

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 11-12131-RWZ

UNITED STATES OF AMERICA
and THE STATE OF CALIFORNIA,
ex rel. KIMBERLEY HERMAN, *et al.*

v.

COLOPLAST CORP, *et al.*

OPINION and ORDER

August 24, 2016

ZOBEL, J.

In its July 29, 2016 Opinion and Order (Docket # 162), the court allowed CCS Medical, Inc.'s motion to dismiss relators' False Claims Act (FCA), 31 U.S.C. §§ 3129 et seq. (2012), allegations predicated on violations of the federal Anti-Kickback Statute (AKS), 42 U.S.C. § 1320a-7b(b) (2012). Relators have moved for reconsideration (Docket # 166), and the United States—which, although it has not intervened in relators' claims against CCS, remains a real party in interest to those claims—has filed a statement of interest generally supportive of relators' arguments (Docket # 170). Both relators' motion and the United States' statement of interest argue persuasively that the Opinion misconstrued the AKS, and relators' motion is thus allowed.