



Marc T. Quigley

Partner

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Marc Quigley's practice is devoted to a wide range of complex commercial litigation matters. Many of Mr. Quigley's cases relate to the health care, manufacturing, banking, and real estate industries. Mr. Quigley represents clients both in federal and state courts. He has first chair trial experience and has been involved in several multi-million dollar litigation cases which were presented to arbitration panels. Mr. Quigley has experience in a wide range of other litigation matters, including negligence, breach of contract, misappropriation of trade secrets, breach of fiduciary duty, fraud, conversion, covenants not to compete, shareholder disputes, securities fraud, patent infringement, class actions, receiverships, preliminary injunctions and administrative law disputes.

Mr. Quigley regularly represents health care clients in a variety of matters, including defending *qui tam* claims under the False Claims Act. He also represents clients with respect to internal investigations and investigations by federal and state governmental authorities regarding a variety of topics, including compliance with the Anti-Kickback Statute, Stark Law, and Medicare and Medicaid reimbursement rules. Mr. Quigley also conducts compliance investigations and advises clients in developing and implementing effective compliance programs. In addition, Mr. Quigley assists clients negotiating and implementing Corporate Integrity Agreements with the Department of Health and Human Services, Office of Inspector General.

Mr. Quigley also dedicates a significant part of his practice to the defense of national manufacturers in product liability cases. In addition, Mr. Quigley regularly represents financial institutions in a variety of matters including lender liability, forgery, and conversion. Mr. Quigley also represents commercial real estate owners and property managers in various lease enforcement proceedings, including commercial evictions.

Mr. Quigley was a member of the defense team of a multi-district litigation (MDL) transferred to Indianapolis, which involved numerous class action claims and over eight hundred personal injury and wrongful death claims brought by plaintiffs from around the country. Mr. Quigley has handled several appeals before the Indiana Supreme Court, Indiana Court of Appeals and the Seventh Circuit Court of Appeals and has presented oral argument to the Indiana Supreme Court. Prior to entering the practice of law, Mr. Quigley served as a computer analyst with the largest consulting firm in the United States where he specialized in Change Management Consulting.

Education

- J.D., *cum laude*, Indiana University Maurer School of Law, Bloomington, Indiana, 1998 Sherman Minton Moot Court Board
- B.A., *Highest Distinction*, Indiana University, Bloomington, Indiana, 1993

Bar & Court Admissions

- Indiana (1998)
- U.S. District Court for the Northern District of Indiana (1998)
- U.S. District Court for the Southern District of Indiana (1998)

Practices

- Litigation and Dispute Resolution
- Health Care Litigation
- Business Services
- Financial Services Litigation
- Appellate
- Class Action and Multi-Party Litigation
- E-Discovery and Data Management
- Construction Litigation
- Internal and Government Investigations
- Corporate Governance
- Stark Act Compliance
- Health Care Reimbursement
- Pharmacy and Pharmaceutical Law
- Hospitals and Health Systems
- In-House Counsel Services
- Higher Education
- Municipal and Governmental Litigation
- Sports

Industries

- Health Care
- Financial Services
- Education and School Law
- Construction

Representative Experience

- Lead counsel in *qui tam* False Claims Act matter involving allegations related to behavioral health billing dispute.
- Obtained voluntary dismissal of False Claims Act case filed by the State of Indiana regarding nurse licensing dispute.

- Lead counsel in multiple *qui tam* False Claims Act lawsuits involving allegations related to Medicaid billing, the Anti-Kickback Statute, and alleged Stark law violations.
- Represents hospitals and health care providers in responding to subpoenas and Civil Investigative Demands (CIDs) regarding possible or improper claims submitted to federal health care programs.
- Advises health care organizations regarding the negotiation and implementation of a Corporate Integrity Agreement (CIA) with the Department of Health and Human Services, Office of Inspector General.
- Lead counsel on behalf of health care organization in an arbitration claiming breach of a medical management services agreement.
- Lead counsel in internal investigations regarding controlled substance prescribing practices by health care providers.
- Indiana counsel for several national manufacturers of products including tires, roofing materials, helmets, fitness products, heavy duty chassis, and automobiles. Representation has included successful defense of product liability, negligence, breach of warranty, Magnuson Moss and lemon law claims.
- Lead counsel in cases for national banks involving claims of check forgery, conversion and breach of duties. Secured dispositive motions on Uniform Commercial Code claims. Successfully represented banks on appeal before the Indiana Court of Appeals and Indiana Supreme Court.
- Lead counsel in numerous litigation matters involving closely-held businesses. Mr. Quigley's experience has included the successful representation of companies, majority shareholders and minority shareholders.
- Lead counsel for state agency in multiple cases brought by disappointed bidders who were not awarded \$4.4 billion in state contracts. Involved preliminary injunction proceedings and motion practice on complex issues of administrative law, Medicaid law, governmental discretion in contracting, and availability of private rights of action under various state and federal statutes. Prevailed on motions to dismiss with prejudice in each case.
- Lead counsel in numerous arbitrations across the country involving claims of breach of contract, breach of warranty, and breach of fiduciary duty.
- Lead counsel in multi-million dollar restrictive covenant real estate dispute.
- Lead counsel in securities fraud litigation.
- Lead counsel in obtaining and defending temporary restraining orders and preliminary injunctions on disclosure of trade secrets and covenant not to compete claims.
- Drafted warranties for multiple product lines for national manufacturer of aeronautical products.
- Served as local counsel on multiple matters in state and federal courts for out of state clients and counsel.
- Counsel for private asset management company in a series of class action lawsuits brought by shareholders of a publicly traded corporation seeking to prevent a going private transaction. Claims involved aiding and abetting breaches of fiduciary duties and alleged violations of 14(d)(4) and 14(e) of the Securities Exchange Act of 1934. The defendants defeated the plaintiffs' request for a preliminary injunction and the cases were later dismissed.

Counsel Of Record Include The following:

- *Bridgestone Americas Holding, Inc., et al. v. Mayberry*, 878 N.E.2d 189 (Ind. 2007) (Indiana Supreme Court established new law for the protection of trade secrets from disclosure during the discovery process)
- *Auto-Owners Ins. Co. v. Bank One*, 852 N.E.2d 604, 612 (Ind. Ct. App. 2006), *aff'd*, 879 N.E.2d 1086 (Ind. 2008) (established new law regarding Uniform Commercial Code and negotiable instruments)
- *Bank One, Nat. Ass'n v. Surber*, 899 N.E.2d 693 (Ind. Ct. App. 2009)
- *Molina Healthcare of Indiana, Inc. v. Henderson*, 2006 WL 3518269 (S.D. Ind. Dec. 4, 2006)

Professional Associations

- The Villages, 2009 – 2014 (Board of Directors, Executive Committee)

- Prevent Child Abuse Indiana, 2005 – 2008 (Board of Directors, Executive Committee)
- American Health Lawyers Association (Member of Health Care Liability and Litigation Practice Group)
- American Bar Association (Member)
- Indiana Bar Association (Member)
- Indianapolis Bar Association (Litigation Section Counsel)
- St. Pius X Catholic School (Volunteer)
- The Children's Museum of Indianapolis (Volunteer)

Awards & Recognitions

- Indiana Super Lawyers, 2014-2023
- Indiana Super Lawyers Rising Stars, 2009-2011
- Benchmark Litigation, Indiana Litigation Star, 2013-2020
- AV® Preeminent rated attorney, Martindale Hubbell

Seminars & Presentations

- Co-Presenter, "Arbitration 101: An Alternative to Litigation," Krieg DeVault Podcast Series, July 11, 2023
- "Litigating Banking Law Issues", Banking Law and Regulation (ICLEF)
- "Commercial Lease Issues in Financially Challenging Times", BOMA Indianapolis Annual Seminar Series
- Seminars on commercial evictions and landlord's rights
- Seminars on working with expert witnesses
- Seminars on Electronic Discovery
- Seminars on indemnification clauses and limitation of liability
- Seminars on comparison of arbitration with court proceedings

Publications

- Co-Author, "Why Are You Really Here? Government Increasingly Skeptical of Paid Physician Speaking Engagements," March 12, 2021
- Co-Author, "Does Wining and Dining EHR Prospects Trigger False Claims Act Liability?" February 10, 2021
- Co-Author, "OIG Issues Favorable Advisory Opinion on Waiver of Cost-Sharing Amounts for Charitable Pediatric Care," February 17, 2019
- Co-Author, "US Department of Justice Announces Changes to Corporate Investigation Protocol," December 2018
- Co-Author, "OIG Advisory Opinion No. 18-03: Provision of Free Telemedicine Hardware & Services," July 16, 2018
- Co-Author, "Dismissal of Non-Intervened Qui Tam Lawsuits," February, 1, 2018
- "Lender Liability Litigation and Tips to Avoid Being Sued", Hoosier Banker, September 2010
- Author of the Product Liability Desk Reference, Indiana Chapter, Aspen Publishing
- Author of the Business Torts Desk Reference, Indiana Chapter, Aspen Publishing
- Author of the Tort Law Desk Reference, Indiana Chapter, Aspen Publishing