



JANIS G. GORTON

Senior Counsel

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Janis Gorton joined Schneider Wallace Cottrell Konecky in March 2023 as Senior Counsel to the Business Litigation and Competition practice group. She has worked almost exclusively on qui tam litigation since 2008. Many of her cases have involved fraud pertaining to government health care programs, including fraudulent pharmaceutical price inflation, fraudulent reporting of usual and customary (U&C) prices, kickbacks associated with Medicare and Medicaid programs, Stark violations, billing for medically unnecessary services and services not provided, provision of worthless services and off-label marketing. She has also handled cases involving whistleblower retaliation claims, procurement fraud related to contracts with federal agencies, as well as mortgage fraud.

Prior to joining Schneider Wallace, Ms. Gorton was of counsel at Berg & Androphy, where she successfully:

- Represented a whistleblower in a case against Cornerstone Hospital Medical Group, which agreed to pay \$21.6 million to settle civil allegations that it improperly billed Medicare for unauthorized services, services not provided, and services which were deemed so inadequate they were considered worthless.
- Represented whistleblowers in a case against DynCorp International, LLC and Damco U.S.A., Inc., which resulted in a \$25.4 million settlement. The case, filed on behalf of the United States, alleged that the companies submitted false claims for payment to the Department of Defense related to freight forwarding services provided in Afghanistan as part of the LOGCAP IV program.
- Represented whistleblowers in a case against PharMerica Corporation, which agreed to pay \$4.9 million to settle civil allegations that it sought and received kickbacks from a drug manufacturer in the form of discounts in exchange for promoting the antidepressants Remeron and Remeron SolTab in long-term care nursing facilities.
- Represented one of several whistleblowers in a case against SavaSeniorCare, which resulted in a \$11.2 million settlement. The case, filed on behalf of the United States, alleged that Sava caused skilled nursing facilities to bill the Medicare program for rehabilitation therapy services that were not reasonable, necessary, or skilled.
- Represented one of several whistleblowers in a case against Encore Rehabilitation Services, which resulted in a \$4.03 million settlement. The case, filed on behalf of the United States, alleged that Encore caused

skilled nursing facilities to submit false claims to Medicare for therapy services that were not reasonable, necessary, or skilled.

- Represented a whistleblower in a case against AmCap Mortgage, Ltd., which resulted in a settlement netting the whistleblower and the government approximately \$540,000. The case, filed on behalf of the United States, alleged that AmCap, a mortgage lender participating in the Federal Housing Administration (FHA) Direct Endorsement program, violated FHA guidelines in connection with its origination, underwriting, quality control, and certifications in relation to mortgage loans it approved and submitted to the FHA.
- Represented one of six whistleblowers in a case against Encompass Health Corporation (formerly known as HealthSouth Corporation), the nation's largest operator of inpatient rehabilitation facilities (IRFs). The defendant agreed to pay \$48 million to resolve allegations that some of its IRFs provided inaccurate information to Medicare to earn a higher rate of reimbursement.
- Represented whistleblowers in a case against a pharmaceutical manufacturer. The case involved allegations of price inflation and resulted in a \$1.2 million settlement.
- Represented a whistleblower in a case against Health Services Management, Inc. and Huntsville Health Care Center, which resulted in a settlement. The case, filed on behalf of the United States and the State of Texas, alleged that the defendants billed Medicare and Texas Medicaid for services that were not rendered or were so deficient and substandard that they harmed nursing home patients and were essentially worthless services. The settlement netted the Government and client more than \$4.5 million.
- Represented a whistleblower in a retaliation claim, resulting in a favorable settlement after mediation.
- Represented whistleblowers in a case against Mallinckrodt Pharmaceuticals, Tyco International, Ltd., Tyco Healthcare Group LP, and Covidien, who agreed to pay nearly \$1 million to settle allegations that they caused state Medicaid programs to pay inflated rates for prescription medications by submitting inflated pricing information to Medicaid agencies and to third-party compendia publications used by state agencies to set Medicaid reimbursement amounts.

Practice Focus

- Qui Tam Litigation

Education

- University of Texas School of Law, J.D.
- University of Texas at Austin, B.S. in Communication Studies, Graduated *cum laude*

Admissions

- Texas
- United States Court of Appeals, Fifth Circuit
- United States Court of Appeals, Tenth Circuit
- United States District Court for the Southern District of Illinois
- United States District Court for the Western District of Michigan
- United States District Court for the District of New Mexico

- United States District Court for the Western District of Oklahoma
- United States District Court for the Southern District of Illinois
- United States District Court for the Eastern District of Texas
- United States District Court for the Southern District of Texas
- United States District Court for the Western District of Texas

Affiliations

- Taxpayers Against Fraud (TAF), Public Education Committee Member
- Federal Bar Association, Qui Tam Section, Programming Committee Member
- American Bar Association, Health Law Section
 - Faculty Member, 2022 False Claims and Qui Tam Trial Institute
 - Faculty Member, 2020 ABA False Claims Act Virtual Trial Program
- Houston Bar Association, Health Law Section