



## K. Lee Blalack II

Partner

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Lee Blalack is O'Melveny's head of litigation for the Washington, DC office. He is an accomplished commercial litigator and trial lawyer who, during twenty-five years of practice, has secured favorable bench and jury verdicts in both civil and criminal trials. He represents targets of grand jury, congressional, and regulatory investigations, and frequently conducts internal corporate investigations. The *Washingtonian* magazine has named Lee one of the city's "Top Lawyers," and, in 2007, *The American Lawyer* magazine selected Lee as one of the top 50 litigators in the country in its "Fab Fifty" survey.

He has represented such notable corporate clients as Humana, FedEx, Ford Motor Company, UBS AG, UnitedHealth Group, Health Care Services Corporation, Apple, and Goldman Sachs. Lee has also been engaged by prominent nonprofit organizations and trade associations such as Harvard Medical School, the Brookings Institution, the US Chamber of Commerce, America's Health Insurance Plans, the Blue Cross Blue Shield Association, and The Museum of Modern Art in connection with government investigations and civil litigation. And he has represented prominent public officials in connection with government and ethics investigations, including members of Congress and cabinet secretaries. Lee formerly served on the Firm's Policy Committee, which is the Firm's board of directors, and has previously served on the Firm's Partner Admissions Committee.

Before joining the Firm, Lee served as chief counsel and staff director of the US Senate's Permanent Subcommittee on Investigations, chaired by Senator Susan M. Collins of Maine. In that capacity, he directed several nationally publicized investigations into the business practices of the sweepstakes and

### Admissions

#### *Bar Admissions*

District of Columbia

Maryland

Tennessee

#### *Court Admission*

US District Court, District of Colorado and District of Columbia

US Court of Appeals, District of Columbia, Third, Fifth, Eighth, Eleventh Circuits, and Federal Circuit

US Court of Federal Claims

US Supreme Court

US Tax Court

### Education

University of Memphis, J.D., 1994:  
*magna cum laude*; articles editor,  
*University of Memphis Law Review*

University of Memphis, MA, 1996

University of Memphis, BA, 1990

day-trading industries. He also previously served as counsel to the US Senate's Committee on Governmental Affairs, chaired by Senator Fred D. Thompson of Tennessee, during its year-long investigation of foreign influence in the 1996 federal elections.

Prior to law school, Lee served with the US Marine Corps during the Persian Gulf War. As part of Operations Desert Shield and Desert Storm, he participated in the Second Marine Division's ground invasion of Kuwait and was awarded several citations, including the Combat Action Ribbon and the Kuwaiti Liberation Medal.

## Experience

### Civil Litigation

- *US ex rel Scott v. Humana Inc.*, No. 18-00061 (W.D. Ky. 2017): Lead counsel for health plan in qui tam action filed by actuary alleging that plan violated False Claims Act in connection with actuarial assumptions in Medicare Part D bids submitted to CMS.
- *US v. Anthem, Inc.*, No. 20-02593 (S.D.N.Y. 2020): Lead counsel for health plan in False Claims Act suit filed by US Justice Department in connection with Medicare Advantage risk adjustment data submitted to CMS.
- *Emergency Group of Az. Prof. Corp. v. United Healthcare Inc.*, No. 19-04687 (D. Az. 2019), *Emergency Care Servs. of Pa., P.C. v. UnitedHealth Group, Inc.*, No. 19-01195 (M.D. Pa. 2019), *Buffalo Emergency Assoc., LLP v. UnitedHealth Group, Inc.*, et al., No. 19-01148 (W.D.N.Y. 2019), and *Florida Emergency Physicians Kang & Assocs., M.D., Inc. v. United Healthcare of Fla., Inc.*, No. 20-60757 (S.D. Fla. 2020): Lead counsel for health plan in civil RICO actions filed by emergency room staffing companies in connection with health plan's reimbursement of out-of-network services.
- *Health Care Services Corporation v. United States*, No. 20-00259 (Fed. Cl. 2020): Lead counsel for health plan that successfully sued the United States under the Tucker Act to recover risk corridors payments due to plan under Affordable Care Act, securing final judgment of nearly \$2 billion.
- *State of California v. State of Texas*, No. 19-840 (S. Ct. 2020): Lead counsel for the Blue Cross Blue Shield Association as amicus curiae, arguing in support of the constitutionality of the Affordable Care Act in challenge filed by various state attorneys general that argued ACA's individual mandate was unconstitutional.
- *Dialysis Patient Citizens v. Alex M. Azar*, No. 20-01664 (D.D.C. 2020): Lead counsel for America's Health Insurance Plans as amicus curiae, arguing in support of CMS rule removing certain dialysis treatments from time and distance requirements for Medicare Advantage network adequacy.
- *Marcus v. FedEx Ground Package Systems, Inc.*, No. 2018CA004903 (Fla. 4th Cir. Ct. 2018): Lead counsel for package delivery company and contracted driver in wrongful death action arising from fatal accident involving the alleged negligent operation of a delivery van.
- *In re Chiquita Brands International, Inc., Alien Tort Statute & Shareholder Derivative Litigation*, No. 08-01916 (S.D. Fla. 2007): Lead counsel for former chair of Chiquita's Audit Committee in mass action filed by families of Colombian nationals allegedly murdered by Colombian paramilitaries who seek to hold company and certain officers and directors civilly liable under the Alien Tort Statute.
- *US ex rel Graves v. Plaza Medical Centers Corp. et al.* (S.D. Fla. 2010), No. 10-23382: Lead counsel for health plan in False Claims Act action filed by network physician alleging plan failed to detect and correct false risk adjustment data submitted by another physician in plan's Medicare Advantage network.

- *Gray, et al. v. FedEx Ground Package System, Inc.*, No. 06-422 (E.D. Mo. 2006); *Wells, et al. v. FedEx Ground Package System, Inc.*, No. 10-2080 (E.D. Mo. 2010): Lead counsel for delivery company in a three-week jury trial in federal court filed by dozens of former pickup and delivery contractors challenging company's independent contractor business model.
- *In re: Managed Care, et al.*, No. 00-1334 (S.D. Fla. 2000): Lead counsel for commercial health plan in connection with the multi-district RICO class action suits brought by 600,000 medical doctors against the managed-care industry.
- *FPL Group, Inc. and subsidiaries v. Commissioner of Internal Revenue*, Nos. 20146-05 (T.C. 2005) and 1199-07 (T.C. 2007): Lead counsel for utility company in week-long bench trial before US Tax Court in connection with company's nearly \$300 million refund claim against the IRS.
- *Sacred Heart Health System, et al. v. Humana Military Healthcare Services, Inc.*, No. 07-00062 (N.D. Fla. 2007): Lead counsel for health plan in connection with a mass action filed in federal district court by forty hospital systems challenging reimbursements under the TRICARE program.
- *Whiting v. AARP, et al.*, No. 09-00455 (D.D.C. 2009): Lead counsel for health plan in connection with a nationwide class action filed in federal district court alleging misrepresentation of insurance plans co-branded by AARP.
- *Brookings Institution*, in connection with a variety of civil litigation matters.
- *National Federation of Independent Business, et al. v. Sebelius, et al.*, No. 11-393 (S. Ct. 2012) and *States of Florida, et al. v. Department of Health and Human Services, et al.*, No. 11-400 (S. Ct. 2012): Lead counsel for US Chamber of Commerce, in connection with *amicus curiae* briefs filed with the US Supreme Court relating to constitutional challenges to the Affordable Care Act.
- *Skiles v. CarePlus Health Plans, Inc., et al.*, No. 14-14087 (11th Cir. 2014): Lead counsel for America's Health Insurance Plans, in connection with *amicus curiae* briefs filed in the US Court of Appeals for the Eleventh Circuit relating to removal jurisdiction under the Medicare Act.

### **Criminal, Congressional & Regulatory Investigations**

- *Apple Inc.*, in connection with a Senate investigation of the company's tax practices.
- Former Senate Majority Leader *William H. Frist*, M.D., in connection with investigations surrounding his sale of stock from federally qualified blind trusts.
- Former Senator *Pete Domenici* in connection with a federal grand jury and Senate Ethics Committee investigation of his communications with the US Attorney for the District of New Mexico.
- Former Secretary of Commerce *John Bryson* in connection with a congressional investigation of government loan programs to expand broadband networks to rural areas.
- *UnitedHealth Group*, in connection with Senate and House investigations of its business practices in the small group and individual health insurance markets.
- *Goldman Sachs Group*, in connection with a Senate investigation of its subprime mortgage business, and a House investigation of its executive compensation practices.
- *Harvard Medical School* and *Partners Healthcare System*, in connection with a Senate investigation of corporate sponsorship of medical research.
- *Harvard University*, in connection with a House investigation of the molecular-target laboratory contract awarded by the National Cancer Institute.

- *The Museum of Modern Art*, in connection with a Senate investigation of its conduct as a tax-exempt organization.
- Former *General Counsel of Hewlett-Packard*, in connection with investigations of the company's efforts to prevent leaks of sensitive business information from board meetings.
- Former *General Counsel of Bell South International*, in connection with an FCPA investigation of a Nicaraguan subsidiary.
- Former New Jersey Governor and EPA Administrator *Christine Todd Whitman*, in connection with a House investigation of EPA's response to the terrorist attacks of September 11, 2001.
- *Ford Motor Company*, in connection with numerous House and Senate investigations of the Firestone tire recall.
- *UBS AG*, in connection with a Senate investigation of its offshore banking business.
- *Hess Corporation*, in connection with a Senate investigation of its business operations in Equatorial Guinea and Gabon.
- Former *CEO of the Enron Corporation*, in connection with numerous House and Senate investigations of the Enron bankruptcy.

## Professional Activities

### Clerkships

- Honorable Harry W. Wellford, US Court of Appeals, Sixth Circuit

### Member

- American Bar Association
- District of Columbia Bar Association
- Maryland Bar Association
- Tennessee Bar Association

## Honors & Awards

- Recommended by *The Legal 500 US* for Healthcare (2017, 2019-2021) and Corporate Investigations & White-Collar Criminal Defense (2020-2021)