

Roetzel Secures Client Dismissal in Qui Tam/False Claims Act Lawsuit

Roetzel is pleased to announce that the firm's client, Radiation Oncologist Consultants PA, of Sanford, Fla., has been dismissed with prejudice from a Qui Tam/False Claims Act lawsuit with no financial settlement.

Radiation Oncologist Consultants and its three principal physicians Dr. Steven G. Lester, Dr. John D. Looper and Dr. Manesh Gossain were named in the suit pertaining to their contract with Winter Park Urology Associates. The lawsuit alleged fraudulent billing to Medicare and Tricare involving radiation therapy for cancer for a period from 2007 to September 2010, with estimated billings of more than \$20 million. The case was brought by a whistleblower (known as a "relator") who was previously employed by Winter Park Urology Associates. On the eve of trial, the relator agreed to dismiss Radiation Oncologist Consultants and Dr. Lester, Dr. Looper and Dr. Gossain.

"This is a major victory for our clients and a very uncommon outcome for this type of case," said **Brian E. Dickerson**, a Roetzel partner and lead counsel in the case. "Our clients are very pleased to be cleared of the allegations and dismissed from the case."

During the protracted investigation, which started in 2010 by the U.S. Department of Justice (DOJ), Roetzel lawyers presented factual evidence exonerating the physicians that convinced the DOJ not to intervene in the case. Roetzel argued that ambiguity on the physician supervision requirements for radiation therapy negated the knowledge element of the claim.

"We believe our aggressive, trial ready approach to handling complex whistleblower cases was key to securing a dismissal for our clients from this lawsuit," Dickerson said. "From the outset, we evaluated the applicable defenses and, utilizing medical experts from across the country, set out an aggressive discovery and motion strategy in this case. We are delighted that Radiation Oncologist Consultants and Doctors Lester, Looper and Gossain have been exonerated."

About Roetzel

Roetzel is a full-service law firm with more than 220 attorneys in offices located throughout Ohio and Florida and in Chicago, New York and Washington, D.C. The firm provides comprehensive legal services to national and international corporations, closely held and family-run businesses, institutions, organizations and individuals. For more information, visit ralaw.com.