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Allergan Faces Lawsuit Alleging Payment of Kickbacks to Induce Prescriptions for Lucrative Eye Care Drugs

Complaint filed by Philadelphia-based Pietragallo Gordon Alfano Bosick & Raspanti, LLP, and Chicago-based Goldberg Kohn Ltd.

PHILADELPHIA, Penn.—December 17, 2013 – Allergan Inc. paid kickbacks to induce prescriptions of the pharmaceutical company's eye care drugs, according to allegations raised in a lawsuit unsealed today in federal court in Philadelphia. On behalf of the federal and state governments, the complaint seeks to recover damages and penalties under federal and state False Claims Acts. The complaint was filed by Pietragallo Gordon Alfano Bosick & Raspanti, LLP, and Goldberg Kohn Ltd. on behalf of two well-respected Philadelphia-area ophthalmologists.

The lawsuit alleges that Allergan provided illegal inducements to eye care professionals throughout the United States, including business consulting services through its team of Eye Care Business Advisors. Allergan explicitly requested that in exchange for those benefits, eye doctors and optometrists prescribe Allergan's drugs. According to the complaint, Allergan touted that its free consulting services would boost the profitability of eye care professionals' practices by, among other things, advising practices on how to target patients with "dry eye" and prescribe Allergan's blockbuster drug RESTASIS®, as opposed to significantly less expensive treatment alternatives. According to the complaint, the Eye Care Business Advisors were part of an array of valuable services that Allergan provided to eye care professionals in order to persuade them to prescribe a host of eye care products. These products were paid for by the Medicare and Medicaid health insurance programs.

The complaint was filed under the *qui tam*, or whistleblower provisions of the False Claims Act. This Act encourages private citizens to come forward and report fraud against the government by allowing them to sue on behalf of the government and receive a share of any government recovery. Under the law, 70 percent of any recovery goes back to federal and state treasuries.

"Patients deserve to know that their medical professional is making decisions based on their best interests and not because a drug company is offering incentives to steer patients to specific drugs," said Pietragallo Gordon attorney Marc S. Raspanti.

"We look forward to prosecuting this case to a successful conclusion for federal and state taxpayers and for all of us who are concerned about the integrity of medical decision-making in this country," said David Chizewer of Goldberg Kohn.

"It is rare for successful, well-respected physicians to blow the whistle on the health care industry," says Raspanti's partner, Michael Morse.

"We are proud to represent our clients who not only run one of the most prestigious eye care practices in the Philadelphia area, but had the rare courage and integrity to come forward and report Allergan's practices," said Pietragallo Gordon's Pamela Brecht.

"The False Claims Act provides private law firms with the unique opportunity to litigate and vindicate the interests of federal and state governments, and we intend to do just that," commented Chizewer's partner, Matthew Organ.

The lawsuit is captioned United States ex rel. Nevyas, et al. v. Allergan, Inc., No. 09-0432 (E.D. Pa.). The matter is assigned to the Honorable Thomas M. O'Neill, Jr. The claims asserted against the defendants are allegations only; there has been no determination of liability.

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About Pietragallo Gordon Alfano Bosick & Raspanti, LLP:

Pietragallo Gordon Alfano Bosick & Raspanti, LLP, is one of the largest and most successful whistleblower law firms in the United States. Lawyers in the nationwide whistleblower practice group of Pietragallo Gordon Alfano Bosick & Raspanti have served for more than 25 years as lead counsel in whistleblower cases that have recovered more than \$1.8 billion for federal and state taxpayers. For more information on our Federal and State False Claims Act practice, see www.falseclaimsact.com or www.pietragallo.com.

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About Goldberg Kohn Ltd.:

Serving clients and whistleblowers nationwide, the attorneys of Goldberg Kohn served as lead trial counsel in obtaining the largest judgment in the history of the federal False Claims Act. Goldberg Kohn can be contacted at:

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