

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, *et al.*, *ex rel.*  
OMNI HEALTHCARE, INC.,

Plaintiffs,

v.

MD SPINE SOLUTIONS LLC, D/B/A MD LABS  
INC., DENIS GRIZELJ, MATTHEW  
RUTLEDGE AND DOE HEALTHCARE  
PROVIDERS 1 - 100,

Defendants.

Case No. 18-cv-12558-PBS

**DEFENDANTS' PETITION FOR ATTORNEYS' FEES AND COSTS**

On September 5, 2025, this Court allowed Defendants' motion for attorneys' fees on the grounds that Relator engaged in "vexatious" and "improper" conduct by knowingly causing the submission of false claims solely to substantiate a False Claims Act lawsuit. Dkt. No. 294 at 4. It held Defendants are entitled to attorneys' fees in connection with Relator's UTI testing claims "since the filing of the amended complaint on April 4, 2022" "[b]ecause Relator 'has misused [its] statutory privilege and distorted the intent of the legislation.'" *Id.* at 7 (quoting *United States ex rel. Grynberg v. Praxair, Inc.*, 389 F.3d 1038, 1059 (10th Cir. 2004)). Through this petition, Defendants seek attorneys' fees of \$1,746,456.35 and costs of \$297,462.44, plus fees and costs incurred in connection with preparation of this fee petition.

**I. Procedural Background**

This Court granted summary judgment with regard to Relators' claims concerning polymerase chain reaction ("PCR")-based testing for urinary tract infections ("UTIs") on January 6, 2025. ECF No. 279. While Relator's appeal of that decision was pending, Defendants moved

pursuant to 31 U.S.C. § 3730(d)(4) for an award of attorneys' fees and costs incurred defending against Relator's PCR UTI testing claims since Relator filed its Amended Complaint on April 4, 2022. Defendants argued that Relator's UTI testing claims were clearly vexatious and brought primarily for purposes of harassment because Relator knowingly manufactured false claims solely to substantiate a *qui tam* action. Dkt. No. 286 at 1. The Court agreed, and found Relator's conduct to be "extremely troubling." Dkt. No. 294 at 3. It noted that "Dr. Craig Deligdish, the owner of the Relator medical practice, 'instructed his staff to order [PCR UTI] testing from [Defendant] MD Labs even when the provider had selected a [cheaper] test for the patient.'" *Id.* (quoting Dkt. No. 279 at 3; Dkt. No. 260 ¶ 65) (alterations in original). "In other words, Dr. Deligdish caused submission of false claims for PCR testing which he knew were not medically necessary," Dkt. No. 279 at 25, "and thereby violated the FCA himself." Dkt. No. 294 at 3 (citing 31 U.S.C. § 3729(a)(1)(A) (rendering liable "any person who . . . knowingly . . . causes to be presented[] a false or fraudulent claim for payment")). The Court's Order awarding fees noted that Dr. Deligdish went so far as to continue to order PCR UTI testing from MD Labs after Relator filed its initial complaint alleging that those tests were not medically necessary. Dkt. No. 294 at 4 (citing Dkt. No. 259-8 at 2-3 and Dkt. No. 286-2 at 1-2). The Court held, "Knowingly causing the submission of false claims for payment in order to substantiate an FCA suit is a misuse of the statute's relator provision. Seeking financial gain based on such claims is an improper and vexatious purpose for filing an FCA suit." *Id.*

The Court granted Defendants' motion for fees, and ordered the parties to file a status report within 21 days from the date of entry of the appellate mandate. The appellate mandate was entered on December 23, 2025. Dkt. No. 297. When Relator did not respond to Defendants'

attempts to negotiate an amount to which they are entitled, the parties filed a proposed briefing schedule to determine the appropriate amount on January 12, 2026. Dkt. No. 298.

## **II. Work Performed by Defendants' Counsel**

Two law firms represented Defendants with respect to Relators' UTI claims after Relator filed its Amended Complaint. Attorneys at Perkins Coie LLP ("Perkins Coie") represented Defendants from the filing of Relators' Amended Complaint on April 4, 2022, through September 30, 2022. Counsel at Robinson & Cole LLP ("Robinson+Cole") have represented Defendants with respect to the UTI claims from September 22, 2022, to the present.

Defendants' counsel worked over the course of more than three years to defend Relators' vexatious claims against them, ultimately uncovering Relators' scheme to disregard the medical judgment of the practice's physicians by sending urine samples to MD Labs for PCR UTI testing when the providers ordered less expensive bacterial urine cultures ("BUC") for their patients solely to substantiate allegations against Defendants. This litigation was complex and required significant motion practice and substantial discovery. From Relator's filing of its Amended Complaint, defense counsel: (1) briefed and argued a motion to dismiss; (2) filed an answer; (3) propounded and responded to discovery requests; (4) reviewed more than 1,000,000 documents and produced more than 670,000 pages of documents responsive to Relator's discovery requests; (5) filed and defended against motions to compel; (6) subpoenaed documents from 13 other clinical laboratories to which Dr. Deligdish sent identical samples to PCR UTI testing as well as other third-party witnesses; (7) obtained expert opinions from two defense expert witnesses; (8) conducted and defended 15 depositions of fact witnesses and four expert witnesses; (9) filed a motion for summary judgment; and (10) defended against a motion for partial summary judgment filed by Relator. *See* Affidavit of Seth B. Orkand ("Orkand Aff.") at ¶ 4.

Importantly, although Defendants' counsel performed limited work in connection with Relators' non-UTI claims settled by the government, Defendants do not seek reimbursement for attorneys' fees or costs associated with settled urine toxicology claims. Any such work has been excluded from the calculation of Defendants' attorneys' fees and costs sought herein, and redacted from the bills submitted with this petition or otherwise identified therein. *See id.* at Exhibit 2 and Exhibit 3.

### **III. Background, Experience, and Work Performed by Defendants' Attorneys**

#### **a. Perkins Coie LLP**

Perkins Coie represented Defendants for the first six months after Relator filed its Amended Complaint. The majority of Perkins Coie's work was performed by partners Barak Cohen and Alexander Canizares. Mr. Cohen billed approximately 50 hours at a rate of \$1,180 per hour and Mr. Canizares billed approximately 150 hours on defense of the UTI claims at a rate of \$1,045 per hour. *See id.* at Exhibit A.

Attorney Cohen is a former Department of Justice prosecutor and has led dozens of white-collar investigations throughout the United States focusing on fraud, waste, and abuse. He graduated from Georgetown University Law Center in 2002 and from the United States Military Academy, West Point, in 1992. He is a Partner in Perkins Coie's Washington, D.C., office and regularly represents medical laboratories, medical device companies, and pharmaceutical companies in False Claims Act investigations and litigation. Mr. Cohen graduated from Georgetown University Law Center in 2002 and from the United States Military Academy at West Point. *Id.* at Exhibit E.

Attorney Cohen worked on the matter with Attorney Canizares, who at the time of the representation was a Partner in Perkins Coie's Washington, D.C., office. He is now a Partner in Vinson & Elkins LLP's Washington, D.C., office and is co-head of that firm's Government

Contracts Practice Group. *See id.* at Exhibit F. A former trial lawyer with the DOJ's Civil Division, Attorney Canizares represents clients in False Claims Act/*qui tam* whistleblower actions and investigations involving fraud allegations. He also helps clients navigate mandatory and voluntary disclosures to federal agencies and mitigate risks involving the FCA and misconduct. Attorney Canizares writes and speaks frequently regarding government contracting issues. He is a co-chair of the American Bar Association (ABA) Public Contract Law Section Procurement Fraud and False Claims Committee. He is a 2006 graduate of The George Washington University Law School with high honors. *Id.*

Perkins Coie associates Paul Korol, Heath Hyatt, and Miles McCann performed limited work on the matter. Mr. Korol billed 35.4 hours at a rate of \$695 per hour, Mr. Hyatt billed 10.6 hours at an hourly rate of \$745, and Mr. McCann billed 2.6 hours at \$745 per hour. Two paralegals also worked on the matter, billing at \$380 and \$410 per hour and billing 6.95 and 0.3 hours, respectively. Finally, the team was assisted by librarians, a litigation support professional, and a managing clerk, billing a total of 4 hours. *See id.* at Exhibit A.

Perkins Coie incurred limited expenses of \$4,205.01, primarily for court filing fees, Lexis/Westlaw research fees, electronic document review database storage fees, and postage. Total attorneys' fees billed by Perkins Coie related to Relator's UTI claims from April 4, 2022, through September 30, 2022 were \$178,679.95, for total fees and expenses of \$182,884.96. *Id.*

**b. Robinson & Cole LLP**

Defendants retained Robinson+Cole to represent them in connection with Relator's UTI claims in September 2022. Seth Orkand, Edward Heath, and Danielle Tangorre were the attorneys primarily responsible for the matter. Over the three-year course of the litigation, Mr. Orkand billed 755 hours at a rate of \$550 per hour, Mr. Heath billed 355.6 hours at a rate of \$550

per hour, and Ms. Tangorre billed 346.8 hours at a rate of \$550 per hour. *See id.* at Exhibit B. Robinson+Cole provided Defendants with a substantial discount on its hourly rates as a courtesy.

Mr. Orkand is a former Assistant United States Attorney in the District of Massachusetts and the co-chair of Robinson+Cole's Government Enforcement and White Collar Defense practice. He represents health care entities and their executives in government investigations and complex civil and criminal cases involving the False Claims Act, the Anti-Kickback Statute (AKS), the Eliminating Kickbacks in Recovery Act (EKRA), and the Stark Law. He has extensive experience conducting internal investigations and assisting clients respond to investigations by regulatory and enforcement agencies for clinical laboratories, medical device manufacturers, wound care distributors, remote patient monitoring providers, durable medical equipment suppliers, and hospital systems. Mr. Orkand graduated *cum laude* from Boston College Law School in 2007. *See id.* at Exhibit G.

Mr. Heath is the chair of Robinson+Cole's Business Litigation practice group and co-leads the Government Enforcement and White Collar Defense and Internal Investigations and Corporate Compliance teams. Mr. Heath advises institutional clients in connection with civil and criminal government investigations and enforcement activities, including with respect to issues involving the federal and state False Claims Acts. An experienced trial lawyer, he has pursued or defended numerous nine- and eight-figure cases. He is a 1999 graduate of the University of Notre Dame Law School. *See id.* at Exhibit H.

Ms. Tangorre has extensive experience counseling clinical laboratories and other health care entities navigate operational and compliance issues and respond to government enforcement actions and regulatory inquiries. She advises clients on operational and compliance issues, federal and state fraud, and abuse laws, including the Stark law, AKS, and EKRA (as well as

state law counterparts), the HIPAA (Health Insurance Portability and Accountability Act of 1996), reimbursement and billing compliance, and other regulatory matters. A healthcare regulatory lawyer, Ms. Tangorre is frequently sought after to provide subject matter expertise in healthcare enforcement actions. Ms. Tangorre graduated from Albany Law School in 2010 and earned a Masters in Bioethics from Albany Medical School in 2011. *See id.* at Exhibit I.

Robinson+Cole lawyers Julianna Charpentier, Kevin Daly, and Theresa Lane also assisted in the matter. Over the three-year course of the litigation, Ms. Charpentier billed 1,060.4 hours at an average hourly rate of \$381 per hour, Mr. Daly billed 557.2 hours at a rate of \$450 per hour, and Ms. Lane billed 320.6 hours at an average rate of \$287 per hour.<sup>1</sup> Other associates assisted on an as-needed basis for specific projects, billing a total of 98.3 hours at an average rate of \$352 per hour. The lawyers were assisted by paralegals and electronic discovery specialists who billed a total of 95.3 hours at an average rate of \$273 per hour. *See id.* at Exhibit B.

Robinson+Cole incurred costs of \$293,257.43, which it passed through to Defendants without markup. The vast majority of these costs were related to the review and production of voluminous discovery in this matter. Robinson+Cole engaged HaystackID to conduct much of this review using contract attorneys whose hourly rates were considerably below Robinson+Cole's rates. HaystackID's contract attorneys charged an hourly rate of \$40 for first pass review and \$75 per hour for quality assurance review. It supervised its contract attorneys using managers who billed \$95 per hour and a senior review consultant whose rate was \$140 per hour. In total, Defendants incurred costs of \$149,386.69 for contract document review. *See id.* at Exhibit C. Robinson+Cole also incurred monthly storage and licensing fees for its document

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<sup>1</sup> Ms. Charpentier's hourly rate increased from \$350 to \$450 over the three-year period, resulting in an average hourly rate of \$381. Ms. Lane's hourly rate increased from \$270 to \$300 on January 1, 2024, resulting in an average rate of \$287 over the three-year period.

review database, Relativity. These fees totaled \$100,006.03 over the three year lifespan of the litigation. *See id.* at ¶ 7.

Robinson+Cole's costs were as follows:

Expense Category	Total Costs
Contract attorney document review (HaystackID)	\$ 149,386.69
Court fee	\$ 200.00
Third-party copying charges	\$ 8.35
Postage	\$ 599.59
Transcripts	\$ 15,556.58
Travel	\$ 939.41
Westlaw research fees	\$ 2,540.85
Postage and couriers	\$ 210.74
Document review database storage and licensing fees	\$ 100,006.03
Expert witness fees	\$ 23,809.19
<b>Total</b>	<b>\$ 293,257.43</b>

*See id.*

Total attorneys' fees billed by Robinson+Cole related to Relator's UTI claims from April 4, 2022, through September 30, 2025 were \$1,567,776.40, for total fees and expenses of \$1,861,033.83. Combined with Perkins Coie's fees and expenses, total fees and expenses incurred in defense of Relator's UTI claims were \$2,043,918.79.

## ARGUMENT

### I. Legal Standard

As this Court recognized in connection with Relators' motion for fees for the settled urine toxicology claims, the lodestar method is the method of choice for calculating fee awards.” *Matalon v. Hynnes*, 806 F.3d 627, 638 (1st Cir. 2015). “The lodestar amount equals ‘the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.’” *Pérez-Sosa v. Garland*, 22 F.4th 312, 321 (1st Cir. 2022) (quoting *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983)). To reach the first figure, the court “calculate[s] the number of hours reasonably

expended by the attorneys for the prevailing party, excluding those hours that are ‘excessive, redundant, or otherwise unnecessary.’” *Cent. Pension Fund of the Int’l Union of Operating Eng’rs & Participating Emps. v. Ray Haluch Gravel Co.*, 745 F.3d 1, 5 (1st Cir. 2014) (quoting *Hensley*, 461 U.S. at 434). Then, the court must determine a reasonable hourly rate, one that is “often benchmarked to the prevailing rates in the community for lawyers of like qualifications, experience, and competence.” *Pérez-Sosa*, 22 F.4th at 321 (quoting *Cent. Pension Fund*, 745 F.3d at 5). Multiplying these figures together produces the lodestar amount. Although a court may adjust the lodestar amount “upward or downward, if the specific circumstances of the case warrant,” its task “it to do rough justice, not achieve auditing perfection.” *Pérez-Sosa*, 22 F.4th at 321 (quoting *Fox c. Vice*, 563 U.S. 826, 838 (2011)).

## **II. Defendants’ Attorneys’ Fees, Expenses, and Costs are Reasonable**

### **a. The Number of Hours Expended by Defendants’ Attorneys is Reasonable**

The starting point for determining the amount of reasonable fees is the reasonable number of hours expended in the litigation. *Blum v. Stenson*, 465 U.S. at 888. “To determine the number of hours reasonably spent, one must first determine the number of hours actually spent and then subtract from that figure hours which were duplicative, unproductive, excessive, or otherwise unnecessary.” *Grendel’s Den, Inc. v. Larkin*, 749 F.2d 945, 950 (1st Cir. 1984).

Courts ordinarily should defer to the fee claimant’s judgment as to the reasonableness of, and necessity for, the work. *Moreno v. City of Sacramento*, 534 F.3d 1106, 1112 (9th Cir. 2008) (“By and large, the court should defer to the winning lawyer’s professional judgment as to how much time he was required to spend on the case”); *Norman v. Hous. Auth. of Montgomery*, 836 F.2d 1292, 1306 (11th Cir. 1988) (“The measure of reasonable hours is determined by the profession’s judgment of the time that may be reasonably billed and not the least time in which it might theoretically have been done”). Although courts sometimes question how successful a

fee petitioner was in advancing its claims in the litigation, *see City of Riverside v. Rivera*, 477 U.S. 561, 569 (1986); *Hensley*, 461 U.S. at 436, the Court need not engage in this exercise here, where but for the Relator bringing vexatious claims for the purpose of harassment, Defendants would not have incurred *any* of the claimed fees and expenses.<sup>2</sup>

**b. Defense Counsel's Hourly Rates are Reasonable**

The “burden [is] on a party requesting attorneys’ fees to establish — by evidence other than [his] own attorneys’ affidavits -- the prevailing hourly rate in the community for comparable legal services.” *Bordanaro v. McLeod*, 871 F.2d 1151, 1168 (1st Cir. 1989). While some members of the defense team were located in Hartford, Albany, and Washington, D.C., ““reasonable hourly rates should be set by reference to rates in the court’s vicinage rather than in the lawyer’s region of origin.” *Gross v. Sun Life Assurance Co. of Can.*, 880 F.3d 1, 23 (1st Cir. 2018) (quoting *Gay Officers Action League v. Puerto Rico*, 247 F.3d 288, 296 (1st Cir. 2001)). Relevant to the determination of reasonableness are (1) fee claimants’ skills, knowledge, experience, and reputation forming the basis for claimed hourly rates; and (2) prevailing rates in the community for similarly qualified attorneys. *United States ex rel. Averback v. Pastor Med. Assocs. P.C.*, 224 F. Supp. 2d 342, 353 (D. Mass. 2002); *Blum*, 465 U.S. at 895-96 n.11; *see also Calhoun v. Acme Cleveland Corp.*, 801 F.2d 558, 560 (1st Cir. 1986) (relying on “information about fees customarily charged in the locality for similar legal services and information about the experience and billing practices of the attorneys in question”).

Defendants seek reimbursement based on the following rates for its counsel: \$1,045 to \$1,180 for partners and \$695 to \$745 for associates at Perkins Coie; and \$550 for partners and \$287 to \$450 for associates at Robinson+Cole. As Relator noted in its own petition for fees,

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<sup>2</sup> In any event, Defendants achieved a complete victory on summary judgment and uncovered a significant fraud through their successful discovery efforts, counsel may recover compensation for all time claimed.

courts in this District have awarded fees in similar matters based on these rates. Dkt. No. 92 at 16 (citing *United States v. AthenaHealth, Inc.*, Civil Action No. 17-12125-NMG, 2022 U.S. Dist. LEXIS 38378, at \*20 (D. Mass. Mar. 3, 2022) (awarding fees based on rates of \$1,060 per hour for attorneys with at least 25 years of experience, \$900 per hour for attorneys with 15–24 years of experience, \$650 per hour for attorneys with 5–14 years of experience, \$490 per hour for attorneys with 0–4 years of experience, and \$309 per hour for paralegals)). Moreover, attorneys at Robinson+Cole, which performed the vast majority of work on this matter, billed for their services at lower rates than Relator’s counsel was awarded for their work on Relator’s contingent *qui tam* matter, and approximately half the hourly rates awarded in *AetnaHealth*. See Dkt. No. 92 (seeking hourly rates of \$575 to \$650 for partners).

The expenses incurred by Perkins Coie and Robinson+Cole were also reasonable and would not have been incurred but for Relator’s spurious conduct. The primary category of expenses incurred by Robinson+Cole was related to the review and production of a significant volume of documents relevant to the case. Robinson+Cole minimized its fees and costs by engaging a third-party vendor, HaystackID, to conduct much of the document review at more cost-effective rates. It also incurred monthly storage and licensing fees for its document review database, which it passed on to Defendants without markup. Other expenses were relatively minor in comparison, and included fees charged by court reporters for deposition transcripts and Westlaw research fees. The costs of \$293,257.43 incurred by Robinson+Cole were necessary to the litigation and reasonable.

**c. Defendants are Entitled to Fees for Preparation of this Fee Petition**

As Relator noted in its fee petition, the FCA entitles a fee petitioner to its fees for work establishing and collecting reasonable fees. As explained by the First Circuit, “It would be inconsistent with the purpose of [statute] to dilute a fees award by refusing to compensate the

attorney for the time reasonably spent in establishing and negotiating his rightful claim to the fee.” *Lund v. Affleck*, 587 F.2d 75, 77 (1st Cir. 1978); *see also Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 981-983 (9th Cir. 2008) (“fees on fees” must be determined by the same lodestar methodology, and downward adjustments are to be used only in “rare” cases); *United States ex rel. Bisk v. Westchester Med. Ctr.*, 06cv15296-LAK-FM, 2016 WL 8254797, at \*11 (S.D.N.Y. Aug. 5, 2016) (“Section 3730(d) allows an award of ‘reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys’ fees and costs.’”).

Defendants’ counsel has been required to exert time and expense in continued attempts to negotiate with Relator relating to Defendants’ right to attorneys’ fees and expenses under 31 U.S.C. § 3730(d) and to prepare this petition. Unless and until Relator agrees to pay Defendants’ reasonable attorneys’ fees, additional work will be required to claim and recover fees. Under the statutory scheme and settled case law, such fees must be charged to Relator.

As of the filing of this petition, Defendants’ counsel has incurred approximately \$10,000 in fees associated with its efforts to negotiate a fee award and prepare the instant petition. Defendants’ counsel will update its billing records with additional time and submit those records to the Court in its reply, if any, in support of this petition.

## **CONCLUSION**

For the foregoing reasons, Defendants respectfully request that the Court order Relator to pay their reasonable expenses, attorneys’ fees and costs in the amount of \$2,043,918.79, plus any additional fees and costs incurred in connection with preparation of Defendants’ Petition for Attorneys’ Fees and Costs, and enter judgment for Defendants in that amount.

Dated: January 27, 2026

Respectfully submitted,

MD SPINE SOLUTIONS LLC, D/B/A  
MD LABS INC., DENIS GRIZELJ AND  
MATTHEW RUTLEDGE

By their attorneys,

/s/ Seth B. Orkand

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**L.R. 7.1 CERTIFICATION**

I hereby certify that on January 7, 2026, I contacted counsel for the Relator in good faith to resolve or narrow the issues presented herein. Relator's counsel did not respond.

*/s/ Seth B. Orkand*  
Seth B. Orkand

**CERTIFICATE OF SERVICE**

I, Seth B. Orkand, certify that a copy of the foregoing document was sent to the following counsel of record for Plaintiff Omni Healthcare, Inc. by ECF on January 27, 2025.

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*/s/ Seth B. Orkand*

Seth B. Orkand

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, *et al.*, *ex rel.*  
OMNI HEALTHCARE, INC.,

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RUTLEDGE AND DOE HEALTHCARE  
PROVIDERS 1 - 100,

Defendants.

Case No. 18-cv-12558-PBS

**AFFIDAVIT OF SETH B. ORKAND**

I, Seth B. Orkand, Esq., pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am a partner of the law firm Robinson & Cole LLP (“Robinson+Cole”), attorneys for Defendants MD Spine Solutions LLC d/b/a MD Labs, Inc., Denis Grizelk, and Matthew Rutledge. I submit this Declaration in support of Defendants’ Petition for Attorneys’ Fees and Costs pursuant to 31 U.S.C. § 3730(d)(4).

2. Attached hereto as **Exhibit A** are true and correct copies of invoices demonstrating all fees, costs, and expenses incurred by the law firm Perkins Coie LLP from Relator’s filing of its Amended Complaint on April 4, 2022, through September 30, 2022. I received these invoices directly from the Accounting Department at Perkins Coie. Total attorneys’ fees billed by Perkins Coie related to Relator’s UTI claims from April 4, 2022, through September 30, 2022 were \$178,679.95, for total fees and expenses of \$182,884.96.

3. Attached hereto as **Exhibit B** are true and correct copies of invoices demonstrating all fees, costs, and expenses incurred by the law firm Robinson+Cole from September 22, 2022, through December 2025. These invoices have been redacted to exclude attorneys' fees and costs unrelated to Relator's UTI claims, for which Defendants do not seek reimbursement. Additionally, for block billed time entries that included work related to the UTI claims and work unrelated to the UTI claims, the unrelated work has been redacted and the number of hours and amount billed have been reduced to reflect the exclusion of the unrelated work. All such alterations appear in red text, with the original values appearing in black text.

4. Based on my review of Exhibit A and Exhibit B, Attorneys from Perkins Coie and Robinson+Cole represented Defendants for more than three years in this action. They (1) briefed and argued a motion to dismiss; (2) filed an answer; (3) propounded and responded to discovery requests; (4) reviewed more than 1,000,000 documents and produced more than 670,000 pages of documents responsive to Relator's discovery requests; (5) filed and defended against motions to compel; (6) subpoenaed documents from 13 other clinical laboratories to which Dr. Deligdish sent identical samples to PCR UTI testing as well as other third-party witnesses; (7) obtained expert opinions from two defense expert witnesses; (8) conducted and defended 15 depositions of fact witnesses and four expert witnesses; (9) filed a motion for summary judgment; and (10) defended against a motion for partial summary judgment filed by Relator.

5. Attached hereto as **Exhibit C** are true and correct copies of invoices from HaystackID, a vendor that Robinson+Cole engaged to perform document review using contract attorneys. Although HaystackID charged \$231,957.00, it provided discounts and concessions that resulted in Defendants incurring costs of \$149,386.69 for this review.

6. Attached hereto as **Exhibit D** are invoices from Defendants' expert witnesses in this action, which total \$23,809.19. Defendants paid these invoices directly.

7. Based on my review of the invoices attached hereto as Exhibit B, Exhibit C, and Exhibit D, Defendants incurred expenses in the following categories:

Expense Category	Total Costs
Contract attorney document review (HaystackID)	\$ 149,386.69
Court fee	\$ 200.00
Third-party copying charges	\$ 8.35
Postage	\$ 599.59
Transcripts	\$ 15,556.58
Travel	\$ 939.41
Westlaw research fees	\$ 2,540.85
Postage and couriers	\$ 210.74
Document review database storage and licensing fees	\$ 100,006.03
Expert witness fees	\$ 23,809.19
<b>Total</b>	<b>\$ 293,257.43</b>

8. Attached hereto as **Exhibit E** is a true and correct copy of the professional biography of Barak Cohen, a partner at Perkins Coie who previously represented Defendants in this action.

9. Attached hereto as **Exhibit F** is a true and correct copy of the professional biography of Alexander Canizares, a former partner at Perkins Coie (now a partner at Vinson Elkins LLP) who previously represented Defendants in this action.

10. Attached hereto as **Exhibit G** is a true and correct copy of the professional biography of Seth Orkand, a partner at Robinson+Cole.

11. Attached hereto as **Exhibit H** is a true and correct copy of the professional biography of Edward Heath, a partner at Robinson+Cole.

12. Attached hereto as **Exhibit I** is a true and correct copy of the professional biography of Danielle Tangorre, a partner at Robinson+Cole.

13. Between February 3, 2025, and January 7, 2026, Defendants have worked diligently and in good faith to attempt to resolve this fee dispute with Relator. However, Relator has not responded to any of Defendants' efforts in this regard.

Signed this 27th day of January 2026 under the pains and penalties of perjury.

/s/ *Seth B. Orkand*  
Seth B. Orkand

# **Exhibit A**

# **Exhibit B**

# **Exhibit C**

# **Exhibit D**

# **Exhibit E**

# **Exhibit F**

# **Exhibit G**

# **Exhibit H**

# **Exhibit I**