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Government Recommends Supreme Court NOT Hear Takeda Case - U.S. Solicitor General

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The U.S. Solicitor General has asked the Supreme Court not to hear an appeal in a **False Claims Act (“FCA”)** case against Takeda North America Pharmaceuticals, Inc. The Fourth Circuit had dismissed the case because the plaintiff failed to plead the allegations of fraud with particularity.

Specifically, the government stated that the case is not a “suitable vehicle” for resolving the particularity question, as it was dismissed for both insufficient particularity and lack of plausibility. Such a recommendation, however, may signal a broader concern that confirmation of the pleading standards adopted in the *Takeda* case would make it harder for relators to bring suit on the government’s behalf in FCA *qui tam* claims.

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