

# Ryan M. Fawaz

## Partner

Orange County Office

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### Practices

FOCUS: Litigation

Insurance and Health Care Fraud Litigation

Health Care Litigation, Reimbursement and Regulation

Securities Litigation

### Education

JD, Harvard Law School, *cum laude*

AB, Harvard University, *cum laude*

### Bar Admissions

California

Ryan Fawaz helps insurers uncover and combat fraud. He pursues complex insurance fraud cases of all types — health, auto, workers' compensation, property — and represents his clients in state and federal courts around the country. From working with medical experts and helping detect fraudulent claim patterns to assessing the risks and rewards of taking offenders to court, Ryan's clients rely on his insight and experience to protect themselves and eliminate wrongdoing.

### Protecting insurers from fraud and loss

Ryan works with medical, technology, financial, coding and in-house experts to identify trends and the parties driving systemic fraud, oftentimes before such claims are even made or paid. Once a fraud pattern has been established, Ryan helps his clients find quicker, less risky and costly alternatives to litigation to address concerns, including through different approaches to claims handling

When a fraud case goes to court, Ryan helps his clients find the right strategy for the jurisdiction, for the market and for the clients' business goals. Ryan handles fraud cases involving a wide variety of patterns of systemic fraud, including billing for unnecessary medical services, billing for services not rendered, upcoding, unbundling, violating anti-kickback and patient brokering laws, and violating state licensure laws and prohibitions on the corporate practice of medicine.

Ryan also defends clients facing government investigations and enforcement actions for RICO, antitrust and securities issues. He also represents directors of companies, public and private, in actions alleging breach of fiduciary duties and government investigations.

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## Representative Experience

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- Represent property and casualty insurer in *qui tam* action under the California Insurance Frauds Prevention Act against imaging provider, officers, and owners involving billing for services not rendered.
- Represent property and casualty insurer in *qui tam* action under the California Insurance Frauds Prevention Act against physician, surgery center, and biller. Involves pain management injections, ancillary services, and evaluation and management services that were medically unnecessary or not performed, and the use of unbundling and upcoding of billing codes to inflate charges.
- Represent property and casualty insurer in *qui tam* action under the California Insurance Frauds Prevention Act against chiropractor, radiologists, and imaging providers. Alleges false claims for x-rays and MRIs performed pursuant to unlawful kickbacks, patient brokering, and billing for services not rendered.
- Represent property and casualty insurer in *qui tam* action under the California Insurance Frauds Prevention Act against physicians and imaging provider. Involves fraudulent claims for MRIs related to billing for services not performed and lay ownership of professional medical corporation.
- Represent property and casualty insurer in *qui tam* action under the California Insurance Frauds Prevention Act against physician, medical practice, and surgery center. Involves pain management injections, ancillary services, MRI interpretations, and evaluation and management services that were not rendered or were medically unnecessary if rendered, and the use of unbundling and upcoding of billing codes to inflate charges.
- Represent property and casualty insurer in *qui tam* action under the California Insurance Frauds Prevention Act against chiropractor, radiologists, and imaging providers. Alleges false claims for MRIs

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performed pursuant to unlawful kickbacks and patient brokering.

- Represent property and casualty insurer in *qui tam* action under the California Insurance Frauds Prevention Act against physician and medical practice. Involves pain management injections, ancillary services, and evaluation and management services that were medically unnecessary or not performed, and the use of unbundling, double billing, and upcoding of billing codes to inflate charges.
- Represent property and casualty insurer in *qui tam* action under the California Insurance Frauds Prevention Act against physician and clinic. Involves billing for services not provided and electrodiagnostic testing.
- Defended global real estate services firm against RICO, fraud and other tort claims brought by a class of land and home owners at high-end resorts throughout the United States and the Bahamas. Secured dismissal of various claims at the pleading stage, denial of class certification and complete victory on remaining claims at summary judgment.\*
- Represented oilfield services company and its directors in litigation related to an offer to acquire the client. Obtained voluntary dismissal of class action alleging directors breached their fiduciary duties in connection with the proposed merger. In separate litigation before the Delaware Court of Chancery, obtained withdrawal of request for preliminary injunction to enjoin the merger after opposition was filed and additional disclosures were made (no monetary payment was made by defendants).\*
- Represented emerging independent exploration company in securities fraud class action alleging fraud in connection with the company's well-drilling activities and FCPA investigation. Obtained dismissal.\*
- Counseled San Francisco-based international law firm in malpractice litigation arising out of client's representation of Medical Capital in a Ponzi scheme involving more than \$200 million worth of defaulted loans. Successfully reduced the case by one-third through motion practice and settled on favorable terms.\*
- Defended publicly traded security technology company in securities fraud class action and derivative suit. Obtained dismissal of both actions.\*
- Represented new home builder and affiliated entities in nationwide class

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action against the companies brought by a class of homebuyers alleging fraud and state statutory violations. Obtained complete dismissal.\*

- Represented publicly traded information technology company against securities fraud class action arising out of alleged inadequate proxy solicitation in connection with substantial sale of company assets. Defeated plaintiff's request for a TRO and preliminary injunction to block the shareholder vote, leading to a request for a voluntary dismissal of the suit.\*
- Represented network solutions provider and its directors in litigation related to acquisition of the company by a global private equity firm and affiliated entities. The transaction closed and the case settled without any monetary payment from the defendants.\*
- Represented large private real estate company in pursuing breach of contract action against former tenant in one of the United States' preeminent shopping facilities. The case settled on favorable terms for the client.\*
- Defended leading chemical manufacturer in multidistrict class action litigation and indirect purchaser cases against allegations of price fixing and conspiracy.\*
- Defended scrap metal recycler against claims of unfair competition and antitrust violations brought by a competitor. Obtained voluntary dismissal on behalf of company without any monetary payment from the company.\*
- Represented numerous individuals and organizations pro bono, including in contested guardianship and conservatorship matters.\*

\*Experience prior to Katten

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## Recognitions

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*Recognized or listed in the following:*

- *Super Lawyers Rising Stars*
  - Southern California, 2021, 2022

## News

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- Katten Attorneys Selected for 2022 Southern California Super Lawyers Rising Stars List (June 7, 2022)
- Katten's California Litigation Attorneys Named to Rising Stars List (June 8, 2021)
- *Law360* Celebrates Katten's New Partner Class (February 8, 2021)
- Katten Announces New Partner Class (October 30, 2020)

## Presentations and Events

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- 34th Annual Anti-Fraud Conference (April 10–12, 2024) | *Panelist* | *MRI Brokering and the Impact of People Ex Rel. Allstate v. Discovery Radiology Physicians, P.C. (2023) 94 Cal.App5th 521*
- Federal Bar Association, Qui Tam Section (August 3, 2022) | *Presenter* | *CIFPA, IICFPA, and the FCA – Their Intersectionality*
- 2022 Annual Anti-Fraud Conference (April 13–15, 2022) | *Presenter* | *What a Pain: Identifying and Remediating Pain Management Schemes*
- 2021 Annual Anti-Fraud Virtual Conference (April 14–15, 2021) | *Presenter* | *Pain (Mis)Management: Recognizing, Deterring, and Pursuing Provider Fraud Schemes Across the Pain Management Continuum*