



REETUPARNA (REENA) DUTTA

Partner, Co-Leader False Claims Act & Whistleblower Representation, Food and Beverage, and Financial Institution Subpoena Compliance Practices

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Reena specializes in helping clients – in a variety of industries – comply with complicated legal regimes to avoid unwanted and unwarranted government scrutiny. Reena has a background in white collar criminal defense and has extensive experience representing clients in connection with civil and criminal government investigations and prosecutions, most notably in relation to:

- The Federal False Claims Act
- The Food, Drug, and Cosmetic Act
- The Foreign Corrupt Practices Act
- Tax fraud
- Environmental violations
- Contract disputes and civil fraud claims

Reena's experience encompasses representing clients in the financial services, healthcare, manufacturing, pharmaceutical, construction, education, and real estate industries. Given the breadth of her experience, Reena has unique insight into the different patterns of investigations and opportunities for resolution.

Moreover, her background in litigating against, and also working with, the government gives her valuable insight in counseling clients on compliance and corporate governance matters and maintaining cooperative and helpful relationships with government regulators. Reena has also assisted companies in conducting internal investigations and in responding to, and addressing, government-initiated investigations, including responding to grand jury subpoenas, civil investigative demands, and other forms of legal process. She has also helped individuals navigate the complicated subpoena process when they unwittingly find themselves involved in a legal dispute.

The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202

Practices & Industries

Business Litigation
Cybersecurity & Privacy
Business Crimes & Criminal Investigations
False Claims Act & Whistleblower Representation
Financial Institution Subpoena Compliance
Food & Beverage
Healthcare
Home Care
Wine, Beer & Spirits

Admissions

New York

Education

Dartmouth College, A.B.
George Washington University Law School, J.D., with highest honors

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Reena has extensive trial and appellate court experience, ensuring that clients have a strong and effective advocate when litigation becomes necessary. She has authored and presented on various topics relating to the False Claims Act, the Foreign Corrupt Practices Act, and New York State's food recycling law.

Honors

- Western District of New York 2022 Pro Bono Award
- Named to *Buffalo Business First* Class of 2022 "40 Under 40," 2022
- Listed, *Best Lawyers in America* (Criminal Defense: White Collar) 2022- 2024
- Pro Bono Honor Roll, The United States District Court for the Western District of New York, 2022
- Listed, *Upstate New York Super Lawyers* (Criminal Defense: White Collar) 2020 - 2023
- Leadership Buffalo, Class of 2020
- Listed, *Upstate New York Super Lawyers* Rising Stars, 2014 - 2019
- Finalist, Athena Young Professional Leadership Award, 2018
- Elected to the Board of Directors for the Bar Association of Erie County, 2018
- *American Institute of Criminal Lawyers* Ten Best Under 40, 2016
- *Lawyers of Color* Hot List, 2013
- Order of the Coif, George Washington University Law School
- Former associate, *George Washington Law Review*

Experience

The government claimed a Hodgson Russ client defrauded New York State regarding an environmental remediation contract. The claim included charges of mail fraud and money laundering. Hodgson Russ lawyers, led by Joseph V. Sedita, Michelle Merola and Reena Dutta, defended the client at trial, demonstrating that the government failed to satisfy the elements of the charges. The judge ultimately agreed, granting Hodgson Russ's motion for judgment of acquittal, acquitting the client of all charges.

Hodgson Russ represented a national financial institution in developing a subpoena compliance plan and in day-to-day subpoena compliance. Compliance typically involved negotiations with various federal and state agencies and required careful adherence to the Gramm Leach Bliley Act, the Right to Financial Privacy Act, the Internal Revenue Code and numerous other statutory and regulatory rules.

Reena Dutta and David Short litigated a landmark False Claims Act case, ultimately winning a dismissal of False Claims Act allegations against a client in the Second Circuit. The Second Circuit's decision is significant for False Claims Act jurisprudence, as it clarifies the analysis around hotly litigated elements of the cause of action – materiality and pleading requirements.

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Hodgson Russ lawyers Michelle Merola and Reena Dutta convinced federal prosecutors for the Southern District of New York to dismiss a pending indictment against a client for conspiracy to commit securities fraud and wire fraud. The prosecutors were ultimately persuaded to dismiss the indictment based on Michelle and Reena's strong advocacy, showing that there was a Speedy Trial Act violation that could result in pretrial dismissal by the court. The client is now able to move forward with his life and business activities without the threat of criminal sanctions.

A client was accused of sexually assaulting another student at the University they both attended. Reena Dutta and Patrick Hines took on the client's defense in a student disciplinary hearing, ultimately demonstrating to the University tribunal that the allegations lacked merit and that no disciplinary sanction was warranted. The client was allowed to continue at the University as a student and is on his way to a bright future, unclouded by sexual assault allegations on his record.

Convincing a federal jury that a prison inmate should be awarded compensatory and punitive damages for violations of his constitutional rights ranks among the more difficult things to achieve in a courtroom. But after a six-day trial, a Hodgson Russ team accomplished this feat when a jury awarded our client compensatory and punitive damages totaling \$55,000. Stephen W. Kelkenberg and Reena Dutta represented the plaintiff, who had brought claims under 42 U.S.C. Section 1983, alleging that several New York State correctional officers and two sergeants at a correctional facility in upstate New York violated his Eighth Amendment right to be free from excessive force. The plaintiff initially represented himself in the case, but when it became evident the case was going to trial, the court assigned it to Hodgson Russ.

The plaintiff's claims stemmed from a severe beating he endured, during which he alleged that nine guards punched, kicked, and slashed him while he was in full mechanical restraints. Our client claimed the assault was in retaliation for a grievance he had filed following a previous altercation with two of the defendants. Stephen and Reena performed the intense work of arguing motions, questioning hostile witnesses, cross-examining the defendants, and arguing the case before the jury. Their challenge was to convince the jury that the defendants' assault was not merely a good-faith attempt to discipline an unruly inmate, but rather a premeditated action conducted with malicious intent.

In the News

Reetuparna Dutta Named to Class of 2022 "40 Under 40"
Buffalo Business First, September 14, 2022

Thought Leaders - Food manufacturers adjust to changing consumer needs
Buffalo Business First, May 28, 2021

Thought Leaders: Craft beverages
Buffalo Business First, June 21, 2019

The End of the Internal Investigation and the Risk of the Internal Whistleblower: Self-Disclosure in the FCPA Context
The New York Law Journal, March 30, 2018

Reetuparna Dutta Named to *Lawyers of Color's* Hot List
July 22, 2013

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Three Hodgson Russ Attorneys Admitted to New York State Bar
March 27, 2009

Press Releases

55 Hodgson Russ LLP Attorneys Named to 2023 *Upstate New York Super Lawyers* List
August 23, 2023

83 Hodgson Russ LLP Attorneys Ranked in 2024 Edition of *Best Lawyers in America*
August 17, 2023

Reetuparna Dutta Named to *Buffalo Business First* Class of 2022 “40 Under 40”
September 16, 2022

Fifty-Nine Hodgson Russ Attorneys Ranked in 2022 Edition of Upstate New York Super Lawyers
Hodgson Russ Press Release, August 23, 2022

71 Hodgson Russ Attorneys Ranked in 2023 Edition of *Best Lawyers in America*
Hodgson Russ Press Release, August 19, 2022

Fifty-Four Hodgson Russ Attorneys Ranked in 2021 Edition of Upstate New York Super Lawyers
Hodgson Russ Press Release, August 20, 2021

55 Hodgson Russ Attorneys Ranked in 2022 Edition of *Best Lawyers in America*
Hodgson Russ Press Release, August 19, 2021

Sixty-Two Hodgson Russ Attorneys Named to 2020 Upstate New York Super Lawyers
Hodgson Russ Press Release, September 8, 2020

Sixty Hodgson Russ Attorneys Named to 2019 Upstate New York Super Lawyers
Press Release, August 12, 2019

Sixty-One Hodgson Russ Attorneys Named to 2018 Upstate New York Super Lawyers
Press Release, August 20, 2018

Publications

The Final New York State Budget is Approved: Here are the Major Impacts for Hospitals, Nursing Facilities, and other Health Care Providers
Hodgson Russ Healthcare Alert , May 14, 2024

The Final New York State Budget is Approved and Imposes Significant Disruptions for New York Home Care Providers
Hodgson Russ Home Care Alert, May 6, 2024

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New York State Liquor Authority Moves to Tackle Backlog of Items

Hodgson Russ Wine, Beer & Spirits Practice, November 29, 2023

New York State Department of Health Adopts Health Equity Impact Assessment Regulation Applicable To Facilities Including Clinics, Hospitals, and Skilled Nursing Facilities Submitting Applications through the State's Certificate of Need (CON) Process

Hodgson Russ Healthcare Alert, September 7, 2023

Final New York State Budget Imposes New Requirements for New York Home Care Providers and Significant Financial Investments for the Health Care Industry

Hodgson Russ Home Care and Healthcare Alert, May 16, 2023

What's in Your "Secret Sauce?" The FTC's Proposed Rule to Ban Noncompetes and Considerations for Food and Beverage Businesses

Hodgson Russ Food & Beverage Alert, May 3, 2023

Chick-fil-A Confirms Data Breach

Hodgson Russ Food & Beverage Alert, March 20, 2023

McDonald's Faces Class Action Lawsuit Over Sexual Harassment, Hostile Work Environment Accusations

Hodgson Russ Food & Beverage Alert, January 4, 2023

New Year, New Home Care Laws: Medicaid-Funded Home Health Care Services Must Implement EVV by January 1, 2023

Hodgson Russ Home Care Alert, December 20, 2022

Are Your Labels Allergy-Friendly? Major Change Looming for Food and Drink Labels in the United States

Hodgson Russ Food and Beverage Alert, September 12, 2022

Presentations & Events

Western New York Food Expo

Joseph A. Floreano Rochester Riverside Convention Center in Rochester, New York, March 28, 2023

The Food Forum: Navigating the Post-COVID Food & Beverage Industry

Hodgson Russ, 140 Pearl Street, Buffalo, NY 14202, September 15, 2022

New York State's Food Recycling Law: A Sea-Change in Food Regulation

April 7, 2021

Canada Practice Webinar Series

November 17, December 1 & 15, January 5 & 19

Borrower Beware: Defending PPP Loans from After-the-Fact Government Scrutiny

Lawline, September 28, 2020

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Borrower Beware: Defending PPP Loans from After-the-Fact Government Scrutiny
Albany County Bar Association, September 10, 2020

Borrower Beware: Defending PPP Loans from After-the-Fact Government Scrutiny
Korean American CPA Association (KACPA), September 3, 2020

Borrower Beware: Defending PPP Loans from After-the-Fact Government Scrutiny
Buffalo Niagara Partnership, August 20, 2020

Borrower Beware: Defending PPP Loans from After-the-Fact Government Scrutiny
CCH/Wolters Kluwer, August 10, 2020

Borrower Beware: Defending PPP Loans from After-the-Fact Government Scrutiny
New York State Bar Association, August 7, 2020

Blog Posts

- Significant FCA Recoveries Reported for 2019
The Whistleblower Blog, January 21, 2020
- Government Asserts Right to Final Say in FCA Settlements
The Whistleblower Blog, April 14, 2015
- FCA Retaliation Claim Not Subject to Employment Agreement Arbitration Clause, According to Sixth Circuit
The Whistleblower Blog, June 9, 2014
- Realtors Win Right to Proceeds Under False Claims Act
The Whistleblower Blog, May 5, 2014
- Another Banner Year for Recovery Under the False Claims Act
The Whistleblower Blog, December 23, 2013
- How Risperdal Whistleblowers Made Millions From J&J
The Whistleblower Blog, December 10, 2013
- Old Fraud Claims May Be Actionable Under Limitations Act
The Whistleblower Blog, March 27, 2013
- Government Role in Qui Tam Whistleblower Protection Cases
The Whistleblower Blog, January 7, 2013
- The Dodd-Frank Act and Whistleblowers: Broader Protection
The Whistleblower Blog, December 4, 2012
- Good News for Ninth Circuit Decision Realtors and Defendants

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The Whistleblower Blog, August 14, 2012

Professional Affiliations

- Bar Association of Erie County, Board of Directors

Community & Pro Bono

- United Way, Board of Directors
- Burchfield Penney Art Center, Board of Directors

