



Aileen M. Fair

Associate

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Aileen Fair is a member of the Firm's Litigation department, where she represents clients in all aspects of commercial litigation and government investigations. Her primary areas of practice include health care fraud, responding to inquiries and subpoenas from government and regulatory agencies, and False Claims Act litigation. In addition, Ms. Fair shares the Firm's commitment to pro bono service, with a particular interest in defending the rights of workers and immigrants.

Representative Matters

Represented a hospital and university threatened with debarment in connection with a U.S. Department of Justice and U.S. Department of the Interior investigation into the organization's receipt and use of federal grant money.

Represented a major health care company in responding to an investigation conducted by U.S. Attorneys' Offices regarding the marketing and sale of a diagnostic medical device.

Represented a pharmaceutical manufacturer accused of off-label marketing in a False Claims Act action and successfully defended an order dismissing the action before the U.S. Court of Appeals for the Fourth Circuit.

Defended a health care company in related False Claims Act actions in multiple jurisdictions. We successfully moved to dismiss one pending action and recovered attorney's fees; the other actions were voluntarily dismissed by the plaintiff after we filed our motions to dismiss.

Represented pharmaceutical manufacturers in government actions, class actions, and investigations pertaining to drug pricing and reimbursement.

Secured dismissal of a False Claims Act action against a major medical device company accused of defrauding the government through federal procurement contracts.

Represented a major pet food company in multiple actions involving advertising claims.

Pro Bono

Obtained asylum for a man threatened with persecution and violence in his native country.

Obtained legal resident status for a woman under the Violence Against Women Act (VAWA).

Secured a favorable settlement for five restaurant delivery workers for violations of the Fair Labor Standards Act and New York Labor Law.

Patterson Belknap

Education

- University of Pennsylvania Law School (J.D., 2010)
- Washington University in St. Louis (B.A., *with honors*, 2006)

Admissions

- U.S. Court of Appeals, Eighth Circuit
- U.S. District Court, Southern and Eastern Districts of New York
- New York

Professional Activities

Member, New York County Lawyers Association Ethics Committee

AWARDS:

The 2012 Bert W. Levit Essay Award, for excellence in writing regarding legal ethics, presented by the American Bar Association and Long and Levit LLP.

The 2010 Larry M. Simonsmeier Award, for the best published article of 2009, presented by the American Society for Pharmacy Law.

The 2009 Robert C. Watson Award, for the best article written by a law student, presented by the American Intellectual Property Law Association (AIPLA).

Publications

- Co-author, "[How Cos. Can Take Advantage Of DOJ False Claims Act Memo](#)," *Law360* (January 26, 2018)
- "Compulsory Licensing of Patented Pharmaceuticals: Why a WTO Administrative Body Should Determine What Constitutes a Public Health Crisis under the Doha Declaration," 10 *Wake Forest Intell. Prop. L. J.* 69 (2009)