. LaFrance Holdings Inc. and several companies that were part of USA Drug, a regional pharmacy chain, knowingly overbilled Medicare Part D, Medicaid and other government health programs millions of dollars by unlawfully charging more for generic

drugs than the customary prices paid by individuals without prescription drug insurance.

- ***United States of America ex rel. Gauch v. Lincare Holdings Inc.*** Secured \$25.5 million to resolve a False Claims Act lawsuit based on allegations of fraud and kickbacks made by Susman Godfrey clients, and former Lincare employees, Sandra Gauch and Michelle McNeill. Lincare agreed to the settlement to resolve the whistleblowers' allegations that it submitted false claims to federal health programs. [Read more.](#)
- ***Poehling v. United Healthcare.*** Representing relator, Benjamin Poehling, in a multi-billion-dollar False Claims Act case against UnitedHealth Group and several of its subsidiaries. Susman Godfrey is working closely with the government—which has fully intervened—to pursue a recovery from UnitedHealth for its failure to delete unsupported diagnosis codes that UnitedHealth submitted to the government as part of the government's Medicare Part C and Part D programs.
- ***US ex rel. Kester v. Novartis Pharmaceuticals.*** Secured record-setting \$390 million settlement in False Claims Act lawsuit against the Swiss drug manufacturer Novartis Pharmaceuticals Corporation. The whistleblower, David M. Kester, claimed that Novartis defrauded the Medicare and Medicaid programs by illegally paying kickbacks to pharmacies so they would recommend to doctors and patients six of Novartis' specialty medications. The settlement was the largest recovery to the Government ever in a False Claims Act lawsuit based solely on a kickback theory. [Read more.](#)
- ***State of California, On the Go Wireless v. CELLCO Partnership.*** Served as co-lead counsel to a whistleblower and some of the largest political subdivisions in California—including the University of California system, the California State University System, and the County of Los Angeles—in a ground-breaking California False Claims Act lawsuit against wireless carriers AT&T, Sprint, Verizon, T-Mobile and a related suit in Nevada. The whistleblower alleged that the carriers fraudulently overbilled the government for wireless services by failing to provide contractually required "lowest cost available" service by means of "optimization reports." We secured record settlements with the four telecommunication giants valued at \$138 million for the government plaintiffs in California and Nevada.
- ***Bahnsen et al. v. Boston Scientific.*** Secured a settlement of \$2.5 million plus an award of \$5.5 million in fees and costs pending court approval in a False Claims Act lawsuit against Boston Scientific Neuromodulation Corp. The whistleblowers claimed that the defendant engaged in widespread fraud by submitting thousands of claims for Medicare and Medicaid reimbursements to the United States, 25 individual states, and the District of Columbia.
- ***US ex rel Waldmann & Ponce v. McAllen Medical Center.*** Brought a False Claims Act case against multiple parties for submitting claims for Medicare, Medicaid, and TriCare reimbursements that falsely certified that

a physician had performed certain procedures when they were performed in whole or in part by non-physicians, and for engaging in a related kickback scheme. Our team survived a motion for summary judgment and secured a confidential settlement.

- ***US v. Gold Banc.*** Represented a whistleblower in *qui tam* case against multiple banks for defrauding the United States in connection with loan guarantee and loan interest assistance programs. We successfully settled the case for \$16 million—“the largest single settlement recovered on behalf of the United States in this district,” according to the US Attorney for the Western District of Oklahoma.