

Attorney General's Report To The Legislature  
Pursuant To N.J.S.A. 2A:32C-18  
Concerning The New Jersey False Claims Act

Calendar Year 2010

- a. The number of cases the Attorney General filed 0.
- b. The number of cases private individuals filed 138 and for those no longer under seal

(1) The state or federal court in which those cases were filed and the number in each court: State 0 Federal 138<sup>1</sup>

(2) The State Program or agency involved in each case:  
Medicaid 131 Other 7<sup>2</sup>

(3) The number of cases filed by private individuals who previously had filed an action based on the same or similar transactions or allegations under the federal False Claims Act or the False Claims Act of another state.  
8 cases by 4 individuals

- c. The amount recovered under the NJ FCA in settlement;

Damages \$ 0  
Penalties \$ 0  
Litigation Costs \$ 0

- (1) The cases where the state received a recovery:

Defendant	CJ/Settlement Date	NJ Restitution	NJ Penalties & Interest	NJ State Share
Novartis (TOBI)	200806050 10/1/10	\$646,517.84	\$670,887.53	\$1,317,405.37
AstraZeneca (Seroquel)	200700950 9/29/10	\$2,187,585.06	\$2,231,734.36	\$4,419,319.42
Intermunne, Inc.	200607422 8/4/10	\$198,654.90	\$24,115.45	\$222,770.35
Alpharma (Kadian & Flector)	200804551 7/6/10	\$38,881.76	\$41,481.01	\$80,362.77
Omnicare	200908131 5/4/10	\$488,512.17	\$416,758.79	\$905,270.96
Ivax Pharmaceuticals	200908132 5/4/10	\$96,556.07	\$34,315.88	\$130,871.95
Aventis Pharmaceuticals	5/10/10 PAAD/SG	\$1,303,157.00	\$0.00	\$1,303,157.00
Aventis	200904735 11/09 4/30/10	\$1,032,638.67	\$10,503.21	\$1,043,141.88
Otsuka America	200907079 2/8/10	\$17,238.42	\$27,978.66	\$45,217.08
Medtronic Sofamor Danek	200906181 1/19/10(12/21)	\$26,799.24	\$33,118.53	\$59,917.77
Totals		\$6,036,541.13	\$3,490,893.42	\$9,527,434.55 <sup>3</sup>

- (2) The separate amounts of funds recovered for:

Damages \$ 6,036,541.13  
Penalty \$ 3,490,893.42  
Litigation Costs \$ 0

- (3) The percentage of the recovery and the amount awarded to the private person who brought the action:

Percentage of the recovery 0 %<sup>4</sup>

Amount \$ 0

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1. The following provides a breakdown, where such information was readily available, of the federal jurisdiction in which the cases were filed: New Jersey - 18; New York - 6; Texas - 5; Pennsylvania - 4; California - 2; Florida - 2; Georgia - 2; Maryland - 2; Rhode Island - 1; Virginia - 1.

2. In one case, a county, rather than the state, was the alleged victim, so there was no False Claims Act jurisdiction; two cases involved allegations of tax fraud, and the New Jersey False Claims Act jurisdiction does not extend to tax fraud, N.J.S.A. 2A:32C-2; in one case, the federal government was the alleged victim; and in three cases there was no violation of the False Claims Act because the alleged victim was a private person.

3. These case were filed under the New Jersey False Claims Act but the conduct establishing liability occurred prior to the Act's passage, so the matter was not settled under the Act.

4. These cases were filed under the New Jersey False Claims Act but the conduct establishing liability occurred prior to the Act's passage. Because the New Jersey False Claims Act was not in effect at the time of the conduct establishing liability, the relator was not provided with any share of the State of New Jersey's recovery.