

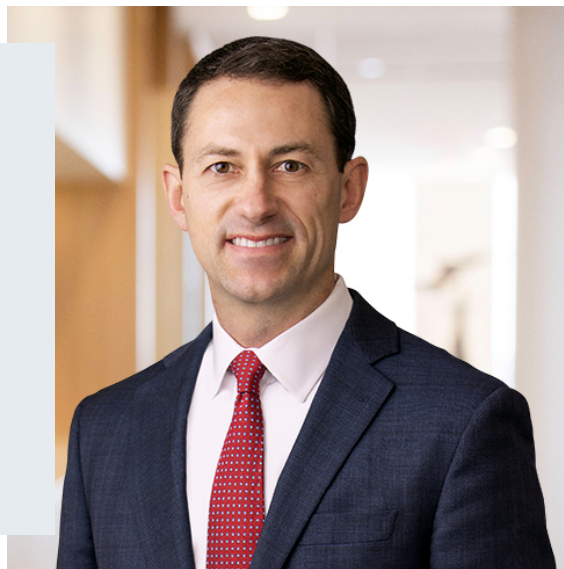
## Matthew D. Krueger

### Partner

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Matt Krueger is a former U.S. Attorney and partner in the firm's Government Enforcement Defense & Investigations practice. He helps companies and individuals navigate government enforcement and complex litigation challenges, including False Claims Act and white collar matters. Matt also assists companies in mitigating risk by advising on compliance programs and conducting sensitive internal investigations, working with clients in a range of industries, with a focus on the health care sector, cybersecurity, and data privacy matters.

### **Government Enforcement Defense and Investigations**

Matt helps clients facing allegations of misconduct, conducting internal investigations, persuading the government not pursue charges, and, when necessary, mounting a forceful defense. Before joining Foley, Matt served as the U.S. Attorney for the Eastern District of Wisconsin after being recommended by a bipartisan nominating commission. Under his leadership, the office successfully prosecuted high-profile cases involving national security, cybercrime, public corruption, health care fraud, securities fraud, and other offenses. Matt also served as an Assistant U.S. Attorney and the Health Care Fraud Coordinator in both the civil and criminal divisions, specializing in False Claims Act and white-collar matters.

### **Complex Litigation and Appeals**

Matt offers first-chair trial and appellate counsel for clients facing high-stakes disputes. Before leading trials and appeals in the U.S. Attorney's Office, Matt practiced trial and appellate litigation at an elite Washington, D.C. law firm. Matt also served as a Bristow Fellow in the Solicitor General's Office, helping represent the United States before the Supreme Court. Matt now leads complex litigation matters, devising creative strategies to win cases.

### **Health Care and Life Sciences**

Matt defends health care and life sciences companies in government investigation and enforcement actions, conducts sensitive internal investigations, and leads high-stakes litigation matters. As a federal prosecutor and in private practice, Matt has handled civil and criminal health care cases on a range of issues and clients, including matters involving the False Claims Act, Stark Law, the Anti-Kickback Statute, the Controlled Substances Act, medical device makers, hospitals and physician groups, pharmacies, skilled nursing facilities, and laboratories.

### **Cybersecurity and Data Privacy**

Drawing on experience leading cybercrime prosecutions, Matt works closely with Foley's cybersecurity and data privacy lawyers to investigate data incidents, respond to government inquiries, and litigate data privacy and security matters. Matt's background also allows him to counsel clients on interacting with law enforcement and regulators to minimize risks.

### **Representative Experience**

#### **Government Enforcement Defense and Investigations**

- Advised a publicly traded manufacturer in managing a crisis arising from a vendor's illegal employment practices. Minimized risk by cooperating with law enforcement, unwinding the vendor agreement, and briefing the board.
- Defended the City of Milwaukee against a False Claims Act suit concerning the City's administration of federal housing grants, winning complete dismissal of suit.
- Led a review of a publicly traded manufacturer's corporate compliance program, conducted a risk assessment, and recommended continuous improvement steps.
- Represented an individual in responding to a federal grand jury investigation concerning financial fraud, resulting in no charges against the client.
- Represented a manufacturer in responding to claims by the U.S. Department of Energy that its products did not meet energy conservation standards and negotiated a favorable settlement.

#### **Complex Litigation and Appeals**

- Defended a leading children's hospital in federal court against a civil rights suit, leading to a favorable settlement.
- Defended a major health care system against a municipality's suit that asserted claims related to opioid-dispensing practices. Obtained dismissal of entire suit.
- Led the prosecution of a US\$260m scheme to defraud federal contracting programs, resulting in the conviction of a corporation and six individuals, including a CPA after trial, as well as False Claims Act recoveries.
- As United States Attorney, personally briefed and argued a rare interlocutory appeal before the Seventh Circuit, challenging the district court's exclusion of evidence before trial. Obtained reversal and remand.

- Led the prosecution of a US\$9m green energy investment fraud whose victims included Chinese EB-5 visa applicants, a Canadian private equity fund and the State of Wisconsin, in coordination with the SEC's parallel civil investigation.

### **Health Care and Life Sciences**

- Led an internal investigation for a health care system concerning allegations of misconduct by physicians.
- Represented a genetic testing laboratory in responding to a federal grand jury investigation.
- Obtained dismissal of citations and favorable settlement of civil monetary penalties assessed by HHS against a skilled nursing facility.
- Led a False Claims Act investigation and settlement with an academic medical center related to claims for teaching physicians' surgeries performed by residents without adequate supervision.
- Led a False Claims Act investigation and litigation related to a health care system's physician compensation for violating the Stark Law, resulting in a favorable settlement.

### **Cybersecurity and Data Privacy**

- Led an internal investigation for a financial services company regarding a data privacy incident. Determined grounds to avoid regulatory exposure and remedial steps to avoid the issue recurring.
- Advised a manufacturing company in responding to a ransomware attack, including ways to maintain attorney-client privilege over the investigation and interact with law enforcement.
- Serve as counsel to a trade association's cybersecurity committee.

### **Clerkship and Other Experience**

- Bristow Fellow, Office of the Solicitor General, U.S. Department of Justice
- Law clerk, Honorable Paul V. Niemeyer, U.S. Court of Appeals for the Fourth Circuit

### **Certification**

- Certified Information Privacy Professional/United States (CIPP/US), a key industry benchmark administered by the International Association of Privacy Professionals (IAPP)

### **Affiliations**

- Thomas E. Fairchild American Inn of Courts
- Eastern District of Wisconsin Bar Association
- American Health Law Association
- International Association of Privacy Professionals
- National Association of Former U.S. Attorneys

### **Presentations and Publications**

- Co-author, "Implications of DOJ's New Safe Harbor for Disclosing Misconduct Uncovered During M&A Transactions (October 10, 2023)

- Quoted, “FCA Recoveries Drop; Lawyers See Other Data as More Significant,” *Report on Medicare Compliance*, Volume 32, Number 6 (February 13, 2023)
- Quoted, “DOJ Certification Raises CCO ‘Risk Profile’; Consider ‘Your Own Due Diligence Checklist’,” *Report on Medicare Compliance*, Volume 31, Number 6 (July 25, 2022)
- Co-author, “Maintaining Privilege of Forensic Reports,” *Bloomberg Law* (Sept. 23, 2021)
- Presenter, “Health Care Fraud Enforcement Trends: New or Different Challenges Ahead?,” American Health Law Association In-House Counsel Program (June 17, 2021)
- Panelist, “Hot Trends in DOJ and SEC Enforcement and Litigation 2021,” Sandpiper Partners LLC, Webinar (2021)

## Sectors

- [Health Care & Life Sciences](#)
- [Innovative Technology](#)

## Practice Areas

- [Appellate](#)
- [Business Litigation & Dispute Resolution](#)
- [Cybersecurity](#)
- [False Claims Act](#)
- [Government Enforcement Defense & Investigations](#)
- [International Government Enforcement Defense & Investigations](#)
- [Litigation](#)
- [Privacy, Security & Information Management](#)
- [Securities Enforcement & Litigation](#)

## Education

- University of Minnesota Law School (J.D., summa cum laude)
  - Order of the Coif
  - Editor-in-chief, *Minnesota Law Review*
- University of Wisconsin – Madison (B.S., with honors)
  - Phi Beta Kappa

## Admissions

- Washington D.C.
- Wisconsin
- United States Supreme Court
- U.S. Courts of Appeals for the First, Fourth, Seventh, Tenth, Eleventh, Federal, and D.C. Circuits
- U.S. District Courts for the District of Columbia, Eastern District of Wisconsin, and Western District of Wisconsin