

CAUSE NO D-1-GV-12-000863

THE STATE OF TEXAS, ex rels.	§	IN THE DISTRICT COURT OF
DR. CHRISTINE ELLIS, D.D.S	§	
And MADELAYNE CASTILLO,	§	
Plaintiffs,	§	
	§	TRAVIS COUNTY, TEXAS
v.	§	
	§	
ASDC HOLDINGS, LLC (ASDC); et al.	§	
Defendants.	§	126 TH JUDICIAL DISTRICT

JUDGMENT

On May 15, 2020, this cause came to be heard on The State of Texas’s (“State”) Motion for Partial Summary Judgment. The State and Dr. Richard J. Malouf (“Malouf”), defendant, appeared through their respective attorneys of record, having previously agreed that the State’s Motion for Partial Summary Judgment may be decided by the Court on submissions and without hearing. After consideration of the briefing and evidence submitted by the parties, the Court granted the State’s Motion for Partial Summary Judgment.

Following the grant of Partial Summary Judgment, the State and Relators Madelayne Castillo and Christine Ellis (the State, Ellis, and Castillo are collectively referred to as “Plaintiffs”) informed the Court and Malouf of their intention to move for attorneys’ fees, expenses, and costs as provided for in the Texas Medicaid Fraud Prevention Act (“TMFPA” Tex. Hum. Res. Code §§ 36.001 *et seq.*), nonsuit all remaining claims against all defendants that were not subject of the May 15, 2020 Order on the State’s Motion for Partial Summary Judgment, and move for entry of final judgment.

Plaintiffs petitioned the Court for awards of attorneys’ fees, expenses, and costs pursuant to Tex. Hum. Res. Code §§ 36.107 and 36.110. The parties agreed that the Plaintiffs’

petitions for attorneys' fees, expenses, and costs may be decided by the Court on submissions and without hearing. After consideration of the briefing and evidence submitted by the parties, the Court issued orders on the Plaintiffs' attorneys' fees, expenses, and costs on July 17, 2020.

The State filed a notice of non-suit concurrently with its Motion for Entry of Final Judgment that disposes of all claims and parties that are not subject to the May 15, 2020 Nunc Pro Tunc Order on the State's Motion for Partial Summary Judgment.

Thereafter, Plaintiffs moved for entry of final judgment based on the Court's grant of partial summary judgment and awards of attorneys' fees, expenses, and costs. Having considered the motion and the May 15, 2020 and July 17, 2020 orders, the Court finds that judgment should be rendered for Plaintiffs and against Malouf.

It is therefore **ORDERED** that Plaintiffs' Motion for Entry of Final Judgment is **GRANTED** and that:

1. The State have judgment against defendant, Dr. Richard J. Malouf, as follows:
 - a. the sum of **\$538,227.45** representing the amount of any payment provided under the Medicaid program as a result of unlawful acts, in accordance with Tex. Hum. Res. Code § 36.052(a)(1) (2007);
 - b. **Interest on \$538,228.45 at the rate of 5.000% per annum**, from January 31, 2010 to the date that the State recovers the amount of the payment, in accordance with Tex. Hum. Res. Code § 36.052(a)(2) (2007);
 - c. the sum of **\$9,210,000.00** representing the statutory minimum civil penalty for each unlawful act committed, in accordance with Tex. Hum. Res. Code §36.052(a)(3)(B) (2007);
 - d. the sum of **\$1,076,456.90** representing two times the amount of the payment received as a result of unlawful acts, in accordance with Tex. Hum. Res. Code § 36.052(a)(4) (2007);

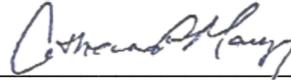
- e. the sum of **\$4,345,647.00** as reasonable attorneys' fees in obtaining TMFPA civil remedies on behalf of the State, in accordance with Tex. Hum. Res. Code § 36.007; and
 - f. the sum of **\$265,200.32** as the costs reasonably incurred in obtaining TMFPA civil remedies on behalf of the State and the expenses in obtaining TMFPA civil remedies on behalf of the State.
2. Relator Castillo have judgment against defendant, Dr. Richard J. Malouf, as follows:
- a. the sum of **\$651,052.50** as reasonable attorneys' fees in helping to obtain TMFPA civil remedies on behalf of the State of Texas in accordance with Tex. Hum. Res. Code §36.110(c) (2007);
 - b. the sum of **\$18,925.60** as the expenses and costs reasonably incurred in helping to obtain TMFPA civil remedies on behalf of the State of Texas in accordance with Tex. Hum. Res. Code §36.110(c) (2007);
3. Relator Ellis have judgment against defendant, Dr. Richard J. Malouf, as follows:
- a. the sum of **\$436,529.50** as reasonable attorneys' fees in helping to obtain TMFPA civil remedies on behalf of the State of Texas in accordance with Tex. Hum. Res. Code §36.110(c) (2007);
 - b. the sum of **\$9,286.40** as the expenses and costs reasonably incurred in helping to obtain TMFPA civil remedies on behalf of the State of Texas in accordance with Tex. Hum. Res. Code §36.110(c) (2007);

It is further **ORDERED** that The State of Texas will pay Private Plaintiffs/Relators, Madelayne Castillo and Christine Ellis an award from the proceeds of this action pursuant to Tex. Hum. Res. Code § 36.110 (2007).

It is further **ORDERED** that all writs and processes for the enforcement and collection of this judgment may issue as necessary.

It is further **ORDERED** that all relief requested in this case and not expressly granted is **DENIED**. This judgment finally disposes of all parties and claims and is appealable.

SIGNED this 10th day of AUGUST, 2020.



Hon. Catherine A. Mauzy
JUDGE PRESIDING

APPROVED AS TO FORM:

/s/Noah Reinstein

Noah Reinstein
Counsel for State of Texas

/s/Jason W. Snell

Jason W. Snell
Counsel for Dr. Richard J. Malouf

/s/Charles Siegel

Charles Siegel
Counsel for Relator Ellis

/s/J. Michael Tibbals

J. Michael Tibbals
Counsel for Relator Castillo