

Bird Marella Wins Dismissal Of 21 Aggravated Mayhem Charges In High-Profile Health Care Fraud Prosecution

Bird Marella attorneys [Benjamin Gluck](#), [Ariel Neuman](#), and [Nicole Van Dyk](#) won dismissal of the 21 most serious charges in a high profile grand jury indictment against two physicians, a chiropractor, and eight employees and associates of a workers compensation healthcare provider.

Each of the 21 now-dismissed counts carried a potential life sentence. The Los Angeles County District Attorney's Office has described this case as the largest health care fraud in California history.

Prosecutors alleged the defendants "permanently disfigured" 21 workers compensation patients in the course of committing insurance fraud by allowing a Physician's Assistant to conduct all or portions of surgical procedures.

The Bird Marella defense team argued that (1) the People misunderstood the medical regulations regarding PA practice and patient informed consent; (2) the People's factual presentation did not establish probable cause for the charges; and (3) the People committed a number of evidentiary errors in their grand jury presentation that required dismissal.

On April 11, 2016, after four days of argument, the Honorable Kathleen Kennedy granted Bird Marella's motion in its entirety, dismissing all 21 aggravated mayhem counts on every basis asserted by Bird Marella's attorneys.

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