



Grant B. Gelberg

E: grant.gelberg@halpernmay.com P: (213) 402-1940 Los Angeles

PROFILE

Grant B. Gelberg is a trial lawyer whose practice focuses on white collar criminal defense, health care enforcement matters, and complex civil litigation. His clients include individuals and corporations facing government investigations and significant business disputes. Mr. Gelberg was recently recognized as one of the “Best Lawyers in America” in the area of Criminal Defense: White-Collar.

Prior to Halpern May Ybarra Gelberg LLP, Mr. Gelberg was a named partner at Huang Ybarra Gelberg & May LLP. Before that, Mr. Gelberg served as an Assistant United States Attorney in the Major Frauds section of the U.S. Attorney’s Office in Los Angeles. In that role, he investigated and prosecuted white collar crimes, including health care fraud, bank fraud, tax fraud, insurance fraud, and large-scale identity theft. Mr. Gelberg was a member of the health care fraud unit and helped manage the activities of the U.S. Department of Justice’s Medicare Fraud Strike Force in the Central District of California. He regularly worked with civil litigators, state prosecutors, and investigators from other federal agencies in parallel fraud investigations. Mr. Gelberg also served as a Special Agent with the U.S. Department of Health & Human Services, Office of Inspector General and received specialized training in conducting federal criminal investigations.

Before becoming a federal prosecutor, Mr. Gelberg was an attorney at O’Melveny & Myers LLP. While there, he regularly litigated in state and federal court, conducted internal corporate investigations, and advised companies on compliance with the Foreign Corrupt Practices Act (FCPA) and bank secrecy regulations.

Early in his career, Mr. Gelberg served as a judicial law clerk, first for the Honorable Alicemarie



Stotler in the Central District of California and then the Honorable Pamela Ann Rymer in the Ninth Circuit Court of Appeals.

Mr. Gelberg graduated with honors from the University of Michigan Law School. He completed his undergraduate studies at the University of California, Los Angeles, where he received a B.A. in political science and graduated *summa cum laude*.

Mr. Gelberg has served as a member of the Los Angeles County Bar Association's Committee on Judicial Appointments, the California State Bar Health Law Committee, the Federal Bar Association, and the American Bar Association's White Collar Crime Committee.

EDUCATION

- University of Cambridge, L.L.M. *First Degree Honors* , International Law
- University of Michigan Law School, J.D. *Cum laude*
- University of California, Los Angeles, B.A. *Summa cum laude* , Political Science

REPRESENTATIVE CASES

In Private Practice:

- Successfully defended a neurology medical group in an investigation concerning the group's Medicare billing practices
- On behalf of a client in the oil services industry, achieved an across-the-board win against a competitor who had brought a motion for preliminary injunction seeking to shut down operations and bar sales to customers
- Represented an executive in a federal investigation involving claims of extortion. Through quick action, Mr. Gelberg convinced prosecutors to close the case with no charges brought
- Represented the Audit Committee of a financial institution and conducted an internal investigation into allegations of misconduct by an officer
- Conducted an internal investigation of alleged misconduct by an executive at a financial advisory firm
- Won an \$8.6 million arbitration award against Morgan Stanley for churning, unauthorized trading, and FINRA rule violations. The FINRA arbitration panel awarded \$2 million in punitive damages and nearly \$500,000 in attorneys' fees and costs after finding that Morgan Stanley engaged in financial elder abuse
- Successfully defended an investment banker in investigation conducted by Financial Industry Regulatory Authority (FINRA). In response to Mr. Gelberg's presentation, FINRA closed the matter before formal, public proceedings began
- Representing health care providers in an anti-kickback investigation
- Represented an executive at a large pharmaceutical company in a grand jury investigation in which the government declined to prosecute

- Represented a Fortune 50 company in an unfair business practices case brought by a district attorney's office
- Following the settlement of an FCPA investigation, assisted the corporate monitor appointed by the U.S. Department of Justice and the Securities and Exchange Commission (SEC) in conducting a top-to-bottom review of the compliance program at a publicly-traded company
- Designed and implemented compliance programs for a large financial firm and an oil services company and regularly provided advice on FCPA compliance to a top investment bank
- Representing an individual affiliated with a real estate investment company in a tax and mortgage fraud investigation involving the FBI, IRS, and local law enforcement agencies
- Represented a prominent witness in a public corruption and obstruction of justice investigation led by the U.S. Attorney's Office in Los Angeles
- Persuaded the U.S. Department of Justice to close a criminal insider trading investigation without filing charges against the firm's client
- Successfully defended a large health care organization in a civil and criminal investigation by the U.S. Department of Justice regarding opioid dispensing practices. DOJ closed its civil and criminal investigation with no charges and no civil action filed
- Successfully defended a banking executive in a federal criminal investigation into transnational money laundering. DOJ closed its criminal investigation with no charges filed
- Represented an accounting firm in a tax fraud investigation in which the government declined to bring charges against the firm, its principals, and employees
- Conducted an internal investigation on behalf of a Fortune 500 company into allegations of employee embezzlement, kickbacks, and accounting improprieties
- Representing a large health care provider in civil cases brought by states, counties, and municipalities alleging improper opioid distribution and dispensing
- Representing a large medical group in a federal criminal investigation concerning Medicare Advantage risk adjustment data
- Representing a large health care organization in a federal investigation of opioid dispensing and prescribing.
- Conducted an internal investigation on behalf of a Fortune 500 company regarding potential employee misconduct.
- Representing the CEO of a health care company in an investigation of COVID-19 testing procedures.
- Secured a declination from the United States and eight states in a multi-billion dollar qui tam action involving the prescribing and dispensing of opioids.
- Following two evidentiary hearings, the court dismissed all charges against a physician in a multi-defendant, \$300 million health care fraud prosecution.
- After a years-long investigation into Medicare Part D billing practices, convinced DOJ to decline a False Claims Act case against one of the country's largest health care systems.
- Successfully defended a software executive in a trade secret investigation by DOJ. Prosecutors

declined to bring charges and closed its case.

As a Federal Prosecutor:

- Prosecuted hospice owners, operators, and physicians for billing for patients who were not terminally ill, paying kickbacks, and money laundering
- Obtained lengthy prison sentence for chiropractor who billed Medicare for millions in procedures he never performed and attempted to thwart an audit by the Office of Inspector General
- Prosecuted two physicians and a clinic manager charged with operating a decade-long scheme to defraud Medicare
- Convicted, after a jury trial, the leader of a sophisticated identity theft scheme for using insiders at financial institutions to steal from customer accounts
- Obtained convictions of the owners of a film post-production company for embezzling taxes and 401(k) contributions withheld from employee paychecks
- Prosecuted a physician for billing Medicare over \$7.5 million for medically unnecessary procedures
- Led large-scale kickback investigation involving recruitment of Medicare and Medi-Cal beneficiaries living in the Skid Row area of Los Angeles

CLERKSHIPS

- Hon. Alicemarie Stotler - U.S. District Court, Central District of California
- Hon. Pamela Ann Rymer - U.S. Court of Appeals, Ninth Circuit

PRACTICE AREAS

- Trials & Appeals
- White Collar Defense & Investigations
- Trade Secrets Litigation