



DAVID A. BOCIAN

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FOCUS AREAS

Whistleblower

Securities Fraud

EDUCATION

Princeton University

A.B 1992, *cum laude*

University of Virginia School of Law

J.D. 1998

ADMISSIONS

New Jersey

New York

Pennsylvania

District of Columbia

USDC, District of New Jersey

USDC, Southern District of New York

USDC, Eastern District of Pennsylvania

David Bocian, a former federal prosecutor, leads KTMC's Whistleblower and False Claims Act Litigation group. David's practice is dedicated to representing whistleblowers in cases brought under federal and state qui tam statutes, and through financial fraud whistleblower programs, such as the SEC, CFTC and IRS. He has had the privilege of representing many types of whistleblowers, including health care professionals, financial analysts, physicians, sales and marketing employees, attorneys and compliance professionals. David additionally litigates complex securities fraud matters as a member of KTMC's Securities practice.

David has spent most of his legal career litigating fraud cases. For more than a decade, David served as an Assistant U.S. Attorney in the District of New Jersey, where he was appointed Senior Litigation Counsel and managed the Trenton U.S. Attorney's Office. His work as a prosecutor included overseeing complex investigations involving government corruption and federal program fraud; commercial and public sector kickbacks; government contractor fraud; tax fraud; and, other white collar and financial crimes. David tried numerous cases before federal juries and received awards for his work from the Department of Justice, as well as commendations from many law enforcement agencies, including the FBI and the IRS.

David has extensive experience in the health care and life sciences fields as well. He has the distinction of being one of the few whistleblower attorneys in the United States to have been employed in the health care industry, having been responsible for

implementing a system-wide compliance program for a complex health system. David has also served as an adjunct professor of law at Rutgers Law School, where he has taught Health Care Fraud and Abuse and Fighting Foreign Bribery: Anticorruption Enforcement and Compliance.

Current Cases

- Catalent, Inc.

This securities fraud class action brings claims against Catalent, Inc. (“Catalent” or the “Company”), an outsourced drug manufacturer for pharmaceutical and biotech companies, and certain of its former senior executives (together, “Defendants”). The case arises out of Defendants’ alleged material misrepresentations and omissions regarding the Company’s key production facilities and revenue in the face of declining demand for COVID-19 vaccine products.

According to Plaintiffs, Catalent initially benefitted from the COVID-19 pandemic, which increased demand for Catalent’s services and catapulted the Company to record high revenues. However, as demand for COVID-19 vaccines waned as a critical mass of Americans were vaccinated, so too did demand for Catalent’s services, leaving the Company with diminishing revenues, a bloated headcount, excess production capacity at its newly expanded facilities, and increasing safety and quality control issues at key production facilities in Bloomington, Indiana; Brussels, Belgium; and Harmans, Maryland.

Rather than admit this truth, however, Defendants made a set of false and misleading statements during the Class Period touting: (i) the good condition and well-maintained nature of Catalent’s key production facilities (the “Quality Control Statements”); (ii) the Company’s compliance with Generally Accepted Accounting Principles (the “GAAP Compliance Statements”); and (iii) non-COVID related demand for the Company’s products and services (the “Non-Vaccine Demand Statements”).

On September 15, 2023, Plaintiffs filed a 187-page complaint on behalf of a putative class of investors alleging that Defendants violated Sections 10(b) and 20(a) of the Securities Exchange Act of 1934. On November 15, 2023, Defendants moved to dismiss the complaint, which Plaintiffs opposed on January 12, 2024. Briefing on the motion was completed on February 15, 2024.

On June 28, 2024, Honorable Judge Zahid N. Quraishi granted in part and denied in part Defendants’ motion to dismiss. In the Order, Judge Quraishi held that a subset of Plaintiffs’ alleged Quality Control Statements and GAAP Compliance Statements were actionably misleading. The case is now in fact discovery.

- Mylan N.V.

This securities fraud class action involves claims against Mylan (n/k/a Viatris Inc.), the world's second largest generic drug manufacturer, and its CEO Heather Bresch, President Rajiv Malik, and CFO Kenneth Parks. The case arises out of Defendants' scheme and misrepresentations regarding rampant abuses of federal quality control regulations, including at Mylan's flagship Morgantown, West Virginia manufacturing plant. As is alleged in the complaint, Defendants' scheme involved directing employees to circumvent data safety and quality regulations, including through manipulating drug testing results to achieve passing scores and corrupting testing data to create the false appearance of compliance. Defendants carried out this scheme to boost Mylan's manufacturing productivity, and thus profits, while assuring the investing public that its manufacturing methods complied with FDA standards.

Defendants' misrepresentations and scheme came to light through a series of corrective disclosures, which, together, caused the price of Mylan's common stock to fall by over 50%. The complaint alleges that the relevant truth about Defendants' deceptive conduct began to come to light in June 2018 when Bloomberg publicly revealed the FDA's findings of Morgantown's noncompliant manufacturing practices. The complaint alleges that investors continued to learn the truth of Mylan's violative and deceptive manufacturing practices in subsequent disclosures in August 2018 and February and May 2019 that concerned the company's efforts to remediate the Morgantown facility.

In November 2020, Lead Plaintiff filed the 137-page complaint alleging Defendants' violations of the securities laws. In January 2021, Defendants moved to dismiss the complaint. Following the completion of briefing on Defendants' motion to dismiss and oral argument, on May 18, 2023, the Court issued an opinion and order denying the motion to dismiss in part. On June 20, 2023, Lead Plaintiff moved to clarify the Court's opinion and order. On July 17, 2023, Defendants moved for judgment on the pleadings arguing that the claims sustained in the Court's opinion and order fail as a matter of law. Lead Plaintiff's motion to clarify and Defendants' motion for judgment on the pleadings are currently pending before the Court.

[Read Consolidated Class Action Complaint Here](#)

- Verizon Communications, Inc.

This securities fraud class action arises out of representations and omissions made by Verizon Communications, Inc. ("Verizon" or "the Company") and its senior executives concerning material risks facing the Company due to its ownership of toxic lead-sheathed cables.

Verizon is one of the largest telecommunications providers in the world. For decades, largely outside the public view, Verizon has

owned a massive, decaying web of cables sheathed with lead, a toxic contaminant that is closely regulated as it presents significant health and environmental protection risks. As Lead Plaintiffs allege, Verizon has abandoned many of these lead-sheathed cables in place while transitioning its service lines to fiberoptics. Verizon has known of the risks associated with its decaying lead network for years, and throughout the Class Period, faced mounting evidence that its lead-sheathed cables were harming its employees and the public, and that the true extent of its sprawling lead-sheathed cable network and related potential financial liabilities would be revealed. Despite this reality, Defendants misled investors about the enormous risks associated with Verizon's lead-sheathed cabling network.

Investors learned the true extent of Verizon's lead-sheathed cable problem through a series of investigative reports published by the Wall Street Journal ("WSJ") in July 2023. The WSJ revealed to investors, among other things: (i) that the Company owned likely thousands of miles of abandoned lead-sheathed cables spanning the Northeast United States; (ii) that environmental testing revealed that lead was leaching into the environment at these sites; (iii) that state and federal regulators and the Department of Justice have initiated investigations; and (iv) that former lineworkers who were exposed to lead cables were now suffering from lead toxicity. In response to the WSJ's reporting, Verizon's stock fell dramatically, wiping out billions in market capitalization.

On January 22, 2024, Lead Plaintiffs filed the operative 169-page complaint on behalf of a putative class of investors alleging that Defendants violated Sections 10(b) and 20(a) of the Securities Exchange Act of 1934. The parties are currently engaged in briefing on Defendants' motion to dismiss.

News

- April 9, 2024 - Kessler Topaz Achieves Class Certification Win in 1MDB Fraud Suit Against Goldman Sachs
- October 2, 2023 - Specialty Pharmacy Pays \$20 Million to Settle Whistleblower Lawsuit Alleging Kickbacks
- September 2, 2022 - Bayer to Pay \$40 Million To Settle Whistleblower Claims Alleging Fraud in Marketing Three Drugs
- February 4, 2019 - Specialty Pharmacy Pays \$17 Million To Settle Whistleblower Lawsuit Alleging Medicare Billing Fraud

Speaking Engagements

Panel on data analysis in whistleblower litigation, American Conference Institute's Sunshine Act, Open Payments, and

Aggregate Spend Compliance Conference, New York, October 20-22, 2014

Awards/Rankings

- Lawdragon 500 Leading Plaintiff Financial Lawyer, 2019-2024
- United States Department of Justice, Director's Award for Superior Performance by an Assistant U.S. Attorney

Memberships

- American Association for Justice, past Co-Chair, Qui Tam Litigation Group
- Association of the Federal Bar of New Jersey
- American Health Lawyers Association
- The Anti-Fraud Coalition (TAF)