



# David I. Kelch

*senior associate*

David focuses his practice on commercial litigation and internal investigations.

In commercial litigation matters, David has broad subject matter litigation experience, having represented clients in matters related to the federal and state False Claims Act, real estate title disputes, construction disputes, patent infringement, product liability and LLC membership, and consumer protection laws. His experience includes representing clients on matters involving government entities, specifically the FBI, FTC, SEC and HHS.

David has conducted numerous and significant internal investigations that have addressed complex fraud, money laundering, healthcare reimbursement claims, workplace compliance and #metoo-related allegations. This includes providing advice on risk mitigation, compliance best practices and investigation readiness.

David has extensive discovery and trial preparation experience including managing large, complex e-discovery matters, and complex document collection and production with an emphasis on cost control and privilege protection.

Additionally, David maintains a robust pro bono practice. He has provided counsel for free speech and civil rights matters as well as represented inmates convicted as juveniles to life-without-parole in their Supreme Court-mandated re-sentencings. David has also represented a significant number of victims of so-called “revenge porn” (nonconsensual pornography) in actions to punish offenders and clear the online record.

## REPRESENTATIVE MATTERS

- Defended government contractor against False Claims Act litigation, resulting in declination letter from government and favorable settlement with private litigant.
- Represented government contractor during investigation into allegations that its employees provided illegal gratuities and improper gifts to government employees, resulting in declination of prosecution for contractor, charges against implicated government employees and termination of implicated contractor employees.

## CONTACT

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## EDUCATION

Pennsylvania State University  
Dickinson School of Law, J.D., *cum laude*, 2012

West Virginia University, M.A., 2007

West Virginia University, B.A., 2007

## SERVICES

### Litigation

- Appellate and Supreme Court practice
- E-Discovery
- Product liability
- Class actions, mass torts and MDLs

### Corporate & Internal Investigations

### Health Care

- Conducted investigation of billing practice for medical equipment supplier during federal criminal and civil investigations of allegedly improper billing of telehealth machines.
- Defended numerous health care providers during federal and state criminal and civil investigations of allegedly improper billing practices resulting in purported False Claims Act violations.
- Represented hospital system during investigation related to alleged misconduct by staff doctor indicted for self-prescribing and abusing controlled substances.
- Defended an energy client in a parallel investigation conducted by DOJ and SEC focused on allegations of securities fraud related to the abandonment of a first-of-a-kind construction project.
- Represented a multinational energy company in an SEC investigation focused on potential securities fraud violations related to revenue recognition manipulation by the parent company.
- Conducted a cross-border internal investigation involving allegations of workplace and financial misconduct by the manager of a U.S.-based energy client's Korean subsidiary.
- Investigated allegations of a multimillion-dollar fraud related to an international engineering firm's compliance with the GAAP as it related to a financial position taken on certain construction claims.
- Represented and conducted an investigation for a large religious entity with regard to a federal and state criminal and civil investigation into allegations of sexual abuse.

#### BAR ADMISSIONS

- Pennsylvania
- U.S. District Court for the Western District of Pennsylvania

#### PRESENTATIONS

- "From Facts & Findings to the Final Report – How to Approach an Internal Investigation," Porter Wright Annual Ethics & Trends in Litigation Seminar, Dec. 5, 2019
- "Internal Investigations – Key Considerations," Western Pennsylvania Association of Corporate Counsel of America, Sept. 10, 2019

#### PUBLICATIONS

- "Privilege lessons from B&N's harassment investigation," *Law360*, March 6, 2020
- "How to conduct a quality internal investigation," *Chief Executive*, Sept. 25, 2019
- "The risks and benefits of internal investigations," *Corporate Board Member*, Sept. 18, 2019
- "The False Claims Act in 2017: The year in review and what to watch in 2018," *Bloomberg Law*, April 25, 2018
- "Important changes in litigating oil and gas cases in federal court: What the 2015 amendments to the Federal Rules mean for oil and gas companies," *Landman Magazine*, November 2015
- "Help me help you: An answer to the circuit split over the degation of post-sentence judicial authority to probation officers," Comment, *16 Pennsylvania State Law Review* 533, Fall 2011

#### HONORS | AWARDS

- *Best Lawyers: Ones To Watch*, Commercial Litigation, 2021
- Woolsack Honors Society, Dickinson School of Law of The Pennsylvania State University
- CALI Excellence for the Future Award® in Torts, Civil Procedure, Sales, and Legal Writing