



*“Advice and counsel that is concise, timely,
on-point and cost-effective.”*

Firm Wins Motion to Dismiss FCA and ADA Claims in Northern District of Illinois

Scharf Banks Marmor LLC won a motion to dismiss on all counts of a wide-ranging complaint against its medical billing client. The complaint alleged violations of the federal False Claims Act as well as claims of retaliatory discharge and violation of the Americans with Disabilities Act on behalf of three former employees. Partner Sarah Marmor and Associate Morgan Churma successfully argued that the FCA counts failed to plead facts sufficient to support the claims and that the ADA claim was barred because the allegedly disabled employee in question was not a “qualified individual” under the ADA. Judge Leinenweber, of the Northern District of Illinois, agreed, finding that allegations that an employee believed improper billing and collections efforts to be wrongful did not satisfy the required element that inflated claims actually were submitted to the government for payment and could not support retaliatory discharge claims under federal statute. The Court also found that an employee who could not have returned to work in less than three months was not able to work with or without an accommodation, and therefore was not a qualified individual under the ADA. To read full decision [click here.](#)