

Michael Malone

SHAREHOLDER

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Michael Malone takes a strategic, business-minded approach to solving clients' legal problems. Michael practices in the firm's healthcare litigation and commercial litigation groups. His healthcare practice is devoted to representing healthcare providers throughout the country in disputes with managed care payors, including matters involving in-network and out-of-network reimbursement disputes, improper underpayments and misclassified emergency claims, medical necessity denials, attempted recoupments and offsets, contract interpretation and billing policy disputes.

Michael's commercial litigation practice centers on representing businesses, organizations and individuals in healthcare and other industries in a variety of litigation matters and disputes, including:

- M&A and joint-venture disputes;
- Partnership and shareholder disputes and dissolutions;
- Fraud, negligent misrepresentation and other business torts; and
- Breach of contract and related complex commercial disputes.

Michael's deft approach to crafting prelitigation and litigation-avoidance strategies often results in successful outcomes for clients without the need for litigation. When litigation has already begun or is the client's preferred course, clients rely on Michael's extensive experience in trial and appellate courts across the country, turning to him to represent them in all phases of litigation—from pre-litigation negotiations through judgment and, when necessary, appeal. Michael also represents clients in arbitration forums, including the American Arbitration Association, JAMS, and American Health Law Association.

Michael is committed to gaining an in-depth understanding of each client's business and how their legal problems affect their business objectives, both immediately and long-term. With these business objectives in mind, Michael focuses on achieving the most effective and efficient results for every client in every matter.

Education

- University of Tennessee Winston College of Law (J.D., *cum laude*)
- Vanderbilt University (B.A.)

Capabilities

- Health Care Litigation
- Managed Care & Payor Disputes
- Health Care
- Hospitals & Health Systems
- Academic Medical Centers

Related Capabilities

- Commercial Litigation
- Litigation
- Mergers & Acquisitions Litigation

Bar Admissions

- Tennessee

Court Admissions

- Supreme Court of Tennessee
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Middle District of Tennessee
- U.S. District Court, Western District of Tennessee
- U.S. District Court, Eastern District of Tennessee

Memberships

- American Bar Association – Health Care and Litigation Sections
- American Health Law Association (AHLA)
- Tennessee Bar Association – Health Care and Litigation Sections
- Nashville Bar Association

Recognition

- Participant, Polsinelli Trial Academy facilitated by NITA, 2025
- 2024 Nashville Chamber of Commerce Emerging Leaders Award (NELA) Finalist
- Selected for inclusion in *Best Lawyers in America*® for:
 - Litigation - Health Care, 2026
 - Commercial Litigation, 2025-2026
 - Health Care Law, 2025-2026
- Young Leaders Council, Spring 2020
- Heritage Foundation of Williamson County, TN, Next Gen Advisory Committee
- Wonderful Life Foundation, Board Member

Matters

Healthcare Litigation

- Representing regional hospital system in multiple private arbitrations in multi-year out-of-network rate dispute with national payor.
- Representing several hospitals in multiple disputes with rental networks and commercial payors concerning the parties' obligations to the hospitals under the parties' rental-network contracts.
- Representing national hospital system in private arbitration challenging national payor's attempt to apply new payment policies to contract.
- Represented national hospital system in a dispute against a large commercial insurer due to changes to coding policy contrary to underlying contracts.
- Representing group of renal dialysis providers in private arbitration challenging national payor's interpretation and application of contractual pricing term.

M&A, Securities, and Financial Litigation & Regulation

- Successfully defended injunctive relief action brought by community hospital

attempting to prevent sale of operations for numerous skilled nursing facilities.

- Successfully represented numerous members, partners and shareholders in deadlock disputes, often resulting in a buy-sell resolution.
- Successfully prosecuted and defended numerous shareholder derivative claims in courts across the country.
- Successfully defended and prosecuted numerous claims in arbitration actions before the American Arbitration Association and the National Futures Association.
- Advised financial services clients seeking to form commodity pool operator organizations regarding compliance with National Futures Association regulations.
- Regularly advise buyers performing due diligence on risk and compliance issues surrounding payment-card processing and data security.

Real Estate Litigation

- Successfully prosecuted and defended numerous breach-of-lease cases on behalf of landlords and tenants.
- Successfully prosecuted and defended numerous breach-of-contract claims arising out of purchase and sale agreements, including claims for breach of promissory notes and personal guaranties.
- Represented large national REIT in multiple complex commercial disputes.
- Successfully represented multiple owners and developers in disputes with general contractors and subcontractors.

Payment & Financial Services Litigation

- Successfully defended and prosecuted numerous breach-of-contract and business-tort cases in state and federal courts across the country on behalf of payment card processor.
- Obtained dismissal or summary judgment in multiple actions alleging breaches of merchant processing agreements against processors and banking institution clients.
- Regularly advise clients in negotiating contracts involving acceptance or processing of payments and data security.
- Advised clients regarding compliance with the Payment Card Industry Data Security Standards.
- As lead counsel, successfully obtained dismissal of numerous negligence lawsuits brought against a consumer reporting agency in connection with large data breach.
- Managed worldwide essential service litigation plan to ensure continued client operations at the outset of the COVID-19 pandemic.

Class Action Defense

- Successfully defended against class action involving an alleged violation of the California Information Privacy Act involving potential statutory damages exceeding over a billion dollars.
- Successfully defended multimillion dollar Telephone Consumer Protection Act claims.

Pro Bono

- Assisted numerous participants in a program run by a Nashville nonprofit navigate myriad legal issues to remove barriers to professional certifications and employment, with the ultimate goal of attaining a new career and getting out of poverty.
- As lead trial counsel in a pro bono matter, successfully obtained award of custody to petitioner in an action brought pursuant to the Hague Convention. At the conclusion of the bench trial, the court ordered the petitioner's minor children be returned to the petitioner's custody.

Publications

October 20, 2023

The Polsinelli Pulse: Mitigating Litigation Risk at the Deal Table and Beyond – Vol. 4