



## VICTOR A. WALTON, JR.

Partner Cincinnati Office

Phone 513.723.4027

Fax 513.852.8447

Email [vawalton@vorys.com](mailto:vawalton@vorys.com)

### PRACTICE AREAS

Financial Institutions  
Government Relations  
Litigation

### INDUSTRIES

Building, Construction, and  
Design Services  
Health Care Services

### EDUCATION

Georgetown University Law  
Center, J.D., 1991  
Georgetown University School of  
Foreign Service, B.S.F.S, 1987

### BAR AND COURT ADMISSIONS

Kentucky  
North Carolina  
Ohio  
U.S. Supreme Court  
U.S. Court of Appeals for the  
Sixth Circuit  
U.S. Court of Appeals for the  
Tenth Circuit  
U.S. Court of Appeals for the  
Eleventh Circuit  
U.S. District Court for the  
Southern District of Indiana  
U.S. District Court for the Eastern  
District of Kentucky  
U.S. District Court for the  
Western District of Kentucky  
U.S. District Court for the Eastern  
District of North Carolina

Victor is a partner in the Vorys Cincinnati office and a member of the litigation group. His practice focuses on business counseling and commercial litigation. He has significant experience defending government contractors and health care entities in proceedings brought under the False Claims Act by the government or whistleblowers. Victor's work includes complex litigation, including defense of financial institutions and corporations in commercial disputes including multiple class action defense in accounting, consumer, employment and commercial class actions. He has considerable experience in health care, pharmaceutical, lender liability, probate, estate and fiduciary, and construction litigation and represents a broad array of clients in civil, criminal and regulatory government investigations as well as conducting corporate internal investigations.

### Career highlights include:

- Successfully defending government defense contractors in False Claims Act trials against *qui tam* relators
- Represented numerous health care entities in False Claims Act cases based on alleged Stark Act and Anti-Kickback Statute violations
- Successful defense of bank trustees for breach of fiduciary duty claims
- Counseling DME, pharmaceutical start-ups and food producers on applicable Medicare, FDA and USDA regulations
- Defending financial institutions in lender liability actions
- Represented numerous corporations and their employees in Department of Justice and HHS-OIG investigations and grand jury proceedings
- Successfully defending a company in a six-week, multimillion dollar federal environmental criminal trial
- Obtained numerous non-intervention decisions by the Department of Justice for federal contractors in False Claims Act *qui tam* cases
- Successfully represented client in a unanimous United States Supreme Court decision, *Allison Engine Co., Inc. v. United States ex rel. Sanders*, narrowing the scope of liability under the federal False Claims Act
- Defended financial institutions in nationwide consumer and privacy class actions

Victor is a member of the American Bar Association and the Cincinnati Bar Association.

Victor has spoken on numerous occasions on the False Claims Act, internal investigations, health care law and whistleblower lawsuits to health care and government contractor industry groups and trade associations, including the Ohio Hospital Association.

VORYS

U.S. District Court for the Middle District of North Carolina

U.S. District Court for the Western District of North Carolina

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Southern District of Ohio

U.S. District Court for the Northern District of Texas

*Admitted to practice law only in the states listed above.*

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Victor received his J.D. from Georgetown University Law Center and his B.S.F.S. from Georgetown University School of Foreign Service.

### Insights

"*Whistleblower Defense Alert: Government Uses § 3730 Dismissal Power To Dismiss Seven Year Old FCA Case,*" November 11, 2019

"*Whistleblower Defense Alert: District Court Finds Bank Cannot Face FCA Liability Without Evidence of Explicit Claims to Fannie Mae and Freddie Mac,*" April 18, 2019

"*Whistleblower Defense Alert: District Court Holds that DOJ Can Still Dismiss Qui Tam Cases After It Declines To Intervene—With No Justification Required for Dismissal,*" April 8, 2019

"*Whistleblower Defense Alert: DOJ Policy Regarding Dismissal of FCA Lawsuits,*" January 30, 2018

"*Whistleblower Defense Alert: Florida Court Overturns \$350 Million Judgment on Escobar,*" January 12, 2018

"*Whistleblower Defense Alert: The Fifth Circuit Issues Strong Damages and Materiality Decision,*" October 2, 2017

"*Whistleblower Defense Alert: The Third Circuit Confirms Broad Power of Escobar's Materiality Requirements,*" May 2, 2017

"*Whistleblower Defense Alert: The Supreme Court Rejects Mandatory Dismissal of Relator Claims For Seal Violations,*" December 19, 2016

"*Health Care Alert: Tuomey Ex-CEO Banned From Medicare In \$1 Million Settlement,*" September 29, 2016

"*Whistleblower Defense Alert: Seventh Circuit's Latest Interpretation of Rule 9(b) Sets the Pleading Bar Higher for Relators,*" September 19, 2016

### Professional and Community Activities

Commissioner, Hamilton County Public Defender's Commission, 2019-present

Cincinnati Bar Admissions Committee, Chair, 2006-2007

Greater Cincinnati Behavioral Health Legal Compliance Committee, Chair, 2004-2012

Children's International Summer Village, 2009-2016

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### Honors and Awards

*The Best Lawyers in America, Cincinnati Litigation - Banking and Finance "Lawyer of the Year," 2015, 2017*

*The Best Lawyers In America, Closely Held Companies and Family Business Law, 2022*

*The Best Lawyers in America, Commercial Litigation, 2010-2022*

*The Best Lawyers in America, Litigation - Banking and Finance, 2015-2022*

*The Best Lawyers in America, Litigation - Labor and Employment, 2015-2022*

*Ohio Super Lawyers, Business Litigation, 2005-2006, 2009-2022*

Leading Lawyer in Business Litigation, *Cincy Magazine*, 2008-2014

Martindale-Hubbell AV Peer Review Rated

### Events

2016 Ohio Council of Behavioral Health & Family Service Providers Annual Conference  
October 20, 2016

In-House Essential Conference 2016  
October 13, 2016

Health Care Fraud & Abuse CLE  
May 13, 2016

The 2014 Ohio Hospital Association Annual Meeting  
June 9, 2014