

BEN FULTZ

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Ben has a wide range of experience in complex litigation, corporate and health care issues. He is also a certified public accountant, and practiced with a Big Four accounting firm before attending law school.

In the health care area, Ben has a national practice and has litigated cases in 48 states. He has represented REITs, hospice providers, hospitals, skilled nursing facilities, assisted living facilities, rehabilitation hospitals, ICF/MRs, ancillary providers (including rehabilitation therapy, respiratory therapy and diagnostic imaging), institutional pharmacies, DME companies, staffing companies, physician practice groups and individual physicians. His experience includes not only litigation, but also counseling clients on business relationships, transactions, reimbursement issues, restructuring, regulatory issues, government investigations, and federal False Claims Act (“FCA”) actions.

Some of the representative matters handled by Ben include successfully defending numerous companies in FCA actions; negotiating settlements of numerous FCA cases with no required Corporate Integrity Agreement or other integrity obligations; placing multiple providers into state receiverships to protect patients and coordinate the orderly transition to new operators; and handling complex workouts of health care providers.

In the business area, Ben regularly litigates corporate governance issues, fiduciary duty cases, and commercial disputes. Drawing on his experience as a CPA, he is regularly asked to litigate cases that involve financial analysis, including disputes over earn-out agreements and other financial terms included in business contracts. Ben has also handled numerous freeze-outs/squeeze-outs involving shareholder disputes in closely held businesses.

Ben joined the firm after having served as Litigation Counsel and Director of Finance with a Fortune 500 health care company for approximately four years. In that position, Ben was

responsible for all litigation involving the company and its subsidiaries. Ben regularly litigated health care (including reimbursement issues), contract, securities and employment cases. His other duties included managing various finance departments for a major division of the company.

EDUCATION

University of Virginia (J.D. 1992); Bellarmine University (B.A., Accounting, 1987)

BAR ADMISSIONS

Kentucky (1992); Indiana (1993)

MEMBERSHIPS

Louisville, Kentucky and Indiana Bar Associations; American Bar Association (Health Law Section); American Health Lawyers Association; Kentucky Society of CPAs; American Institute of Certified Public Accountants

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