

Nimish R. Desai
PARTNER

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Nimish R. Desai is a partner specializing in False Claims Act, class action, and environmental torts cases, and has helped secure over a billion dollars in settlements and recoveries through his case work. He has been recognized by The Best Lawyers in America as a “Super Lawyer” for every year from 2013-2021. He has also been repeatedly named to Best Lawyers’ list of outstanding practitioners in the field of Qui Tam law.

Nimish is a leading False Claims Act lawyer, seeking justice and recompense from persons and companies who defraud governmental programs. He currently serves as Co-Chair of the Education Committee for Taxpayers Against Fraud, the nation’s preeminent whistleblower law organization, and regularly presents to national conferences on FCA and Qui Tam topics. Nimish’s successes have come in both under-seal settlements and in cases with extensive litigation, both with and without the government’s involvement. His notable False Claims Act work includes:

- U.S. ex rel. Rockville v. Sutter Health – won a \$46 million settlement in a lawsuit alleging fraudulent charges by Sutter Health hospitals. Nimish and the Lieff Cabraser team litigated the case for three years before reaching a settlement, and were deputized by the California Department of Insurance to serve as Lead Trial Counsel.
- U.S. ex rel. Dye v. ATK – secured a \$37 million settlement in a case alleging the sale of defective products to the United States military. Nimish and the LCHB team litigated alongside the Department of Justice for many years before achieving the settlement.
- U.S. ex rel. Doe v. OANC – obtained a \$2.4 million settlement in a case arising out of the illegal re-importation of medical devices.
- U.S. ex rel. Barrett v. Allergan – serves as Lead Counsel in litigation involving Allergan’s alleged failure to properly report the Medicare Part B Average Sales Price of Botox. After the government declined intervention, Nimish has led the case on behalf of the whistleblower, defeating a motion to dismiss in 2019. The parties recently filed a notice of settlement.

- U.S. ex rel. Waters v. Envision – serves as Lead Counsel in litigation involving alleged kickbacks by ambulatory surgical centers. After the government declined intervention, the whistleblower’s lawyers retained Lief Cabraser to continue litigating the case.
- Various Under Seal Matters – Nimish currently represents whistleblowers in numerous health care and defense procurement matters that are under seal in federal courts throughout the country.

With his chemical engineering background, Nimish also works on the firm’s environmental cases and investigations, including the 2015 Santa Barbara oil spill currently being litigated in federal court in Los Angeles, and the TVA coal ash spill in Kingston, Tennessee, which settled in 2014 for nearly \$28 million.

In his class action practice, Nimish is one of the firm’s lead attorneys in the Takata air bag defects litigation, which has resulted in approved settlements totaling over \$1 billion to date. He helped lead the litigation against BP for its allegedly defective solar panels, which resulted in a nationwide settlement valued at \$67 million. Prior to that, he worked on litigation against Toyota for sudden acceleration problems in its vehicles, and against Pfizer for its allegedly defective prescription drugs Bextra and Celebrex.

Areas of Practice

Cybersecurity & Data Privacy, Defective Products, Personal Injury & Mass Torts, Fraud on the Government

Education

University of California at Berkeley, School of Law (Berkeley Law), Berkeley, California
J.D. - 2006

University of Texas, Austin, Texas
B.S. & B.A. - 2002
Honors: High Honors

Bar Admissions

California, 2006
Texas, 2017
U.S. Court of Appeals 9th Circuit, 2009
U.S. District Court Eastern District of California, 2017
U.S. District Court Central District of California, 2008
U.S. District Court Northern District of California, 2007
U.S. District Court Northern District of Florida, 2009
U.S. District Court Eastern District of Texas, 2017
U.S. District Court, Northern District of Texas, 2021
U.S. District Court Southern District of Texas, 2019
U.S. District Court, Eastern District of Michigan, 2021

Professional Associations and Memberships

Taxpayers Against Fraud Education Fund (Conference and Member Education Committee, 2021)
American Bar Association
American Constitution Society
Bar Association of San Francisco
Consumer Attorneys of California
East Bay Community Law Center (Board Member, 2010)
South Asian Bar Association (Board Member, 2010)
State Bar of California

Speaking Engagements

“Holding Private Equity Accountable, Future of Fraud Conference, Taxpayers Against Fraud,” May 11, 2022.
“Department of Defense Procurement Fraud, Taxpayers Against Fraud Annual Conference,” October 2021.
“Recent Developments in the Public Disclosure Bar, Taxpayers Against Fraud Annual Conference,” October 2020.

Published Works

“BP, Exxon Valdez, and Class-Wide Punitive Damages,” 21 Class Action and Derivative Suit Committee Newsletter, Fall 2010
“American Chemistry Council v. Johnson: Community Right to Know, But About What? D.C. Circuit Takes Restrictive View of EPCRA,” 33 Ecology L.Q. 583, Winter 2006
“Lessons Learned and Unlearned: A Case Study of Medical Malpractice Award Caps in Texas,” The Subcontinental, Vol. 1, Issue 4, pp. 81-87, Winter 2004
“Separation of Fine Particulate Matter Emitted From Gasoline and Diesel Vehicles Using Chemical Mass Balancing Techniques,” Environmental Science Technology, 37(17) pp. 3904-3909, 2003
“Analysis of Motor Vehicles Emissions in a Houston Tunnel During Texas Air Quality Study 2000,” Atmospheric Environment, 38, 3363-3372, 2004

Honors and Awards

Selected for inclusion by peers in The Best Lawyers in America in field of “Qui Tam Law,” 2016 - 2022
“Lawdragon 500 Leading Plaintiff Financial Lawyers in America,” Lawdragon, 2021
“Super Lawyer for Northern California,” Super Lawyers, 2013 - 2021
“40 and Under Hot List,” Benchmark Litigation, 2018 - 2020
“Top 40 Under 40 Lawyer,” Daily Journal, 2019
“Consumer Attorney of the Year Finalist,” Consumer Attorneys of California, 2014
“Rising Star for Northern California,” Super Lawyers, 2012