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BIOGRAPHY

Mark Folger's practice encompasses all forms of business-related litigation in both state and federal courts, as well as in commercial arbitration forums. His practice includes litigating in the areas of healthcare, mass torts, products liability, business fraud, antitrust, contract disputes, franchising matters, ERISA, employment defense and Native American gaming. In addition to representing both plaintiffs and defendants in a broad range of complex litigation, Mark also routinely advises healthcare providers in HIPAA compliance matters.

Mark is an honors graduate from the Oklahoma City University School of Law. While earning his Juris Doctor, he was a student member of the William J. Holloway, Jr. American Inn of Court and earned CALI awards in Legal Analysis, Legal Profession, Complex Litigation and Trial Practice. He was also named to Phi Delta Phi and received the Phillips Allen Porta Memorial Legal Ethics Award given by the Oklahoma Bar Foundation to the law student with the highest performance in the study of legal ethics.

Prior to entering law school, Mark attained Series 7 and Series 63 brokerage licenses while serving as an investor services representative for an online investment corporation.

REPRESENTATIVE EXPERIENCE

- Successful first-chair representation of large Oklahoma City-based national retailer's employee benefit plan at state court trial resulting in judgment under equitable theories for recovery of overpayments mistakenly made to healthcare provider.
- Successful representation of a national manufacturer and marketer of electronic gaming systems against competitor in an antitrust and deceptive trade practices action requiring interpretation of the Indian Gaming Regulatory Act (IGRA) and other Indian gaming laws, as well as a deep understanding of sovereign immunity and federalism principles.
- Obtained summary judgment for plaintiff physical therapy company in a state court collection case involving complicated analysis of Medicare and Medicaid billing requirements.
- Obtained summary judgment for defendant home building company against federal age and gender discrimination claims of former employee, resulting in affirmation on appeal to the U.S. Court of Appeals for the Tenth Circuit.
- Obtained summary judgment for defendant broker against real estate developer's state court claims for breach of contract, fraud and negligence related to negotiations for a potential \$39+ million build-to-suit development project in northwest Oklahoma City.
- Successful first-chair representation of finance company bringing debt collection claims in AAA arbitration proceeding resulting in arbitrator's award of more than \$250,000 after hearing on the merits.

- Successful second-chair defense of employer in an arbitration proceeding brought by former employee alleging breach of employment contract and culminating in a three-day hearing on the merits.

ADMISSIONS

- Oklahoma, 2005
- U.S. District Courts for the Western, Northern and Eastern Districts of Oklahoma
- U.S. Circuit Court of Appeals for the Tenth Circuit

EDUCATION

- J.D., *magna cum laude*, Oklahoma City University, 2005; Phi Delta Phi; William J. Holloway, Jr. American Inn of Court; Recipient, CALI Awards and Phillips Allen Porta Memorial Legal Ethics Award
- B.A., DePauw University, 1999

PROFESSIONAL ORGANIZATIONS AND MEMBERSHIPS

- Oklahoma County Bar Association
- Oklahoma Bar Association