

FOR IMMEDIATE RELEASE
September 10, 2008

Three Attorneys Who Represented Whistleblower In The \$400 Million
February 2008 Merck *Qui tam* False Claims Act Settlement
Are Named Lawyers of the Year for 2008
By The Taxpayers Against Fraud Education Fund (“TAF”)

Attorneys And Their Whistleblower Client Also Donate \$250,000
To TAF To Seed A New Endowment Fund For Additional Staff
To Advocate For *Qui tam* Federal And State Recoveries

WASHINGTON (Sept. 10) – Three nationally known *qui tam* whistleblower lawyers who represented a former Merck & Co, Inc. (“Merck”) district sales manager in a Medicaid fraud case that helped federal and state governments recover more than \$400 million from the drug manufacturing giant in February were named 2008 Lawyers of the Year at the annual meeting of Taxpayers Against Fraud Education Fund (“TAF”) here last night.

Steven H. Cohen, of Cohen Law Group and Whistleblower Action Network, Chicago (www.whistlebloweraction.com/steve_cohen.html) ; Mark A. Kleiman, of the Office of Mark Allen Kleiman, Santa Monica, California (www.falseclaimsspecialist.com); and BethAnne Yeager of the Law Office of BethAnne Yeager, Madison, Wisconsin (www.whistlebloweraction.com/bethanne_yeager.html) were honored for their dogged and innovative representation of H. Dean Steinke, the former Merck manager, in a case that featured several “firsts” over the seven-plus years it took to reach a settlement.

Cohen, Kleiman and Yeager received their awards at TAF’s Annual Awards Dinner near the close of the three-plus-day meeting for educational sessions and panel discussions attended by more than 300 attorneys, government officials and others from across the U.S. whose practices and specialties intersect with or support the False Claims Act (“FCA”).

Earlier in the day the three award-winning lawyers were keynote speakers at a special luncheon panel discussion entitled, “Merck Study Case: A Different Approach.” Cohen, Kleiman and Yeager were joined by Assistant U.S. Attorney Viveca Parker, of the U.S. Attorney’s Office for the Eastern District of Pennsylvania, in Philadelphia, who represented the Government in the Merck settlement; Steinke, the “relator” (the legal term for a whistleblower) who is the former Merck district manager; and Richard Lavinthal, of PRforLAW, LLC, who crafted legal media relations for the settlement.

The Merck settlement was the first Medicaid fraud case in which a state government took the lead by testing a new theory which was upheld by a federal court. The Nevada decision led to an unprecedented level of cooperation among the states, federal government, relator and relator’s attorneys. It also marked the first FCA case involving Vioxx® and Zocor®; the second largest civil Medicaid Fraud recovery for federal and state governments in U.S. history; and the first national nominal price Medicaid fraud settlement.

(More)

Cohen, Kleiman and Yeager received framed certificates featuring the image of Abraham Lincoln during whose presidency the FCA first was passed during the Civil War. Dubbed the “Lincoln Law,” it originally was designed to stop military procurement fraud. Today it allows private citizens with knowledge of fraud to help the Government recover ill-gotten gains and additional civil penalties. The law allows the Government to collect up to three times the amount it was defrauded, in addition to civil penalties of \$5,500 to \$11,000 per false claim. Whistleblowers whose cases settle or are won in court usually receive rewards representing 15 to 25 percent of *qui tam* recoveries.

Since it was amended in 1986 to provide enhanced rewards and protections for *qui tam* whistleblowers, the FCA has enabled public minded individuals to report improper billing and help return more than \$20 billion to state and federal governments.

In settling the Medicaid Fraud allegations and paying more than \$400 million last February Merck did not admit to wrongdoing, but did agree to be bound by a Corporate Integrity Agreement.

Joseph E.B. (“Jeb”) White, TAF President and CEO, had announced earlier that the three lawyers (see <http://www.drugfraudsettlement.com/case/attorneys.aspx>) and Steinke have donated \$250,000 to TAF as seed money to fund an endowment that has allowed the DC-based *qui tam* bar organization to add a new staffer for the next decade.

“We are deeply honored to receive Lawyer of the Year awards from men and women who are representing whistleblowers every day in state and federal courts around the country,” Cohen said. “And we all are proud to donate \$250,000 to help launch an effort that’s added another important advocate to the TAF office.”

Kleiman lauded AUSA Parker from Philadelphia for her leadership throughout the fight. “Our landmark case exposed abuses of Medicaid’s Best Price nominal price exception and strengthened the Medicaid Rebate program. This is a clear win for taxpayers in reducing states’ drug costs,” Yeager said. (Also see <http://www.drugfraudsettlement.com/case/attorneys.aspx>)

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