

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 dollar in settlements through his cases. He has been recognized as a Super Lawyer each year from 2013-2023 and has been repeatedly named to The Best Lawyers in America list in the field of Qui Tam Law.

Nimish is a leading False Claims Act lawyer. He currently serves as Chair of the Education Committee for Taxpayers Against Fraud, the preeminent national whistleblower law organization, and regularly presents to national conferences on FCA topics. Nimish's successes have come in both under seal settlements and in cases with extensive litigation, with and without the government's involvement. Notable False Claims Act representation include:

- U.S. ex rel. Barrett v. Allergan – led the litigation involving Allergan's alleged inaccurate reporting of the price of Botox to the Medicare program. After the government declined, Nimish prosecuted the case and secured a confidential, favorable settlement in 2022, and a reported decision awarding attorneys' fees and costs.
- U.S. ex rel. [under seal] v. Gold Coast Health Plan – \$71 million settlement in a case alleging that a health plan and prominent hospitals defrauded the California and the United States of Medicaid funds by allegedly misrepresenting the plans' medical loss ratio (MLR).
- U.S. ex rel. Rockville v. Sutter Health – \$46 million settlement alleging fraudulent charges by Sutter Health hospitals. Nimish and Lieff Cabraser lawyers 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 – \$37 million settlement alleging sale of defective products to the United States military. Nimish and Lieff Cabraser lawyers litigated alongside the Department of Justice for many years before reaching the settlement.

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 and class action practices, often handling highly technical expert issues.

- Santa Barbara Oil Spill –\$230 million settlement in 2022 with Plains All American Pipeline. Nimish led the effort to demonstrate the company's negligent maintenance of the pipeline, and to challenge the company's estimate of the spill volume.
- Takata Airbag Litigation – \$1+ billion in settlements to date.
- BP Solar Panel Defects – \$67 million settlement
- TVA Coal Ash Spill – \$28 million settlement
- Bextra-Celebex MDL – \$900 million settlement.

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

Texas, 2017

California, 2006

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, Southern District of California, 2023

U.S. District Court, District of Columbia, 2022

U.S. District Court, Northern District of Florida, 2009

U.S. District Court, Eastern District of Michigan, 2021

U.S. District Court, Northern District of New York, 2022

U.S. District Court, Eastern District of Tennessee, 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

Professional Associations and Memberships

The Anti-Fraud Coalition 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

“Litigating Declined Cases,” 23rd Annual TAF Coalition Conference, October 2023
“FCA Hot Topics, Taxpayers Against Fraud Annual Conference,” October 2022
“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

“Lawdragon 500 Leading Plaintiff Consumer Lawyers in America,” Lawdragon, 2023, 2024
“Lawdragon 500 Leading Plaintiff Financial Lawyers in America,” Lawdragon, 2021-2024
Selected for inclusion by peers in The Best Lawyers in America in field of “Qui Tam Law,” 2016 - 2023
“Super Lawyer for Northern California,” Super Lawyers, 2013 - 2023
“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