

Walton Quoted in *Government Contracts Law360* Article Titled “Attys Dish On Escobar's FCA Impact One Year Later”

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Victor Walton, a partner in the Vorys Cincinnati office and a member of the litigation group, was quoted in a *Government Contracts Law360* story regarding the one year anniversary of the U.S. Supreme Court's ruling in *Universal Health Services v. Escobar*.

The story featured the following quote from Walton:

“The U.S. Supreme Court prefers unanimity to clarity in its FCA decisions, and Escobar has raised as many questions as it answered. In general, the decision has been very good for defendants, allowing them to rebut the government's bald affirmations of materiality and permitting the introduction of evidence concerning the government's continued payment of claims. Indeed, the government's handling of similar situations should now be fair game in discovery, as defendants are entitled to know whether other contractors or health care providers were treated differently for comparable conduct. The big fight continues to be whether Escobar's two-part test is mandatory. Lower courts have been divided on the issue. If a consensus emerges that it is mandatory, expect relators' counsel to seek relief from Congress.”

To read the entire story, visit the *Law360* website. (Subscription required).