

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VANESSA HOTOPH,

Plaintiff,

DEMAND FOR JURY TRIAL

Case No: 21 -

Honorable:

vs.

MVC CLINICAL PRACTICE-MI PC,
A Michigan professional corporation,
d/b/a **METRO VEIN CENTERS,**
A and G Aesthetics PLLC, a
Michigan professional limited liability
Company, d/b/a **METRO VEIN CENTERS,**
MVC MSO LLC, a Delaware corporation,
And **ALBARON PARTNERS LP,**
A New York Limited Partnership,

Defendant.

Gregory A. Jones (P75318)
GASIOREK, MORGAN, GRECO,
McCAULEY & KOTZIAN, P.C.
30500 Northwestern Hwy, Ste 425
Farmington Hills, MI 48334
P: (248) 865-0001
F: (248) 865-0002
gjones@gmgmklaw.com
rdonegan@gmgmklaw.com

COMPLAINT AND JURY DEMAND

NOW COMES, Plaintiff, VANESSA HOTOPH, by and through her attorneys, GASIOREK, MORGAN, GRECO, McCAULEY & KOTZIAN, P.C., and for her complaint against Defendants, MVC CLINICAL PRACTICE-MI PC; A and G AESTHETICS, PLLC; MVC MSO, LLC; and ALBARON PARTNERS, LP (collectively, “METRO VEIN CENTERS”) hereby submits the following:

1. This complaint arises out of the wrongful termination of Plaintiff’s employment with Defendant in violation of the anti-retaliation provisions of the False Claims Act, 31 U.S.C. § 3730(h), the Michigan Whistleblower’s Protection Act, M.C.L. § 15.361 et seq., and in violation of established public policy in Michigan, after Plaintiff raised concerns that Defendant’s employees were intentionally misreading diagnostic studies in order to justify unnecessary procedures, thereby defrauding patients, private health insurance companies, and the State and Federal government.

PARTIES

2. Plaintiff, VANESSA HOTOPH (hereinafter, “HOTOPH”), is an individual residing in the City of Livonia, County of Wayne, State of Michigan.

3. Defendant, MVC CLINICAL PRACTICE-MI PC is a Michigan Professional Corporation which does business and operates as METRO VEIN CENERS (hereinafter, “MVC Clinical Practice” or “METRO VEIN

CENTERS”) with offices and a principal place of business in West Bloomfield, County of Oakland, State of Michigan.

4. Defendant A and G Aesthetics PLLC is a Michigan professional limited liability corporation which also does business and operates as Metro Vein Centers (hereinafter, “A and G Aesthetics PLLC” or “METRO VEIN CENTERS”) with offices and a principal place of business in West Bloomfield, County of Oakland, State of Michigan.

5. Defendant MVC MSO LLC is a Delaware corporation with offices and a principal place of business in West Bloomfield, County of Oakland, State of Michigan, where it manages the operations, human resources, and other functions of Metro Vein Centers and employs individuals who work or Metro Vein Centers (hereinafter, “MVC MSO” or “METRO VEIN CENTERS”).

6. Defendant ALBARON PARTNERS LP (hereinafter “ALBARON”) is a New York Limited Partnership with offices in Long Island, New York, and West Bloomfield, County of Oakland, State of Michigan, and it owns and operates METRO VEIN CENTERS.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over HOTOPH’S claims under and pursuant to 28 U.S.C. §1331 (federal question jurisdiction) and 31 U.S.C. §§ 3730 and 3732(a) (False Claims Act).

8. This Court has supplemental jurisdiction pursuant to 28 U.S.C. §1367 over HOTOPH'S pendant state claims for violations of the Michigan Whistleblowers' Protection Act, M.C.L. § 15.361 *et seq.*, the Michigan Health Care False Claims Act, M.C.L. § 752.1001 *et seq.*, and the Michigan Medicaid False Claims Act, M.C.L. § 400.601 *et seq.*

9. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) as the judicial district wherein a substantial part of the events or omissions giving rise to HOTOPH'S claims occurred and 31 U.S.C. § 3732(a) as the judicial district within which Defendants transact business.

COMMON FACTUAL ALLEGATIONS

10. HOTOPH is a registered vascular technician.

11. METRO VEIN CENTERS operate as a clinical practice specializing in the diagnosis and treatment of varicose veins, spider veins, and other venous conditions.

12. METRO VEIN CENTERS hired HOTOPH as an ultrasound technician in or around April 2017.

13. HOTOPH initially worked part-time out of a clinic in Canton, Michigan.

14. While employed at the Canton, Michigan location, HOTOPH observed another technician (hereinafter referred to as "TS") improperly

conducting ultrasound scans. Specifically, HOTOPH witnessed TS measure noise on the scan as disease in order to justify unnecessary medical procedures.

15. In or around December 2017 HOTOPH began working full-time for METRO VEIN CENTERS.

16. Recognizing a pattern of concerning practices in diagnostic studies at METRO VEIN CENTERS, Dr. Max Hutton established a Compliance and Quality Assurance Team in or about October 2019.

17. HOTOPH was appointed to assist the Quality Assurance Team with the goal of making sure that ultrasounds were not being misread to justify unnecessary procedures.

18. HOTOPH and other members of the Quality Assurance Team utilized spreadsheets to track performance of METRO VEIN CENTERS' ultrasound technicians in order to assess whether they were engaging in inappropriate or unethical behaviors.

19. Ultimately, the Quality Assurance Team came to the conclusion that METRO VEIN CENTERS technologists were routinely measuring noise or artifact as reflux, and over-measuring diameters in reflux in order to justify unnecessary medical procedures.

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