

CALIFORNIA

SAN JOSE OFFICE

WINS MOTION TO DISMISS RICO CLAIMS



Senior Associate, Laura Malkofsky, won a motion to dismiss a RICO (Racketeer Influenced Corruption Organizations) claim in United States district court, on behalf of our client, a healthcare facility. The plaintiff was the former medical director of the facility who was terminated for cause. He filed suit in state court which included a RICO cause of action based on allegations of mail and wire fraud. The suit was later removed to the federal court. The district court judge ruled that plaintiff failed to show that there was any relationship of the mail and wire fraud and failed to articulate a basis for how the alleged falsity was material. The case was remanded to state court to adjudicate the remaining state law claims.

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