

Fisher Broyles

Name: Brian E. Dickerson, Esq.

Email: brian.dickerson@fisherbroyles.com

Direct: (202) 570-0248

Office: Naples and Washington D.C.

Practice Areas: Antitrust Counseling; Cannabis, Hemp, and CBD; Compliance Counseling; Cyber-Risk, Privacy & Data Security; Environmental Health & Safety; Government; Health and Pharmacy Law; International; Litigation – Civil Pretrial and Trial Services; Litigation & Risk Management; Regulatory Law & Government; Tax; White Collar Litigation and Investigations

Bar Admissions: District of Columbia; Florida; Illinois; New York; Ohio; U.S. Court of Appeals, Eleventh Circuit; U.S. Court of Appeals, Sixth Circuit; U.S. District Court, District of Columbia; U.S. District Court, Middle District of Florida; U.S. District Court, Northern District of Florida; U.S. District Court, Northern District of Illinois; U.S. District Court, Northern District of Ohio; U.S. District Court, Southern District of Florida; U.S. District Court, Southern District of Ohio; U.S. Supreme Court; U.S. Tax Court

Education: Capital University Law School, J.D., 1996; Ohio University, Sports Administration, M.S., 1996; MacMurray College, B.S., 1993

Experience: Roetzel & Andress

Mr. Dickerson focuses his practice on complex litigation and regulatory matters defending pharmacy and healthcare clients against government actions, administrative proceedings and parallel civil and criminal proceedings. He litigates complex healthcare fraud cases, including anti-kickback, stark law and false claims cases throughout the U.S. related to Tricare, Department of Labor, Medicare and Medicaid, as well as pharmacy billing, pharmacy benefits manager disputes, and Foreign Corrupt Practices Act (FCPA) matters.

His national defense practice involves the representation of individuals and companies in civil, regulatory and criminal matters related to government procurement, compliance and litigation. He routinely represents officers and directors, physicians, pharmacists, pharmacies, hospitals, financial institutions, as well as Fortune 500 companies in matters related or initiated by the DEA, FDA, Department of Justice, SEC and other federal and state regulatory agencies. He has defended clients in such matters in Florida,

Ohio, Illinois, District of Columbia, New York, Illinois, Michigan, Tennessee, Colorado, Georgia, Texas, Arizona, California, Nevada, Utah, Indiana and Virginia.

His experience includes the representation of domestic and international manufacturers, wholesalers, suppliers and distributors in defending governmental agency investigations into the manufacturing and distribution process and third-party transactions causing exposure to false claims and FCPA violations. He regularly conducts internal investigations to identify areas of risk and insure compliance. He provides counsel on developing and implementing compliance programs for companies and their global operations.

Representative Matters

- Defended a physician named as a co-defendant in a Qui Tam/False Claim suit brought by co-defendant's former employee. The Department of Justice intervened and after aggressive motions and discovery, the client participated in a settlement agreement that excluded client from any financial participation.
- Defended healthcare practice against Qui Tam filed by Whistleblower. After multi-year inquiry convinced the United States not to intervene and defended the case successfully to dismissal against the Whistleblower.
- Defended physician named in False Claims case as a co-defendant with multiple physicians and pharmacies related to compounded medications. Obtained dismissal of physician through filing motions to dismiss.
- Obtained resolution of False Claims Action seeking over \$9,000,000.00 in reimbursement for Tricare compound billing for a settlement less than \$50,000.00.
- Successfully Represented Sterile Pharmacy in FDA and multiple state recall of HGH as well as multiple board of pharmacy inquires.
- Obtained resolution of False Claims Action seeking over \$9,000,000.00 in reimbursement for Tricare compound billing for a settlement less than \$50,000.00.
- Successfully Represented Sterile Pharmacy in FDA and multiple state recall of HGH as well as multiple board of pharmacy inquires.
- Represented pharmacies in False Claims Act cases commenced by Pharmacy Benefits Managers and the Department of Defense over Tricare payments.
- Persuaded the Department of Justice not to intervene in a Qui Tam / False Claims Act suit involving a physician's group and three principal physicians brought by a co--defendant's former

employee. As a result of an aggressive, trial ready defense, the whistleblower dismissed the clients from the lawsuit with prejudice.

- Represented a Fortune 500 drug store chain in the defense of a False Claims Act pursued by the Office of the Inspector General and the Department of Justice, alleging the company had violated the False Claims Act by employing a pharmacist who was on the OIG excluded list. A forensic document analysis revealed the pharmacist in question was a placement employee of a third-party company. Both government entities dismissed the investigation and declined to pursue further action against the client.
- Successfully represented Radiation Oncology practice in a multi-year False Claims case against the United States, which resulted in non-intervention and dismissal of action by Whistleblower.
- Represented an independent pharmacy in a seizure and forfeiture action brought by the Drug Enforcement Agency and the U.S. Attorney for the Eastern District of Michigan in two separate searches and seizures of pharmacy operations and related bank accounts. As a result of an aggressive discovery and deposition strategy, the client's property was returned.
- Obtained dismissal in a civil action commenced based upon U.S. Food and Drug Administration (FDA) violations in Colorado.
- Advised, implemented and conducted compliance risk assessment, audit and approval of compliance program for international company throughout the Americas.
- Advise and implement pharmaceutical and medical device companies on FCPA compliance programs and training.
- Defended a medical device manufacturer in claims by the FDA and state agencies on off-label use marketing.
- Defended officers of international pharmaceutical company in off-labeling false claims and criminal prosecution.
- Drafted and implemented a Health Care Fraud Compliance & Training program for ten skilled nursing facilities of a closely-held health care company.
- Persuaded the U.S. Attorney's Office not to intervene in False Claims Act (FCA) complaint in Georgia.
- Defended a former COO in multi-district parallel proceedings involving \$1.9 billion in securities fraud.
- Represented a U.S. based company in a Foreign Agent Registration Act (FARA) investigation by the Department of Justice, National Security Division, alleging the entity was under the control of a foreign official or state. After complying with a subpoena, it was established that the client was not subject to FARA and could continue to operate as an established U.S. owned company.

- Successfully defended Brazilian manufacturer in an industry wide antitrust investigation headed up by United States Department of Justice.
- Conduct risk assessments for medical device company throughout the Americas that resulted in implemented necessary compliance program and protocols.
- Successfully defended taxpayers' claim alleging arbitrary and capricious action under the Administrative Procedures Act against the Internal Revenue Service's Motion for Dismissal and obtained successful settlement regarding Freedom of Information Act request which included attorney fees.
- Defended an individual named as a co--defendant in a securities fraud class action in the United States District Court of Utah resulting in the District Court denying class certification and limiting damages.
- Obtained dismissal of securities fraud and Racketeer Influenced and Corrupt Organizations Act (RICO) complaint filed against a promoter in U.S. District Court in Utah.
- Defended a telecommunications provider in an investigation by the Federal Communications Commission (FCC) and Department of Justice in allegations of fraud regarding the Lifeline Program.
- Drafted and implemented a Foreign Corrupt Practice Act and U.K. Bribery Act Compliance & Training program for a global medical device company.
- Successfully defended complaint filed against a promoter in U.S. District Court in Utah.
- Persuaded the U.S. Securities and Exchange Commission (SEC) Utah office to decline proceeding on securities fraud claims against a company and its officers.
- Defended a COO in a \$2.9 billion criminal private securities fraud indictment and trial.
- Defended a former CEO and President in parallel proceedings involving numerous civil suits and federal investigation into securities fraud, international money laundering and tax evasion.
- Avoided prosecution through non--prosecution agreement for a securities company and its founder in Virginia.
- Granted dismissal of complaint against four defendants in an alleged securities fraud matter in a Nevada state court.
- Avoided prosecution for a securities company in a multi--state federal task force investigation related to honest services fraud and bribery allegations.
- Obtained dismissal of a civil complaint alleging securities fraud and RICO complaint against the founder of an international beverage company in Florida.

- Represented a client in a Federal Corrupt Practices Act (FCPA) investigation where they received information that the company's raw material broker was possibly involved in kickbacks from suppliers located in Central and South America.
- Successfully negotiated non--prosecution agreement for a payroll account manager in U.S. District Court in New Jersey.
- Obtained Deferred Prosecution Agreement for a Director of Operations of a mobile dental lab in multi--state federal and state Medicaid fraud prosecution.
- Defended numerous businesses in tax fraud investigations.
- Avoided felony prosecution for Chief of Staff of state governmental office in bribery and political campaign investigation.
- Acquired dismissal of 56--count indictment of the spouse of a CEO, who included her as Secretary of the corporation.

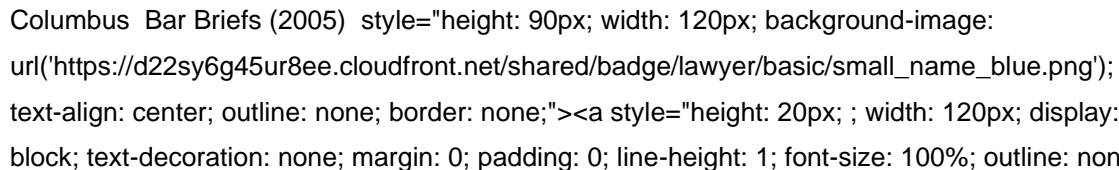
Presentations & Teaching Experience

- ABA Midyear Conference on Defending Compounding Pharmacies (Mid Year 2018)
- Employment Law: An Essential Primer" RBC Cardinal Health Conference (June 2018)
- "USP800-How it will Affect Veterinary Pharmacy" ACA/ACVP Annual Conference (February 2018)
- "Employment Law" Webinar - National Community Pharmacists Association (NCPA) (December 2017)
- "PBM Update" National Community Pharmacists Association (NCPA) Annual Conference (October 2017)
- Association for Healthcare Administrative Professionals (AHCAP) 2017 Educational Conference (July 2017)
- "Guidance for Healthcare Governing Boards" Webinar - Association for Healthcare Administrative Professionals (AHCAP), (June 2017)
- "Veterinary Legislative Update" American College of Veterinary Pharmacists (ACVP) Conference (April 2017)
- "HIPAA Update-Protecting Health Information" Webinar - Association for Healthcare Administrative Professionals (AHCAP), (March 2017)
- "Compliance in the 21st Century - Current Trends" Webinar with Acevedo Consulting (March 2017)
- "Veterinary Legislative Update" ACA/IACP/ACVP Educational Conference (February 2017)

- "Pharmacy Under Investigation" Pharmacy Podcast Show (January 2017)
- "Pharmacy Legal Update" American Pharmacy Purchasing Alliance (APPA), (September 2016)
- "PBM Issues: Taking Legal Action" (August 2016)
- "Pharmacy Under Investigation" Pharmacy Podcast Show (June 2016)
- "Pharmacy Law Update Enforcement and Investigations" American College of Apothecaries (ACA) (April 2016)
- "Compounding Pharmacy Enforcement Update - Nationwide Increase in Civil and Criminal Investigations" - International Academy of Compounding Pharmacists (IACP), (February 2016)
- "Pharmacy Legal Update: TRICARE False Claims Recoveries" - FisherBroyles Pharmacy Law Webinar Series (September 2015)
- "Corporate Integrity Agreements and Growth of Corporate and Independent Monitors with DOJ" - Annual Convention for the Association of Former Special Agents of the IRS (November 2013)
- "False Claims Act - Are You Prepared?" - Hylant Group (November 2013)
- "Foreign Corrupt Practices Act in Latin America - Implementing FCPA Compliance and Mitigating Legal Risks" - Cuban American Bar Association (November 2013)
- "Corporate Compliance No Longer Voluntary" - Roetzel's Fifth Annual Executive and Corporate Counsel Forum (Columbus, October 2013 --- Independence, November 2013)
- "FCPA and UK Bribery Act Compliance and Enforcement" - Fall 2013 USLAW Network Client Conference, Vancouver, Canada (Sept 2013)
- "False Claims Act - Litigation Trends & Settlements" - Thomson Reuters (Sept 2013)
- "Assessing Compliance Risks and Minimizing Civil and Criminal Liability Under New HIPAA Omnibus Rule" - South Florida Hospital & Healthcare Association, HIT Educational Event - Surviving a Data Breach, Fort Lauderdale, FL (Aug 2013)
- "The Global Impact of the Foreign Corrupt Practices Act (FCPA) and the Foreign Agent Registration Act (FARA)" - Global Law and Investment Forum with TEFLA and USLAW, Moscow, Russia (June 2013)
- "FCPA Compliance and Training 2013" - Licensing Executives Society International (LES) Annual Conference, Rio De Janeiro, Brazil (April 2013)
- "Antitrust Training and Compliance" - National Tax Lien Association Annual Conference, Miami, FL (April 2013)
- New Year, New Rules: Fraud & Claims Enforcement, Compliance and Risk Management - Roetzel Seminar (February 2013)
- "New Era of White Collar Cases" - Lexis (2012)
- "Summary of SEC and DOJ Guidance on FCPA Enforcement" - USLAW (November 2012)

- "Implementing a Corporate Compliance Program" - Association of Corporate Counsel (ACC), Cleveland(2012)
- "Strategies in False Claims Act (FCA) Cases and Compliance Techniques" Roetzel Seminar: Medical Malpractice Claims - The Impact of Being Sued, Ohio(2012)
- "Healthcare Certificate Course" - FAU School of Accounting Executive Program(2012)
- "Responding to Government Enforcement Actions and Investigations" - Food, Drug and Medical Device Litigation Forum, HB Litigation Conferences(2012)

Publications

- Quoted "Generic Price Fixing Suits Just Tip of the Iceberg", Law 360 (January 6, 2017)
- "Government Investigations: Specialty and Compounding Pharmacies Still in the Crosshairs" - Pharmacy Edge Magazine (May 2016)
- "Q&A Forum on Managing Pre- and Post-Deal Fraud Investigations" - Financier Worldwide (February 2016)
- "The Affordable Care Act Update" - Academy of Medicine of Cleveland & Northern Ohio's quarterly newsletter - Northern Ohio Physician (May/June 2013)
- "The Foreign Corrupt Practices Act and Current Effects on Business" - USLAW radio podcast (2013)
- "Staying in Compliance with the New Food and Drug Laws in a Changing Legal Environment" - Aspatore Inside the Minds: Recent Developments in Food and Drug Law (2012)
- "Confusion in Defining "Proceeds" Under the Money-Laundering Statute: A Survey of Circuit Opinions" – Co-author, The Federal Lawyer, Volume 57, Number 5 (2010)
- "Protecting Non-Compete Agreements with Choice of Law Provisions and Swift Action" - Ohio University, Center for Sports Administration (2010)
- "Fundamental Fairness v. Profound Prejudices" - Co-author, ABA White Collar Crime Newsletter (2008)
- "How to Help Cover Criminal Defense Costs With Insurance Policies" - The Florida Association of Criminal Defense Lawyers Journal (2006)
- "Sentencing White Collar Crimes After Booker and Fanfan" - Columbus Bar Association, Columbus Bar Briefs (2005) 

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