



Michael J. Bronson

Partner

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Michael is the head of Dinsmore’s False Claims Act and Government Investigations practices and a member of the Litigation department. He represents defense contractors, financial institutions, health care providers, and other corporations in litigation and investigative matters throughout the country. Michael’s practice includes the defense of False Claims Act, Consumer Financial Protection Act, and other civil enforcement and regulatory actions. He advises companies and their executives on compliance reviews and programs, conducts internal investigations, and leads responses to government investigations. He also has handled complex commercial litigation, arbitration, and First Amendment and defamation cases.

His False Claims Act experience includes disputes involving environmental, health care and banking regulations, as well as a wide variety of government contracting issues, such as commercial item and other cost allowability determinations, GSA contracting, defective pricing, labor mischarging, and quality defects. He has also defended claims brought by the Department of Justice under the Anti-Kickback Act. Michael has successfully defended False Claims Act cases in numerous district and appellate courts, including the U.S. Supreme Court.

Earlier in his career, Michael was named a national Rising Star by Law360, which identified him as one of four Government Contracts lawyers under 40 to watch. He has received an AV rating from Martindale-Hubbell for professional ethics and legal ability.

Michael is a member of the Cincinnati Bar Association. Michael has also served as appointed counsel in the Pro Bono Mediation Program for the United States District Court for the Southern District of Ohio.

Michael is a frequent speaker at national and regional False Claims Act conferences. He received his J.D. from Vanderbilt University Law School, where he was managing editor of the Vanderbilt Law Review and received awards for written and oral advocacy. He received his B.A. *magna cum laude* from Denison University, where he was Phi Beta Kappa. Following law school, Michael clerked for the Honorable Terrence W. Boyle, Chief Judge of the United States District Court for the Eastern District of North Carolina.

Services

- Litigation
- False Claims Act
- Government Investigations

Education

- Vanderbilt University Law School (J.D.)
 - Vanderbilt Law Review, managing editor
- Denison University (B.A., *magna cum laude*)
 - Phi Beta Kappa

Bar Admissions

- Ohio
- Not licensed to practice in Washington, D.C.

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Northern District of Texas

Experience

Obtained Dismissal of False Claims Act Case

Our attorneys represented a Department of Energy contractor in a qui tam suit alleging wide-ranging false claims, conspiracy and retaliation in connection with reporting on environmental, health and safety requirements. The

district court dismissed the case in its entirety prior to discovery. After the relator appealed, the Fourth Circuit dismissed the appeal of the qui tam and conspiracy claims and affirmed dismissal of the retaliation count.

Obtained Dismissal under False Claims Act's First-to-File Rule

Our attorneys defended a federal contractor in a qui tam lawsuit alleging fraud and concealment with regard to records relating to worker radiation exposure at a uranium enrichment facility. The relator asserted that the contractor for many years altered and submitted false documents to increase its payments under the pertinent contracts. The district court dismissed the case without discovery, and the Sixth Circuit affirmed.

Obtained Summary Judgment on False Claims Act Case Against NASA Contractor

Our attorneys defended a contractor against qui tam and retaliation allegations relating to the construction of the external tank on the space shuttle. The relator asserted damages of over \$2 billion. The court granted summary judgment for our client on all claims and dismissed the case in its entirety.

Obtained Dismissal of False Claims Act Lawsuit Under Rule 9(b)

Our attorneys defended a Department of Defense contractor in a qui tam lawsuit alleging that the contractor provided defective products to the United States Air Force. The district court dismissed the case in its entirety prior to discovery based on the relator's failure to plead with the particularity required by Fed. R. Civ. P. 9(b). The Eleventh Circuit affirmed dismissal.

Dismissal and Enforcement of Release in False Claims Act Case

Our attorneys represented a government contractor in a qui tam suit brought by two relators alleging fraud and mismanagement in connection with several federal programs. The district court dismissed the complaint in its entirety without any discovery. The court also enforced a release signed by one of the relators while the case was pending under seal.

Obtained Favorable Settlement for Home Health Care Provider

Our attorneys represented a home health care provider in a qui tam lawsuit alleging fraudulent inducement of a contract to provide respiratory therapy equipment, supplies, and services to VA patients. Our client retained us after the court denied a motion to dismiss and costly discovery was underway. Our attorneys were able to obtain a fast and favorable settlement that allowed our client to continue its business.

Represented Department of Defense Contractor in Litigation about the Scope of the pre- and post-FERA False Claims Act

Our attorneys represented a Department of Defense contractor in multiple appeals concerning the scope of the FCA's liability provisions as applied to subcontractors and the effect of the Fraud Enforcement and Recovery Act amendments to the FCA's liability provisions on pending cases.

Obtained Dismissal of False Claims Act Case Alleging Fraudulent Inducement of Department of Energy Contract

Our attorneys represented a Department of Energy contractor in a qui tam lawsuit alleging fraudulent inducement of a contract to refurbish the spin rocket motor in the B61 thermonuclear bomb. The district court dismissed the relator's claims after limited discovery.

Obtained Dismissal of False Claims Act Case Regarding Employee Overtime

Our attorneys represented a defense contractor in a *qui tam* suit alleging fraudulent government billings relating to unearned employee overtime. The district court granted our motion to dismiss the relator's FCA claims prior to discovery.

Subpoena and Internal Investigation in False Claims Act case Involving Medicaid Drug Rebates

Our attorneys represented a major pharmaceutical distributor in a *qui tam* case involving the alleged failure to pay Medicaid rebates for repackaged drugs. All of the relator's claims were dismissed.

Obtained Summary Judgment on False Claims Act case against Small Business and Sanctions Against Relator's Counsel

We defeated a *qui tam* suit alleging fraudulent inducement of a contract alleging misrepresentations relating to the capabilities and characteristics of the contractor's product. The district court granted summary judgment and ordered the relator and his attorneys to pay our client's attorneys' fees and the Sixth Circuit affirmed.

Obtained Favorable Settlement in Intervened False Claims Act Case Alleging Violation of Environmental Laws

Our attorneys represented a Department of Energy contractor in an intervened FCA lawsuit alleging the submission of false claims and statements associated with the contractor's compliance with environmental statutes and regulations. After more than a decade of litigation, the government agreed to settle the case for less than one percent of its initial damages calculation.

Successfully Resolved Intervened False Claims Act Case Against Department of Defense Contractor Involving Multiple Relators

Our attorneys represented a federal contractor in an intervened FCA lawsuit arising out of multiple *qui tam* suits alleging that the contractor acted recklessly by failing to oversee and discover the fraudulent activities of one of its suppliers. The attorneys obtained dismissal of one relator under the FCA's first-to-file rule at both the district court level and in the Fifth Circuit. They also successfully defeated an early motion for summary judgment brought by the Department of Justice on its common law claim premised on an alleged violation of the cost-plus-percentage-of-cost prohibition. After Court denied the Government's motion for summary judgment, the case settled for a fraction of the Government's alleged single damages.

Assistance with Internal Investigations, Government Investigations and Subpoenas

We regularly assist and advise companies with internal investigations in response to whistleblower complaints, internal reports of wrongdoing, and inquiries from federal agencies. We also routinely represent companies that have received a DOJ or IG subpoena, working quickly to respond to the subpoena and investigate the likely allegations. We have persuaded the Government to decline intervention in numerous sealed *qui tam* actions.

Publications

January 19, 2017

Tenth Circuit Affirms Multi-Million Dollar Attorney Fee Award Against Qui Tam Relator For "Frivolous" Claims