BIRD MARELLA LLP

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Nicole Rodriguez Van Dyk

Partner

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310.201.2100

Practices:

Internal Investigations, Health Care Fraud and Regulatory Enforcement, Business and Financial Crimes, Health Care Litigation

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Nicole Rodriguez Van Dyk concentrates her practice on the defense of white collar criminal prosecutions with particular emphasis on health care related matters, government and regulatory investigations, and complex civil litigation.

Nicole is an accomplished trial attorney who leverages her extensive litigation and trial experience to advise clients on navigating the unique challenges of parallel criminal, civil, and regulatory proceedings.

A significant portion of Nicole's practice is devoted to the representation of health care providers in state and federal criminal investigations and prosecutions and related parallel civil False Claims Act and state qui tam proceedings. She has successfully defended clients in a variety of areas, including insurance and workers' compensation fraud, kickbacks, false billing, improper referrals, compound medications, and physician-owned distributorships. In addition, Nicole has extensive experience helping cosmetics companies navigate the civil and regulatory landscape governing the industry and regularly defends cosmetics industry leaders in government enforcement and civil litigation matters.

Nicole's practice also involves defending clients in criminal and civil matters related to government contracting fraud, financial fraud, and business disputes. Nicole has been recognized as a leading litigator by multiple publications, including national recognition in *Law360* for her white collar practice, a *Chambers USA* ranking for Litigation: White Collar Crime & Government Investigations since 2021, and honors from the *Daily Journal* on their Top 40 Under 40 and Top Women Lawyers lists, among others.

Respected by judges, peers, and clients alike, Nicole is recognized for being thorough, thoughtful, and creative both inside and outside the courtroom. In the words of one client:

"Nicole is outstanding. She is a real people person who knows how to communicate with her clients incredibly well. In addition, she is incredibly analytically minded – she can cut through the core of an issue to find the most efficient solution for her client[s]."

And as one judge wrote in an order adopting Nicole's arguments and denying the relief requested by the government, *"[w]hen the government's speculation is juxtaposed against the declaration presented by Van Dyk, the government's failure to meet its...burden is glaring."*

Nicole is also involved in charitable organizations and legal affinity groups, including the Los Angeles Chapter of the Federal Bar Association, the Women's White Collar Defense Association, and the Hispanic National Bar Association. She is a Fellow of the Leadership Council on Legal Diversity and is a former member of the Advisory Board for the Western Center on Law & Poverty.

Education, Clerkship & Admissions

- Harvard Law School, J.D., 2008
- University of California, Los Angeles, B.A., 2005

- Law Clerk to the Hon. Josephine Staton, U.S. District Court, Central District of California

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- California, 2008

Notable Matters

Currently defending American healthcare company Optum, Inc. in an insulin pricing enforcement action concerning allegations that the company artificially raised the price of analog insulin, particularly to "those who are uninsured or have high-deductible insurance plans."

Achieved the dismissal of all claims against leading cosmetics manufacturer Intercos America, Inc. in a case asserting claims under Prop 65.

Defending luxury cosmetics brand Natasha Denona Makeup LLC in a case asserting claims under Prop 65.

Secured a non-custodial sentence for a former pharmacy owner in a long-running federal healthcare fraud case with alleged loss amounts as high as $60 million.

Represented a major league sports team in relation to multiple high-profile investigations and civil claims alleging negligent hiring and supervision.

Represented a British aerospace company in internal investigations and counseling matters relating to false claims allegations.

Achieved dismissal of federal criminal complaint charging executive with participating in government contracting fraud scheme.

Achieved complete dismissal of civil complaint alleging company executive engaged in fraud, misrepresentations, and civil conspiracy in connection with government contracts, and dismissal of all fraud and misrepresentation counts against the company.

Achieved dismissal of 26 felony counts on behalf of employee of construction firm charged with wage theft and fraud.

Won dismissal of 24 charges in a high profile grand jury indictment described by the Los Angeles County District Attorney's Office as the largest health care fraud in California history. Twenty-one of the now-dismissed counts carried a potential life sentence.

Obtained dismissal of 89 out of 90 counts, including counts of insurance fraud and involuntary manslaughter, on behalf of a client accused of allegedly masterminding a $100 million medical workers' compensation fraud scheme. After obtaining an order from the California Supreme Court requiring the review of the Orange County District Attorney's grand jury practices, the Court of Appeal granted a writ petition, resulting in the Court dismissing all but one count.

Represented a physician accused of accepting kickbacks and falsifying billing records in a federal health care fraud investigation. The client was granted immunity as a result of Nicole's efforts.

Achieved dismissal of claims brought against the Chairman and CEO of a health care company in a civil case involving alleged improper billing, unfair competition, and fraud.

Obtained complete dismissal of a federal action seeking contribution from an international law firm under Section 18(b) of the Securities Act of 1934.

Associations

- Member, Board of Directors, Los Angeles Chapter, Federal Bar Association
- Member, Women's White Collar Defense Association
- Member, Hispanic National Bar Association
- Fellow, Leadership Council on Legal Diversity
- Former Member, Advisory Board for the Western Center on Law & Poverty

Awards & Recognitions

- Ranked, Litigation: White Collar Crime & Government Investigations*, Chambers USA*, 2021-present
- Ranked, Los Angeles City Elite: White-Collar Crime, *Legal 500*, 2026
- Top Women Lawyers, *Daily Journal*, 2022, 2024-present
- Lawdragon 500 X - The Next Generation, 2023-present
- Future Star, *Benchmark Litigation*, 2023-present
- Rising Star: White Collar, *Law360*, 2022
- Top 40 Under 40, *Daily Journal*, 2022
- California Litigation Star, *Benchmark Litigation,* 2022-present
- Local Litigation Star, *Benchmark Litigation*, 2022-present
- Top 250 Women in Litigation, *Benchmark Litigation*, 2021-present
- Next Generation Lawyer of the Year, Century City Bar Association, 2021
- Minority Leaders of Influence: Attorneys, *Los Angeles Business Journal*, 2021
- Top Women Attorneys, *Los Angeles Business Journal*, 2020
- Southern California Super Lawyers, *Super Lawyers Magazine*, 2020-present
- Best Lawyers in America, Criminal Defense: White-Collar; Health Care Law, Best Lawyers®, 2019-present
- Health Care Law Trailblazers, *National Law Journal*, 2019
- Under 40 Hot List, *Benchmark Litigation*, 2018-2022
- Southern California Rising Stars (Up-and-Coming 100), *Super Lawyers Magazine,* 2016-2018
- Women Southern California Rising Stars (Up-and-Coming 50), *Super Lawyers Magazine*, 2018
- Most Influential Women Lawyers, *Los Angeles Business Journal*, 2017-2018
- Women's Summit Nominee, *Los Angeles Business Journal*, 2016

Articles & Publications

- Contributor, "California: An Introduction to Litigation: White-Collar Crime & Government Investigations," *Chambers and Partners USA*, May 2021

- Co-Author, "Strategic Compliance: The Benefit of a Results-Oriented Approach to Corporate Compliance Programmes," Fraud & White Collar Crime 2020 Expert Guide, Corporate LiveWire, October 2020