



## Clifford Katz

Partner

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### About

With an in-depth understanding of the industry and a hands-on approach to the complex litigation and unique compliance issues his clients face, Cliff Katz represents pharmaceutical companies in a wide range of matters.

Cliff complements his meticulous attention to detail with a perspective that incorporates broader business concerns into individual case strategies. Able to collaborate effectively and efficiently with C-suite executives and front-line workers alike, Cliff consistently positions his pharma clients for favorable outcomes that align with their short and long-term goals.

Cliff's litigation practice includes representing clients in matters involving breach of contract, pharmaceutical pricing, antitrust, employment disputes, trade secrets, federal and state false claims acts, consumer protection laws, fraud, class actions, products liability, opioid-related claims, and patent litigation.

With a focus on minimizing costs and disruption without sacrificing thorough evaluation, analysis, and preparation, Cliff has earned the trust of clients who know he will always have matters well in hand.

Cliff also leverages his deep industry knowledge outside the courtroom, counseling his pharmaceutical clients on consequential transactions and strategic initiatives. His thoughtful, informed, and actionable guidance helps clients identify and address potential compliance and financial pitfalls in transactions with business partners, customers, and vendors.

His counsel extends to asset purchase agreements, customer agreements, supply agreements with CMOs and other vendors, product development agreements, profit-sharing agreements, marketing agreements, ANDA purchase agreements, confidentiality agreements, employment agreements, sale of receivables, real estate and lease disputes, Medicaid and Medicare issues, and pricing and antitrust policies.

### Experience

#### Contracts

Represented pharmaceutical company through trial in breach of contract action relating to the acquisition of a company.

Represented pharmaceutical companies in breach of contract actions involving the manufacturing, supply and marketing of drugs in state and federal courts and AAA arbitrations.

Represented pharmaceutical company in breach of contract action involving the development of a drug.

Represented companies in lease disputes and disputes arising from the sale of real estate.

Represented client in cases involving misappropriation of trade secrets and restrictive covenants, including successfully obtaining temporary restraining orders and preliminary injunctions.

Represented generic pharmaceutical company in breach of contract action involving alleged force majeure issues.

Represented pharmaceutical company in breach of contract action involving the supply of a medical device.

Represented generic pharmaceutical companies in breach of contract actions relating to employment of temporary and permanent employees.

Representing pharmaceutical companies in the negotiation of contracts with wholesalers, pharmacies, group purchasing organizations, suppliers and other customers and vendors.

Representing pharmaceutical companies in negotiating co-development agreements.

Representing pharmaceutical companies in negotiating sales of assets.

Representing pharmaceutical companies in negotiating manufacturing and supply agreements.

Represented generic pharmaceutical companies in negotiating financing transactions.

Assisted in successfully defending a major alarm service company in actions seeking damages for losses sustained as the result of the alarm company's alleged gross negligence and breach of contract.

Represented a national life insurance company in a variety of actions alleging fraud, breach of contract and negligence.

Represented a life insurance trade association as amicus curiae in the Delaware Supreme Court. Assisted life insurance companies in obtaining a decision by the Delaware Supreme Court holding stranger-originated life insurance (STOLI) illegal and against public policy and permitting life insurance companies to challenge STOLI policies as void ab initio after the expiration of the two-year statutory contestability period.

## Employment

Representing pharmaceutical companies in actions involving breach of non-compete and confidentiality agreements.

Represented pharmaceutical companies in employment and severance agreement negotiations and disputes.

Advised pharmaceutical companies concerning plant closures and reductions in force.

Represented pharmaceutical companies in disputes involving discrimination and whistleblower claims.

## Antitrust and Pricing

Representing a generic pharmaceutical company in the multidistrict antitrust litigation, *In re Generic Pharmaceuticals Pricing Antitrust Litigation*. This MDL includes actions brought by private class action plaintiffs and state attorneys general.

Represented a generic pharmaceutical company in an action concerning the enforcement of a Hatch-Waxman settlement agreement.

Represented a generic pharmaceutical company in a “pay-for-delay” antitrust investigation.

Counseling generic pharmaceutical companies on pricing and antitrust policies.

Counseling pharmaceutical companies on reporting of prices under state drug price transparency laws.

## Products Liability and Opioids

Obtained a dismissal of all claims against a generic pharmaceutical company in federal court in the multidistrict litigation, *In re: Zantac (Ranitidine) Products Liability Litigation*.

Representing a generic pharmaceutical company in ranitidine products liability cases pending in state courts.

Represented a generic pharmaceutical company in the multidistrict litigation, *In re: National Prescription Opiate Litigation*.

## Fraud / False Claims Acts / Consumer Protection Acts

Represented multinational pharmaceutical manufacturers in numerous federal and state actions across the country, concerning alleged violations of federal and state false claims acts, state consumer protection and deceptive trade practices acts, false advertising acts, and common law fraud in connection with the Medicaid and Medicare programs and health plans. These actions have included qui tam litigation, class action litigation, as well as cases brought by the United States Department of Justice and state attorneys general. In these actions, Cliff has taken and defended more than 75 depositions of qui tam relators, federal Medicare and Medicaid officials, state agency officials from more than a dozen states, present and former pharmaceutical company employees, wholesalers, pharmacies, pharmacy associations, pharmaceutical industry publishers, Medicaid fiscal agents and industry consultants.

Represented eligible telecommunications carriers (ETCs) in investigations by the Office of Inspector General (OIG) of the Federal Communications Commission (FCC) with respect to the federal Lifeline program.

Member of the team that prosecuted claims for approximately \$1.2 billion on behalf of JPMorgan Chase Bank, against 11 insurance companies over surety bonds written in connection with

transactions that the bank entered into with Enron Corp. A favorable settlement was achieved after closing arguments following a month-long trial.

## Patents and Trade Secrets

Represented multinational generic pharmaceutical manufacturers in Hatch-Waxman patent litigation, trials and appeals.

Represented a media company in actions involving ad insertion technology.

Represented companies in actions concerning misappropriation of trade secrets.

Represented a national testing laboratory in actions concerning patent infringement and breach of contract.

## Pro Bono

Represented disabled children and parents in actions against the New York City Department of Education under the Individuals with Disabilities Education Improvement Act.

Advising the non-profit organization, A Foundation Building Strength for Nemaline Myopathy, on contracts with research organizations.

## Related Services

Generic Pharmaceuticals

Litigation

Patent Litigation and Post-Grant Proceedings

False Claims Act Defense

Intellectual Property

Toxic Torts and Products Liability

Commercial Litigation

Antitrust

Food and Drug

Trade Secrets and Restrictive Covenants

Employment Litigation

Labor and Employment Counseling and Compliance

## Education

University of Pennsylvania Law School, J.D., 2002

Rutgers, The State University of New Jersey, B.A., 1999

- summa cum laude

## Admissions

New York, 2003

New Jersey, 2002

## Courts

U.S. Court of Appeals–Federal Circuit

U.S. Court of Appeals–Second Circuit

U.S. Court of Appeals–Third Circuit

U.S. Court of Appeals–Eleventh Circuit

U.S. District Court–Southern District of New York

U.S. District Court–Eastern District of New York

U.S. District Court–District of New Jersey