



Patrick M. Hagan

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Pat is a litigator who focuses his practice on complex civil litigation and internal investigations. He has represented government contractors and health care providers in False Claims Act investigations and litigation throughout the country. In addition, he has led internal investigations for major government contractors and coordinated legal and public relations responses on behalf of corporate clients when their reputations are at stake. Pat also spent several months as a seconded in-house attorney with a major government contractor, where he conducted internal investigations and oversaw major litigation matters. In addition, he has experience representing companies in litigation involving claims of defamation, unfair competition, violations of environmental laws, patent infringement, and securities and ERISA class actions.

He has represented government contractors and health care providers accused of fraud in all phases of cases under the False Claims Act, including leading internal investigations of potential whistleblower complaints, assisting clients in responding to grand jury and federal agency subpoenas, negotiating settlements with the Department of Justice, and coordinating litigation in both intervened and non-intervened False Claims Act cases. Specifically, Pat successfully represented a client in a unanimous United States Supreme Court decision, *Allison Engine Co., Inc. v. United States ex rel. Sanders*, narrowing the scope of liability under the federal False Claims Act; negotiated a favorable settlement on behalf of a Department of Energy contractor in an action brought by the Department of Justice seeking damages and civil penalties under RCRA and the False Claims Act in connection with the investigation and remediation of TCE groundwater contamination at a National Priorities List site in Kentucky; obtained dismissal of a False Claims Act case in the Northern District of Georgia that was affirmed on appeal by the Eleventh Circuit; obtained dismissal of a False Claims Act case in the Western District of Pennsylvania; and obtained dismissal of civil Anti-Kickback Act claims brought by the Department of Justice in two cases.

Dinsmore on FCA: News and Insights on the False Claims Act

Services

- Litigation
- False Claims Act

Education

- Harvard Law School (J.D., *cum laude*, 2005)
- Cornell University (B.A., *with distinction*, 2002)

Bar Admissions

- Ohio

Court Admissions

- U.S. District Court for the Southern District of Ohio
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Eastern District of Wisconsin

Distinctions

- Ohio *Rising Stars*® for Business Litigation

Experience

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 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

August 31, 2023

5th Circuit Trims FCA Award as DOJ's Delayed Intervention Runs into Statute of Limitations; Knocks Seal Provision Misuse

June 30, 2023

Supreme Court Backs DOJ's FCA Dismissal Power; Dissent Questions Relator's Role in Declined Cases

June 2, 2023

The Supreme Court Clarifies the Meaning of "Knowingly" Under the False Claims Act

October 5, 2022

On Even Split, En Banc Fourth Circuit Affirms FCA Dismissal Based on 'Objectively Reasonable Interpretation' Defense

September 8, 2022

DOJ to Join Oral Argument in En Banc Rehearing of Fourth Circuit Case on 'Objectively Reasonable' Defense

June 29, 2022

Cases Highlight Ongoing Uncertainty, Complexities of Rule 9(b) in FCA Context

May 14, 2020

1st Circuit Revives 13-Year-Old Qui Tam Suit Against Nursing-Home Pharmacy Chain, Finds Relator Was 'Original Source'

Dinsmore on FCA

March 31, 2020

Two Circuits Hold the FCA Does Not Require "Objective Falsity," Creating Confusion on the Appropriate Standard

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April 24, 2018

Eleventh Circuit Deepens Circuit Split over the FCA's Statute of Limitations

April 26, 2017

Court Finds Escobar Prevents Relators from Using FCA as an All-Purpose Enforcement Tool

February 27, 2017

Fifth Circuit Affirms Timeliness of AKA Claims Added to Government's FCA Complaint in Intervention

January 20, 2017

Government Knowledge Is Relevant to More than Intent

January 6, 2017

On Reconsideration, District Court of Massachusetts Expands Potential FCA Liability Under Escobar