

William L. Abalona

Partner/Retired



William Abalona represented hospitals and integrated health systems on a variety of transactional and regulatory matters and provided strategic counseling to hospitals, health systems, and trade associations in the development and execution of business and public policy. He represented hospitals before regulatory bodies and participated in litigating large payment issues. Working with the firm's public advocacy practice, he provided legislative counsel and advocacy at the state and federal levels. He also counseled on major compliance and audit response cases, focusing on the role of governing boards.

William's practice encompassed antitrust and anti-referral law counseling, state Attorney General review of the transfer of nonprofit hospital assets, licensing and state building permit issues for health facilities, payment and referral counseling, and Knox-Keene Act filings on behalf of health plans. His transactional experience included hospital mergers, acquisitions, and restructurings; structuring private management of public hospitals; sale/acquisition transactions and joint ventures involving clinics; and liquidating hospitals and subsidiaries (including a captive off-shore insurance company). In addition, he served as general counsel for a large, acute hospital for several years and as legal adviser to the board of directors of a state hospital association.

Prior to entering the practice of law, William was extensively involved in health legislation. He served for more than eight years as a committee consultant to the California Assembly, principally as the health and welfare consultant to the Assembly Ways and Means Committee. After leaving the legislature in 1980, he spent four years heading up the government relations program for the California Hospital Association prior to entering the private practice of law.

Representative Experience

- Foley advised Canadian Solar Inc., one of the world's largest solar power companies, in its acquisition of Recurrent Energy, LLC, a leading North American solar energy developer, from Sharp Corporation for approximately \$265 million. This represents the largest solar transaction to date that the Foley

Energy Industry Team has closed.

- Foley served as counsel for the Wisconsin Office of the Commissioner of Insurance (OCI) in its role as domestic regulator of Ambac Assurance Corporation (AAC) and as rehabilitator of the Segregated Account of AAC. We have been closely involved with the overall restructuring of AAC, including the recently announced global settlement with the CDO of ABS counterparties.
- Advise a public hospital re affiliation strategies with potential hospital and clinic partners and related regulatory issues , in the context of the state's innovative Medicaid Section 1115 demonstration. Our advice includes payments analysis, legislation involving the creation and possible implementation of a stand-alone hospital authority, physician-hospital organization strategies, delivery organization and financing, and antitrust.
- Representation of underwriters in the purchase of multiple series of hospital revenue bonds issued for the benefit of a regional health system.
- Advise on creation of independent hospital authority to which the county hospital would be transferred, and strategies for potential vertical integration of additional programs, clinics and other facilities, care organizations, physician practice plans, and delivery systems that may be affiliated or consolidated with the medical center, in the context of the state's innovative Medicaid Section 1115 demonstration.
- Successfully resolved a dispute between a Fortune 500 manufacturing company, and an internet reseller of its products challenging the manufacturer's internet reseller policy. The reseller claimed that the manufacturer's enforcement of its policy constituted tortious interference and unjust enrichment and claimed that the manufacturer was estopped from enforcing the policy by representations made in the marketplace.

Awards and Recognition

William has been selected by his peers for inclusion in *The Best Lawyers in America*© in the field of health care since 2013.

Education

- McGeorge School of Law (J.D., 1978)
- California State University, Sacramento (M.A., 1969)
 - Government
- California State University, Sacramento (B.A., 1967)

Admissions

- California (1979)