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Bird Marella Client JM Eagle Wins Judgment as a Matter of Law in Long-Running False Claims Act Case

Bird Marella achieved a complete defense decision on behalf of its long-standing client, JM Eagle, in a high-profile federal False Claims Act lawsuit involving 45 intervening government plaintiffs and over $1 billion in claims. JM Eagle is the world's largest manufacturer of PVC pipe. This victory follows the successful defense of JM Eagle in a six-week jury trial involving claims by five bellwether Plaintiffs, who alleged that they were sold non-compliant PVC pipe that did not have the promised strength, durability or longevity. Bird Marella successfully convinced the Court to first reduce the five plaintiffs' claimed damages from $58 million to only $2 million, which was the cost of the pipes themselves. The jury was then unable to agree that any damages were owed, leading to a mistrial.

Following the mistrial, Bird Marella moved for judgment as a matter of law on behalf of the company, arguing that the Plaintiffs' evidence was insufficient to support an award of damages by any reasonable jury. The motion also renewed Bird Marella's *Daubert* challenges to the Plaintiffs' experts, arguing that their opinions were inherently unreliable, not scientifically validated and contrary to the applicable industry standards. After a meticulous review of the record, the Court 's 67-page opinion granted the motion in all respects – finding that the Plaintiffs had "clearly and indisputably received value" from their pipe; "there has never been any failure of the pipe" at issue in the case; and "there is no 'real world' evidence of defects as to the pipe" – and awarded JM Eagle judgment as a matter of law.

Bird Marella has represented JM Eagle since 2011. Along with co-counsel Paul, Weiss, Rifkind, Wharton & Garrison LLP, the defense team was led by principals Paul Chan and Ekwan Rhow, with attorneys Marc Masters, Shoshana Bannett, and Kate Shin.