

CAUSE NO. D-1-GV-12-000863

THE STATE OF TEXAS, *ex rels.*
DR. CHRISTINE ELLIS, D.D.S. and
MADELAYNE CASTILLO
Plaintiffs,

v.

ASDC HOLDINGS, LLC (ASDC); *et al.*

Defendants.

§ IN THE DISTRICT COURT OF
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§ TRAVIS COUNTY, TEXAS
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§ 126th JUDICIAL DISTRICT
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**ORDER GRANTING THE STATE OF TEXAS’
MOTION FOR PARTIAL SUMMARY JUDGMENT**

The Court considered on written submission *The State of Texas’ Motion for Partial Summary Judgment* filed on February 21, 2020, *Defendant Richard J. Malouf, D.D.S.’ Response in Opposition to the State of Texas’ Motion for Partial Summary Judgment* filed on March 30, 2020, as well as *The State of Texas’ Reply Regarding Its Motion for Partial Summary Judgment*, filed on April 14, 2020. After reviewing the motion and the briefing of the parties, including the Defendant’s response and the State’s reply, the Court hereby finds that the State of Texas’ Motion for Partial Summary Judgment should be GRANTED.

Therefore, IT IS ORDERED, ADJUDGED AND DECREED that the State of Texas’ Motion for Partial Summary Judgment is **GRANTED** as follows:

The Court finds and IT IS ORDERED that Defendant Malouf is liable for 1,842 “unlawful acts”, as defined by the Texas Medicaid Fraud Prevention Act, Tex. Hum. Res. Code § 36.002(8) (2007).

The Court further finds and IT IS ORDERED that the State of Texas have judgment

against Defendant Malouf for the following civil remedies and penalties:

\$538,228.45, 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);

Interest on \$538,228.45 at the prejudgment interest rate in effect on the day the payment was received or paid, for the period from the date of the benefit was received or paid to the date that the State recovers the amount of the payment, in accordance with Tex. Hum. Res. Code § 36.052(a)(2) (2007);

\$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);

\$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).

The Court further finds and IT IS ORDERED that pursuant to Tex. Hum. Res. Code § 36.007 the State has the right to recover fees, expenses and costs reasonably incurred in obtaining the remedies outlined in this order.

SIGNED this 12th day of May, 2020.



CATHERINE A. MAUZY
JUDGE PRESIDING