



Kirstin B. Ives, Partner

Kirstin B. Ives is a founding partner of Falkenberg Ives and a member of the firm's commercial litigation, healthcare litigation, and professional liability practices. She is chair of the firm's healthcare litigation practice and was named a 2017 Illinois Super Lawyer Rising Star and Chicago Daily Law Bulletin Emerging Lawyer.

Ms. Ives focuses on commercial, healthcare, and professional liability litigation and arbitration and represents clients across various industries. She has a proven track record of being able to achieve great results in a cost-effective manner that makes sense for each particular client's circumstances. In addition, she regularly consults with clients on risk-management best practices to help avoid future litigation.

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Practice Areas

- Commercial Litigation
- Healthcare Litigation
- Professional Liability

Ms. Ives represents health plans, managed care organizations, payers, pharmacies, pharmacy benefit managers, health technology companies, and other healthcare-related entities in litigation and arbitration. Ms. Ives' healthcare litigation experience includes matters involving accident and health reinsurance, member claims,

ERISA, Medicare preemption, Medicare fraud, provider disputes, provider fraud detection, breach of contract claims, internal investigations, bad faith litigation, and appeals.

Ms. Ives also regularly assists healthcare clients with responding to third-party subpoenas and government information requests from the Centers for Medicare & Medicaid Services (CMS), Office of Inspector General (Department of Health and Human Services), Department of Labor, Federal Bureau of Investigation, Department of Justice, state law enforcement, and state departments of insurance. In addition to issue-spotting and preparing responses to these information requests, Ms. Ives assists her clients in complying with the requirements of state and federal healthcare laws and regulations, as well as the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Ms. Ives has substantial experience representing accounting firms and law firms in professional liability and commercial disputes. She regularly represents several of the largest accounting firms in Chicago, as well as accountants insured by two of the largest insurers of accountants. In the past several years, Ms. Ives has helped secure significant victories for accountant clients that have helped shape the course of the laws governing accountants in Illinois.

Ms. Ives began her career with the Washington, D.C. office of O'Melveny & Myers LLP. While in Washington, D.C., she represented pharmaceutical and welding rod manufacturers in high-profile, nationwide commercial multidistrict litigation and class action matters.

She is admitted to practice law in both Illinois and Wisconsin and regularly litigates commercial cases in the Illinois and Wisconsin state and federal courts.

Education/Bar Admissions

Ms. Ives received a B.B.A. in accountancy, *magna cum laude*, in 2003 from the University of Notre Dame, Mendoza College of Business Administration, where she was a member of Beta Alpha Psi accounting honor society. She received her J.D. in 2006 from the University of Chicago Law School.

Ms. Ives was admitted to the Illinois bar in 2006 and the Wisconsin bar in 2014. She is also admitted to practice before the U.S. District Court for the Northern District of Illinois, the Central District of Illinois, and the Eastern District of Wisconsin.

Professional Activities

Ms. Ives is active in various professional organizations, including:

- American Health Lawyers Association
 - Dispute Resolution Service Council
 - Author for 2016 Payers, Plans, and Managed Care E-Alert Program
 - Leadership Advancement Program – Liability and Litigation Practice Group
- Coalition for Women’s Initiatives in Law
 - Social Media Chair
 - Board Member
- Illinois Association of Healthcare Attorneys
- National Association of Women Lawyers
- Women’s Bar Association of Illinois

Recent Publications and Speaking Engagements

- *Mandatory Initial Discovery Pilot Program Overview*, CVS Health legal department, July 2017.
- *Managed Care Fraud in Medicare and Medicaid*, American Health Lawyers Association Annual Meeting, June 2017.
- *Hot Trends In Payers, Plans, and Managed Care Litigation*, Illinois Association of Healthcare Attorneys Annual Symposium, November 2016.
- *CMS Announces Second Phase of Value-Based Insurance Design Model (“VBID”) and Seeks New Medicare Advantage Plan Applicants for 2018*, American Health Lawyers Association, Payers, Plans and Managed Care Practice Group E-Alert, 2016.
- *Intercompany Pricing in the Age of Integrated Healthcare*, American Health Lawyers Association Annual Meeting, June 2016.
- *340B Drug Pricing Program: Overview and Recent Developments*, First Illinois HFMA Fall Summit, October 2015.

- *CMS Issues Calendar Year 2016 Medicare Advantage and Part D Payment Policies and Final Call Letter*, American Health Lawyers Association, Payers, Plans and Managed Care Practice Group E-Alert, 2016.
- *Health Care Entities Need To Be Forward-Looking When Producing Documents to the Government*, Illinois Association of Healthcare Attorneys newsletter, July 2014.

Representative Matters

- **Snyder v. Prompt Medical Transportation, Inc.**
State of Indiana, St. Joseph County, No. 71D05-1311-CT-303
Obtained complete dismissal with prejudice for health insurer defendant based on Medicare preemption and federal officer immunity.
- **Rudek v. Presence Our Lady of the Resurrection Medical Center, et al.**
U.S. District Court for the Northern District of Illinois, 2014 WL 5441845
Obtained complete dismissal with prejudice for health insurer defendant based on Medicare preemption and federal officer immunity.
- **Aurora Advanced Health Care, Inc. v. Stella Sylvester v. Humana Health Plan, Inc.**
State of Wisconsin Circuit Court, Milwaukee County, No. 11 CV 015588
Obtained favorable settlement for defendant health insurer in suit alleging breach of contract and bad faith failure to pay benefits with ERISA implications.
- **Bank of America v. Knight, et al.**
U.S. District Court for the Northern District of Illinois, 875 F. Supp.2d 837
U.S. Court of Appeals, 7th Circuit, 725 F.3d 815
Obtained complete dismissal on behalf of defendant accounting firm where plaintiff claimed that auditors should have alerted a third party bank to alleged poor financial condition and sought over \$35 million in damages. The 7th Circuit affirmed the dismissal in its entirety.
- **Wilson v. Dorothy Brown and Humana Health Services**
Circuit Court of Cook County, No. 10 CH 50834
Appellate Court of Illinois, 1st District, No. 1-13-0778
Obtained complete dismissal for defendant health insurer of a breach of contract claim arising out of a settlement agreement. Subsequently obtained affirmance of such dismissal by the appellate court on March 26, 2014.