

Mary C. Fleming

Associate

Washington, DC Office

+1.202.625.3754

mary.fleming@katten.com



Practices

FOCUS: Litigation
Appeals and Critical Motions
Class Action/Consumer Finance Litigation
Financial Markets Litigation and Enforcement
Insurance and Health Care Fraud Litigation
White Collar and Internal Investigations

Industries

Health Care

Education

JD, Vanderbilt University Law School,
Order of the Coif
BA, Florida State University, *summa cum laude*

Bar Admissions

District of Columbia
Florida

Court Admissions

US Court of Appeals, First Circuit
US Court of Appeals, Second Circuit
US Court of Appeals, Fifth Circuit
US Court of Appeals, Seventh Circuit
US Court of Appeals, Tenth Circuit
US District Court, Middle District of Florida

Mary concentrates on appellate litigation, dispositive motions, health care investigations and other commercial litigation. She is experienced in both civil and criminal litigation, from pre-suit or pre-indictment investigations and strategy to providing support at trial. Mary approaches each client relationship with care and a commitment to client service, ensuring the highest level of practice standards in servicing clients.

The finest advocacy before appellate and trial courts

A former federal appellate clerk, Mary Fleming has written briefs and critical motions in both federal and state courts, representing individual and corporate clients in complex civil and criminal litigation. She has assisted health care and financial services clients with high-stakes appeals, drafted critical motions on behalf of executives in federal criminal proceedings, and defended financial institutions against class-action litigation and consumer disputes. Mary also has embedded with trial teams to provide support by crafting legal arguments, drafting jury instructions and motions, and ensuring the record is preserved for appeal. Mary devotes a substantial portion of her practice to internal and government investigations and related cases arising from allegations of Medicare fraud and abuse under the federal Anti-Kickback Statute and False Claims Act. Additionally, she has experience in insolvency-related litigation and investigations.

Prior to joining Katten, Mary served as a law clerk to the Honorable Robert E. Bacharach of the US Court of Appeals for the Tenth Circuit. During law school, she was an articles editor of the Vanderbilt Law Review, and received the Best Appellate Brief Award.

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Representative Experience

- Co-authored opposition brief in the US Court of Appeals for the Seventh Circuit defending a leading provider of hospital-based outsourcing against claims of fraud under the False Claims Act.
- Defended in the US Court of Appeals for the Second Circuit injunction awarded to large insurance company in RICO case involving widespread insurance fraud.
- Successfully defended winning trial court judgment on appeal, before the California Court of Appeal and California Supreme Court, in case involving prosecution of insurance fraud by client insurance company.
- Represented client on federal criminal charges of public corruption, including drafting dispositive briefing and providing support through trial.
- Successfully represented client during two-week jury trial on federal criminal charges related to health care fraud.
- Represented health care providers in complex commercial litigation.
- Represented health care providers in investigations under the False Claims Act involving allegations of fraudulent billing and violations of the Anti-Kickback Statute.

Recognitions

Recognized or listed in the following:

- *Super Lawyers Rising Stars*
 - Washington, DC, 2020–2023

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News

- Katten Attorneys Selected to 2023 Washington, DC Super Lawyers, Rising Stars Lists (April 26, 2023)
- Katten Attorneys Named to 2022 Washington, DC Super Lawyers Rising Stars List (April 28, 2022)
- Katten Attorneys Selected to 2021 Washington, DC Super Lawyers Rising Stars List (May 5, 2021)
- Katten Team Successfully Obtains Acquittal for Doctor on Health Care Fraud Charges (December 1, 2020)
- Katten Attorneys Named to 2020 Washington, DC Super Lawyers, Rising Stars Lists (April 16, 2020)