

G. Norman Acker III

Senior Of Counsel

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OVERVIEW

G. Norman Acker III is of counsel and a member of the firm's Healthcare and FDA practice. Norman brings more than three decades of experience as an Assistant United States Attorney to help guide clients facing government False Claims Act investigations or other allegations of fraud or abuse of government programs. While he was an AUSA, he recovered more than $100 million in FCA damages, and tried multiple cases from complaint to verdict. One notable case for which he was lead counsel was the Tuomey Healthcare case, the first FCA case based on the Stark Law that was tried to a jury anywhere in the country. The court awarded a judgment for $273 Million, which was the largest judgment against a single hospital ever obtained by the government up to that date. For more than 20 years, he not only handled his own caseload of FCA cases, but supervised multiple other AUSAs as he oversaw all civil fraud cases and healthcare fraud cases in the Eastern District of North Carolina. He also served as the Civil Chief, supervising approximately 12 AUSA plus numerous Special Assistant United States Attorneys, paralegals, and other support staff. During his last four years as a federal prosecutor, he was the First Assistant United States Attorney, overseeing all civil, criminal, and appellate litigation in the office, as well as being responsible for the budget and administrative functions in the office. In his last year there, he was the Acting United States Attorney, the highest law enforcement officer in the Eastern District of North Carolina. At the firm, Norman routinely advises healthcare clients about the risks of federal enforcement actions, including Stark and Anti-kickback issues and other healthcare regulatory issues. He also conducts internal investigations at the request of his clients, either in preparation for a voluntary disclosure to the government, or in response to information requests from the government. In addition, he helps clients respond to subpoenas or Civil Investigative Demands, negotiates settlements of such government investigations, or litigates these cases, when necessary.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Norman served as acting US attorney, the chief federal law enforcement officer in the Eastern District of North Carolina. That office is responsible for prosecuting all federal crimes in the district, including drug crimes, violent crimes, white collar fraud, terrorism, and public corruption. The US Attorney's Office (USAO) also represents the United States in civil court, handling a wide variety of civil litigation. He previously served as an assistant US attorney for more than 30 years, focusing his practice on the investigation and civil prosecution of healthcare fraud and other fraud against the government. In this capacity, he worked closely with

the Health and Human Services Office of Inspector General (HHS-OIG), the North Carolina Medicaid Investigations Division (NC-MID), the Department of Defense Criminal Investigation Service (DCIS), the Drug Enforcement Administration (DEA), the FBI, and other law enforcement agencies. For 17 years, he served as the Deputy Chief of the Civil Division, where he both handled his own case load of civil fraud and healthcare fraud cases, and supervisedas well as supervising all of the civil fraud, healthcare fraud, and False Claims Act cases for the Eastern District of North Carolina. He has received numerous awards and commendations from federal and state agencies in recognition of his collection of more than US$100 million in connection with False Claims Act litigation. He served briefly as the civil chief, supervising all civil litigation for the USAO, before becoming the first assistant, supervising all civil, criminal, and appellate litigation in the office.

ACHIEVEMENTS

- Recognized by *The Best Lawyers in America*® for Litigation - Health Care in Morrisville, NC, 2027

SPEAKING ENGAGEMENTS

- Litigation Skills for Civil Attorneys, National Advocacy Center, 12 January 2017
- Trial Practice Demonstration - U.S. ex rel Drakeford v. Tuomey, ABA National Institute on Health Care Fraud, 13 May 2016
- Health Care Fraud Panel Discussion, North Carolina Bar Association, 29 April 2016
- Case Study: Tuomey Health Care, North Carolina Health Care Compliance Association, 18 March 2016
- Key Developments and Enforcement Trends Under the False Claims Act, Healthcare Litigation Conference, 14 August 2014
- Professional Responsibility and Parallel Proceedings, United States Attorney's Office, 2004-2014
- Civil Litigation Advisor: Civil Trial Advocacy, National Advocacy Center, 2001-2003
- Emergency Matters, Civil Federal Practice Seminar, National Advocacy Center, 1994-2001
- Maintaining Tough Fraud and Abuse Enforcement While Encouraging Voluntary Disclosures, N.C. Society of Health Care Attorneys, 6 October 2000.
- Leadership Perspectives, Healthcare Best Compliance Practices Seminar, Health Ethics Trust, 20 May 1999
- Federal Enforcement of Health Care Fraud, North Carolina Bar Association Health Law Section Conference, March 27, 1998.
- Federal False Claims Act, 18th Annual Health Care Law Forum, East Carolina University Medical School, September 10, 1996.
- Federal False Claims Act, National Association of Medicaid Fraud Control Units, 30 November 1995

- Combating Health Care Fraud and Abuse, Health Care Fraud Conference, United States Attorney's Office, 7 June 1995

EDUCATION

- J.D., University of North Carolina, 1985
- B.A., University of North Carolina, 1981

ADMISSIONS

- Bar of North Carolina
- United States Court of Appeals for the Fourth Circuit
- United States District Court for the Central District of California
- United States District Court for the District of South Carolina
- United States District Court for the Eastern District of North Carolina
- United States District Court for the Middle District of North Carolina

THOUGHT LEADERSHIP *POWERED BY HUB*

- 6 March 2025, First Circuit Adopts But-For Causation Standard for Kickback-Premised False Claims Act Actions
- January 2025, 13th Annual "Under the Wire" CLE Webinar
- 17 January 2025, US Department of Justice Announces US$2.9 Billion in Fiscal Year 2024 False Claims Act Recoveries
- 10 October 2024, Is It the End of the False Claims Act As We Know It? District Court Rules Qui Tam Provisions Unconstitutional
- 20 June 2024, The False Claims Act and Healthcare: 2023 Recoveries and 2024 Outlook
- 29 February 2024, US Department of Justice Announces US$2.68 Billion in Fiscal Year 2023 False Claims Act Recoveries
- 5 July 2023, Supreme Court Affirms Government's Broad Dismissal Authority in False Claims Act Suits
- 8 June 2023, Supreme Court Issues Decision Regarding False Claims Act's Scienter Element
- February 2023, Eleventh Annual "Under the Wire" CLE Webinar
- 12 January 2023, Stark Law and the Anti-Kickback Statute Under the False Claims Act
- October 2022, False Claims Act: Insights on Local and National Developments

OTHER PUBLICATIONS

- "Scienter Center Stage," *American Bar Association*, 27 March 2023
- "Scienter to Become Front and Center: Developments in the FCA's Objectively Reasonable Interpretation Defense," *Federal Bar Association*, January 2023

NEWS & EVENTS

- 23 February 2023, Southeastern Health Care Fraud Symposium
- 2 February 2023, "Under the Wire" CLE Seminar
- 30 November 2022 , False Claims Act Litigation in Healthcare, Hosted by Federal Bar Association Health Law Section
- 21 October 2022, Health Law Boot Camp, Hosted by North Carolina Bar Association
- 3 May 2022, K&L Gates Strengthens Health Care Practice With Addition of Another Former U.S. Attorney

OTHER MEDIA MENTIONS

- Quoted, "Trump guilty verdict widens political divide," *WNG.org (WORLD)*, 30 May 2024
- Mentioned, "4th Circ. Upholds $237M FCA Verdict Against SC Hospital," *Law360*, 2 July 2015
- Quoted, "N.C. Must Repay Feds $24 Million," *StarNews Online*, 23 September 2003

AREAS OF FOCUS

- Healthcare and FDA
- Federal, State, and Local False Claims Act
- Healthcare Fraud and Abuse (US)
- White Collar Defense and Investigations

INDUSTRIES

- Healthcare

REPRESENTATIVE EXPERIENCE

- Litigated first civil healthcare fraud case in North Carolina using the False Claims Act, prevailing on summary judgment.

- Obtained civil judgments under the False Claims Act totaling $3.8 million for tobacco warehouse fraud against the Department of Agriculture.
- Obtained civil judgements under the False Claims Act totaling $3.35 million for fraud against the Department of the Army.
- Obtained criminal conviction against the head of children's mental health for the State of North Carolina for misappropriating foster care training funds from the United States Department of Health and Human Services.
- Recovered $2.4 million from the State of North Carolina in connection with misappropriation of foster care training funds.
- Litigated and settled numerous healthcare fraud cases under the False Claims Act, obtaining millions of dollars of recovery on behalf of Medicare and Medicaid.
- Served as lead counsel in the U.S. District Court in the U.S. *ex rel* Drakeford v. Tuomey case, which consisted of two almost month-long jury trials, ultimately resulting in a judgment against the hospital for $273 million, plus a civil settlement against the hospital CEO for an additional $1 million.