

Mary Clare Bonaccorsi

SHAREHOLDER

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Drawing on over 30 years of experience, Mary Clare is a trusted counsel and business adviser to C-suites, boards and management teams. She has deep experience in the health care and life sciences industries, representing pharmacies, medical equipment suppliers, home care and other post-acute providers, academic medical centers, hospitals and health systems, laboratories, ambulatory surgery centers and dialysis providers.

Mary Clare works closely with legal, compliance, and operational teams to implement litigation avoidance strategies and takes a practical and business-minded approach to litigation. She previously served as Deputy General Counsel to a publicly-traded home infusion provider and specialty pharmacy and understands the importance of having a deep and practical understanding of clients' business operations and goals.

Mary Clare has tried cases before judges and juries in state and federal courts throughout the country and has successfully led cases involving shareholder disputes, breach of contract claims, antitrust, unfair competition and Lanham Act claims, business torts and False Claims Act/qui tam claims. She regularly defends clients in government and commercial payor disputes, audits and investigations. Mary Clare is also a certified arbitrator and serves as a member of the American Health Lawyers Association ADR Leadership Council. Mary Clare has previously served as Chair of the firm's Cross-Department Litigation Department and as Managing Partner of the Chicago office.

Education

- Northwestern University School of Law (J.D., 1989)
 - Northwestern University's Journal of International Law and Business, Editorial Board
- Colgate University (B.A., *cum laude*, 1986)
- John Felice Rome Center, Loyola University, Rome Italy (Liberal Arts Studies, 1985)

Bar Admissions

- Illinois, 1989

Capabilities

- Antitrust
- Health Care Litigation
- False Claims Act Defense
- Mergers & Acquisitions Litigation
- Reimbursement Audits & Disputes
- Biometric Privacy Law
- Telephone Consumer Protection Act Litigation (TCPA)
- Litigation

Court Admissions

- U.S. District Court, Northern District of Illinois
- U.S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Seventh Circuit

Memberships

- Economic Club of Chicago; Member
- The Chicago Network, Member
- Warren B. Rudman Center for Justice, Leadership, and Public Service, Concord, New Hampshire; Advisory Board Member
- Garfield Park Conservatory; Board Member; Capital Campaign Chair for EMG Children's Garden, 2019-2023
- Development School for Youth – All Stars Project, Inc., Board Member
- American Bar Foundation; Fellow
- American Health Law Association; Member of Dispute Resolution Service Council
- American Bar Association; Member
- Illinois Bar Association; Member
- Chicago Bar Association; Member

Recognition

- Selected for inclusion in *Best Lawyers in America*® for Health Care Law
- Named "Litigation Star" by *Benchmark Litigation*
- Notable Women Executives Over 50, *Crain's Chicago Business*
- Most Influential Women Lawyers in Chicago, *Crain's Chicago Business*
- Women of Influence, *Chicago Business Journal*
- Selected for inclusion in *The Top Women Attorneys in Illinois* in Health Care
- Selected for inclusion in *Illinois Super Lawyers*
- Selected for inclusion in *Leading Lawyers*, 2006-2023
- Recipient of Chicago Bar Association Founder's Award, 2022
- Loyola University Chicago School of Law, 2015-2019
 - Adjunct Professor Health Law and Advocacy

Matters

False Claims Act and Government Investigations

- Lead defense counsel for national home care company for claims brought under the Illinois False Claims Act. *The State of Illinois, ex rel. Ward et al. v. Help at Home, LLC, et al.*, (Circuit Court, Second Judicial District, Illinois. 2019 L 0021).
- Lead defense counsel for Illinois Eastern Community Colleges in False Claims Act case involving claims under the federal and Illinois False Claims Act in *U.S. ex rel. Edmondson v. Bd. of Tr. of Illinois E. Cmty. Coll.* (N.D. Ill. 2013). The federal case was dismissed without prejudice pending a Motion to Dismiss.
- Lead counsel for Kansas Attorney General and University of Kansas Hospital Authority as intervenors in *Cruz et al. v. United States Dept. of Health and Human Services et al.* (S.D.N.Y. 2018), a case challenging national organ allocation policy.
- Lead defense counsel for Philidor Rx Services, LLC and its CEO in SEC, Congressional, and DOJ investigations relating to Valeant Pharmaceuticals; trial

lawyer for defense in *U.S. v. Gary Tanner, et al.* (S.D.N.Y. 2016).

- Lead defense counsel for BioScrip, Inc. in *U.S. ex Rel. Kester v. Novartis et al.* (S.D. N.Y. 2012). Achieved a favorable settlement of all claims brought against specialty pharmacy in the amount of \$15 million, with no admission of liability and no corporate integrity agreement, where other similarly situated specialty pharmacy settled for \$60 million and manufacturer defendant settled for \$390 million.
- Lead defense counsel in *U.S. ex Rel. Herman v. Coloplast et al.* (D. Mass. 2015) in an industry-wide action brought against manufacturers of durable medical supplies and suppliers for alleged violation of federal and state anti-kickback laws, and alleged violations of Medi-Cal's upper billing limit laws. Successfully handled civil and criminal investigations and negotiated favorable settlement on behalf of a durable medical supplier client with no admission of liability.
- Lead defense counsel in *U.S. ex Rel. Bidani v. Lewis et al.* (N.D. IL 2003). Achieved a favorable settlement of all claims brought against dialysis supplier and its owner, convincing the government not to intervene and to forego receipt of any portion of the settlement amount. No admission of liability and no corporate integrity agreement.
- Representation of multiple health care clients in internal investigations relating to potential violations of the False Claims Act, overpayment laws, Anti-Kickback laws, and Medicare and Medicaid regulations.
- Representation of multiple clients in responding to Subpoenas Duces Tecum and Civil Investigative Demands issued by state and federal governmental entities in investigations relating to the health care and pharmaceutical industry, including matters regarding rebate practices, pricing (AWP and WAC), charge backs, credits, medical necessity, coding and referral relationships.

Payor Disputes

- Representing largest national home care company in dispute with Medicaid Managed Care Plan involving in excess of \$15 million.
- Represented national provider of infusion services in substantial commercial payor dispute. After exhausting administrative appeals, filed for arbitration and negotiated a confidential settlement that amounted to less than 15% of total claimed overpayment amount in the tens of millions of dollars and negotiated for the provider client a more favorable business relationship with payor on a going-forward basis.
- Obtained reduction beyond 90% of alleged overpayments in the tens of millions of dollars in a government payor audit of DME supplier.
- Obtained a walk-away settlement on the eve of arbitration brought against a provider client by a managed care organization seeking substantial recoupments in the tens of millions of dollars.
- Successful representation of pharmacy in a dispute with PBM over management of client's cash card business. Recovered 100% of outstanding amounts owed through settlement on eve of AHLA arbitration.
- Successfully defended home medical equipment supplier in a multi-million dollar dispute lawsuit brought by Texas-based Medicaid managed care organization seeking recovery of alleged overpayments.

Miscellaneous Noteworthy Matters

- Successfully represented Quincy Medical Group in achieving a dismissal with prejudice of competitor Blessing Hospital's complaint for administrative review of Illinois Health Facilities and Services Review Board's approval of Quincy Medical Group's Certificate of Need application to build a competing hospital. *Blessing Hospital v. Illinois Health Facilities and Services Review Board, et. al. Case No. 2022 2022 MR 000238 (Illinois Appellate Court, 2025)*
- Represented nation's largest cooperative grocer in re: *Broiler Antitrust Litigation Case*

No. 1:16-cv-08637 (N.D. Ill) in six-week trial and as lead settlement counsel, negotiating settlements totaling in excess of \$95M.

- Defended large health system in arbitration involving breach of contract claims defeating over two-thirds of multi-million-dollar claims.
- Supported City of Chicago and provided regulatory guidance in connection with various Covid-related matters in 2020-2021, including those related to the City of Chicago's emergency alternate care facility, procurement and lab testing.
- Successfully defended leading provider of network access and data management platform in TCPA class action, obtaining full dismissal with prejudice. *Eric B. Fromer Chiropractic, Inc. v. Better Doctor, Inc. and Quest Analytics, LLC*, Case No. 3:20-cv-06131 (C.D. CA, San Francisco Div.).
- Represented home medical equipment supplier in appeal of CMS revocation of license for alleged failure to comply with CMS supplier standards. Succeeded in having CMS rescind revocation and full reinstatement of supplier's license.
- First-chaired two-week trial on behalf of ambulatory surgery center in a dispute with a former shareholder. Obtained jury verdict in client's favor, which was upheld by Arizona Court of Appeals.
- Successfully defended action brought by individual shareholders and surgery center LLC in action alleging breach of contract and breach of fiduciary duty. Obtained confidential settlement for client with full release on all claims, no payment of any monies by client and obtained buyout of client's management contract and surgery center ownership interest in an amount substantially in excess of the parties' expert valuation of management contract and ownership interest.
- Represented Defendant - Appellee hospital in *Bryant v. Glen Oaks Medical Center f/k/a Glendale Heights Community Hospital*, 272 Ill. App. 3d 640 (May 12, 1995), for alleged breach of contract and wrongful termination of pathologist's medical staff privileges. Obtained summary judgment order dismissing case by the trial court. Drafted and argued appeal that resulted in a landmark decision in Illinois, affirming a hospital's right to enter into exclusive contracts with hospital-based providers.
- *Allen Organ Company v. Galanti Organ Builder, Inc. et al.*, 995 F.2d 215 (3rd Cir. 1993) - Obtained a verdict in favor of an Italian organ manufacturer against claims for violations of the Lanham Act, false advertising, unfair competition, defamation and disparagement in the United States District Court for the Eastern District of Pennsylvania. Authored appellee briefs filed with the United States Court of Appeals, Third Circuit, which affirmed district court verdict.
- *General Electro Music Corp. v. Samick Music Corp.*, 19 F.3d 1405 (Fed. Cir. 1994) - Obtained a jury verdict in favor of a piano manufacturer sued for design patent infringement in the United States District Court for the Northern District of Illinois, prevailing upon an inequitable conduct defense which resulted in the invalidation of the subject patent and the patent holder paying the alleged infringer's attorneys' fees and costs. Affirmed on appeal by the United States Court of Appeals, Federal Circuit.
- *Brian McDonagh, S.C., Veins Clinic of America v. Debra Moss*, 207 Ill. App. 3d 62 (First District, 1990) – Second chaired trial on behalf of a physician sued by a national specialized medical services provider for breach of a non-competition agreement in the Circuit Court of Cook County. Obtained a not guilty verdict and recovery of client's attorneys' fees under a prevailing party attorneys' fees provision.
- Represented major oil company in multiple injunction hearings to enjoin dealers under the Petroleum Marketing Practices Act for violations of the Lanham Act and unfair trade practices.
- Represented publicly-traded, national franchisor of home infusion services in multiple actions brought by franchisor against its franchisees for violations of the Lanham Act and breach of franchise agreement.
- *Greater Rockford Energy v. Shell Oil*, 998 F.2d 391 (7th Cir. 1993) – Led discovery in district court action on behalf of Mobil Oil Company and successfully defended against antitrust law claims (under Sections 4 and 16 of the Clayton Act) brought by

ethanol producers and gasohol blenders against a number of major oil companies. Obtained summary judgment on Mobil Oil Company's behalf, which was affirmed by the Seventh Circuit on appeal.

Publications

March 1, 2023

Health Care Reimbursement and Payor Dispute Update

September 15, 2022

Health Care Reimbursement and Payor Dispute Update