

Bird Marella Wins Summary Judgment in High-Stakes FCA Hospice Case

Partners Benjamin N. Gluck and Elliot C. Harvey Schatmeier, counsel Jonathan Jackson, and associate Avi Rejwan secured summary judgment in a long-running, nine-figure False Claims Act (FCA) case on behalf of a California-based hospice provider.

The Relators (whistleblowers) originally filed a qui tam lawsuit asserting nine sweeping causes of action under the Federal and California False Claims Acts against the client and its corporate affiliates. They alleged a broad array of schemes to defraud the government – including admitting ineligible patients, providing substandard care, and offering illegal kickbacks. The Relators sought damages in the hundreds of millions of dollars.

After years of litigation and four amended complaints, the Court found that the Relators had failed to present evidence of any individual false claim – the *sin qua non* of an FCA action – and granted summary judgment in favor of Bird Marella's client on all eight qui tam causes of action.