



Gary F Giampetruzzi

Partner, Litigation Department

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Gary Giampetruzzi is a partner in the Litigation Department of Paul Hastings, based in the firm's New York office, and is the Global Chair of the Life Sciences Department and one of the Vice-Chairs of the Investigations and White Collar Department, and an active member of the Paul Hastings Litigation Diversity Working Group. Mr. Giampetruzzi routinely advises clients on day-to-day compliance matters, represents corporations in high-profile federal and state investigations, including those involving federal and state False Claims Act (qui tam suits), State Attorney General consumer protection statutes, and the Foreign Corrupt Practices Act ("FCPA"), and oversees other complex civil and criminal litigation matters. While his practice cuts across numerous sectors, including defense, energy, and private equity, Mr. Giampetruzzi possesses particularly deep experience in the life sciences sector, representing many of the world's most prominent biotech, pharmaceutical, and medical device companies.

Prior to joining Paul Hastings, Mr. Giampetruzzi most recently served as Vice President, Assistant General Counsel, and Head of Government Investigations at Pfizer Inc., with responsibility for government investigations across the company's multiple business units and operations globally, as well as associated government litigation with U.S. and international prosecutor offices. He was previously a Deputy Compliance Officer responsible for international compliance investigations and programs with responsibility for the implementation and maintenance of compliance programs and systems across the company's international operations, with an enhanced focus on emerging markets.

Mr. Giampetruzzi has extensive experience with all facets of the anti-corruption and FCPA landscape. He has been a leader in this growing area of practice for approximately two decades, having led the development of cutting edge compliance programs and measures, conducted and overseen hundreds of internal investigations, and been on the ground in more than 40 markets worldwide (including Asia, Africa, Europe, the Middle East, and Latin America). Mr. Giampetruzzi was instrumental in the development of proactive market review approaches that have been incorporated into recent government

New York

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Practice Areas

Anti-corruption and FCPA
Investigations and White
Collar Defense
Litigation
Life Sciences and Healthcare
Securities Enforcement

Admissions

New York Bar

Education

New York Institute of
Technology, B.S.E.E. 1990
St. John's University School of
Law, J.D. 1993

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resolutions, and acquisition due diligence techniques that were cited in the Justice Department's FCPA Guidance document. He has the proven and longstanding ability to provide end-to-end support, from front-end compliance counseling and program build-outs and enhancements, to the efficient conduct of global internal investigations, and the defense of companies before U.S. and international authorities, while keeping an appropriate eye towards the increasing risk of follow-on civil litigation.

On the U.S. healthcare side, Mr. Giampetruzzi provides day-to-day compliance counseling around program design, monitoring, and proactive testing, and conducts internal investigations regarding a variety of issues, including those involving anti-kickback and off-label promotion laws, patient support programs, and specialty pharmacies. He has overseen several of the more significant government investigations in the pharmaceutical industry over the years, as well as the defense and resolution of numerous whistleblower qui tam suits involving claims under the False Claims Act and related state statutes. Mr. Giampetruzzi has more recently been asked by pharmaceutical companies to defend their practices associated with patient support programs and specialty pharmacies in connection with federal investigations by several prominent prosecutor offices. He settled the first opioid prosecution on highly favorable terms, and has achieved several walkaways with state and federal prosecutor offices.

Mr. Giampetruzzi is highly regarded by counsel, healthcare industry insiders, and regulators for his strategic thinking and sound judgment. He understands how to engage appropriately with the regulators, and how to litigate effectively when is needed. He brings unique experience and perspective to each client representation, having himself been the client for more than a decade at one of the largest multi-national corporations in the world. During that time, he partnered closely with business colleagues, and helped navigate a complex organization through some of the most significant compliance and enforcement issues faced in the pharmaceutical industry. As a senior in-house leader, Mr. Giampetruzzi operated at executive leadership team and board levels, and understands from his firsthand experience that the particular needs of each client and circumstance are different, and that the approach and solutions must be too. He genuinely appreciates the pressures and realities facing clients and in-house counsel, and works with them to understand and achieve their specific goals.

Professional and Community Involvement

Board Membership

Gary F Giampetruzzi (Continued)

- HERHealthEQ (March 2020 – Present) Working with hospitals, governments, and clinics to provide access to medical device equipment involved in the treatment of the top non-communicable diseases that impact women in the developing world, including cancers and maternal health issues, thereby driving a more equitable standard of care for women worldwide.

Academic Service

- Program Faculty, Seton Hall Law School, U.S. Healthcare Compliance Program, “The Foreign Corrupt Practices Act,” (2008 – Present)
- Adjunct Faculty, DePaul University School of Law, “Special Topics in the Law: Global Anti-Corruption Law & Practice” (Fall 2019)

Recognition and Industry Leadership

- Mr. Giampetruzzi brings creative lawyering to bear on each of his client’s challenges, with some of the compliance approaches he developed having become a best practice (e.g., proactive FCPA market reviews, now routinely in government resolutions), and even being cited in the U.S. government’s FCPA guidance document (e.g., FCPA acquisition due diligence)
- Ethisphere, “Attorneys Who Matter,” Specialists – Private Practice
- LMG Life Sciences, Recognized Practice Leader
- The Legal 500: Healthcare/Life Sciences (Firm Ranked Band 3), Noted Practice Leader for Investigations and White-Collar Defense Matters
- Organizer/Co-Leader of the European Investigations Forum for Pharmaceutical and Medical Device Companies in Europe (2017 – 2020)
- Organizer/Co-Leader of Pharmaceutical and Medical Device Manufacturer United States Compliance Investigations Forum (2020 – Present)
- Co-Leader of the Rare Disease Compliance Consortium (leading rare disease companies/CCOs focused on compliance thought leadership)

Recent Representations

General Compliance Counseling

- Conducted multiple culture and compliance assessments for a major multinational pharmaceutical company to evaluate the state of compliance within China and develop mitigation measures for identified risks.
- Developed or reviewed and enhanced corporate policies and procedures regarding the handling of internal reporting channels and conduct and documenting of all aspects of internal investigations for multiple smaller biotech and larger pharmaceutical and medical device companies.
- Conducted multiple general and targeted risk assessments of business operations and compliance programs for smaller biotech and larger pharmaceutical and medical device companies, and the ensuing compliance

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enhancement planning to address the findings associated with these efforts.

U.S. Investigations and Enforcement

- Represented a small pharmaceutical company in connection with FDA and government investigations across multiple prosecutor offices into drug registry, off-label promotion, and patient support program issues. Resolved the first manufacturer opioid case for US\$7.55 million on a civil-only basis.
- Represented a mid-sized pharmaceutical company in connection with a multi-year, federal civil and criminal investigation into patient support program, pricing, and specialty pharmacy issues. No action taken by the federal prosecutors.
- Represented a mid-sized pharmaceutical company in connection with a federal civil investigation into Pharmaceutical Benefits Manager (PBM) related pricing and kickback issues. No action taken by the federal prosecutors.
- Representing a mid-sized pharmaceutical company in connection with a State AG inquiry into patient support program and related pricing issues, as related to PBM relationships.
- As in-house counsel, oversaw the negotiations, finalization of terms, and preparations for the announcement of the landmark US\$2.3 billion Bextra civil and criminal, off-label promotion and kickback investigations with the Boston, Philadelphia, and other U.S. Attorney's Offices, Main Justice, HHS OIG, and State Medicaid Fraud Control Units (largest criminal case in history at the time), and associated CIA negotiations.
- As in-house counsel, oversaw the US\$491 million Rapamune civil and criminal, off-label promotion investigation with the Western District of Oklahoma U.S. Attorney's Office, Main Justice, HHS OIG, and State Medicaid Fraud Control Units, and associated CIA negotiations.
- As in-house counsel, oversaw the negotiation and resolution of the grand jury investigation into the promotion of the drug Protonix—which saw US\$10 billion in sales—by the Boston U.S. Attorney's Office, achieving a civil-only resolution entailing US\$55 million in disgorgement under the Food, Drug, & Cosmetics Act.

FCPA Investigations and Enforcement

- Representing a leading rare disease company as compliance counsel before the U.S. Department of Justice and SEC in connection with an ongoing FCPA matter, the first rare disease enforcement case of its kind.
- Representing a leading ex-U.S. medical device company before the U.S. Department of Justice in connection with an ongoing FCPA matter, involving one of the first voluntary disclosures out of this critical market.
- Representing a leading multinational pharmaceutical company as strategic

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counsel in connection with various government-facing FCPA matters, including board-facing counsel regarding overall matter oversight.

- As in-house counsel, oversaw internal investigations and associated voluntary disclosures under the FCPA involving numerous markets around the world to the U.S. Department of Justice and SEC, and certain foreign authorities, beginning in 2004 and concluding in 2012. Secured a full declination for the parent company, a deferred prosecution agreement for the relevant corporate subsidiary, no imposition of an independent monitor, and explicit government recognition of the company's compliance efforts.
- As in-house counsel, oversaw the acquisition due diligence, resultant internal investigations in numerous markets, and associated voluntary disclosures to the U.S. Department of Justice and SEC, which resulted in a full declination for the parent company and subsidiaries, and a purely civil resolution.
- As in-house counsel, defended a pharmaceutical company against government inquiries and investigations by the Chinese Administration of Industry and Commerce ("AIC") in Beijing, Shanghai, and other cities and provinces across China, as well as related inquiries.
- As in-house counsel, oversaw the successful resolution of several individual State AG and multi-state AG coalition matters, including the US\$33 million consumer protection settlement with a coalition of 44 states around the promotion of Geodon, and the US\$45 million consumer protection settlement with a coalition of 34 states around the promotion of Zyvox and Lyrica.

Transactional Compliance Diligence

- Represented one multinational rare disease company in connection with its global anti-corruption/FCPA due diligence associated with its landmark US\$32 billion acquisition of another leading rare disease company.
- Conducted a gap assessment of the integration of the compliance program and systems of one medical device company acquired by another leading medical device company against industry and regulator standards.
- Represented a multinational pharmaceutical company in connection with its global anti-corruption / FCPA due diligence associated with its US\$16 billion acquisition of another pharmaceutical and medical device company.
- Represented a multinational pharmaceutical company in connection with its global anti-corruption / FCPA due diligence associated with its US\$16 billion acquisition of the vaccines business of another pharmaceutical company, divestiture of its oncology business, and a consumer healthcare joint venture.

Private Equity Compliance

- Developed enhanced online anti-corruption training curriculum and revised global anti-corruption policies and procedures for a global private equity firm,

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and provide counsel on portfolio company management.

- Conducted transactional compliance, AML, and sanctions diligence for a leading private equity firm in connection with higher-risk healthcare investments, including in hospitals, in emerging growth markets, including China.
- Acting as de facto independent monitor for a leading private equity firm to provide monitor oversight of higher-risk investments in emerging markets.

Speaking Engagements and Publications

- Mr. Giampetruzzi is a frequent and well-recognized speaker at industry conferences on a variety of white collar defense topics, including global compliance programs, government investigations, state and federal U.S. healthcare enforcement, and the Foreign Corrupt Practices Act.

Publications

- Co-author, Key Takeaways From the Novartis \$345 Million FCPA Settlement, Paul Hastings (July 1, 2020)
- Co-author, 7 COVID-19 Compliance Areas for Health, Life Sciences Cos., Law360 (May4,2020)
- Co-author, How Life Sciences Cos. Can Adapt to Remote Compliance, Law360 (April23,2020)
- Co-author, Compliance in the Era of COVID-19 – Where and How Life Sciences and Healthcare Companies Should Focus in the Era of Social Distancing, Paul Hastings (April22,2020)
- Co-author, Paul Hastings COVID-19 Client Alert Series: Rethinking Approaches to Detecting and Investigating for Life Sciences Companies, Paul Hastings (April13,2020)
- Co-author, Blowing the Whistle: Tackling Misconduct in the Life Sciences Sector, European Pharmaceutical Review (February20,2020)
- Co-author, The Path to a Stable Reporting Culture for Life Sciences Cos., Law360 (January2,2020)
- Co-author, New EU Directive Enhancing the Protection of Whistleblowers, Paul Hastings (October17,2019)
- Co-author, Pharmaceutical and Medical Device Compliance Manual, Second Edition, American Health Lawyers Association (September2019)
- Co-author, 4 Tips for Global Patient Support Compliance: Part 2, Law360 (April16,2019)
- Co-author, 4 Tips for Global Patient Support Compliance: Part 1, Law360 (April 11, 2019)
- Co-author, The Rise of Anti-Corruption Whistleblowers in Latin America, Global Investigations Review (December 6, 2018)

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- Co-author, Life Sciences Cos. Should Assess Charitable Donations Programs, Law360 (June20,2018)
- Co-author, How Companies Can Foster Internal Whistleblowing, Law360 (April19,2018)
- Author, In Light of Digital Realty and the Largest Ever Dodd-Frank Whistleblower Award, Whistleblower Risks Are Up and Company Compliance Programs Are Under Pressure, Paul Hastings (April19,2018)
- Co-author, Bracing for a Life Sciences Enforcement Zeitgeist: Part 2, Law360 (November3,2017)
- Co-author, Bracing for a Life Sciences Enforcement Zeitgeist: Part 1, Law360 (November2,2017)
- Co-author, Does Your Research Compliance Need a Refresh? China's Highest Court Sends a Warning to Life Sciences Companies, Paul Hastings (October9,2017)
- Author, Is Small Pharma Next for DOJ Enforcement?, The FCPA Blog (September28,2017)
- Co-author, Against the Backdrop of a 'National Emergency,' Are Opioid Manufacturers Ready for the Enforcement Spotlight?, Bloomberg Law Pharmaceutical Law & Industry Report (August25,2017)
- Author, Time to Clean Up: As Operation Car Wash Progresses, Are Medical Device and Pharmaceutical Companies Out of Time With the Brazilian Anti-Corruption Authorities?, Paul Hastings (May18,2017)
- Co-author, HCP Roundtable Anyone? South Korea's Ministry of Health and Welfare Imposes a \$48 Million Fine on Novartis Korea and Suspends Insurance Reimbursement, Paul Hastings (May8,2017)
- Co-author, A Special Type of Government Scrutiny: Pharmaceutical Manufacturer Relationships With Specialty Pharmacies: Part II, Bloomberg Law Pharmaceutical Law & Industry Report (April7,2017)
- Co-author, A Special Type of Government Scrutiny: Pharmaceutical Manufacturer Relationships With Specialty Pharmacies: Part I, Bloomberg Law Pharmaceutical Law & Industry Report (March29,2017)
- Co-author, Growth Opportunities Come With Danger: As Japanese Life Sciences Companies' Outward Bound Investments Continue to Grow, So Do the Significant Compliance and Enforcement Risks, Bloomberg BNA Life Sciences Law & Industry Report (December9,2016)
- Co-author, Teva Pharmaceuticals Announces a Reserve of \$520M in View of What Stands to Be the Fourth Largest FCPA Resolution to Date, Paul Hastings (November17,2016)
- Co-author, AstraZeneca and the SEC's Focus on Life Sciences, Law360 (September9,2016)

Gary F Giampetruzzi (Continued)

- Co-author, Not Guilty, Again: Individual Corporate Liability After Reichel, Law360 (June20,2016)
- Co-author, Ever Active and Perhaps Not So New – The SEC Awards Three Dodd-Frank Whistleblowers, Paul Hastings (June9,2016)
- Co-author, Will Your Employees Go to You or the Gov't?, Law360 (June13,2016)
- Co-author, 4 Steps to Effective FCPA Acquisition Due Diligence, Law360 (May10,2016)
- Co-author, 6 Takeaways From Novartis FCPA Case, Law360 (April7,2016)
- Co-author, Olympus: Another Life Sciences Company Gets Hit Hard, Law360 (March21,2016)
- Author, What Comes Next? Against the Backdrop of the Yates Memo, Novartis Announces a \$390M Healthcare Settlement, Paul Hastings (November2,2015)
- Co-author, Your Joint Venture in Fact Can Be Your Problem: Bristol Meyers Squibb Pays \$14M to Resolve FCPA Allegations, Paul Hastings (October12,2015)
- Co-author, Inside Out: The SEC Awards \$1 Million Plus to Yet Another Compliance Professional Turned Whistleblower, Paul Hastings (May6,2015)
- Co-author, Not Finished With You Yet – The U.S. Government Extends Its Deferred Prosecution Agreement With Biomet, Inc., Again Underscoring the FCPA Risks in Life Sciences, Paul Hastings (March26,2015)
- AHLA/FDLI Compliance Pharmaceutical and Medical Device Compliance Manual, Second Edition. Foreign Corrupt Practices Act (2015)
- Co-author, Here We Go Again – The U.S. Government Brings Home Another FCPA Case Against a Life Sciences Company, Paul Hastings (November12,2014)
- Co-author, SEC Sends a \$30 Million-Plus Warning to Companies: Beware of the Foreign Whistleblower, Paul Hastings (September30,2014)
- Co-author, Legislative Reform of China's Healthcare Sector Targets Corruption: Implications for Multinational Companies, Paul Hastings (August28,2014)
- Co-author, Global Compliance Challenges for Drug and Device Entities and Their Counsel, AHLA Seminar Papers, Volume 2009, Issue 5 (June2009)
- Author, Raped Once, But Violated Twice: Constitutional Protection of a Rape Victim's Privacy, St. John's Law Review, Vol. 66, No. 1 (1992)

Education

- St. John's University School of Law, J.D., 1993
- New York Institute of Technology, B.S.E.E., 1990

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News

October 10, 2019

Paul Hastings Scores Top Rankings in 2019 LMG Life Sciences

October 11, 2018

Paul Hastings Scores Top Rankings in LMG Life Sciences for 2018

February 05, 2018

Paul Hastings Wins Law360 Life Sciences Practice Group of the Year

October 31, 2017

Paul Hastings Investigations and White Collar Defense Practice Named Most Impressive Investigations Practice by Leading Industry Publication Global Investigations Review

September 07, 2017

MSD to Acquire Therapeutics Pioneer Rigotec

November 30, 2016

Paul Hastings Scores Top Rankings in LMG Life Sciences for 2016

February 17, 2015

Paul Hastings Investigations and White Collar Defense Practice Recognized as a Law360 Practice Group of the Year

February 20, 2014

Pfizers Head of Government Investigations Joins Paul Hastings in New York

Insights

July 16, 2020

On the Heels of Significant FCPA Settlements, Past and Present Meet as Novartis Reaches FCA Settlements in Two Districts

July 01, 2020

Key Takeaways From the Novartis 345 Million Dollar FCPA Settlement

June 24, 2020

Gary F Giampetruzzi (Continued)

The Trend Continues: As Outward Bound Investments from Japanese Multinationals Continue to Grow, So Do ABAC Compliance and Other Enforcement Risks

April 22, 2020

Compliance in the Era of COVID-19 – Where and How Life Sciences and Health Care Companies Should Focus in the Era of Social Distancing

April 13, 2020

PH COVID-19 Client Alert Series: Rethinking Approaches to Detecting and Investigating for Life Sciences Companies

October 17, 2019

New EU Directive Enhancing the Protection of Whistleblowers

April 17, 2019

Part II of II—Not a U.S.-Fits-All-Proposition: Four Key Considerations When Building the Compliance Framework to Go Global with Patient Support

April 11, 2019

Part I of II—Not a U.S.-Fits-All-Proposition: Four Key Considerations When Building the Compliance Framework to Go Global with Patient Support

June 19, 2018

Another Life Sciences Company Announces a Multi-Million Dollar Settlement in the U.S. Department of Justice's Relentless Pursuit of Donations to Copay Assistance Charities

April 19, 2018

In Light of Digital Realty and the Largest Ever Dodd-Frank Whistleblower Award, Whistleblower Risks Are Up and Company Compliance Programs Are Under Pressure

November 06, 2017

The Life Sciences Enforcement Zeitgeist: Will German Companies Withstand the Scrutiny?

October 09, 2017

Does Your Research Compliance Need a Refresh? China's Highest Court Sends a Warning to Life Sciences Companies

Gary F Giampetruzzi (Continued)

September 06, 2017

Against the Backdrop of a 'National Emergency,' Are Opioid Cos. Ready for the Enforcement Spotlight?

August 25, 2017

Against the Backdrop of a 'National Emergency,' Are Opioid Manufacturers Ready for the Enforcement Spotlight?

May 18, 2017

Time to Clean Up: As Operation Car Wash Progresses, Are Medical Device and Pharmaceutical Companies Out of Time with the Brazilian Anti-Corruption Authorities?

May 08, 2017

HCP Roundtable Anyone? South Korea's Ministry of Health and Welfare Imposes a \$48 Million Fine on Novartis Korea and Suspends Insurance Reimbursement

April 20, 2017

A Special Type of Government Scrutiny: Pharmaceutical Manufacturer Relationships with Specialty Pharmacies: Part II

April 19, 2017

A Special Type of Government Scrutiny: Pharmaceutical Manufacturer Relationships with Specialty Pharmacies: Part I

April 07, 2017

A Special Type of Government Scrutiny: Pharmaceutical Manufacturer Relationships with Specialty Pharmacies: Part II

March 29, 2017

A Special Type of Government Scrutiny: Pharmaceutical Manufacturer Relationships with Specialty Pharmacies: Part I

December 09, 2016

Growth Opportunities Come With Danger: As Japanese Life Sciences Companies' Outward Bound Investments Continue to Grow, So Do the Significant Compliance

November 17, 2016

Teva Pharmaceuticals Announces a Reserve of \$520M in View of What Stands

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to Be the Fourth Largest FCPA Resolution to Date

September 12, 2016

They Keep Coming: The SEC Enters a \$5.5M Settlement with AstraZeneca PLC Resolving FCPA Allegations

June 22, 2016

Not Guilty, Again: Individual Corporate Liability in the Wake of the Reichel Acquittal

June 09, 2016

Ever Active and Perhaps Not So New—The SEC Awards Three Dodd-Frank Whistleblowers

May 04, 2016

Seal the Deal: Four Steps to Effective FCPA Acquisition Due Diligence & Integration

April 06, 2016

It's Back—True to the Promise of Continued Scrutiny of Life Sciences, the SEC Enters a \$25M FCPA Resolution with Novartis

March 28, 2016

Another Life Sciences Company Gets Hit Hard: Olympus Pays \$646M to Resolve Corruption Allegations in a Unique Dual FCA / FCPA Resolution

November 02, 2015

What Comes Next? Against the Backdrop of the Yates Memo, Novartis Announces a \$390M Healthcare Settlement

October 12, 2015

Your Joint Venture In Fact Can Be Your Problem: Bristol Meyers Squibb Pays \$14M to Resolve FCPA Allegations

May 06, 2015

Inside Out: The SEC Awards \$1 Million Plus to Yet Another Compliance Professional Turned Whistleblower

March 26, 2015

Not Finished With You Yet—The U.S. Government Extends its Deferred Prosecution Agreement With Biomet, Inc., Again Underscoring the FCPA Risks

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in Life Sciences

November 12, 2014

Here We Go Again—The U.S. Government Brings Home Another FCPA Case Against a Life Sciences Company

September 30, 2014

SEC Sends a \$30 Million-Plus Warning to Companies: Beware of the Foreign Whistleblower

August 28, 2014

Legislative Reform of China's Healthcare Sector Targets Corruption: Implications for Multinational Companies

Rankings & Awards

October 24, 2019

Recognized in the Global Investigations Review's GIR 100 for 2019

September 30, 2019

Recognized as LMG Life Sciences Stars for 2019

November 02, 2018

Recognized in the Global Investigations Review's GIR 100 for 2018

October 12, 2018

Recognized as LMG Life Sciences Stars for 2018

February 01, 2018

Recognized as Law360 Practice Group of the Year in Life Sciences

October 27, 2017

Recognized in the Global Investigations Review's GIR 100 for 2017

October 26, 2017

Recognized as Global Investigations Review's Most Impressive Investigations Practice

October 25, 2017

Ethisphere Magazine's Attorneys Who Matter for 2017

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October 06, 2017

Recognized as LMG Life Sciences Stars for 2017

November 30, 2016

Recognized as LMG Life Sciences Stars for 2016

September 29, 2016

Recognized in the Global Investigations Review's GIR 100 for 2016

September 18, 2015

Recognized in the Global Investigations Review's GIR 100 for 2015

June 16, 2015

Ethisphere Magazine's Attorneys Who Matter for 2015