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NEW YORK | WASHINGTON | SAN FRANCISCO | LONDON

December 14, 2022

BY EMAIL

Honorable Richard J. Durbin, Chair
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Honorable Chuck Grassley, Ranking Member
United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Re: *Nomination of Arun Subramanian to the United States District Court for
the Southern District of New York*

Dear Chair Durbin and Ranking Member Grassley:

I am writing to offer my wholehearted support for the nomination of Arun Subramanian to be a United States District Judge for the Southern District of New York.

I have known Mr. Subramanian for over five years as co-counsel in a very large, complex case, *United States ex rel. Poehling v. United Healthcare Group, et al.*, Case No. 16-cv-08697 FMO (C.D. Cal.), which involves estimated damages in the billions of dollars. I have also known him due to his involvement with another case at my firm, which recently settled for over \$150 million. These are complex, hard-fought cases with nationally-known firms representing the defendants. Mr. Subramanian has played a lead counsel role in both.

For nearly thirty years, I have practiced exclusively representing whistleblowers under the False Claims Act and other similar reward statutes, bringing cases such as those in which Mr. Subramanian is co-counsel. In fact, I currently represent Senator Grassley in submitting an *amicus curiae* brief supporting the grant of *certiorari* by the United States Supreme Court in the case *United States ex rel. Shutte v. SuperValu Inc.*, No. 21-1326, which involves interpretation of the False Claims Act. In my decades of practice in this area, Mr. Subramanian is one of the most skilled practitioners I have ever worked with. He learned this subject matter with lightning speed

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and mastered its most complex areas with no apparent difficulty. He routinely offers trenchant insights on legal theory, strategy, and tactics.

In the *United Healthcare* case, our opposing counsel from Latham & Watkins and Bartlit Beck litigate vigorously, but Mr. Subramanian has always matched or exceeded the skills of those firms. Whether writing briefs or making an argument at a hearing, Mr. Subramanian displays excellence, poise, and impeccable judgment.

Mr. Subramanian also has shown strong interpersonal skills as part of his leadership role on our case. Our team has dozens of lawyers, including many from the Department of Justice who represent our co-plaintiff the United States. With three private law firms and a large group of government lawyers, effective communication is essential. Mr. Subramanian has demonstrated great judgment, tact and perceptiveness at challenging moments when case team discussions required those skills.

Finally, I have observed how Mr. Subramanian's colleagues at Susman Godfrey look to him for leadership and guidance. They clearly have the highest respect for him.

With his skill set of intelligence, judgment, temperament, and thoughtfulness, it is difficult to imagine a better qualified attorney to sit on the federal bench in one of the most challenging jurisdictions in the country. I therefore endorse Mr. Subramanian's nomination with great enthusiasm and hope the Senate gives him a speedy and resounding confirmation.

Sincerely,

/s/ *Eric Havian*
Eric R. Havian