

Walton Quoted in *Law360* Article Titled “Escobar 5 Years Later: How FCA Earthquake Is Reverberating”

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Victor Walton, a partner in the Vorys Cincinnati office, was quoted in a *Law360* article about the impact that the U.S. Supreme Court’s decision in *Universal Health Services v. Escobar* has had on False Claims Act (FCA) cases over the past five years. According to the article, *Escobar* has been cited perhaps the biggest ruling in the 35-year modern history of the FCA, which the Supreme Court has interpreted on numerous occasions.

The story states:

Victory Walton from Vorys, Sater, Seymour and Pease LLP says that “Escobar put the brakes on a statute that was spiraling out of control, grounding liability in situations where the government could actually be said to have been defrauded. It told courts to look at reality, and not imagine what the government would have done about minor technical violations and to focus on the government’s actual actions.

It took the [Allison Engine v. Sanders ruling, in which the high court in 2008 found that the FCA is not an ‘all-purpose antifraud statute’] further, holding that the FCA is not a “vehicle for punishing garden-variety breaches of contract or regulatory violations.”

But there are still all kinds of unanswered questions about Escobar. While Escobar reiterated the rigorous nature of the FCA’s materiality element, today courts vary as to what [level of specificity] is required to satisfy Escobar at the pleading stage. My defense colleagues may [think] that Escobar is a game changer. I just think it remains to be seen, but it has made a difference.”

Read the entire story on the *Law360* website. (Subscription may be required).