

Firm's Sixth Circuit case tops Law360 Guide for 2023 Most Memorable Moment

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A leading online court review service has named a federal appellate court case won by Plunkett Cooney, one of the Midwest's oldest and most accomplished law firms, as its 2023 Most Memorable Moment in the U.S. Court of Appeals for the Sixth Circuit.

Plunkett Cooney appellate attorneys Mary Massaron and Henry Saad handled the Anti-Kickback Statute (AKS) case which is highlighted by Law360 in its 2023 Circuit-By-Circuit Guide. According to Law360, the Sixth Circuit's published opinion in *Martin v. Hathaway* has become the backbone of federal healthcare fraud enforcement.

In issuing its ruling, the court stated that False Claims Act cases must prove that kickbacks directly caused bogus billing, not merely that kickbacks tainted billing claims. The appellate court also opined that the term "remuneration" in the AKS encompasses "payments and other transfers of value," not "any act that may be valuable to another."

That finding narrowed the kickback law's scope and appeared to be one of the first times any circuit court had examined the term's breadth. Despite the whistleblowers urging a review of the two findings, the U.S. Supreme Court in October denied their petition.

The appellate court ruled in favor of Plunkett Cooney's client, falsely accused ophthalmologist Dr. Darren Hathaway. Massaron is a partner in the firm's Bloomfield Hills office. Henry W. Saad is a retired Chief Judge of the Michigan Court of Appeals who now serves as special counsel at Plunkett Cooney.

One of Plunkett Cooney's most accomplished appellate attorneys, Massaron is a member of the prestigious American Academy of Appellate Lawyers and the American Law Institute. She is also a past chair of the American Bar Association's Standing Committee on Amicus Curiae Briefs, a five-member committee that oversees preparation of ABA briefs for filing in the U.S. Supreme Court.

Plunkett Cooney is one of the few Midwest law firms with a dedicated team of appellate attorneys. The members of the firm's Appellate Law Practice Group are responsible for over 1,500 cases decided by state and federal appellate courts, including all Michigan appellate courts, the Ohio Supreme Court, the Indiana appellate courts, the California Court of Appeals, and numerous federal circuit courts of appeal.

Plunkett Cooney's appellate attorneys are routinely retained to handle cutting edge appeals involving issues of first impression or to seek reversal of large adverse judgments. They have also prepared numerous *amicus curiae* briefs on behalf of firm clients for filing in state and federal courts.

Established in 1913, Plunkett Cooney is a leading provider of business and litigation services to clients in the private and public sectors. The firm employs approximately 130 attorneys in seven Michigan cities, Chicago, Illinois, Indianapolis, Indiana and Columbus, Ohio. Plunkett Cooney has achieved the highest rating (AV) awarded by Martindale-Hubbell, a leading, international directory of law firms.

For more information regarding selection of Martin v. Hathaway as the 2023 Sixth Circuit Law360 Memorable Moment, contact the firm's Director of Marketing and Business Development, John Cornwell, at (248) 901-4008; jcornwell@plunkettcooney.com.

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