

Jennifer Weaver

PARTNER



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Jennifer Weaver is a skilled litigator and relentless advocate for healthcare providers facing government investigations and enforcement actions brought by the Department of Justice and other federal and state agencies and regulators.

When confronted by the vast resources and power of the government, clients value Jennifer's experience and tireless determination. She has built an impressive track record defending clients in False Claims Act (FCA) matters across the United States. Notable among her representative experience, Jennifer won summary judgment on behalf of national pharmacy benefits manager in Texas federal court, affirmed by the Fifth Circuit, that resulted in a landmark defense ruling on the issue of falsity in one of the largest FCA cases in the country. She secured dismissal of an FCA case against a behavioral healthcare company in California federal court and obtained an attorneys' fees award against the whistleblower. Representing a specialty pharmacy in an FCA investigation, Jennifer convinced the Department of Justice to forego criminal proceedings against the pharmacy owner and negotiated a favorable civil settlement on behalf of the company. She secured the voluntary dismissal of an FCA case against a rural hospital in Texas in exchange for an agreement not to seek attorneys' fees against the physician whistleblower.

Jennifer has been equally successful appealing costly and potentially crippling Medicare audits conducted by Unified Program Integrity Contractors (UPICs). She overturned a \$27 million overpayment against a multistate physician practice that was ultimately reduced to \$6,900. Her efforts resulted in a \$16 million overpayment against a national home health company being reduced to \$20,000. Defending a Texas-based home health company against an audit that alleged a 100 percent error rate on Medicaid claims for personal care services, Jennifer successfully appealed the case to the Texas Health and Human Services Inspector General who concluded the company's error rate was actually zero percent.

In addition to her experience in government enforcement actions, healthcare providers and other clients rely on Jennifer's successful track record in complex business disputes. In one of the strongest court rulings protecting board decisions under California's business judgment rule, Jennifer won summary judgment on all counts, as well as an award of attorneys' fees, in a multimillion dollar lawsuit filed by a disgruntled minority shareholder against an ambulatory surgery center company whose board voted to terminate his interest in the company. She won summary judgment on all counts in Tennessee federal court, affirmed by the Sixth Circuit, on behalf of a healthcare clinical

services company in a case arising from a failed acquisition. She secured the dismissal of a lawsuit filed in Pennsylvania state court by three physician investors against an ambulatory surgery center that expelled the physicians from the partnership for violating their non-compete agreements.

Healthcare providers also turn to Jennifer for counsel on regulatory compliance issues and for advice on their obligations under Corporate Integrity Agreements.

EXPERIENCE

- **Physical Rehabilitation Network gains new equity interest owner**
Represented Physical Rehabilitation Network in its equity interest sale by Silver Oak Services Partners to Gryphon Investors.
- **National behavioral healthcare provider involved in False Claims Act investigation**
Represented a behavioral healthcare provider in an FCA investigation in West Virginia and negotiated a favorable civil settlement on behalf of the company.
- **Infusion center company secures favorable settlement in a FCA investigation in Missouri**
Represented a national chain of infusion centers in a False Claims Act investigation and secured a favorable settlement with the government for a fraction of single damages and without imposition of a CIA.
- **Two home health companies enter into a \$2.4 billion merger**
Served as lead healthcare regulatory counsel for a home health company in a \$2.4 billion public company merger.
- **A national home health company hit with ZPIC audit and \$16 million overpayment**
Successfully overturned \$16 million overpayment against national home health company resulting from ZPIC audit, reduced to \$20,000 through Medicare appeals process.
- **Healthcare provider obtains favorable judgment against commercial insurance payor in dispute**
Successfully represented a healthcare provider in a dispute with its commercial insurance payor and obtained a judgment against the commercial payor including a finding of bad faith by the insurance company.
- **Three physician investors file lawsuit against ambulatory surgery center company**
Secured dismissal of lawsuit filed in Pennsylvania state court on behalf of ambulatory surgery center company that expelled physician investors from partnership for violating their non-competes.
- **Multistate pain management company hit with \$27 million overpayment**
Successfully overturned \$27 million overpayment against multistate physician practice resulting from a ZPIC audit; reduced to \$6,900 through Medicare appeals process.
- **Lab company faces whistleblower lawsuit alleging False Claims Act violations**
Secured dismissal of a False Claims Act case against a lab company based on failure to plead specific false claims; affirmed by Sixth Circuit only one year after the case was first unsealed.
- **Specialty pharmacy faced civil and criminal False Claims Act investigation in Tennessee**

Convinced the federal government to drop criminal charges against a specialty pharmacy in an FCA investigation and negotiated a favorable civil settlement on behalf of the company.

- **Ambulatory surgery center company secures summary judgment in shareholder suit**

Successfully defended an ambulatory surgery center company in a multimillion dollar lawsuit filed by a disgruntled minority shareholder in California state court, alleging breach of fiduciary duty and unfair competition after board voted to terminate his interest in the LLC; won summary judgment on all counts in one of the strongest decisions protecting board decisions under California's business judgment rule.

- **Texas-based home health company subject to ZPIC audit**

Defended a home health company in a ZPIC audit finding 100 percent error rate on Medicaid claims for personal care services; successfully appealed to Texas OIG which concluded error rate was actually zero percent.

- **Healthcare clinical services company faced lawsuit resulting from failed acquisition**

Won summary judgment on all counts in Tennessee federal court in a case arising from a failed acquisition, alleging breach of a non-disclosure agreement, misappropriation of trade secrets and tortious interference with contract (affirmed by Sixth Circuit).

- **Rural West Texas hospital sued by physician whistleblower under the False Claims Act**

Secured voluntary dismissal of FCA case against a rural hospital in Texas in exchange for agreement not to seek attorneys' fees against a physician whistleblower.

- **Large publicly traded entity defends False Claims Act qui tam litigation**

Represented a large, publicly-traded entity in the defense of False Claims Act qui tam litigation filed in the Northern District of Alabama.

- **Pharmacy benefits manager named in multiple statewide class action cases**

Obtained dismissal of the cases through motions to dismiss, before class certification or discovery phases commenced, in Tennessee statewide class action cases against pharmacy benefits manager involving copayments for mail order prescriptions.

- **Non-profit nursing home faces False Claims Act investigation**

Represented a non-profit nursing home in FCA investigation in Tennessee; secured favorable settlement with the federal government based on single damages and without imposition of a CIA.

- **Summary judgment secured for pharmacy benefits manager in decade-long FCA case**

Secured summary judgment on behalf of a pharmacy benefits manager in Texas federal court, resulting in a landmark defense ruling on the issue of falsity in one of the largest FCA cases in the country.

- **Medical device company involved in False Claims Act case in which United States intervened**

Defended a leading medical device manufacturer in FCA case in Tennessee federal court, in which the United States intervened; negotiated a favorable settlement after years of litigation against the government.

- **Pharmacy benefits manager sued in nationwide ERISA class action**

Secured summary judgment victory on all counts in a nationwide ERISA class action against pharmacy benefits manager alleging that pharmacy benefit management is a fiduciary function.

EDUCATION

- J.D., Columbia University, 1997
- B.F.A., with highest honors, New York University, Film and Television, 1993

COURT ADMISSIONS

- U.S. District Court, Central, Eastern and Southern Districts of California
- U.S. District Court, Middle District of Tennessee
- U.S. Court of Appeals for the Fifth, Sixth, Ninth and Eleventh Circuits
- U.S. District Court, Northern, Eastern and Southern Districts of Texas

BAR ADMISSIONS

- Tennessee
- California
- Texas

RECOGNITIONS

Chambers USA

- Healthcare: Government Investigations & Fraud (Tennessee), 2020

The Best Lawyers in America® (BL Rankings)

- Health Care Law, 2020-2021
- Qui Tam Law, 2021

PROFESSIONAL INVOLVEMENT

- Member, Nashville, Tennessee, California and American Bar Associations
- Member, American Health Lawyers Association
- Member, Health Law Section of the American Bar Association