

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

Calendar Year 2016

- a. The number of cases the Attorney General filed 0.
- b. The number of cases private individuals filed 95, 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 2 Federal 9
 - (2) The State program or agency involved in each case: Medicaid 9 Other 2
 - (3) Number of cases filed by private individuals who had previously filed a False Claims Act case: 1

c. The amount recovered under the NJFCA in settlement;

Damages	\$ <u>3,355,819.23</u>
Penalties	\$ <u>4,096,300.54</u>
Litigation Costs	\$ <u>0</u>

(1) The cases where the State received a recovery:

<u>Name</u>	<u>Settlement Rec. Date</u>	<u>NJ State Share (inc. relator fee)</u>	<u>Rel%</u>	<u>Relator Fee</u>	<u>State Share Net</u>	<u>NJ Restitution</u>	<u>NJ Penalties & Interest</u>
Millenium Labs	1/4/2016	\$ 127,671.22	16½	\$ 18,954.04	\$ 108,717.18	\$ 53,361.73	\$ 55,355.45
Novartis	2/2/2016	\$ 2,008,360.29	27	\$ 397,186.13	\$ 1,611,174.16	\$ 640,620.69	\$ 970,553.47
Porter v. Qualitest	2/19/2016	\$ 3,427,245.71	21	\$ 654,989.63	\$ 2,772,256.08	\$ 1,312,541.56	\$1,459,714.52
Alexander v. Warner Chilcott	5/2/2016	\$ 406,695.65	25	\$ 100,265.29	\$ 306,430.36	\$ 125,432.56	\$ 180,997.80
Slowick v. Olympus America	5/9/2016	\$ 761,758.34	16½	\$ 73,842.30	\$ 687,916.04	\$ 338,266.41	\$ 349,649.63
Doe v. Philips Resp.	6/7/2016	\$ 58,864.68	15¾	\$ 9,271.19	\$ 49,593.49	\$ 49,593.49	\$ --
Wyeth Pharma. (Protonix)	6/8/2016	\$12,785,888.93	n/a	\$ --	\$12,785,888.93	\$ 8,879,089.53	\$3,906,799.40
Genentech & OSI/Astellas	6/15/2016	\$ 184,876.86	17	\$ 18,577.90	\$ 166,298.96	\$ 82,322.49	\$ 83,976.47
Salix Pharma.	8/18/2016	\$ 974,294.42	19	\$ 184,264.37	\$ 790,030.05	\$ 392,774.06	\$ 397,255.99
N.J.ex rel.Seprotech Systems v. Metra Industries	9/21/2016	\$ 50,000.00	6	\$ 3,000.00	\$ 47,000.00	\$ 30,000.00*	\$ 17,000.00
Rahimi v. Zydus	10/6/2016	\$ 10,564.29	25	\$ 2,539.21	\$ 8,025.08	\$ 8,025.08	\$ --
Walsh v. Ameri- source Bergen (Bellco)	10/7/2016	\$ 1,420.46	25	\$ 355.11	\$ 1,065.35	\$ 1,065.35	\$ --
Omnicare, Inc. (Depakote)	10/26/2016	\$ 552,501.47	15**	\$ 4,439.57	\$ 548,061.90	\$ 269,539.79	\$ 278,522.11
Ervin v. Omnicare	10/31/2015	\$ 51,204.26	20	\$ 7,653.14	\$ 43,551.12	\$ 21,683.91	\$ 21,867.21
U.S. ex rel. Martin v. Para-Plus Translations***	12/15/2016	\$ <u>405,066.67</u>	<u>22</u>	\$ <u>89,114.67</u>	\$ <u>315,952.00</u>	\$ <u>30,592.11</u>	\$ <u>285,359.89</u>
Totals		<u>\$21,806,413.25</u>		<u>\$1,564,552.55</u>	<u>\$20,241,960.70</u>	<u>\$12,234,908.76</u>	<u>\$8,004,051.94</u>

(2) The separate amounts of funds recovered for:

Damages	\$ 3,390,924.23
Penalties	<u>\$ 4,116,606.87</u>
Litigation Costs	<u>\$ 0</u>
Total recovered:	\$ 7,507,530.10****

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

Percentage of the recovery:	<u>Varied per action and per covered conduct period;</u> <u>see Relator % in the chart in (1)</u>
Amount:	<u>\$1,563,337.88</u>

*The \$30,000 listed under NJ Restitution in the *N.J. ex rel. Seprotech Systems v. Metra Industries* is for litigation costs.

**The amount of the relator's fee listed (\$4,439.57) in *Omnicare Inc. (Depakote)* represents 15% of the portion of the NJ State Share for the time of the covered conduct to which the relator's share applied (10 months out of a 96-month period).

***Payments in *U.S. ex rel. Martin v. Para-Plus Translations, Inc.* are being made in installments, with a first payment of \$182,862.00 in December 2016 and quarterly payments of approximately \$6,656 for five years, which includes 3.5% interest per year.

****Amounts recovered reflect cases paid in full plus the amounts of installment payments received on a prior year cases (i.e., *Maxim and Kesler v. Novartis (Bioscrip)*).