

Bird Marella Wins Dismissal Without Leave to Amend for Managed Care Organization and Provider Group

Bird Marella won a complete dismissal for a large Managed Care Organization (MCO), a large provider group, and their owner in a federal False Claims Act lawsuit in the U.S. District Court for the Central District of California. The Court granted Bird Marella's motion to dismiss without leave to amend and rejected all claims against Bird Marella's clients.

The qui tam action asserted claims under the federal and California False Claims Acts, including allegations involving false claims, conspiracy, and retention of alleged overpayments, as well as retaliation and wrongful termination claims.

The Court found that the relator failed to adequately plead the essential elements of their claims against the defendants, including the submission of false claims, materiality, conspiracy, and any obligation to repay the government. The Court also rejected the retaliation and wrongful termination claims, resulting in a complete dismissal without leave to amend for Bird Marella's clients.