

Zachary Rothenberg

PRINCIPAL

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Zachary Rothenberg is a health care lawyer with a focus on litigating business disputes. He regularly represents a range of health care clients – from individual doctors, nurses and other medical professionals to physician practice groups and IPAs, to hospitals and hospital systems, among others.

Zachary's litigation practice focuses on cases involving breach of contract, fraud, unfair competition, trade secrets, intellectual property and more. He also has experience handling an array of employment-related litigation. Zachary has first-chair experience and regularly appears in state and federal courts and in arbitration.

Zach has extensive knowledge in the behavioral health space. He advises drug rehabilitation facilities on land use, advocating for clients where administrative actions challenge zoning laws, attempting to prevent facilities from operating in their existing location. He litigates out-of-network and in-network reimbursement cases on behalf of addiction treatment facilities and responds to special investigation audits. He has also advised on labor and employment defense matters including those related to racial discrimination, wrongful termination, wage & hour disputes, and retaliation. Clients have come to rely on his insight regarding employee handbooks and labor code issues.

Education

- Harvard Law School (J.D., 2001)
- Columbia University (B.A., 1996)

Bar Admissions

- California

Memberships

- American Health Lawyers Association
- Beverly Hills Bar Association, Health Law Committee, Executive Committee
- California Society for Healthcare Attorneys, Education Committee

Capabilities

- Health Care Litigation
- Behavioral Health
- Health Care

Recognition

- Selected for inclusion in *Super Lawyers*®, 2014-2024
- Selected for inclusion in *Best Lawyers in America*® for Health Care Law, 2023-2026
- Named a Southern California “Rising Star,” 2008-2014

Matters

Business Litigation

When a father of a teenager being treated for addiction wrongfully pocketed more than \$100,000 in insurance proceeds to buy a house instead of reimbursing a recovery facility, Zach filed multiple actions against the father including for unjust enrichment and fraud. The case was further complicated by the fact that the father never signed any contracts with the rehab facility and worked out of state. However, Zach was able to serve the defendant through some unique sleuthing efforts and dogged determination. In the end, he won a full judgment plus interest against the father.

Employment Dispute

Settled a whistle-blower retaliation matter on behalf of an Orange County addiction treatment company for pennies on the dollar after a Nelson Hardiman investigation led to the discovery of employment information that substantially weakened the claimant’s case.

Employment Litigation

Represented a bariatric surgeon in bringing contract, tort, and Labor Code claims against a former employer/medical practice represented by the litigation department chair for a national law firm. After five-day arbitration, client was awarded 100% of unpaid wages, interest, civil penalties, and attorneys’ fees.

Employment Litigation

Represented a nurse in pre-litigation efforts to resolve a dispute with a former physician-employer alleging misappropriation of trade secrets, fraud, and unfair competition based on nurse’s communications with patients announcing her departure.

First Amendment/Anti-SLAPP

Represented pharmacist serving as class representative in large class action against dietary supplement manufacturer. Pharmacist was named as defendant in cross-action claiming that he had slandered supplement manufacturer in online video and television video discussing the nature of the class action lawsuit. Zach filed an “anti-SLAPP” motion to strike the cross-claims, arguing that his comments were protected speech under the First Amendment. The cross-claims against Zach’s clients were stricken and he was awarded all of his attorney’s fees.

Intellectual Property

Represented internet retailer of dietary supplements in multi-party federal court trademark infringement litigation. Zach leveraged deposition testimony and documents produced in discovery to convince the plaintiffs that his client was not one of the “bad actors” and to settle Zach’s client out of the case on favorable terms.

Land Use Litigation

Represented addiction treatment facility facing public nuisance action brought by city government that jeopardized the facility’s ability to continue operating. After lengthy

negotiations, Zach was able to convince the city that the facility posed no threat to the communication. The City agreed to dismiss the case, with prejudice, without any payment of money.

Managed Care

Represented IPA in a five-year action against a laboratory, defending against numerous claims and legal theories seeking more than \$1.5 million for lab testing performed after termination of the parties' agreement. Following five days of arbitration, arbitrator dismissed all but one claim, reducing potential exposure to a fraction of the claimed amount.

Municipal Law

Represented sober living home in dispute with city government. Zach was able to employ his knowledge of Fair Housing Act ("FHA") and Americans with Disabilities Act ("ADA") to negotiate an agreement unique to his client that enabled the facility to continue operations as-is.

Reimbursement

Represented an ambulatory surgery center in out-of-network "fee forgiveness" action against a major insurance company. Pursuing in excess of \$3 million for claims improperly denied based on claim that surgery center "forgave" patient contribution as inducement for using out-of-network facility. Obtained successful rulings on: motion to remand from Federal Court, demurrers, motions to compel discovery.

Unfair Competition

Obtained a permanent injunction on behalf of a Los Angeles medical marijuana dispensary, as part of a global settlement with an illegal competitor business.

Qui Tam ("Whistleblower") Defense

Settled a potential large whistle-blower lawsuit on behalf of an addiction treatment facility. In addition to potential false claims act violations, a former employee alleged a hostile work environment (constructive discharge) and retaliation. Sensing an opportunity with an eager plaintiff, Zach proposed an unusual pre-filing mediation, which resulted in a quick settlement for a fraction of the original demand amount.

Hospital Litigation

Obtained permanent injunction against hospital patient who had refused to leave the hospital despite lacking medical necessity.

Hospital Operations

Helped California independent hospital system develop a toolkit to address various discharge challenges, including those involving unrepresented and homeless patients as well as payment for extended hospital stays.

Fair Housing Rights

Resolved disputes with five cities across California regarding complaints concerning behavioral health housing.

Hospital Litigation

Nelson Hardiman was able to persuade a patient, who had refused to be discharged for 18 months and refused to pay the hospital, to agree to be discharged. Then Nelson Hardiman filed a lawsuit against the patient and won a three-week trial recovering the monies owed to the hospital.

Publications

March 5, 2026

Top Issues in Behavioral Health 2026 Newsletter

February 18, 2025

Top Issues in Behavioral Health 2025 Newsletter

September 1, 2023

A Psychedelic Shift: Will Mushrooms Transform Mental Health Care?

Co-Author

July 5, 2023

Wander Management in Senior Care: Lessons From the Brookfield Assisted Living Settlement

Featured, iAdvance Senior Care

October 22, 2022

The Collections Continuum: Reimbursement Guide From Treatment to Payment