

Rising Star: Covington's Krysten Rosen Moller

By **Danielle Ferguson**

Law360 (August 18, 2026, 4:03 PM EDT) -- Covington & Burling LLP partner Krysten Rosen Moller's successes include helping secure a favorable resolution for a healthcare provider facing allegations of sprawling False Claim Act violations, and helping defeat a multibillion-dollar FCA whistleblower suit against a UnitedHealth subsidiary in front of the U.S. Supreme Court — earning her a spot among healthcare law practitioners under 40 honored by Law360 as Rising Stars.

Biggest case of her career:

Rosen Moller was a key member of the Covington team that represented a UnitedHealth unit in front of the U.S. Supreme Court in *U.S. ex rel. Polansky v. Executive Health Resources Inc. et al.*, where the justices ruled that the federal government has authority to dismiss whistleblower False Claims Act cases even if it initially declines to intervene.

In the case, a Pennsylvania federal district court in 2019 granted a government bid to dismiss whistleblower Jesse Polansky's *qui tam* FCA case alleging his former employer EHR, now known as Optum, overbilled federal health insurance programs. The Third Circuit in 2021 upheld the decision to dismiss, and the U.S. Supreme Court ultimately agreed.

Rosen Moller helped develop a strategy to use discovery to drive the case. She said the team used their motions on "discrete" discovery matters to highlight issues they viewed as important to their broader strategy on the case.

"We were able to frame up the issues to go beyond the specific dispute at hand to show what the import of the evidence (or lack thereof) meant to the relator's ability to establish liability," Rosen Moller said. "In doing so, we used the discovery process not only to address specific disputes but also to reinforce key arguments that ultimately were important to our overall defense strategy."

Rosen Moller was the lead associate when the district court granted

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Krysten Rosen Moller
Covington

Age: 39

Home base: Washington, D.C.

Position: Partner

Law school: Harvard Law School

First job after law school: Clerked for U.S. Circuit Judge Beverly B. Martin of the Eleventh Circuit

summary judgment to EHR, a rare move taken by the court to consider simultaneously with the dismissal bid. She was also involved in strategy, depositions and was the lead drafter of multiple motions.

Rosen Moller said dealing with the case's nuanced regulatory issue and having to advocate for Covington's client to different audiences — both the government and the court — was challenging. The suit alleged EHR caused hospitals to classify stays as inpatient, when they could have been outpatient stays, leading hospitals to bill Medicare for stays that were not "reasonable and necessary," as required by the Social Security Act.

"The issues implicated a complex regulatory framework, including statutory and regulatory requirements that changed in relevant ways during the period at issue, as well as Medicare policy manuals and guidance," Rosen Moller said.

"One of the things I really learned was ... keeping both your immediate objectives and sort of the bigger term objectives in view," Rosen Moller said. "We had a lot of discovery motions and sort of discovery disputes that were happening. You could myopically focus on the issue at hand, but it was really important to us to keep in mind the overall broader strategy in the case and how these small discovery motions could help set up future things we knew we wanted to do."

"Seeing how that played out, taking that strategy there, is something that I've carried on to other cases," she continued.

Another notable case:

Rosen Moller also led a team from Covington representing Vault Medical Services in a U.S. Department of Justice False Claims Act investigation.

In April 2025, Vault agreed to pay \$8 million to resolve the allegations that it submitted false reimbursement claims for providing COVID-19 related services to a program for uninsured patients, when the patients did have insurance. Given the scope of the government's investigation and potential penalties, the resolution was favorable. The business settled without admitting liability.

Proudest moment as an attorney:

This spring, Rosen Moller had a full-circle moment, getting to rely on one of her earlier cases as a primary source of support in a new case.

She turned to her prior work to support her team's arguments in opposition to a motion from the other side. Their entire argument for why their position was correct rested on a case she worked on in front of the Second Circuit, which she said resulted in "very helpful precedent" for her more recent case.

"Citing and relying on cases and case law that I've helped develop is something I'm really proud of," she said.

Why she is a healthcare law attorney:

Rosen Moller's interest in healthcare goes back to high school, when she worked in an emergency department signing in people walking in for care. She said she's comfortable in the fast-paced environment of the medical world and enjoys keeping up with and learning about the new medical

devices and therapies that her clients are involved in.

"I like that I get to leverage learning about the industry and the work that my clients are doing into investigations and litigation and the sorts of types of substantive work I do," Rosen Moller said.

"I get to, in some ways, keep some sort of that interest in the healthcare arena while doing the legal work," she continued, adding that she's seen just about "every medical show you can think of."

How she predicts her practice will change over the next 10 years:

Rosen Moller noted that it's always necessary to think about how the ever-evolving industry and areas of care fit into the existing framework of existing law and regulations.

For example, she said, when electronic health records were new in the healthcare industry, the industry and practitioners had to think about how things like existing fraud and abuse laws apply to electronic health records.

Rosen Moller also said the False Claims Act space has been evolving and will continue to evolve.

"I think we're going to see a lot of change in how False Claims Act cases are continuing to be litigated," she said. "There's new law that's developing, and it's a really interesting space where you have kind of white collar investigations, government enforcement practice — there's a lot of law that's evolving and that has a role to play in these cases."

What motivates her:

Rosen Moller appreciates both the legal and healthcare side of her work. She enjoys how much of a team sport the world of regulation and litigation is, and she said she admires the work her clients are doing in the healthcare space.

"I truly believe that our clients in this space are trying to do the right thing with life-changing therapies, new modes of healthcare, ultimately trying to help patients," Rosen Moller said. "That sort of appreciation of the goals of our clients really is a big motivator in my work."

She enjoys working with her team at Covington, other regulatory colleagues and her clients to reach resolution on the many complex matters they handle.

"You're kind of in the trenches on some of these litigation matters in particular," Rosen Moller said. "That's just another thing that motivates me."

--As told to Danielle Ferguson. Editing by Amy French.

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2026 Rising Stars winners after reviewing more than 1,100 submissions. Attorneys had to be under 40 as of April 30, 2026, to be eligible for this year's award.