



Court Unseals Murphy Anderson Whistleblower Pharmaceutical Fraud Lawsuit against Avanir in \$ 108 Million Settlement

Whistleblower Case Alleges Doctors Paid to Write Unnecessary Nuedexta Prescriptions, Two Ohio Doctors Indicted

WASHINGTON , DC, USA, September 27, 2019 /EINPresswire.com/ -- Today Avanir Pharmaceuticals paid over \$ 108 million to settle [whistleblower](#) cases that accused the pharmaceutical company of defrauding Medicare and other government insurance programs by paying doctors kickbacks, in the form of speaker fees, in exchange for writing unnecessary Nuedexta prescriptions.

The U.S. Justice Department announced the Nuedexta \$ 108 million False Claims Act and related settlement today with Avanir and its indictment of four individuals for related misconduct, including a physician in the whistleblower lawsuit, Dr. Deepak Raheja of Cleveland, Ohio.

Claims were first reported by whistleblower Kevin Manieri in a False Claims Act (FCA) qui tam complaint filed in Akron, Ohio. Whistleblower Manieri is a former Avanir sales director and is represented by The Employment Law Group and [Murphy Anderson](#) PLLC attorneys.

The FDA approved Nuedexta for treating patients with a rare, non-life threatening disorder, pseudobulbar affect (PBA), which causes spontaneous laughing or crying unrelated to the patient's emotional state. California-based Avanir, subsidiary of Japanese Otsuka Pharmaceutical Co., Ltd., manufactured the drug and publicized the rare disorder.

Mr. Manieri, an experienced pharmaceutical industry sales manager, joined Avanir in 2014 to manage Neudexta sales in the northern United States, never expecting to become a whistleblower. His complaint alleges that Avanir management instructed sales representatives to promote Neudexta to a relatively few prescribers willing to prescribe Neudexta for many patients, even those with only a "bare minimum of symptoms," in exchange for thousands of dollars in speaking fees. Mr. Manieri's complaint describes an Ohio doctor receiving more than \$56,000 in Avanir fees and who wrote double the number of Neudexta prescriptions as any other doctor, far more prescriptions than would be expected for the number of patients who truly benefit from the medication and have PBA.

Nuedexta sales included those made to nursing homes, long-term care facilities, and institutional providers to the elderly and disabled, where many individuals were prescribed the drug, allegedly without actually suffering from PBA.

Manieri's whistleblower lawyers Ann Lugbill and Mark Hanna pointed out: "This Avanir Complaint demonstrates how important a brave whistleblower is to our country's health and the Medicare budget. We should all thank whistleblowers like Kevin Manieri and his fellow Georgia whistleblowers. They exposed the alleged kickback scheme to sell Nuedexta by getting unscrupulous doctors to prescribe an expensive drug for patients who did not need it. Many Nuedexta patients were elderly, disabled, or suffering from dementia and depended on their doctors to do what was right."

After opposing the scheme internally at the company, Mr. Manieri was fired. He filed a whistleblower complaint in 2015. The suit remained sealed while the Justice Department investigated, but is now public. Avanir agreed to a Deferred Prosecution Agreement under federal criminal laws earlier this week in Georgia.

Mr. Manieri and two other whistleblowers filing a second related FCA lawsuit against Avanir will share in the settlement. Both federal and state false claims acts empower whistleblowers to file "qui tam" lawsuits on the government's behalf, with whistleblowers receiving part of the recovery.

While the FCA prohibits employers from retaliating against whistleblowers who seek to prevent fraud, Mr. Manieri's whistleblower retaliation lawsuit against Avanir is pending before Federal Judge Sara Lioi in Akron, Ohio.

Mr. Manieri's attorneys include Ann Lugbill and Mark Hanna of Murphy Anderson in Cincinnati and Washington, D.C., and R. Scott Oswald and Janel Quinn of The Employment Law Group. The case was investigated and resolved by Assistant U.S. Attorneys Patricia M. Fitzgerald and Brendan F. Barker of the U.S. Attorneys Office, Northern District of Ohio (Cleveland), Neeli Ben-David in Georgia, and Natalie Waites, Justice Department senior counsel for health care fraud in Washington, D.C.

Mr. Manieri's case was filed March 30, 2015 in U.S. District Court, Northern District of Ohio: United States ex rel. Manieri v. Avanir Pharmaceuticals, Inc., No. 5:15CV611 (Akron). A second case was filed in U.S. District Court, Northern District of Georgia: No. 1:15-cv-01250.

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