

Katten

Katten Muchin Rosenman LLP

WHITE COLLAR, INVESTIGATIONS AND COMPLIANCE

Our Clients

Katten's more than 40 White Collar, Investigations and Compliance practitioners represent individuals and companies across a broad spectrum of industries, with emphasis on heavily regulated sectors such as financial services, oil and gas, government contracting, food and beverage, health care, and manufacturing. The matters we work on are just as diverse—from representing clients who are caught in the cross-hairs of government investigations, to assisting companies exposed to risk by employees or third parties who have engaged in embezzlement, corporate espionage or other white collar crimes.

Our Services

Since the launch of the White Collar practice more than 25 years ago, Katten has curated a highly experienced team built upon a solid foundation of former prosecutors, government leaders and counsel, including:

- 15 former federal or state prosecutors
- 13 former Assistant US Attorneys
- 2 former Associate Deputy Attorney General
- Former Department of Justice (DOJ) Environmental Crimes Section Chief
- Six former counsel at the Securities and Exchange Commission (SEC), including two former Branch Chiefs in the Division of Enforcement

RECOGNIZED BY

- *Chambers USA*
 - Litigation: White-Collar Crime & Government Investigations (Illinois) 2018, 2017
- *The Legal 500 United States*
 - Corporate Investigations and White-Collar Criminal Defense 2018, 2017
- *U.S. News – Best Lawyers® “Best Law Firms”*
 - Criminal Defense: White-Collar (National; Chicago) 2019, 2018; (Los Angeles; Washington, DC) 2018



- Three former counsel at the Commodity Futures Trading Commission (CFTC)
- Former counsel at regulatory bodies, including:
 - Consumer Financial Protection Bureau (CFPB)
 - Department of Housing and Urban Development (HUD)
 - Federal Deposit Insurance Corporation (FDIC)
- More than 65 Katten attorneys have served as judicial clerks or externs

We defend clients facing investigations and a wide range of federal, state and regulatory offenses, including commodities and securities fraud, health care fraud, environmental crime, customs violations, currency reporting violations, computer crime, and criminal

"They instill confidence that the client is in good hands and help navigate through the most intense scrutiny. Their approach is calm and rational, mixed with analytical and strategic excellence. I highly recommend them."

U.S. News – Best Lawyers®
"Best Law Firms" 2016
(Criminal Defense: White-Collar)

antitrust violations, and False Claims Act cases. We guide clients through the various stages of a criminal case, from the grand jury phase through motion practice, to plea and disposition negotiations, trial, sentencing and appeal. Our attorneys have achieved marked success in complex, high-visibility trials and appeals.

The White Collar team regularly conducts internal corporate investigations, whether prompted by a whistleblower or media report, triggered by a grand jury or administrative subpoena, or undertaken solely at the initiative of our clients. We also provide counseling and representation to assist clients in avoiding criminal liability and collateral civil exposure before and during investigations, and advise on the development and implementation of effective corporate detection and compliance policies.

Katten's litigators are also experienced in the area of corporate monitorships, including experience with all components of corporate compliance programs, as well as an understanding of prosecutor and regulator compliance expectations. Two Katten attorneys have been selected to serve as monitors. One was appointed by the DOJ to serve as an independent Foreign Corrupt Practices Act (FCPA) compliance monitor for the world's largest manufacturer of generic pharmaceuticals. The other is the court-appointed corporate monitor over the largest international cruise ship company related to an environmental criminal conviction.

Our team is known for the ability to mobilize in response to client emergencies. We also advise domestic and foreign clients on the scope of the obligations under the Foreign Corrupt Practices Act (FCPA). In addition, our team works closely with clients to develop litigation strategies that minimize their exposure to fraud and

criminal activity, and use civil racketeering and fraud actions to recover treble and punitive damages.

Leveraging broad investigative, trial and appellate experience, Katten's White Collar team aggressively represents clients both inside and outside of the courtroom.

Our Experience

Financial Services

- Regular representation of high-profile clients in large, complex insider trading investigations involving an array of issues from stock price manipulation to violating confidentiality agreements, often in the US District Courts for the District of New Jersey and the Southern District of New York.
- Representation of target and affiliated companies in a grand jury investigation into the payday lending industry – one of the first in the nation under the DOJ's Operation Choke Point into payday loans. The appeal produced a precedential opinion, protecting attorney-client communications from crime-fraud allegations.
- Regular representation of hedge funds in federal, criminal and regulatory investigations. Katten is known for effective defense strategies and the decisive implementation of compliance practice and procedures.
- Representation of a senior broker in an investigation by the CFTC and DOJ as part of a global probe into bank traders, brokers and potential manipulation of a key interest-rate benchmark used in areas such as setting payout rates on pension funds, determining the cost of real estate loans, and valuing swap contracts settled between banks and institutional and wealthy investors.
- Representation of a subprime auto loan company facing the first-ever lawsuit brought by a state regulator using powers granted by Section 1042 of the Dodd-Frank Act. Katten's defense entailed responding to a temporary restraining order and then preliminary injunction, examining witnesses and helping the client navigate the effects of a receivership, negotiations with affected banks, and settlement negotiations with DFS.
- Representation of multiple current and former employees of a government enterprise in connection

with several investigations and civil litigation relating to the meltdown in the housing market and the 2008 financial crisis.

Health Care

- Representation of several pharmaceutical company officers in a large, multijurisdictional DOJ investigation involving FDA issues and anti-kickback statutes related to nationwide sales practices of opioid pain-killer products.
- Representation of the president of a pharmaceutical company in a seven-week federal criminal jury trial in the US District Court for the Eastern District of New York. The case concerned the alleged importation of pharmaceuticals that were not approved by the FDA. The trial team successfully obtained acquittals on the most serious counts in the indictment.
- Representation of a former member of the board of directors of a pharmaceutical corporation in connection with an FCPA and accounting investigation by the SEC and the DOJ of the company. Issues involve FCPA in connection with drug approval and price reimbursement in China, as well as various restatements of the company's financials unrelated to any alleged FCPA violations.
- Defense of a publicly traded health insurance company against criminal, civil and administrative claims after employees and executives accessed the Medicare Beneficiary Database without authorization. Katten responded to grand jury subpoenas and met repeatedly with senior prosecutors, then successfully convinced the DOJ to drop all potential criminal charges against the client and all current or former employees or directors. Katten further convinced the DOJ to drop its demand for a plea agreement or a deferred prosecution agreement. After a five-year negotiation process, the matter was resolved with a civil settlement of \$3 million.

- Representation of physician indicted on 144 counts of prescribing opioids outside the bounds of his medical practice. In March 2016, following a five-year battle, the court granted our motion to dismiss the case in its entirety.
- Representation of a regional GI authority dedicated to digestive health regarding a False Claims Act complaint. Katten successfully secured the government's declination to prosecute and dismissal.

Environmental

- Representation of an American multinational energy corporation on a wide range of significant environmental matters, including criminal and civil enforcement, regulatory compliance, permitting and regulatory advocacy/litigation with the EPA. Issues include regulation of methane from upstream oil and gas operations, Clean Air Act compliance in California, RAGAGEP and unmonitored flaring.
- Representation of an executive of an energy company in connection with a DOJ criminal matter relating to the Upper Big Branch coal mine disaster in West Virginia which involved multiple fatalities.
- Representation of a Fortune 50 energy company in connection with a federal criminal and grand jury investigation, an EPA investigation, a state and county criminal case, administrative proceedings before the state OSHA, and inquiries by a number of other government entities into Clean Air Act compliance (and related state regulations) relating to a fire at one of the client's facilities in California.
- Representation of a midstream energy company in connection with a federal grand jury investigation of alleged willful violation regarding an explosion and fire resulting in a fatality involving materials generated from a natural gas processing facility located in the Bakken Shale.