



Aharon S. Kaye

Partner

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Aharon Kaye is Chair of the firm's Litigation, Compliance, and Insolvency Practice. An accomplished international trial lawyer, clients regularly turn to Aharon to handle their most complex M&A litigation (particularly in the health care space) and compliance-related matters, as well as a wide range of general commercial litigation matters. Throughout his 15+ year career, Aharon has successfully resolved disputes arising from claims surrounding breaches of representations and warranties, "fraud in the transaction", specific performance, partnership breakups, the enforcement and defense of restrictive covenants, business valuations, false claims, Medicare/Medicaid fraud, tax, antitrust, securities, and consumer fraud, among other areas.

Health Care Litigation and Compliance

Aharon has extensive experience navigating health care clients through all stages of litigation and arbitration, particularly "bet-the-company" disputes arising out of failed transactions, post transaction litigation, and in connection with internal investigations, government investigations, and sensitive audits. Clients have come to rely on his in-depth knowledge to secure favorable resolutions among private parties, and among the various regulatory agencies at the federal and state level. Clients also routinely seek his guidance with ongoing transactions to assist with structure, "hot" button issues, due diligence, and workout with lenders/borrowers.

While not exhaustive, some recent representative health care matters include:

- Representation of purchaser of a certified home health agency in New York. Successfully obtained award for specific performance after buyer refused to complete transaction.
- Representation of purchaser of portfolio of SNFs and ALFs in Pennsylvania. After one of the facilities was placed on the SFF list, Buyer terminated. Seller refused to return deposit. Successfully obtained an award for the deposit and fees.

- Representation of lender in defaulted loan for SNF in Illinois. Successfully obtained order of possession and an award to appoint receiver over both Propco and Opco.
- Representation of investor group against manager of SNF in New Jersey for claims of waste and fraud. Successfully negotiated favorable resolution for each of the investors.
- Representation of buyer of SNF portfolio in North Carolina and Florida. Successfully negotiated favorable resolution for the buyer whereby seller agreed to complete the transaction for a discounted purchase price.
- Representation of buyer of SNF portfolio in Indiana in post-transaction litigation with Seller relating to disclosure issues. Successfully negotiated favorable resolution for the buyer.
- Representation of nursing home and its individual owners in investigation by the Department of Justice regarding failure to maintain adequate records and possible overbilling for Medicare and Medicaid. Successfully negotiated favorable civil resolution for the client.
- Representation of home-health care company in investigation regarding records keeping and billing practices. Department of Justice declined to bring charges against client.

General Commercial Litigation

In addition to his health care focused practice, Aharon regularly represents privately held corporate clients on a range of general commercial/business litigation matters, including partnership disputes, real estate litigation, landlord/tenant disputes, and, lender/borrower litigation.

While not exhaustive, some recent representative commercial litigation matters include:

- Representation of Chinese and Singapore tech companies in suit filed by Facebook relating to allegations that clients engaged in scheme targeting Facebook and its users. Claims included breach of contract, violations of the computer fraud and abuse act, California comprehensive computer data access and fraud act, common law fraud, and unfair business practices. The matter concluded with a favorable resolution for the client.
- Representation of client in connection with freeze order relating to alleged sales of infringing products. Successfully obtained complete release of funds for client without any payment.

- Representation of investors in restaurant chain in breach of fiduciary claims brought by minority shareholder. The matter concluded with a favorable resolution for the client through mediation.
- Representation of investors in shopping mall development in Brazil. Arbitrators awarded client full damages being sought after 4-day arbitration held in São Paulo, Brazil.
- Representation of investors in asset freezing claim in London, England. Successfully worked with attorneys in numerous countries to obtain worldwide freezing order on behalf of client.
- Representation of broker in defending fraud claims being brought by investors in South Africa, Australia and the United States by BVI appointed receiver. Successfully obtained no finding of responsibility on behalf of client.
- Representation of accounting firm in investigation regarding social security accounting practices. Department of Justice declined to bring charges against client.

Other

- Panel Arbitrator for the Shenzhen Court of International Arbitration
- Panel Arbitrator for the American Health Lawyers Association
- PILI Fellowship Award recipient
- Member of the DePaul Law Review

Education

- DePaul University College of Law, J.D.
- Hebrew Theological College, B.A.

Admissions

- Illinois

Court Admissions

- US Court of Appeals, Federal Circuit
- US Court of Appeals, Second Circuit
- US Court of Appeals, Seventh Circuit
- US Court of Appeals, Ninth Circuit
- US Tax Court
- US District Court, Northern District of Illinois
- US District Court, Michigan Eastern District Court

Advisories

- New Important CMS Disclosure Requirements for SNFs Take Effect January, 2024 (December, 2023)
- Reveal Yourself: The Corporate Transparency Act (December, 2023)
- The Growth of Med Spas and Their Legal Considerations (September, 2023)
- Expansion of FCA Liability Post-Schutte (June, 2023)
- The Impact of the Inflation Reduction Act (August, 2022)
- Can't Touch This: A Guide to Protecting Owners and Sister Entities from Liability (January, 2022)
- New Jersey Eases Pleading Requirements For Failure To Accommodate Disability Claims (January, 2022)
- Recent OIG Report May Lead to Increased Scrutiny of Antipsychotic Drug Prescriptions in Nursing Facilities (December, 2021)
- Municipal Advisors and "Bank Purchase" Bonds: What's All the Commotion About? (April 23, 2015)

Published Works

- Co-Author, High Court Again Rejects Bright Line Rule for Pleading Materiality, Practising Law Institute (PLI) (September 2011)

Classes/Seminars Taught

- Presenter, Analytics and Technology Assisted Review - Technical and Legal Implications in eDiscovery (January 19, 2017)
- Fraud and Abuse: Whistleblower's and Defense Attorney's Perspective, Illinois Homecare & Hospice Council 2014 Annual Conference & Exposition, Lombard, Illinois (March 12, 2014)