



Daniel E. Lipton

Associate

daniel.lipton@kattenlaw.com

Washington, DC

p +1.202.625.3678

Practices

FOCUS: Litigation

Appellate and
Supreme Court
Litigation

White Collar,
Investigations and
Compliance

Education

JD, University of
Virginia School of
Law, Order of the
Coif

MA, University of
Virginia

BA, University of
Virginia

Bar Admissions

New York

District of Columbia

Daniel E. Lipton concentrates his practice on civil and criminal appellate litigation, including dispositive motions at the trial-court level, and governmental investigations and enforcement actions, assisting clients in the health care, energy and financial services industries.

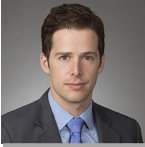
Daniel has extensive brief-writing experience in federal appellate courts and the US Supreme Court, and motions-practice experience in federal district courts. His appellate work has covered a range of topics, including health care fraud, criminal environmental enforcement, and patent and trademark law. In addition to his appellate experience, Daniel has assisted clients in responding to governmental enforcement actions and internal investigations under the Foreign Corrupt Practices Act, environmental criminal statutes and antitrust laws. Daniel also has extensive experience in helping clients defend and resolve matters under health care fraud and abuse statutes, including defending *qui tam* lawsuits brought under the False Claims Act, self-disclosing potential violations of health care laws and regulations, and helping clients subject to Corporate Integrity Agreements implement effective compliance programs.

Prior to joining Katten, Daniel served as a clerk for the Honorable Beverly B. Martin of the US Court of Appeals for the Eleventh Circuit in Atlanta, Georgia. During law school, he contributed to and was a member of the *Virginia Law Review*, served as an articles editor for the *Virginia Journal of International Law* and received the Law School Alumni Association Best Note Award.

Selected Experience

Appellate

- Co-author of briefing in the US Court of Appeals for the Eighth Circuit defending North Dakota laws regulating the practice of pharmacy against federal preemption challenge by national trade association.
- Successful argument before the US Court of Appeals for the Eleventh Circuit, obtaining authorization for client to file an amended complaint for Sec. 1983 claim for deliberate indifference to medical needs. *Toenniges v. Warden*, 672 Fed App'x 889 (11th Cir. 2016).
- Co-author of briefing in the US Court of Appeals for the Fourth Circuit defending district court's dismissal of claims under the False Claims Act and Title VII.



- Co-author of briefing in the US Court of Appeals for the Eleventh Circuit, on an interlocutory appeal, challenging district court's denial of summary judgment on claims for breach of contract and unfair trade practices.
- Assist trial team in preparing motions and preserving issues for appeal on claims for trade secret misappropriation and breach of contract.

White Collar/Criminal Defense

- Representation of medical group subject to government investigation for alleged violations of the Anti-Kickback Statute and False Claims Act, resolving a multi-year investigation through a negotiated resolution.
- Representation of two manufacturing companies subject to separate investigations for alleged felony violations of the Clean Air Act, working with colleagues in the Environmental and Workplace Safety practice to develop legal arguments to defend against alleged violations.
- Representation of corporate client charged with felony violations of the Outer Continental Shelf Lands Act (OCSLA), helping secure dismissal of felony counts on the basis that the federal government failed to promulgate regulations that imposed liability on contractors for failing to comply with substantive regulations enacted under OCSLA. *United States v. Wood Group Prod. Servs. Network, Inc.*, No. 15-cr-197 (E.D. La.), appeal dismissed, No. 16-30561 (5th Cir.).
- Representation of Moroccan national in a Foreign Corrupt Practices Act investigation by the US Department of Justice and Securities and Exchange Commission.
- Representation of Japanese nationals in a federal grand jury investigation being led by the Antitrust Division of the US Department of Justice.

Articles

- Author, Does the Supreme Court's Decision in *Padilla v. Kentucky* Apply Retroactively to Persons Whose Convictions Became Final Before Its Announcement?, *Preview U.S. Sup. Ct. Cases* (October 2012)
- Author, Corporate Capacity for Crime & Politics: Defining Corporate Personhood at the Turn of the Twentieth Century, 96 *Va. L. Rev.* 1911 (2010)