WINSTON & STRAWN LLP

# T. Reed Stephens

Partner
Co-Chair, Health Care and Life Sciences Industry Group

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## Reed is a nationally recognized legal authority in the life sciences industry, as well as the pharmaceutical fraud and abuse and corporate compliance spaces, and focuses his practice on fraud and abuse defense, corporate compliance, and risk management across the full spectrum of healthcare providers, managed care organizations, pharmaceutical manufacturers and medical device companies. He has extensive experience with the Anti-Kickback Statute and Stark Physician Self-Referral Law, and False Claims Act litigation.

Reed represents pharmaceutical and biotech manufacturers, wholesalers and individuals, health care systems, and non-health care-related companies in various global industries. This includes the defense industry, government contractors in the gaming industry, as well as the financial services and banking sectors. He has experience in matters involving state and federal government law enforcement and U.S. congressional investigations. He represents health systems and managed care organizations in federal False Claims Act litigation, and counsels pharmaceutical manufacturers on government drug pricing and voluntary disclosures in the areas of Medicaid Drug Rebate, Federal Supply Schedule/Department of Veterans Affairs, and the 340B program.

Furthermore, Reed advises his clients—including private equity sponsors—and provides employee training on risk management concerns involving mergers and acquisitions, post-merger integration compliance and disclosure of

misconduct, public policy and legislative developments, supply chain disputes, and an array of regulatory compliance matters concerning product marketing and foreign anti-corruption statutes. He is a member of the firm's Videogame, Gaming and Esports Industry Group dedicated to providing comprehensive legal solutions to companies in this industry.

Previously, Reed was a Trial Attorney with the Civil Frauds Section within the U.S. Department of Justice Civil Division, where he led more than 60 federal False Claims Act investigations—the majority involving allegations of health care fraud perpetrated against various government agencies. Reed was lead counsel for the U.S. in the first successful government price reporting cases against the pharmaceutical industry, involving Medicare and Medicaid Average Wholesale Price reporting (*US ex rel. Ven-A-Care v. et al.*); Medicaid Drug Rebate price reporting (*US ex rel. Foster v. Parke-Davis, US ex rel. Alcorn v. Schering-Plough*); and the Prescription Drug Marketing Act fraud (*US ex rel. Gerstein v. TAP Pharmaceuticals*).

# Key Matters

*Some of the experience represented below may have been handled at a previous firm.*

- *United States ex rel. Kunz v. Halifax Health, et al.* – Obtained summary judgment for defendants on non-intervened False Claims Act allegations involving more than US$450M in alleged damages for Anti-Kickback Statute, Stark law and Medicare lack of medical necessity violations
- *United States ex rel. Bates and Patrick v. Kyphon, Inc.*– Represented several health systems in the long-running Medicare short stay Kyphoplasty medical necessity False Claims Act *qui tam*
- *United States ex rel. Cortinas v. Midtown Imaging, LLC, et al.* – Obtained favorable mediated resolution of False Claims Act Anti-Kickback allegations
- Advised senior management and the board of directors of a global manufacturer in connection with whistleblower allegations of employee misconduct
- Represented a major pharmaceutical manufacturer in a joint U.S. Senate and U.S House of Representatives congressional investigation of pharmaceutical product price increases
- Represented several employees of a pharmaceutical manufacturer during federal grand jury proceedings in an Off Label Promotion civil/criminal investigation
- Represented department head of an academic medical center during a federal criminal investigation of Anti-Kickback allegations against medical device company Olympus
- Obtained declination and dismissal with prejudice of False Claims Act allegations of Medicare false billing assert against a national rehabilitation hospital chain
- Represented a global U.S. defense contractor in connection with a voluntary disclosure to the U.S. Department of Defense of contract billing compliance concerns
- Assisted a pharmaceutical manufacturer in achieving compliance with court-ordered remedial steps involving enhancements to corporate by-laws and regulatory affairs responsibilities triggered by a shareholder derivative case
- Represented U.S. subsidiary of a global gaming company in connection with District of Columbia Office of Attorney General investigation of government contract compliance

# Recognitions

- *The Best Lawyers in America*®—Recognized for Health Care Law (2024–2025)
- *Benchmark Litigation*—Recognized as a "D.C. Litigation Star" (2023–2024)
- *The Legal 500 US*—Recognized for Dispute Resolution: Corporate Investigations and White Collar Criminal Defense (2021–2023)
- *The Legal 500 US*—Recognized for Healthcare: Life Sciences and for Healthcare: Service Providers (2021–2024)
- *Chambers USA*—Ranked for Health Care (2008–2014)
- *LMG Life Sciences*—Recognized (2012–2016, 2018, 2021, 2022)
- *Benchmark Litigation*—Recognized (2016–2019)
- *Savoy Magazine*—"Most Influential Black Lawyers" (2015)
- *On Being a Black Lawyer*—"Nation's Top Lobbyists & Influencers" (2014)
- *Washingtonian Magazine*—"Washington's Best Lawyers for Health Care" (2013)
- *Nightingale's Healthcare News*—"Outstanding Healthcare Litigators" (2006)
- U.S. Department of Justice— Civil Division's "Special Commendation Award for Outstanding Service" (2002)
- U.S. Department of Justice— "Meritorious Service Award" (2000)

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# Activities

- American Bar Association, Health Law Section
- American Health Lawyers Association
- Law360 Life Sciences Editorial Advisory Board (2022 & 2023)
- American Inns of Court, Edward Bennett Williams Chapter, Washington, D.C.
- President's Commission on White House Fellowships, Regional Interviewer of White House Fellow Candidates, 2015
- D.C. Bar Association
- Norwood School in Bethesda, Maryland – served two three-year terms on the board of trustees

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# Credentials

### EDUCATION

Reed received his J.D. from Stanford Law School in 1991, where he served on the articles board of the *Stanford Law Review*. He received his B.A. from Princeton University in 1988.

### ADMISSIONS

- District of Columbia

### CLERKSHIPS

- USDC - Eastern District of PA for the Honorable Clifford Scott Green

# Related Insights & News

### SPEAKING ENGAGEMENTS

- "Life Sciences 2024: Navigating Legal Challenges in Drug and Device Industries," Practising Law Institute, Panelist, September 19, 2024
- "Healthcare Fraud: It's Always Been About Healthcare. It Will Always Be About Healthcare. So What's the News?" American Bar Association, 2024 Civil False Claims Conference, Moderator, June 5, 2024

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### RECOGNITIONS

Winston & Strawn Recognized in 2025 *Benchmark Litigation*

OCTOBER 3, 2024

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### NEWS

Key Takeaways From Winston's Fourth Annual Health Care & Life Sciences Summit

AUGUST 15, 2024

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### RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America®* 2025

AUGUST 15, 2024

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### CLIENT ALERT

June 2024 Presidential Debate: Key Policy Takeaways

JULY 10, 2024

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### RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2024

JUNE 12, 2024

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### SEMINAR/CLE

2024 Health Care & Life Sciences Summit

JUNE 4, 2024

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### BLOG

E.D. Virginia Endorses Broad Interpretation of Anti-Kickback Statute

APRIL 17, 2024

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### CLIENT ALERT

Updates on Drug Regulations in Japan – Reducing Barriers to Entry for Drug Companies Entering the Japanese Market

MARCH 4, 2024

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**IN THE MEDIA**

Reed Stephens Discussed Challenges in Deal Making for Health Insurers with *AIS Health*

FEBRUARY 15, 2024

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**IN THE MEDIA**

Reed Stephens Discusses Artificial Intelligence in the Health Care Sector with *AIS Health*

FEBRUARY 15, 2024

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**IN THE MEDIA**

Reed Stephens Discusses Health Insurance Trends in 2024 with *Healthcare Dive*

JANUARY 16, 2024

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**RECOGNITIONS**

Winston & Strawn Recognized in 2024 *Benchmark Litigation*

OCTOBER 6, 2023

## Capabilities

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Government Program Fraud, False Claims Act & Qui Tam Litigation | Insurance Litigation

Life Sciences | Health Care | Medical Devices | Insurance

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