

# Eli Burriss

## Partner

Dallas Office

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### Practices

FOCUS: Commercial Litigation  
Antitrust and Competition Litigation  
Class Action/Consumer Finance Litigation  
Fiduciary and Private Client Litigation  
Health Care Litigation, Reimbursement  
and Regulation  
International  
Litigation  
White Collar and Internal Investigations

### Industries

Aviation  
Health Care

### Education

JD, Southern Methodist University  
Dedman School of Law, *cum laude*  
BA, Stanford University

### Bar Admissions

Texas

### Court Admissions

US Court of Appeals, Fourth Circuit  
US Court of Appeals, Fifth Circuit  
US Court of Appeals, Tenth Circuit  
US District Court, District of Nebraska  
US District Court, Eastern District of  
Texas  
US District Court, Northern District of  
Texas  
US District Court, Southern District of  
Texas  
US District Court, Western District of  
Texas  
Supreme Court of Texas

Eli Burriss represents clients in sophisticated litigation matters, with a scope that includes derivative actions, M&A disputes, software license and data breach litigation, antitrust litigation, and trade secret litigation. Eli also has extensive experience litigating matters that arise under the Employee Retirement Income Security Act (ERISA), including 401(k) litigation, employee stock ownership plan (ESOP) litigation, and representing some of the world's largest health plan administrators and insurers, advising on a variety of litigation matters, including anti-fraud litigation, provider disputes and regulatory issues.

### Seasoned trial counsel

Eli's experience ranges from state regulatory and licensing inquiries, to arbitrations, and litigating matters at trial and appellate levels, representing clients before numerous trial courts as well as state and federal courts of appeals. He also has helped many parties navigate *qui tam* litigation.

On behalf of clients from a variety of industries, Eli has served throughout his career as trial counsel representing clients in complex litigation across the country as well as in cross-board arbitrations. He has represented clients in state and federal courts against allegations of unfair competition, ERISA, breach of fiduciary duty, deceptive trade practices, trademark violations, breach of contract, vicarious liability, product liability and tortious interference with contractual relationships.

Eli has a strong commitment to pro bono service and he frequently assists members of the military, veterans and their families in his community.

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Partner

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## Community Involvements

American Health Law Association (AHLA)

Dallas Bar Association

Federal Bar Association, Dallas Chapter

State Bar of Texas

Texas Association of Health Plans  
(TAHP)

Texas Bar Foundation, Fellow

## Representative Experience

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### Managed-care litigation

- Represented multiple Fortune 100 health care organizations in a variety of litigation matters at both the trial and appellate levels, such as member disputes, responses to state regulatory inquiries, ERISA benefits and class action litigation, provider arbitrations, and affirmative antifraud litigation.\*
- Represented a Fortune 25 health care organization in numerous litigation matters, including member and ERISA benefits disputes, provider arbitrations, and anti-fraud litigation.\*
- Represented a pharmacy benefit manager in regulatory proceedings and compliance analysis of new benefit offerings.\*
- Represented managed-care companies in antifraud and affirmative recovery matters seeking to recover hundreds of millions of dollars in paid claims.\*

### Health care litigation

- Represented a national owner and operator of acute/specialty-care facilities in litigation relating to theft of trade secrets and confidential information.\*
- Represented a national health care organization in antitrust litigation relating to a competing entity's efforts to block physicians from participating in a new health plan.\*
- Represented numerous health care providers in *qui tam* litigation.\*
- Represented health care providers in licensing inquiries before the Texas Medical Board.\*

### Class action, antitrust and commercial litigation

- Represented international air carrier in putative class action arising out of alleged violations of Department of Labor regulations.\*
- Represented foreign entity in derivative litigation filed in New York state court in which shareholders challenged validity of spin-off transactions, seeking nearly \$1 billion in damages.\*

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*Partner*

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- Represented health care organization in filing antitrust action alleging violation of state antitrust laws based upon regional health care provider's alleged monopolistic conduct.\*
- Represented several national franchisors in litigation in which franchisees asserted franchisors engaged in anticompetitive conduct, including allegations that the franchisors violated both Section 1 of the Sherman Act and Section 3 of the Clayton Act.\*
- Represented a national frozen foods manufacturer in class action, multidistrict antitrust litigation arising out of allegations of a nationwide conspiracy to allocate markets and fix prices in a packaged-food category.\*
- Represented a national property and casualty insurer in antitrust litigation in which plaintiffs alleged that leading insurers conspired to suppress reimbursements on property casualty claims.\*
- Represented numerous clients in FTC and US DOJ antitrust investigations.\*
- Represented a national financial institution in litigation relating to scraping and aggregating member data made available through the client's website and app.\*

## **ERISA litigation**

- Represented leading national retailer in class action in which plaintiffs asserted that the client's COBRA enrollment and eligibility notices failed to comply with US DOL regulations.\*
- Represented institutional trustees in class actions in which plaintiffs alleged that the trustee caused an ESOP to pay more than adequate consideration for shares of the company in the initial transaction.\*
- Represented a leading national mobile communications provider in 401(k) litigation in which plaintiffs alleged that the plan's selected provider charged excessive fees and offered underperforming investment options.\*
- Represented plan sponsors and trustees in various DOL investigations and enforcement proceedings.\*

\*Experience prior to Katten

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## Recognitions

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*Recognized or listed in the following:*

- American Bar Association Military Pro Bono Center
  - Counsel of the Year
- America's Top 100 High Stakes Litigators
  - Texas 100 High Stakes Litigation, 2019
- Super Lawyers
  - Texas, 2016–2020
- Super Lawyers Rising Stars
  - Texas, 2012–2013
- The Legal 500 United States
  - Recommended Attorney, 2019, 2021

## Publications

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- How a Godiva Receipt Changed the Odds for Class Action Defendants | *Bloomberg Law* (November 25, 2020)

## Presentations and Events

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- Litigation Considerations for Benefits Counsel | Western Bankers Association (November 12, 2020)
- ERISA Wrongful Denial of Benefits Claims: Key Defenses, Procedural Prerequisites, Litigation Issues | Strafford Webinar (August 5, 2020)

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- Managing Disputes Involving PBMs | ACI's 11th Annual Advanced Forum on Managed Care Disputes and Litigation (July 2020)