

NEWS RELEASES

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U.S. Supreme Court Declines to Review Dismissal of Whistleblower Lawsuit Against Bethany Hospice

The U.S. Supreme Court left in place the dismissal of a lawsuit in which whistleblowers alleged that Husch Blackwell client Bethany Hospice and Palliative Care violated the federal False Claims Act (FCA) and the Georgia False Medicaid Claims Act. The Court's decision to deny review preserved the victories achieved by Husch Blackwell at the trial court and the U.S. Court of Appeals for the Eleventh Circuit.

The case gained significant attention when two additional petitions—arising from different cases—were filed in the Supreme Court, each requesting that the Court resolve an alleged split among the circuits on the same issue: the degree of specific detail a plaintiff must include in an FCA complaint under Federal Rule of Procedure 9(b).

Following the parties' briefing on the petition, the Court requested that the U.S. Solicitor General file its opinion regarding whether to review this case. The Solicitor General, echoing many of the arguments in Husch Blackwell's prior brief on behalf of Bethany Hospice, recommended the Court not take the case. The Court declined review in all three cases.

"We are pleased to have brought this matter to a favorable conclusion for our client, Bethany Hospice," said Husch Blackwell partners Michael Raupp and Bryan Nowicki. "This lawsuit lacked merit from the outset, and it is gratifying to achieve some vindication for Bethany Hospice."