Press Coverage | July 21, 2023

The Litigation Jolting Health & Life Sciences in 2023's 2nd Half

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Michael S. Lowe

Mike Lowe, a partner in Troutman Pepper's Health Sciences Industry Group, was quoted in the July 21, 2023 *Law360* article, "The Litigation Jolting Health & Life Sciences in 2023's 2nd Half."

Troutman Pepper partner Michael S. Lowe echoed that prediction, saying there was "an open invitation from the dissenting and concurring justices in Polansky to raise the issue of the constitutionality of the False Claims Act."

"I expect defense counsel will raise this issue in the district courts regardless of the circuit in which their cases are pending," Lowe said. "There appears to be little to no downside to doing so in order to, at a minimum, preserve the issue."

…

"Without a doubt, this is the area upon which liability is likely to turn in a good percentage of FCA cases," Troutman Pepper's Lowe said.

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