

Mahle Quoted in *Government Contracts Law360* Story Titled “Attys Hope For Clarity With Justices' Interest In Fraud Claims”

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Jacob Mahle, a partner in the Vorys Cincinnati office, was quoted in a *Government Contracts Law360* story about how the U.S. Supreme Court's recent interest in *Jolie Johnson, et al., Petitioners v. Bethany Hospice and Palliative Care LLC* could possibly lead to consistent standards across the country for whistleblowers bringing forward fraud allegations.

The story states:

“On Tuesday, the justices asked Georgia-based Bethany Hospice and Palliative Care LLC to respond to a petition from the estate of Debbie Helmly and Jolie Johnson, former employees who say the hospice paid health care providers kickbacks to refer to them terminally ill patients and then billed the government for the ill-gotten patients, many of whom were on Medicaid or Medicare.

The petition asks the high court to determine whether Rule 9(b) requires whistleblowers to present not only the particulars of an alleged fraud scheme but specific claims for payment as well — the standard currently applied in the Eleventh Circuit.

In circuits considered more favorable for whistleblowers, courts require detailed fraud allegations coupled with reliable indicators that the government was knowingly billed for goods or services that weren't provided as promised.

‘The stakes are enormous because [a Supreme Court ruling] would, in fact, give clarity that would be certainly helpful to every practitioner, but then we'd also have an idea of, 'OK, where can we expect the law to go? And would we expect there to be some sort of statutory change after this?’ said Jacob D. Mahle, a partner at Vorys Sater Seymour and Pease LLP who represents corporate clients in False Claims Act disputes.

The Rule 9(b) petitions before the high court in recent years were mostly rejected without an explanation, even after justices requested responses to some of them.”

To read the entire story on the *Law360* website, [click here](#). (Subscription may be required).

