John D.W. Partridge

Partner

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John Partridge, a Co-Chair of Gibson Dunn's FDA and Health Care Practice Group and *Chambers*-ranked white collar defense and government investigations lawyer, focuses on government and internal investigations, white collar defense, and complex litigation for clients in the life science and health care industries, among others. John has particular experience with the Anti-Kickback Statute, the False Claims Act, the Foreign Corrupt Practices Act, and the Federal Food, Drug, and Cosmetic Act, including defending major corporations in investigations pursued by the U.S. Department of Justice (DOJ) and the U.S. Securities and Exchange Commission (SEC). In its rankings, *Chambers & Partners* has reported that John's clients regard him as a "smart and strategic tactician," "incredibly responsive and thorough," and "extremely knowledgeable." In 2022, John was recognized by *BTI* as a Client Service All-Star.

Health Care Fraud and Abuse Matters. John has defended clients in criminal and civil enforcement actions relating to alleged health care fraud and abuse, including actions conducted by DOJ, the U.S. Food and Drug Administration's Office of Criminal Investigations, the Department of Health and Human Services Office of Inspector General, and State Attorneys General. His substantive experience includes cases involving allegations tied to, among other things, clinical trials, drug pricing, importation of regulated products, off-label promotion, product manufacturing issues, sampling practices, and anti-kickback issues relating to speaker programs, meals and travel, consulting arrangements, product support activities, patient support programs, physician locators, royalties, and investment interests. Among other current matters, John is defending:

- A multinational biopharmaceutical company in an Anti-Kickback Statute-premised False Claims Act investigation focused on educational speaker programs conducted nationwide.
- A multinational pharmaceutical company in an Anti-Kickback Statute-premised False Claims Act investigation focused on patient support program activities and relationships with physician-owned pharmacies.
- A multinational medical device company in an Anti-Kickback Statute-premised False Claims Act litigation relating to marketing efforts.
- A multinational pharmaceutical company in a False Claims Act case based on purported fraud on the U.S. Patent and Trademark Office.
- A clinical-stage pharmaceutical company in DOJ and SEC investigations relating to alleged clinical trial fraud.

Along with colleagues at Gibson Dunn, John wrote the criminal enforcement and pharmaceutical sampling chapters of ?*PLI*'s Pharmaceutical Compliance and Enforcement Answer Book 2023. In 2018, *LMG* named John "Best in Life Sciences" among its "America's Rising Stars."

Capabilities

White Collar Defense and Investigations
Administrative Law and Regulatory Practice
Anti-Corruption & FCPA
Appellate and Constitutional Law
Class Actions
Consumer Protection
Crisis Management
FDA and Health Care
False Claims Act / Qui Tam Defense
Life Sciences
Litigation
Securities Enforcement
Securities Regulation and Corporate Governance
Transnational Litigation

Credentials

Education

Stanford University - 2007 Juris Doctor
Dartmouth College - 2002 Bachelor of Arts

Admissions

California Bar
Colorado Bar
District of Columbia Bar

Clerkships

US Court of Appeals, 10th Circuit, Hon. David M. Ebel, 2007 - 2008

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FCPA and International Anti-Corruption Matters. John also has represented companies from multiple industries (e.g., life sciences, specialty chemicals, technology, telecommunications) in criminal and civil enforcement actions pursued by DOJ and/or the SEC and internal investigations relating to allegations of corruption involving ex-U.S. operations. In recent years, he defended a multinational medical device and pharmaceutical company in parallel DOJ and SEC securities fraud and FCPA investigations relating to the company's activities in more than a dozen countries in Asia. Previously, he served as a member of an international team of Gibson Dunn lawyers assisting the compliance monitor appointed in connection with one of the largest FCPA settlements to date (Siemens AG). His compliance monitoring work includes activities in Africa, Asia, Europe, and South America.

Compliance Counseling Matters. In addition to advising multiple publicly traded corporations on investigations and litigation relating to potential healthcare fraud and abuse and FCPA issues, John regularly counsels clients on the structure and effectiveness of their anti-corruption compliance programs.

Government Investigations Experience. Among other engagements, John has counseled clients on:?

- A series of FCPA investigations involving a medical device company's relationships with distributors and HCPs in China.
- An FCPA investigation for a telecommunications company involving alleged kickbacks, meal and travel expenditures, and consulting arrangements in China.
- AN FCPA investigation for a mining company in Ghana.
- An FCPA investigation relating to security- and site-access-related payments in Mexico.
- An FCPA investigation relating to payment irregularities in Latin America.
- FCPA investigations relating to a client's business activities in Russia and the Middle East.
- A False Claims Act investigation involving a private equity client's portfolio company in the electronic health records space, which focused on the company's interactions with health care providers and certifications of its technology.
- A False Claims Act investigation involving a medical device company's alleged off-label promotion of one of its devices.
- A False Claims Act investigation involving a medical device company's alleged efforts to deceive FDA with regard to the severity of a design issue impacting the efficacy of the company's product.
- A False Claims Act investigation involving a pharmaceutical company's sampling practices.
- A False Claims Act investigation involving a Fortune 500 hospital management company (and stemming from an extensive national investigation).
- A grand jury investigation focusing on a former customer of a medical device company.
- An SEC investigation relating to the accounting and disclosures of a for-profit education company.
- An SEC investigation focusing on the work of the independent auditors of a company that allegedly engaged in accounting fraud.

Civil Litigation Experience. John also has represented clients in a variety of matters before state and federal courts at the trial and appellate levels. Among other matters, John has represented:?

- A dietary supplement company in putative class actions relating to product labeling

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issues that raised questions relating to the Federal Food, Drug, and Cosmetic Act.

- A pharmaceutical company in a False Claims Act case in federal court based on alleged fraud on the U.S. Patent and Trademark Office and purported product pricing issues tied to the patents at issue.
- A pharmaceutical company in a False Claims Act case in federal court based on alleged violations of the Anti-Kickback Statute tied to sampling practices.
- A medical device manufacturer in a case involving alleged violations of, among other laws, California's Unfair Competition Law and False Advertising Law. John persuaded a California state court to sustain demurrers without leave to amend on federal preemption grounds.
- A pharmaceutical company in a False Claims Act case in federal court based on purported violations of the Anti-Kickback Statute relating to product-support services, educational grants, and speaker events.
- A large energy company in multiple federal court civil actions aimed at exposing and preventing enforcement of a fraudulently obtained, multi-billion dollar foreign judgment.
- A retailer of home improvement and construction products in a series of administrative and trial-level matters in states across the country where the retailer was denied refunds of sales tax payments (including in two trials in state court).

While seconded to the Denver City Attorney Office's Prosecution and Code Enforcement Section, John tried more than twenty criminal cases to juries or the court.

John also has appellate experience. In addition to appeals associated with certain cases listed above, his **appellate matters** include:

- *Open Door Ministries v. Lipschuetz*, No. 14-SC-787 (Colo. 2016), in which John persuaded the Colorado Supreme Court to reject an intervenor's argument that a faith-based ministry's promissory estoppel case against the City and County of Denver was barred by the Colorado Governmental Immunities Act.
- *Clyma v. Sunoco, Inc.*, 594 F.3d 777 (10th Cir. 2010), in which the U.S. Court of Appeals for the Tenth Circuit appointed John as amicus curiae to brief the court on jurisdictional and First Amendment issues raised by a nonparty's appeal.

Education and Clerkship. John received his J.D., with distinction, from Stanford Law School in 2007. While there, he served as an Executive Editor of the *Stanford Law Review* and was awarded the Law Review's Board of Editors' Award. John graduated *magna cum laude* and Phi Beta Kappa from Dartmouth College in 2002 with a B.A. in History and Psychology. Before joining Gibson Dunn, John clerked for the Honorable David M. Ebel of the United States Court of Appeals for the Tenth Circuit from 2007 to 2008.

Committees and Community Involvement. John serves as a member of Gibson Dunn's Pro Bono and Hiring Committees-and as a Hiring Partner for Gibson Dunn's Denver office. He also is a member of the Board of Directors of KIPP Colorado, a network of six college-preparatory public charter schools serving students in several neighborhoods in Denver. In the past, he has served on the Board of Trustees of the Legal Aid Foundation of Colorado, a non-profit dedicated to supporting access to justice for low-income residents of Colorado. In recognition of his community involvement and professional achievements, he was recognized by the *Denver Business Journal* as a "40 Under 40" winner in 2019.

Admissions. John is admitted to practice law in the states of California and Colorado, as well as in the District of Columbia and the U.S. Courts of Appeal for the Eighth and Tenth Circuits, the U.S. District Courts for the District of Colorado and the Northern District of California, and the U.S. District Court for the Central District of California.

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