

SUPREME COURT OF TEXAS

In re Dr. Robert Tafel, et al.

No. 24-1062 (Tex. June 19, 2026) · No. No. 24-1062 · Decided June 19, 2026

SUMMARY

The Supreme Court of Texas considers a mandamus petition arising from a Texas Medicaid fraud qui tam action. The Court holds that pending claims under the Texas Health Care Program Fraud Prevention Act survive the death of the private relator because the claims belong to and are brought on behalf of the State. It further holds that the defendants did not conclusively establish application of the Act’s first-to-file bar or demonstrate that dominant jurisdiction required abatement, and therefore denies mandamus relief.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice Brett Busby; Brett Busby; Jeffrey S. Boyd; Jane N. Bland; John P. Devine; J. Brett Busby; James D. Blacklock; Evan A. Young; James P. Sullivan; Rebeca Huddle; Peter P. Puryear
JURISDICTION	Supreme Court of Texas
DECIDED	June 19, 2026
DOCKET	No. 24-1062
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Bear Creek petitioned for a writ of mandamus challenging the trial court's denial of its plea to the jurisdiction, alternative motion to abate, and traditional motion for summary judgment in a qui tam Medicaid-fraud action. The court of appeals denied mandamus relief, and the Supreme Court of Texas denied the petition.
STANDARD OF REVIEW	Mandamus requires a clear abuse of discretion and no adequate appellate remedy. A trial court clearly abuses its discretion when it fails to apply the law correctly. Review of the first-to-file and public-disclosure issues, treated as merits questions, mirrors review of a traditional summary-judgment motion and requires the movant to conclusively establish the defense.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Texas

PARTIES

Dr. Robert Tafel, Bear Creek Family Dentistry, related management company and professional associations v. Lauren Ludlow, as representative of the estate of Dr. Scott Ludlow, State of Texas

TOPICS

medicare medicaid

health law

appellate procedure

statutory interpretation

civil procedure

PRACTICE AREAS

health law

Medicaid fraud

civil procedure

appellate procedure

statutory interpretation

remedies

QUESTIONS PRESENTED

1. Whether pending qui tam claims under the Texas Health Care Program Fraud Prevention Act survive the death of the private relator.
2. Whether the Act's first-to-file bar prevents Ludlow's action because it is based on the facts underlying LaFountain's earlier pending action.
3. Whether the Act's public-disclosure bar prevents Ludlow's action based on allegations in LaFountain's private civil pleadings.
4. Whether the Attorney General's opposition independently prevents application of the public-disclosure bar.
5. Whether the doctrine of dominant jurisdiction requires abatement of Ludlow's later-filed action in favor of LaFountain's Travis County action.

HOLDINGS

1. Pending qui tam claims under the Texas Health Care Program Fraud Prevention Act survive the death of the private relator because the claims are brought for and in the name of the State, establish liability to the State, and remain subject to the State's control.
2. The first-to-file bar did not prevent Ludlow's action from proceeding because Bear Creek did not conclusively establish that Ludlow's action was based on the core allegations and essential operative facts underlying LaFountain's earlier action.
3. The public-disclosure bar did not apply because LaFountain's private civil pleading was not a qualifying "Texas hearing" and because the Attorney General opposed dismissal.
4. The doctrine of dominant jurisdiction did not require abatement because Bear Creek failed to establish that the first-filed LaFountain action included or could be amended to include all parties and issues in the Ludlow action.

KEY QUOTATIONS

"We hold that pending qui tam claims under the Act survive the relator's death." (2)

“Because claims under the Act are on behalf of the State, they do not extinguish upon the death of the private relator prosecuting them.” (2)

“We therefore deny the petition.” (2)

“Accordingly, we hold that the trial court did not clearly abuse its discretion in concluding that the Ludlow suit was not “based on the facts underlying” LaFountain’s earlier action and thus the first-to-file bar did not prevent it from proceeding.” (18)

“Because the Attorney General opposes dismissal and the public-disclosure bar does not apply to pleadings in private civil actions in which the State is not a party, the trial court did not clearly abuse its discretion in refusing to dismiss the underlying proceeding under the Act’s public-disclosure bar.” (23)

FACTUAL BACKGROUND

Dr. Scott Ludlow worked for Bear Creek Family Dentistry and became its chief dental officer in February 2019, after which he claimed to discover a scheme involving pressure on dentists to perform unnecessary dental procedures and bill the Texas Medicaid program. He filed a qui tam action in August 2021 under the Texas Health Care Program Fraud Prevention Act. A different relator, Joshua LaFountain, had filed a 2012 Travis County Medicaid-fraud action involving overlapping defendants and allegations but emphasizing different procedures, billing codes, and time periods. Ludlow died while the case was pending, and the trial court substituted his widow as representative of his estate.

PROCEDURAL HISTORY

Dr. Scott Ludlow filed a qui tam action under the Texas Health Care Program Fraud Prevention Act in 2021. After Ludlow died, the trial court substituted his widow, Lauren Ludlow, as representative of his estate and denied Bear Creek's plea to the jurisdiction, motion to abate, and motion for summary judgment. The court of appeals denied Bear Creek's mandamus petition. The Supreme Court of Texas concluded that the claims survived Ludlow's death, that Bear Creek had not conclusively established either the first-to-file or public-disclosure bar, and that dominant jurisdiction did not require abatement.

DISPOSITION

writ_denied

REMAND INSTRUCTIONS

None. The petition for writ of mandamus was denied, leaving the trial court's orders in place and allowing the underlying action to proceed.

CASES CITED

- In re Kappmeyer, 668 S.W.3d 651 (Tex. 2023)
- In re Academy, Ltd., 625 S.W.3d 19 (Tex. 2021)
- In re McAllen Med. Ctr., Inc., 275 S.W.3d 458 (Tex. 2008)

- In re Prudential Ins. Co. of Am., 148 S.W.3d 124 (Tex. 2004)
- In re Facebook, Inc., 625 S.W.3d 80 (Tex. 2021)
- In re Entergy Corp., 142 S.W.3d 316 (Tex. 2004)
- In re Crawford & Co., 458 S.W.3d 920 (Tex. 2015) (per curiam)
- Belt v. Oppenheimer, Blend, Harrison & Tate, Inc., 192 S.W.3d 780 (Tex. 2006)
- Malouf v. State ex rel. Ellis, 694 S.W.3d 712 (Tex. 2024)
- Mo. Pac. Ry. v. Shuford, 10 S.W. 408 (Tex. 1888)
- Doss v. State, 6 Tex. 433 (1851)
- In re Coppola, 535 S.W.3d 506 (Tex. 2017)
- Austin Nursing Ctr. v. Lovato, 171 S.W.3d 845 (Tex. 2005)
- In re UMTH Gen. Servs., L.P., 725 S.W.3d 424 (Tex. 2025)
- Pike v. Tex. EMC Mgmt., LLC, 610 S.W.3d 763 (Tex. 2020)
- Greenlaw v. United States, 554 U.S. 237 (2008)
- Clark v. Sweeney, 607 U.S. 7 (2025)
- Trump v. Illinois, 146 S. Ct. 432 (2025) (Alito, J., dissenting)
- Castro v. United States, 540 U.S. 375 (2003) (Scalia, J., concurring in part and concurring in the judgment)
- Tex. Med. Res., LLP v. Molina Healthcare of Tex., Inc., 659 S.W.3d 424 (Tex. 2023)
- Mission Consol. Indep. Sch. Dist. v. Garcia, 372 S.W.3d 629 (Tex. 2012)
- United States ex rel. Branch Consultants v. Allstate Ins. Co., 560 F.3d 371 (5th Cir. 2009)
- United States ex rel. LaCorte v. SmithKline Beecham Clinical Laboratories, Inc., 149 F.3d 227 (3d Cir. 1998)
- United States v. Planned Parenthood of Houston, 570 F. App'x 386 (5th Cir. 2014)
- In re Oncor Elec. Delivery Co., 716 S.W.3d 525 (Tex. 2025)
- Collin Creek Assisted Living Ctr., Inc. v. Faber, 671 S.W.3d 879 (Tex. 2023)
- In re Xerox Corp., 555 S.W.3d 518 (Tex. 2018)
- Creative Oil & Gas, LLC v. Lona Hills Ranch, LLC, 591 S.W.3d 127 (Tex. 2019)
- Morath v. Lampasas Indep. Sch. Dist., 686 S.W.3d 725 (Tex. 2024)
- Wyatt v. Shaw Plumbing Co., 760 S.W.2d 245 (Tex. 1988)
- In re King, 478 S.W.3d 930 (Tex. App.—Dallas 2015, orig. proceeding)