

Matthew L.J.D. Dowell

Partner

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Matt Dowell focuses his practice on government investigations, health care litigation, and other complex litigation matters. Matt has conducted wide-ranging internal investigations and worked on criminal, civil, and administrative proceedings related to alleged violations of the Anti-Kickback Statute, False Claims Act, Foreign Corrupt Practices Act, and antitrust and securities laws. Matt routinely represents clients under investigation by the Department of Justice, the HHS Office of Inspector General, and state attorneys general. Matt has also represented clients in state and federal courts in complex matters involving health care regulations and payer-provider disputes.

In 2014, the U.S. Department of State recognized Matt for his service with the Hague Convention Attorney Network, a group of lawyers that provides pro bono legal services to parents whose children have been abducted to the U.S. Matt tried two cases under the Hague Convention in federal court and secured the return of children to their parents in the United Kingdom, Ireland, and Mexico.

Matt received his J.D., with honors, from Emory University in 2011, where he was elected to the Order of the Coif and served as an articles editor on the *Emory Law Journal*. In law school, he interned for at the U.S. Attorney's Office for the Northern District of Georgia and with a superior court judge. Matt previously worked as an analyst for a trade organization in Washington, D.C.

Representative Experience

- Represented a managed care company in arbitrations and lawsuits throughout the country brought by providers challenging drug sourcing requirements.
- Represented a managed care company in antitrust litigation involving allegations of price fixing and market monopolization.
- Secured the dismissal with prejudice at summary judgment of \$150 million in claims brought by a hospital against a Medicaid managed care organization for out-of-network services.
- Represented a medical device manufacturer in a False Claims Act investigation involving alleged kickbacks provided by sales representatives to physician consultants, negotiating a settlement below the manufacturer's cost of defense.
- Obtained the dismissal with prejudice of a False Claims Act case brought against a radiology practice. The relator asserted a novel legal theory over Medicare requirements for radiology that the court concluded did not meet the standards for falsity and materiality.
- Represented a nursing home operator in a False Claims Act investigation involving alleged upcoding. The government declined to intervene, and the case was dismissed under the False Claims Act's first-to-file bar.
- Represented an operator of skilled nursing facilities in a False Claims Act investigation about improper accounting of bad debt.

- Represented the operator of behavioral health hospitals in a False Claims Act investigation that resulted in DOJ declination and whistleblower dismissal of claims.
- Represented a pain management clinic in a False Claims Act investigation into alleged improper opioid prescribing practices. The DOJ declined to intervene and the whistleblower voluntarily dismissed the lawsuit.
- Represented one of the nation's largest health care services companies in massive, parallel criminal and civil proceedings related to alleged violations of the Anti-Kickback Statute.
- Represented multiple physicians, executives, and other individuals in False Claims Act investigations relating to alleged violations of the Anti-Kickback Statute, unnecessary laboratory testing, Medicare Advantage plans, and other issues.
- Managed the processing of thousands of subpoenas each year for a major international package handling company.
- Counsel to one of the nation's largest pharmacy benefits managers in several cases involving any-willing-provider laws. Obtained complete dismissal of claims in state appellate court and federal district court.
- Obtained a complete victory in Oregon Supreme Court for one of the nation's largest long-term care insurers in an important case that precluded the plaintiffs from suing insurers under state elder-abuse laws.
- Represented a major pharmacy chain in litigation involving the alleged disclosure of confidential health information.
- Represented a health plan in litigation involving an alleged data breach that resulted in the voluntary dismissal of all claims.
- Compelled arbitration against more than 18,000 class members while representing the nation's largest flooring manufacturer in multidistrict antitrust litigation.
- Advised multinational companies on Foreign Corrupt Practices Act liability.
- Represented an independent auditor in a nationwide review of allegedly improper foreclosure practices by mortgage servicers.
- Assisted a major online automobile advertiser in ensuring its practices complied with a patchwork of state regulations governing automobile sales.

Publications & Presentations

Publications

- "Waning Success on Limiting the Impact of Guidance Documents in Enforcement Actions and False Claims Act Litigation," *American Health Law Association*, March 15, 2022.
- "Mixed Success on Limiting the Impact of Guidance Documents in Enforcement Actions and False Claims Act Litigation," *American Health Law Association*, May 24, 2021.
- "Where Health Care Enforcement Is Headed Under Biden," *Law360*, April 12, 2021.
- "A Changing Health Insurance Antitrust Landscape," *Law360*, February 18, 2021.

Presentations

- "Internal and Government Investigation Strategies," Healthcare Fraud Investigations and False Claims Act Litigation: From Inception to Resolution, Alston & Bird and Wolters Kluwer, webinar, December 4, 2018.

Professional & Community Engagement

- Georgia Bar Association
- Atlanta Bar Association
- U.S. Department of State Hague Convention Attorney Network

Education

- Emory University (J.D., 2011)
- Johns Hopkins University (B.A., 2006)
- Institut d'Études Politiques (Diplôme du Programme International, 2005)

Admitted to Practice

- Georgia

Related Services

Litigation | Health Care Litigation | White Collar, Government & Internal Investigations | Commercial | Antitrust | State Attorneys General Practice Team | False Claims Act