

# Third Circuit Affirms Dismissal of Suit Against Williams & Connolly Client Medco

June 2019

Williams & Connolly represented Medco Health Solutions, Inc. and Express Scripts in *qui tam* litigation relating to purchase discounts Medco received from a pharmaceutical manufacturer. The Company moved to dismiss based on the False Claims Act's public disclosure and first-to-file bars. On January 5, 2017, the court granted the motion to dismiss on both grounds, without prejudice. The relator filed an amended complaint, which Medco again moved to dismiss, and on October 26, 2017, the court again held that the relator's claims were barred by the public disclosure bar and granted the motion to dismiss with prejudice. The court found that public disclosures of the alleged discounts predated the relator's claims, such that he was not the original source of the information in his complaint.

The relator appealed to the Third Circuit which, on June 19, 2019, affirmed the district court's ruling that the relator did not qualify as the original source of the information at issue.

The team representing Medco included [Enu Mainigi](#), [Craig Singer](#), [Jennifer Wicht](#), [Holly Conley](#), [Benjamin Graham](#), and [Keith Clouser](#).

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