Mark S. Hardiman
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Representative Transactions

Mark has extensive experience with complex litigation and regulatory compliace of public and private healthcare organizations. He has handled a number of state and federal cases involving both criminal and civil litigation, obtaining favorable outcomes on behalf of a number of healthcare organizations.

- Settled a federal criminal case charging a respiratory therapist with healthcare fraud relating to sleep studies, resulting in a guilty plea to a misdemeanor tax charge and the dismissal of all fraud charges.
- Obtained a dismissal of federal charges accusing a physician with healthcare fraud at various clinics.
- Obtained a dismissal of state criminal charges alleging a skilled nursing facility committed elder abuse after a resident committed suicide.
- Obtained a dismissal of federal charges after a two-month trial alleging a physician was engaged in the illegal distribution of controlled appetite suppressants over the internet.
- Obtained a dismissal of state criminal manslaughter and elder abuse charges, alleging a skilled nursing facility was legally responsible after a patient died from respiratory failure.
- Obtained a summary judgment in favor of the hospital in a non-intervened FCA case alleging false claims for unnecessary and duplicative laboratory testing.
- Obtained a dismissal in an FCA case against a hospital that allegedly paid kickbacks to a partial hospitalization program.
- Obtained summary judgment in the system's favor in a non-intervened FCA case alleging a hospital's submission of false claims for clinic office visits. The ruling was affirmed on appeal.
- Obtained a favorable government decision not to file a case after an FCA investigation of a medical group for allegedly submitting false claims for oncology drugs.
- Favorably settled whistleblower lawsuits on behalf of one of the largest health systems in the country.
- Successfully petitioned the California Supreme Court for review of psychotherapists' challenge to the invasion of patients' privacy rights in psychotherapeutic communications.

Mark's representative cases include the following published opinions:

- False Claims Act: *Zeman ex rel. U.S. v. USC University Hosp., 664 Fed. Appx. 641* (9th Cir. 2016)
- False Claims Act: *S. ex rel. Hockett v. Columbia/HCA, 498 F.Supp.2d 25* (D.D.C. 2007)
- Medicare Act: *Alvarado Hospital, LLC v. Price, 868 F.3d 983* (Fed. Cir. 2017)
- Medicare Fraud: *S. v. SDI Future Health, Inc., 568 F.3d 684* (9th Cir. 2009)
- Medicare Overpayment: *Palomar Medical Center v. Sebelius, 693 F.3d 1151* (9th Cir. 2012)
- Prescription Fraud: *S. v. Jackson, 167 F.3d 128* (9th Cir. 1999)
- Privacy Rights: *Mathews v. Harris, 7 Cal. App.5th 334* (2017)