

Bird Marella Wins Unique Writ Petition in False Claims Act Lawsuit Against Prominent Law Firm

In a case of first impression, Bird Marella successfully defended one of the largest law firms in California against claims that it violated the California False Claims Act by “fraudulently” inducing its former client, a public agency, to disburse several million dollars in funds towards a public works project. The qui tam lawsuit was brought by an alleged “whistleblower,” a current member of the board of directors of the agency, seeking eight-figure damages. The Bird Marella team, led by principals [Paul Chan](#) and [Tom Freeman](#), along with counsel [Marc Masters](#) and associate [Elliot Harvey Schatmeier](#), aggressively litigated the relator’s standing to pursue the case, and obtained a writ of mandate from the California Court of Appeal finding that the relator had a conflict of interest that precluded her from participating in agency decisions relating to the lawsuit. After persuading the Court of Appeal to stay all proceedings in the trial court in connection with a subsequent petition for writ relief, and while defendants’ summary judgment motions were pending, Bird Marella was able to settle the case on behalf of the law firm for a small fraction of the public funds at issue.