

CLIENT ALERT

Sixth Circuit Recognizes Exception to Heightened Standard for Pleading False Claim

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In *U.S. ex rel. Prather v. Brookdale Senior Living Communities Inc.* (Sept. 30, 2016), the Sixth Circuit held that a relator pled the “presentment” element even though the relator did not allege information regarding the submission of a specific request for payment. The court reasoned that, in the majority of cases, plaintiffs would need to plead representative false claims but that a relator could survive a motion to dismiss by pleading specific facts based on personal, billing-related knowledge that support a strong inference that specific false claims were submitted for payment.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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