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Benjamin J. Fenton

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With a focus on representing physicians and health care providers, Benjamin Fenton navigates contentious disputes, investigations, and review

actions. In the past few years, he took the lead counsel position on several significant cases, including the notable lawsuit of *Gareth K. Forde, M.D., Ph.D., M.B.A v. Regents of the University of California, et al.* 30-2018-01040553-CU-WT-NJC (O.C. Sup. Ct., filed Dec. 26, 2018).

Forde had previously served as an employee at the UC Irvine Medical Center, having been offered a prestigious fellowship in gynecologic oncology. During his time at the facility, Forde consistently raised concerns related to patient safety and care, emphasizing the need for action from the defendant's medical staff. Fenton, in his complaint, alleged that Forde faced wrongful termination for blowing the whistle on patient safety violations, and further claimed that his client experienced discrimination based on his race and gender.

In a resounding victory for Fenton's client, the jury ruled in favor of Forde, awarding him a substantial \$17 million in damages. The verdict held that the doctor had been unjustly fired and subjected to systematic sexual harassment by his superiors.

Beyond his courtroom successes, Fenton has recognized emerging trends that demand attention. In an interview with the *Los Angeles Business Journal* in April 2023, he highlighted the increasing number of health care cases proceeding to trial, largely driven by soaring settlement payouts. Additionally, Fenton shed light on the surge in fraud investigations, resulting in a heightened risk for providers becoming ensnared in federal crosshairs.

Expressing concern, Fenton shared his perspective on some "flimsier" fraud cases. "You definitely have plenty of cases where people feel strongly about their legal position and don't want to settle," Fenton said. "It's hard to pinpoint the reasons, but a lot of times I do think it is government overreach and government assuming that any type of mistake by a health care provider is intentional and was done to defraud the government." He further noted that health care providers have faced a wave of litigation from private insurers.