

Third Circuit Affirms Judgment in Favor of CVS Health Corp.

November 2017

The firm represented CVS Health Corporation in *qui tam* litigation relating to its provision of Medicare Part D services for Part D Plan Sponsor clients (*U.S. ex rel. Anthony R. Spay v. CVS Caremark Corporation, et al.*, No. 09-4672 (E.D. Pa.)). The firm was retained by CVS Health Corp. after the Eastern District of Pennsylvania's denial of a motion to dismiss. After a lengthy discovery period, the parties filed cross-motions for summary judgment. On September 22, 2015, the Court granted summary judgment in favor of CVS Health on all of Relator's claims, stating that Relator's allegations were, in the Court's words, "smoke and mirrors." The plaintiffs appealed, and **Enu Mainigi** argued the appeal before the United States Court of Appeals for the Third Circuit. On November 16, 2017, the firm secured a precedential affirmance by the Third Circuit in favor of CVS Health Corporation. The opinion includes the Third Circuit interpreting the critical Supreme Court decision in *Escobar*.

Enu Mainigi, **Craig Singer**, **Holly Conley**, **Grant Geyerman**, and **Colleen McNamara** represent CVS Health Corporation.

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