



Mackenzie Wallace

Partner

Dallas
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PRACTICES

- Advertising & Rights of Publicity
- Antitrust
- Business Litigation
- Class Action
- Corporate Governance & Compliance
- Cybersecurity
- ERISA Litigation
- Privacy/Data Use and Security
- Securities and Investment Litigation
- White Collar Defense and Investigations

INDUSTRIES

- Health Care
- Aviation

ADMISSIONS

- Texas
- Texas USDC, Eastern District
- Texas USDC, Northern District
- Texas USDC, Southern District
- Texas USDC, Western District

AFFILIATIONS

- American Bar Association, Vice Chair, Civil Practice and Procedure Committee, 2022-2023
- American Health Law Association, Health Care Liability and Litigation Practice Group, Vice Chair - Educational Programming, 2021-Present

Mackenzie is an experienced trial attorney who represents health care entities and other businesses and directors in high-stakes litigation matters.

Mackenzie has extensive experience representing hospitals and health care providers in coverage and reimbursement disputes; fraud, and civil RICO claims; Texas Prompt Pay Act, qui tam, and False Claims Act litigation; and matters relating to the violation of federal and state anti-kickback provisions and Stark laws.

She also advises corporations and directors on various aspects of shareholder and securities litigation, corporate and shareholder rights, director and officer litigation, merger litigation, and white-collar criminal litigation. She has helped clients navigate class actions alleging breaches of fiduciary duty and securities fraud and advised companies and individual directors facing DOJ and SEC investigations. Mackenzie also has represented Receivers in multiple SEC receivership actions.

Mackenzie has advised numerous companies regarding antitrust policy and compliance matters, and represented retailers and manufacturers facing antitrust suits.

She also has experience in cybersecurity policy and litigation, and the development and enforcement of privacy and data security policies.

Experience

• Health Care Litigation

Represents hospital and healthcare providers in managed care disputes with insurance companies.

Represented out-of-network health care providers in reimbursement litigation for services rendered to insured patients.

Represented health care providers in regard to investigations of audits and fraud.

Represented a national pharmaceutical company's response to a Civil Investigative Demand and defense of alleged violations under the Texas Medicaid Fraud Prevention Act from the Texas Attorney General's Office related to the company's drug price reporting.

- Antitrust & Business Litigation Council, State Bar of Texas, 2020-Present
- Dallas Bar Association's Women Empowered to Lead in the Legal Profession, 2020
- Federal Bar Association – Dallas Chapter, President, 2017-2018, President-Elect, 2016-2017, Vice President, 2015-2016, Secretary, 2014-2015
- Dallas Association of Young Lawyers, Co-Chair, Ask-A-Lawyer Committee, 2013-2016, Freedom Run Committee, 2013-2016, DAYL Leadership Committee, 2014
- Texas Association of Defense Counsel, Young Lawyer Committee
- Dallas Bar Association
- DRI, Voice of the Defense Bar
- Women's Energy Network

EMPLOYMENT

- Thompson Coburn LLP Partner, 2021-Present
- Thompson & Knight LLP Partner, 2020-2021 Associate, 2011-2020
- 68th District Court, Dallas Judicial Intern for the Honorable Martin Hoffman, 2010

EDUCATION

- Baylor Law School, J.D., cum laude, 2011, Articles Editor, Baylor Law Review; Dean's List; Order of the Barrister; Quarterfinalist, Baylor University Dawson & Sodd Moot Court Competition
- Baylor University, M.A., Taxation, 2007
- Baylor University, B.B.A., Accounting, cum laude

Represented health care providers in fraud and civil RICO matters, both as plaintiffs and defendants.

Represented a health care provider in matters related to a third-party subpoena in federal court.

Represented a health care provider in responding to civil investigative demands (CIDs) from the federal government.

Representing health care providers enforcing their rights under the Texas "prompt pay" statutes.

- **Securities and Corporate Governance Litigation and Internal Investigations**

Obtained a \$65 million jury verdict in favor of the Life Partners Creditors' Trust in a case against Life Partners' founder and former CEO, its former general counsel and president, and various other entities related to a fraudulent scheme involving the sale of life settlements.

Represented former NASDAQ-listed oil and gas company and former executives in lawsuits related to a \$4.4 billion tender offer and merger, including injunction and class certification hearings.

Represented former board members of a publicly traded oil and gas company over allegations of fraud, breach of fiduciary duty and fraudulent transfer.

Represented a NYSE-listed jewelry and bullion company in a shareholder derivative suit and 10b-5 class action alleging breaches of fiduciary duty and securities fraud.

Represented a privately owned animal feed company in relation to minority shareholder inquiries and threatened minority shareholder oppression claims.

Represented an accountant as individual witness in front of the SEC and DOJ as part of a government investigation into insider trading at a Fortune 500 company.

Represented the Audit Committee of a Nasdaq-traded consumer goods and financing company in an independent investigation.

Represented the Trustee in *In re Life Partners Holdings, Inc.*, handling asset seizures and liquidation, investor claims and distributions, and third-party litigation to maximize the value of the debtor's estate.

Represented the Receiver in *SEC v. BUCF*, handling asset seizures and liquidation, investor claims and distributions, and third-party litigation to maximize the value of the Receivership Estate.

Represented the Receiver in *SEC v. Stanford International Bank*, handling outside litigation.

Represented the Receiver in *SEC v. Millennium Bank, et al.*, handling investor claims and distributions and third-party litigation to maximize the value of the Receivership Estate.

- **Antitrust**

Represented a putative class of independent retailers of higher education course materials in an antitrust suit against publishers and

COMMUNITY

- Cattle Baron's Ball for the American Cancer Society, Raffle Chair, 2018-2021
- Heroes for Children, Heroes and Handbags Host Committee, 2017
- Make-A-Wish Foundation, Dallas Area Regional Advisory Council, Founding Member, Young Leaders Council, Chair, Walk for Wishes, 2016

other retailers.

Represented a manufacturer in direct and indirect purchaser putative class actions regarding an alleged conspiracy to fix prices.

Represented a manufacturer in an adjudicatory proceeding before the Federal Trade Commission involving price-fixing allegations.

Advised numerous companies regarding antitrust policy and compliance matters.

Recognitions

- Ones to Watch, The Best Lawyers in America© by Woodward/White Inc. (Antitrust Law Commercial Litigation, Health Care Law), 2021-2023
- Rising Star, The Legal 500 US by Legalease (Dispute Resolution: General Commercial Disputes), 2019
- Texas Rising Stars® by Thomson Reuters (Business Litigation), 2016-2020; Top 50 Texas Women Up-and-Coming Attorneys and Top 100 Texas Up-and-Coming Attorneys, 2019-2020
- "Best Lawyers Under 40 in Dallas" by D Magazine, 2020, 2021

Presentations

- "Strategies to Mitigate Director Liability and Exposure in 2021 and Beyond," Association of Corporate Counsel Dallas-Fort Worth, September 2021
- "Consumer Protection Update," ABA Antitrust Law Section, June 2021
- "Direction for Directors Post-Marchand," National Association of Corporate Directors, September 2020
- "A Guide for Directors to Avoid Fiduciary Liability," June 2020
- "Consumer Protection Update," ABA Antitrust La Section, June 2019
- "Fraud & SEC Updates," North American Petroleum Accounting Conference, May 2019
- "Fraud Investigations and Privilege," 29th Annual DFW Fraud Conference, May 2019
- "SEC Update (Accounting)," North American Petroleum Accounting Conference, May 2018
- "SEC Update and Changes," National Association of Petroleum Accountants Conference, May 2017
- "Aviation & Cybersecurity: Tips From Cockpit to Courtroom," American Bar Association Tort Trial & Insurance Practice Section, November 2016
- "Fraud, Fraud Detection, and Compliance," University of Texas at Dallas Oil & Gas Financial Management Seminar, May 2016
- "Protecting Client Confidences and Valuable Property of the Estate: Ethical Obligations and Best Data Security Practices," American

Bankruptcy Institute 2016 Caribbean Insolvency Institute, February 2016

- "Cyber Security: Legal Perspectives" Texas Society of Certified Public Accountants, Fort Worth Chapter, September 2015
- "Cybersecurity: What Attorneys (and Their Clients) Need to Know," State Bar of Texas 25th Annual Estate Planning & Probate Drafting Seminar, October 2014
- "Amendments to FRCP 45, Federal Non-Party Subpoena Requirements," Texas Association of Defense Counsel Winter Meeting, Winter 2014

Publications

- "2021 Rule Changes: Texas Rules of Civil Procedure," *Dallas Bar Association Headnotes*, July 2021
- Co-author "Innovative Health Care: A Look at Coverage and Litigation," *American Health Law Association's PG Briefing*, April 28, 2021
- Co-author, Billing for Advanced Practitioner Professionals and Traps for the Unwary, *Journal of Health and Life Sciences Law*, March 29, 2021
- Direction for Directors Post-Marchand: An Overview of Director Liability and Exposure, *The Texas Lawbook*, August 2020
- The Doctor Will (Virtually) See You Now, *D Magazine*, July 2020
- Client Alert: Supreme Court Permits SEC Disgorgement of Net Profits, in *Liu v. SEC*, June 2020
- Recent State and Federal Legislation Regarding 'Surprise Billing', *American Health Lawyers Association's PG Briefing*, January 2020
- SCOTX Erects New Hurdle for Litigating Anonymous Defamation, *The Texas Lawbook*, February 2019
- Aviation Cybersecurity: An Introduction to the Problem and the Developing Law, *ABA The Brief*, Summer 2017
- Standing is Key Issue in Cyber Lawsuits, *Today's General Counsel*, June/July 2016
- Change in the Legal Climate: Budgeting and Project Management, *Inside Counsel*, July 2014
- Internal investigations and the Effect of *Barko*, *Financier Worldwide*, July 2014
- A Higher Duty and Heavier Burden: Fiduciary Duty Litigation and Burden Shifting, *ABA Trial Evidence Committee Newsletter*, Spring 2014
- Buried in Regulations: Emerging Issues in the Aviation Industry, *The Brief*, Spring 2014
- Federal Rule of Civil Procedure 45: Amendments and Changing Subpoena Practices, *For the Defense*, February 2014

- Fiduciary Duty Litigation and Burden Shifting, *American Bar Association Section of Litigation Trial Evidence Newsletter*, Winter 2014
- Fleeing the Homeland: The Aggressive Pursuit of Merger Litigation Outside of Delaware. *In-House Defense Quarterly*, Winter 2013
- From Twitter to the Global Economy: Changes in the Trade Secret Landscape, *State Bar of Texas Corporate Counsel Section Newsletter*, Fall 2012
- The Fight Between Airline Carriers and GDSs Continues, *ABA Section of Antitrust, Transportation, Energy & Antitrust Newsletter*, Spring 2012