

February 27, 2023

To whom this concerns:

I am writing in support of the bill to amend the Maryland False Claims Act to permit whistleblowers in declined cases to proceed to active litigation.

I was a Deputy Attorney General for over 16 years in the Delaware Attorney General's Office, including approximately 7 years as the Director of the Medicaid Fraud Control Unit. While there, I saw first-hand the value in permitting whistleblowers to proceed in declined cases.

In 2010 I went into the private sector, and since that time, my practice has focused almost exclusively on representing whistleblowers in cases under the federal and state False Claims Acts ("FCA").

In the past ten years, I have successfully resolved approximately a dozen FCA cases which were initially declined by the government. The most recent of those resulted in a jury verdict in August 2022 against pharmaceutical manufacturer Eli Lilly and Company in the amount of \$61 million. Once damages are trebled as required by statute, and once mandatory penalties imposed, the final judgment will exceed \$200 million.

Unfortunately, I was unable to bring claims on behalf of the State of Maryland because the Maryland FCA would not allow me to do so. Had the Maryland FCA permitted me to bring claims on behalf of Maryland's citizens, the results would have been extraordinary. The same goes for the other 10+ declined cases that I have successfully resolved.

Sincerely,



Daniel R. Miller