

Kurt E. Bratten

O'Connell and Aronowitz

54 State Street

Albany, NY 12207

(518) 694-5678

kbratten@oalaw.com



Kurt Bratten is a partner in O'Connell and Aronowitz's Health Law Department. His practice includes a wide range of civil litigation, transactional work, compliance and other advisory services. Kurt's primary focus is on counseling health care providers regarding various compliance and transactional matters such as managed care and business associate agreements, state and federal data security and privacy requirements, and other state and federal regulations specific to various provider groups. He represents nursing homes, adult care and assisted living facilities, clinical laboratories, home care agencies, mental health providers, health care provider associations, physician practices, management companies, individual physicians and other

licensed professionals.

Kurt's litigation practice is concentrated on representing health care providers and licensed professionals in administrative proceedings, regulatory enforcement matters, Article 78 actions and other civil litigation. Kurt has litigated complex issues in state and federal courts in New York and Massachusetts, including ERISA and fraud claims, intellectual property disputes, and novel issues of law. His business litigation experience includes employment and contractual disputes, corporate break-ups, and more specialized areas such as intellectual property matters, piercing the corporate veil, trade secret protection and the enforcement of restrictive covenants. Of equal importance, Kurt has successfully advised clients about how and when to avoid litigation so they can focus their energy and resources on their business or caring for patients.

Mr. Bratten holds a law degree from New England Law (Boston, MA) and a Political Science degree from University of Mary Washington (Fredericksburg, VA). He is admitted to practice law in the state courts of New York and Massachusetts and in the U.S. District Courts for the District of Massachusetts, the Southern, Eastern and Northern Districts of New York as well as the First and Second Circuit Courts of Appeals.



Bernadette M. Broccolo

Partner

Chicago

T: +1 312 984 6911

F: +1 312 984 7700

E-mail

Bernadette M. Broccolo is a partner in the law firm of McDermott Will & Emery LLP and is based in the Firm's Chicago office. Bernadette has been counseling health industry organizations for over 34 years on leading edge health industry relationship formation and realignments, with a recent focus on development of provider network strategies for responding to health reform; health information technology acquisitions; electronic health information network, "big data" strategy development and implementation to support innovations in care delivery and payment models and translational and other leading edge research developments and personalized medicine; comprehensive programs for human subject, animal and bench research; conflict of interest compliance and overall corporate compliance programs. Her specialties include federal taxation of exempt organizations and not-for-profit corporate governance, privacy, human subject protection and technology contracting.

Bernadette is a frequent speaker and author on topics in her areas of practice. She is co-author of *Tax-Exempt Status of Health Care Organizations*, which is part of BNA's Health Law & Business Series. She also serves in leadership positions for organizations serving the health industry and the legal profession, including the American Health Lawyers Association, the Illinois Association of Hospital Attorneys and the American Bar Association.

Bernadette has been named as a Fellow of the American Health Lawyers Association. She has been selected by her peers to be included in *The Best Lawyers in America* for her expertise in health care law for almost three decades, and was named Chicago *Best Lawyers* Health Care Lawyer of the Year for 2010. Bernadette is also listed by *Chambers USA* in its top tier of rankings of health lawyers both in Illinois and nationally, and as a leading individual in health care in Illinois in *America's Leading Lawyers for Business*, *Illinois Super Lawyers* and *Leading Lawyers Network*.

Education

- University of Notre Dame Law School, J.D., 1980
- Boston College, B.S., 1977

Related Services

Affordable Care Act Resource Center

Conflicts of Interest - Health

Data Licensing and Purchase Transactions

Global Data Privacy Programs

Health

Health - Information Systems

Health Care Law Reform

Health Information Privacy

HIPAA

HIPAA Privacy and Security Solutions

Hospital and Health System Transactions

Life Sciences

[Life Sciences - Health](#)

[Life Sciences - Medical Products & Technology](#)

[Nonprofit Organizations](#)

[Privacy and Data Protection](#)

[Privacy in the Workplace](#)

[Privacy Litigation and Government Investigations](#)

[Security Incident Response and Breach Notification](#)

[Tax Exemption](#)

Related Information

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LINDA J. CLARK

Partner

p: 518-429-4241

f: 518-427-3498

[✉ lclark@barclaydamon.com](mailto:lclark@barclaydamon.com)

[Vcard](#)

Albany Office

80 State Street
Albany, New York
12207

Linda Clark is a litigator. She concentrates her practice in the areas of state and federal, commercial, mass tort, health care and class-action/group claim litigation. She has extensive experience representing Fortune 500 and national/global clients, a lead Litigation Partner in a variety of engagements as national, regional and local counsel in commercial class/mass actions and toxic tort cases of many genres. These matters have ranged from representation of large groups of business and institutional clients prosecuting and defending claims brought in state and federal court, and over 19 years of experience as regional, national and court-appointed liaison counsel and trial counsel, mass tort and class action litigation. From the firm's offices situated in Albany, New York and Manhattan, Linda has also worked with a variety of insurers and third-party administrators and other regulated entities as regional counsel in litigation matters and in regulatory proceedings before various state agencies, including the New York State Department of Insurance, the New York State Workers' Compensation Board, the New York State Department of Health, and the Office of the Medicaid Inspector General, among others.

Linda has represented health care professionals and entities before various state and federal regulating agencies, including the representation of dozens of pharmacies and other health providers and business clients in administrative proceedings and administration hearings and appeals brought before the New York Medicaid Inspector General Office and the New York State Department of Health, Workers' Compensation Board and the New York State Department of Education.

She is a frequent lecturer, organizer and contributor of written materials at accredited national, regional and local continuing legal education programs for attorneys, including seminars presented by HarrisMartin, HB Litigation Conferences, the New York State Bar Association, the Women's Bar

Practice Areas

- Health Care Controversies
- Commercial Litigation
- Mass & Toxic Torts
- Health Care & Human Services
- Assisted Living Services

Education

- Albany Law School of Union University, J.D., *cum laude*, 1991
- Siena College, B.A., *magna cum laude*, 1988

Admitted To Practice

- Massachusetts, 2002
- New York, 1992
- U.S. Supreme Court
- U.S. District Court, Northern District of New York
- U.S. District Court, Southern District of New York
- U.S. District Court, Western District of New York
- U.S. District Court, District of Massachusetts

Memberships & Affiliations

Association of the State of New York, and state and federal Judicial Advisory Council among others. Linda is the Chair of the firm's Health Care Controversies Practice Area.

Representative Experience

- The American Society of Legal Advocates
- Court Appointed Liaison Counsel to Defendants in Asbestos Litigation, Third, Fourth, and Sixth Judicial Districts
- New York State Judicial Conduct Commission, Hearing Officer, 2010-present
- New York State Conference of Bar Leaders, Chair (2008-2010), Executive Council, 2004-present
- New York State Bar Association, Commercial and Federal Litigation Section Executive Committee, Member, 2001-present
- State and Federal Judicial Advisory Council, Member, 2009-present
- Capital District Women's Bar Association, Board Member (1993-2008) and Past President, 2007-2008

📍 Civic Activities

- Town of Guilderland, Planning Board Attorney, 2007-2011
- Project Strive, Albany, New York, Member, Board of Directors, 2007-2010
- Guilderland Democratic Committee, Committee member, 2005-2010

📍 Speaking & Publications

- Handled numerous trials of in extremis mesothelioma asbestos cases on behalf of a national manufacturer involving naval exposure and other industrial exposures resulting in numerous defense verdicts and most recently a minimal 2% allocation of \$7 million verdict.
- Serves as court-appointed liaison counsel (2001-present) representing over 130 law firms practicing in the upstate New York asbestos litigation within the 3rd, 4th and 5th Judicial Districts; responsible for coordinating litigation with courts and counsel for all parties.
- Serves as hearing officer for the New York State Commission on Judicial Conduct, hearing cases involving allegations against members of the judiciary throughout the State.
- Represents over 150 health care, manufacturing, and other business and institutional clients in mass/class litigation arising out of the failure of various self-insured trusts involving over \$500 million in claims in state, federal, bankruptcy, and Article 78 litigation.
- Handled high profile Federal Civil Rights case against the NYS Office of Medicaid Inspector General and the NYS Department of Health and both agencies' leaders and employees alleging that the OMIG, DOH, and the agencies' agents overstepped the State's legitimate auditing authority and took unauthorized and improper actions, including disparagement of client to its customers. Successfully defended against motion to dismiss made by defendants allowing the case to go forward in Federal Court pursuant to a widely published landmark decision.
- Over 19 years experience representing Fortune 500 companies, as lead litigation partner in complex product liability and multi-party mass tort litigation as local, regional and national counsel, handling cases from discovery to trial. Defends premises owners and manufacturers and distributors of consumer and intermediary goods and equipment, including building and construction materials, automotive parts, heating products, sealing products, molding compounds, pumps, paper mill equipment, and other equipment and machinery. Serves as court-appointed defense liaison counsel in most Upstate New York jurisdictions representing more than 150 defense firms and assisting the courts and their staffs in managing hundreds of trial-listed asbestos cases. Has tried six mesothelioma cases, with the majority of verdicts resulting in defense verdicts, dismissals, or nominal verdicts.
- Representation of global energy client as lead litigation partner in defense of Federal catastrophic transnational personal injury claim related to electrical grid operations in Ukraine.
- Hearing counsel to a national pharmacy chain in a series of successful Medicaid audit hearings, challenging the State's extrapolation and findings.
- Represents public higher education institutions, including a recent landmark decision from Court of Claims securing dismissal of wrongful death claim against University in case arising out of unauthorized dorm room boxing match.
- Served as a member of, and then counsel to, the planning Board of the Town of Guilderland from 2004 through 2011, counseling the Board and Town regarding various matters pertaining to zoning and planning in various related procedural and environmental issues.
- "Audits and Litigation Developments," Hiscock & Barclay Health Law Symposium, June 25, 2014
- "Court Battle Over NY Health Regulations Will Continue," *Law360*, April 29, 2014
- "Withhold Now and Ask Questions Later - Withholds and Recoveries of Medicaid Overpayments by OMIG," *NYSBA Health Law Journal*, Spring 2014
- "NY Managed Care Organizations Flex Muscle Under ACA," *Law360*, January 21, 2014
- Co-Chair 2013 State and Federal Judicial Council CLE – Forum Consideration in State and Federal Court Systems, Justice Richard T. Aulisi as representative
- Presentation to Pharmacist's Society of State of New York regarding OMIG, DOH and PBM litigation developments, June 2012
- HB National Asbestos Litigation Conference, October 2012 Chicago Presentation
- "Ethics in State and Federal Court Systems", Program Chair of State and Federal Judicial Council CLE, June 2011
- "Upstate New York: What's New?," HarrisMartin's New York Asbestos Litigation Conference, June 2011
- "Ethical Concerns in Social Networking," New York State Bar Association's Women on the Move 2010 Conference, April 2010
- "Upstate New York: What is the Buzz?," HarrisMartin's

- Successful engagements as lead health care litigation partner in diverse Supreme Court Article 78 actions challenging state policies and obtaining injunctive relief and challenging a range of agency actions by the OMIG against providers, including the imposition of withholds, improper provider termination and the failure to admit qualified providers to the Medicaid program.

New York Asbestos Litigation Conference, February 2010

- “Legal Considerations for the 21st Century Practitioner: Equal Pay Act, Civil Rights Act, FMLA and Health Care Regulations,” New York State Bar Association’s Women on the Move 2009 Conference, April 2009
- “Discussion of Upstate Cases,” HarrisMartin’s New York Asbestos Litigation Conference, February 2009
- “A Firm Commitment: Pro Bono Partnerships with Local Law Firms,” Seminar Panelist, September 2008
- “Ethics and Professionalism,” New York State Bar Association Seminar, October 2006
- “Commercial Lines Coverage for the Construction Defect Claim,” New York State Bar Association Seminar, May 2006

📁 Honors

- Martindale-Hubbell “AV” Peer Review Rated for Very High to Preeminent Ethical Standards and Legal Ability
- Selected by Peer Review for Inclusion in *Super Lawyer* Directory 2010-2015 for Business Litigation
- *The Best Lawyers in America*, 2013-2016 for Mass Tort Litigation / Class Actions - Defendants
- Selected as a Top 100 Health Care Lawyer in the State of New York for the Year 2013

📁 Prior Experience

- Hiscock & Barclay, LLP,
Partner
- Iseman, Cunningham,
Riester & Hyde, LLP,
Partner (1994-2004)

Alerts

- A Rule of Reason Emerging
From OMIG?
- Appellate Court Affirms
Preliminary Injunction
Against State's Pursuit of
Collection Efforts Against
Former Self-Insurance Trust
Members
- U.S. Attorney for the
Northern District of New
York Announces Two False
Claims Act Initiatives
- Court Enjoins
Implementation of
Executive Compensation
Limits Under Executive
Order 38

Joan M. Gilbride
Kaufman Borgeest & Ryan LLP
120 Broadway
New York, NY 10271
(212) 980-9600
jgilbride@kbrlaw.com

Joan M. Gilbride is a graduate of Barnard College, Columbia University and Brooklyn Law School. Joan is a labor and employment defense litigator exclusively representing management, heading up KBR's Employment Defense Practice Group. Practicing law since 1987, Joan has obtained extensive pre-trial, trial, and appellate experience in both individual and class actions in federal and state courts throughout the country. She has been admitted to practice on a *pro hac vice* basis in numerous states and often manages complex litigation on a national basis. Joan has tried many cases to verdict over the past twenty-eight years and has been involved in media-intensive class action litigation. She litigates and arbitrates before administrative agencies as well and is well-versed in ADR proceedings, including mediations. Joan has mediated hundreds of employment disputes in New York, New Jersey, Connecticut, California and Texas.

In addition to defending clients in litigation, Joan regularly counsels clients on a broad array of employment and commercial law matters including employment agreements, independent contractor and wage and hour issues, and non-competition agreements.

Joan is a frequent lecturer for various organizations and clients including the American Bar Association, Section of Labor & Employment Law; The Practising Law Institute; The Professional Liability Underwriting Society and the Society for Human Resource Management. Joan has participated as a panelist for ABA sponsored employment panels as well as panel presentations for human resource professionals on various topics including, recently, "Mitigating Organizational Risk through Effective Employee Investigation Strategies" for the Society for Human Resource Management. Joan also recently participated in a panel discussion on litigating employment discrimination cases, presenting management's perspectives on pre-trial and trial practices at the New York County Lawyer's Association.

Joan has been named by New York *Super Lawyers* as one of the top attorneys in employment law in the greater Metropolitan New York area annually since 2009.

Education

Brooklyn Law School, J.D., 1987
Barnard College, Columbia University, B.A., 1981

Bar and Court Admissions

New York, Connecticut
United States District Courts – Southern, Eastern, Northern and Western Districts of New York, District of Connecticut

United States Supreme Court
United States Court of Appeals for the Second Circuit.

Other Professional Affiliations

American Bar Association, Sections of Labor and Employment Law and Litigation

Co-Chair of the American Bar Association Directors & Officers Sub-Committee,
Insurance Coverage Litigation Committee

Notable Cases

Phillip v. Sterling Home Care, Inc., 103 A.D.3d 786 (2d Dep't 2013); *Puglisi v. Town of Hempstead*, 2012 WL 4172010 (E.D.N.Y. 2012); 10-cv-1928(JS)(GRB); *Cosgriff v. Valdese Weavers*, 2012 WL 1071497 (S.D.N.Y. 2012) ; *Sauerhaft v. Hastings on Hudson Board of Education*, 371 Fed. Appx. 231 (2d Cir. 2010); *Eugenio v. Walder*, 2009 WL 1904526 (S.D.N.Y. 2009); *Burkybile v. Hastings*, 411 F.3d 306 (2d Cir. 2005), cert denied, 126 S.Ct. 801, 163 L.Ed.2d 628 (2005); *Back v. Hastings*, 161 Fed. Appx. 96, 2005 WL 3557285 (2d Cir. 2005); *EEOC v Rappaport*, 273 F. Supp.2d 260 (E.D.N.Y. 2003); *Duviella v Counseling Service*, 2001 U.S. Dist. Lexis 22538 (E.D.N.Y. 2001); *Wolde Meskel v. Argus Community*, 2001 U.S. Dist. Lexis 11261 (S.D.N.Y. 2001); *Rodriquez v. Graham-Windham*, 2001 U.S. Dist. Lexis 362 (S.D.N.Y. 2001); *Salvatore v. KLM*, 81 Fair Empl. Prac. Case (BNF 873) (S.D.N.Y. 1999).

Attorneys & Professionals

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Practice Areas

- Labor and Employment
- Wage and Hour Class Action Defense
- Employee Benefits and Executive Compensation
- Fashion and Retail
- Trade Secrets

Recent Honors

**Barbara E. Hoey**

PARTNER EMAIL VCARD

NEW YORK

PHONE: (212) 808-7628

FAX: (212) 808-7897

Barbara Hoey is a partner in the firm's New York office and chair of the Labor and Employment practice group. She is a member of the firm's Executive Committee. Ms. Hoey has more than two decades of experience counseling her clients in all areas of employment law and representing them in single-plaintiff and class action litigation. Her work has been recognized in the 2008-2015 editions of *Chambers USA*, with clients describing her as "very good, very quick and articulate."

Ms. Hoey has litigated and won more than a dozen jury and bench trials involving claims arising under Title VII, Americans with Disabilities Act (ADA), False Claims Act, Fair Labor Standards Act (FLSA), New York State Whistleblower Law, Family Medical Leave Act (FMLA), and the Age Discrimination in Employment Act (ADEA). She has also litigated cases concerning breach of non-compete contracts and theft of trade secrets.

Ms. Hoey also advises clients on compliance with the employment laws and provides strategies for handling today's endless variety of workplace issues, such as managing difficult termination decisions, policy design, handling lay-offs and oversight of internal investigations.

She has worked with employers in a variety of industries and of all types, including healthcare and telecommunication companies, as well as universities and non-profit entities.

Ms. Hoey serves as co-editor of [Labor Days](#), Kelley Drye's labor and employment law blog.

Representative Experience

Won a defense verdict for a hospital accused of terminating its Director of Risk Management for whistleblowing.

Won a \$7.1 million verdict representing the plaintiff, a multinational corporation, asserting claims of breach of a non-compete contract and violation of the Lanham Act.

Won dismissal of a class action lawsuit alleging violations of the FLSA and New York State Labor Law.

Won summary judgment for the defendant in a lawsuit alleging violation of the ADA in U.S. District Court for the Eastern District of New York.

Won summary judgment for the defendant in an age discrimination lawsuit in U.S. District Court for the Northern District of New York. Court also dismissed plaintiff's claim for breach of contract.

Won a defense verdict after trial, dismissing a lawsuit alleging retaliation and violation of the New York Whistleblower Law.

Obtained a jury verdict for the defendant in a Title VII litigation matter in which the plaintiff alleged race discrimination, wrongful termination, racial harassment and retaliation.

Obtained a jury verdict for the defendant in a Title VII race/national origin discrimination litigation matter.

News

ALL

September 16, 2015
[Kelley Drye Attorneys Named 2015 New York Metro Super Lawyers](#)

Publications

ALL

January 2015
[Employer Express January 2015 Newsletter](#)

Events

ALL

January 21, 2016
[In Fashion: Kelley Drye Fashion & Retail Law Summit](#)

Education

Fordham University School of Law, J.D., 1984, *cum laude*

SUNY - Albany, B.A., 1981, *magna cum laude*

Bar Admissions

New York, 1985

Courts

U.S. Court of Appeals – Second and Third Circuits

U.S. District Court – Southern, Eastern and Northern Districts of New York

Obtained a jury verdict of \$1.00 in nominal damages in a federal sexual harassment litigation matter. Drafted appellate brief to Second Circuit in the successful appeal of the district court award of attorneys' fees to the plaintiff.

Obtained a jury verdict for the defendant in a federal civil rights/breach of contract action against the Yonkers School Board.

Obtained summary judgment in the U.S. District Court for the Eastern District of New York for The WIZ in an FLSA litigation matter brought by a sales associate.

Obtained summary judgment for the defendant in a sexual harassment litigation matter. Decision was affirmed by the Second Circuit.

Obtained summary judgment for the defendant in an action brought by a group of professional employees under the FLSA seeking to challenge their exempt status.

Honors & Awards

Listed as a New York "Super Lawyer," 2009-2011 and 2013-2015

Ranked as a leading practitioner in the Labor & Employment area by *Chambers USA*, 2008-2015

Kelley Drye Labor and Employment group recognized as a leading practice in New York, *Chambers USA*, 2008 and 2009

Editorial Advisory Board, *Employment Law 360*, Member

Corporate Circle - National Council for Research on Women, Member

Biography



James W. Lytle

Partner
Government and Healthcare Practice

Albany

T: 518.431.6704

F: 518.431.6767

E: jlytle@manatt.com

Education

Harvard Law School, J.D.,
1978.

Princeton University, A.B.,
1974.

Profile

James Lytle is the partner in charge of the firm's Albany office and oversees the firm's New York State legislative lobbying and regulatory practice. He represents a broad array of clients before the Legislature, the executive branch and the courts, both within New York State and beyond, generally regarding issues at the intersection of the public and private sectors for heavily regulated industries. The firm's New York governmental practice includes the representation of clients in the healthcare, educational, cultural, biomedical, insurance, pharmaceutical, economic development and other sectors. Mr. Lytle's regulatory and legislative work has involved issues relating to insurance regulation, biomedical research, services and programs for persons with disabilities, procurement and government contracting, human services, the regulation of the professions, and educational issues.

In the highly regulated modern healthcare environment, Mr. Lytle provides strategic guidance on legislative, regulatory, transactional, and litigation matters, relating to both state and federal healthcare law and policy, and devotes a considerable amount of his practice to representing healthcare entities in audit, investigative and enforcement matters, including those initiated by the New York State Office of the Medicaid Inspector General and similar entities.

Mr. Lytle served as Assistant Counsel for Health and Human Services to Governor Mario M. Cuomo from 1983-86.

Honors & Awards

Recognized for Excellence in Client Service in Public Law, New York State, *Client Choice USA & Canada 2014*.

Recognized as a Leading Lawyer, *Chambers USA*, 2011-2015.

Listed in *The Best Lawyers in America*, 2013-2016.

Publications

Quoted, "Experts say reform needed to alleviate LTC strain on Medicaid," *McKnight's Long Term Care News*, June 10, 2015.

Quoted, "Cuomo counsel, legislators and players on details of marijuana plan," *Capital New*

York, March 18, 2015.

"The Proposed Regulations That May Affect NY Nonprofits' Compensation," *Philanthropy Daily*, June 7, 2012.

"In the Legislature" column, *Health Law Journal*, New York State Bar Association, 1999-present.

Moderator and editor, "A Conversation About Health Care Reform," *Health Law Journal*, Fall 2009.

"Meet the State's Brand New Medicaid Fraud Legislation," *New York Law Journal*, July 10, 2006.

M. Dutton, J. Lytle, L. Braslow, C. Odnaha, B. Lyon and J. Farrell, "Bring Our Children Home: Improving Access To Home Nursing Services For Medically Fragile Children," Coalition For Medically Fragile Children, March 2005.

Memberships & Activities

Admitted to practice in New York.

Chair, SUNY Empire State College Council.

Chair, Schuyler Center of Analysis & Advocacy (SCAA).

Member and former Chair, Health Law Section, New York State Bar Association.

Member, Task Force on the Future of the Legal Profession, New York State Bar Association, 2010.

Member, Advisory Council to the New York State Office of the Medicaid Inspector General, 2010-2012.

Member, Balanced Lives in the Law Committee, New York State Bar Association, 2008.

Member, American Health Lawyers Association.

Adjunct Faculty, New York Medical College, School of Health Sciences and Practices, SUNY Albany School of Public Health and SUNY College of Optometry.

Former Member (2002-2009) and Board President (2007-2009), Bethlehem Central School District Board of Education.

Bar Admissions

New York



MICHELLE MEROLA

Partner

mmerola@hodgsonruss.com 518.736.2917

Michelle is a government-disputes lawyer with extensive experience litigating civil and criminal matters in a variety of federal jurisdictions as well as New York State. A significant portion of her practice is dedicated to defending corporations and individuals in government investigations, audits, and administrative proceedings related to tax, environmental, fraud, and health care matters. She also regularly challenges agency determinations in New York State courts through Article 78 proceedings.

Michelle relies on her litigation experience to counsel clients on regulatory and compliance matters, including the development and implementation of compliance programs, the oversight of internal investigations and audits, and the analysis and preparation of self-disclosures to a variety of state and federal agencies. In recent years, her practice has also included HIPAA and data privacy counseling, including analysis of the scope of a data breach to notification of affected individuals and required government agencies.

Michelle also serves as one of the firm's assistant general counsel/loss prevention partners.

Prior to joining the firm, Michelle served as an Assistant United States Attorney for the District of Columbia, where she oversaw and directed fraud investigations involving a variety of government agencies, including the Federal Bureau of Investigation, the Department of Treasury, the Secret Service, the Department of Transportation, and the District of Columbia Tax and Revenue Office. She also successfully litigated numerous criminal jury trials in the local courts. Prior to that, Michelle was an associate at a D.C. law firm, where she gained experience in complex commercial and technology disputes.

Honors

- Mussey Prize for student with highest scholastic average in final year of law school

677 Broadway
Suite 301
Albany, NY 12207

Buffalo
The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202
716.856.4000

Saratoga Springs
60 Railroad Place
Suite 300
Saratoga Springs, NY 12866
518.736.2900

Areas of Practice

Business Crimes, Regulatory
Offenses & Corporate Investigations
Tax Investigations & Defense
Business Litigation
Privacy, Data Breach &
Cybersecurity
False Claims Act & Whistleblower
Representation
Accountants Liability & Regulatory
Administrative & Regulatory
Antitrust, Trade Regulation &
Anticorruption
Health

MICHELLE MEROLA

- Department of Justice Special Achievement Award

Experience

Article 78 Proceeding Ensures Client's Enrollment as a Medicaid Provider

Client Facing Federal Charges of Conspiring to Employ Illegal Aliens Avoids Lengthy Trial, Jail Time & Probation

Court Confirms Award of NYS DMV Contract to Hodgson Russ Client CBN Secure Technologies, Inc.

Court of Appeals Rules in Favor of Empire Zone Business

Customized Financial Institution Compliance Program

Department of Justice Mandated Self-Audits Resolved Favorably

Financial Institution Data Breach Analysis and Breach Notification

Judge Grants Motion for Acquittal for Construction Client Accused of Defrauding New York State

Judge Recommends Approval for Certificate of Need for Major Health Care System

Representation of Financial Institution in Subpoena Compliance

Southern District of New York Dismisses Indictment Against Hodgson Russ Client

Tax Assessment Defeated, Client Obtains Attorneys' Fees from State

News

Hodgson Russ Opens Law Office in Saratoga Springs, NY
May 16, 2013

Hodgson Russ Formalizes Tax Defense Capabilities by Forming Practice Group
April 7, 2010

Presentations

Managing Cyber Risk: A Primer for All Businesses
The Century House, 997 New Loudon Road, Latham, NY 12110, May 5, 2015

Industry Groups

Gaming

Health Care

Admissions

New York

District of Columbia

U.S. Court of Appeals for the District of Columbia

U.S. District Court for the District of Columbia

U.S. District Courts for Northern and Western Districts of New York

Maryland (inactive)

Clerkships

Judge Truman Morrison III, Superior Court of the District of Columbia, 1997-1998

Education

B.A., Pennsylvania State University

J.D., magna cum laude, American University, Washington College of Law

MICHELLE MEROLA

Updates on the False Claims Act and Other Bases for Liability for Financial Institutions
March 5, 2014

2011 New York Summer Seminar Series
June & July 2011

When Litigation Looms: Data Preservation and Management Obligations
Hodgson Russ, Buffalo, NY, August 11, 2010

2010 New York Summer Seminar Series
Hodgson Russ, June & July 2010

New Jersey Hospital Association Seminar: New Jersey Office of Medicaid Inspector General (OMIG) - Lessons from Other Jurisdictions
April 9, 2010

Healthcare Financial Management Association, Western New York Chapter's Fourth Annual Spring Institute: A Focus on Compliance
Buffalo, NY, March 1, 2010

Avoiding and Responding to New York Criminal Tax Audits and Investigations
Hodgson Russ, Uniondale, NY, January 27, 2010

Webinar: New Jersey Office of Medicaid Inspector General (OMIG) - Lessons from Other Jurisdictions
January 26, 2010

New York Medicaid Compliance Update
Hodgson Russ, Buffalo, NY, July 29, 2009

Publications

Government Knowledge Defense Against Whistleblowers
Today's General Counsel, February 2013

FCPA: Ethical Beacon or Anti-Competitive Burden?
Law360, February 1, 2012

The Dilemma of the Hamstrung Defendant
New York Law Journal, October 11, 2011

OMIG's Self-Disclosure Guidance
Health Alert, March 27, 2009

Enforcement Trends Demand Stronger Compliance Strategies in 2009
Life Sciences Alert, January 29, 2009

MICHELLE MEROLA

Important Clarifications on Self-Disclosure for Health Care Providers
Health Alert, May 21, 2008

Be Prepared For New York State Tax Audits
April 2008

New York's Less Kind and Gentle Tax Department -- Preparing for Criminal Investigations
State Tax Notes, March 31, 2008

Foreign Corrupt Practices Act: High Risks for the Medical Device Industry
Medical Device & Diagnostic Industry, March 2008

Disclosure Protocols and Audit Preparation for White Collar Clients
Inside the Minds: Managing White Collar Legal Issues, Thomson Reuters/Aspatore, 2008

Social Media

Michelle has contributed to Hodgson Russ's Whistleblower and GatewayFDA blogs.

- Florida Skilled Nursing Facility Agrees to Pay \$17 Million to Resolve False Claims Act Allegations
Whistleblower Blog, June 23, 2015
- Whistleblowers to Recover \$2 Million in 'Worthless Services' FCA Case Against Nursing Home
Whistleblower Blog, December 1, 2014
- The New York State False Claims Act Reaches Tax Violations Prior to 2010
Whistleblower Blog, October 24, 2013
- Whistleblower Teams Up With the State of New York in Groundbreaking Suit Against Sprint-Nextel Corporation
Whistleblower Blog, May 14, 2012
- Shareholder Derivative Suits Premised on False Claims Act Violations
Whistleblower Blog, December 19, 2011
- SEC Rules Implement Dodd-Frank Whistleblower Program
Whistleblower Blog, June 23, 2011
- Under Park Doctrine, FDA Can Prosecute Individuals for Company Violations of FDCA
GatewayFDA, March 18, 2011
- Proposed Expansion of the IRS Whistleblower Program
Whistleblower Blog, March 11, 2011
- Changes for Whistleblowers Under the Dodd-Frank Act, Including for Foreign Corrupt Practices Act Violations
Whistleblower Blog, January 24, 2011
- Major Changes to New York State False Claims Act
Whistleblower Blog, August 23, 2010

MICHELLE MEROLA

Professional Affiliations

- District of Columbia Bar Association
- New York State Bar Association
- Bar Association of Erie County

Community & Pro Bono

- Secretary, the Melanie Foundation board of directors

CURRICULUM VITAE

DANIEL J. RINALDI, FACHE, FHFMA

8 Southview Lane
Red Hook, New York 12571
Cell #: (518) 852-2541
Email drinaldi@aol.com

RELEVANT PROFESSIONAL EXPERIENCE

Vice President Financial Services – Chief Financial Officer

2008 - Present

Ellis Hospital
1101 Nott Street
Schenectady, New York 12308

As the Chief Financial Officer of Ellis Hospital, I report directly to the Chief Executive Officer. Ellis Hospital is a multi-health care system with a budget of approximately \$300 million and is in the process of incorporating St. Clare's Hospital and Bellevue Hospital into its operation. Ellis also operates a Long Term Care Facility and is in the process of a modernization program.

Sr. Vice President & Chief Financial Officer

2000 - 2007

Benedictine Health System/Health Alliance System
105 Mary's Avenue
Kingston, New York 12401

As the Chief Financial Officer of BHS, I report directly to the President and serve as a non-voting member of the Board of Directors. Benedictine Health System is a multi-delivery system serving the Hudson Valley area. It consists of one 222-bed acute care hospital, a Foundation, several off-site satellite clinics, and operates several professional physician practices. Recently, BHS aligned itself with several other local hospitals to form the Health Alliance System. This system now consists of three hospitals, five nursing homes, numerous off-campus health care satellites and numerous physician practices. As part of the alignment steering group, I developed and implemented the financial plan for the consolidation of all financial areas, including the central business office. I also prepared the financial grant plan that resulted in a \$47.5M award from the State of New York.

Sr. Vice President & Chief Financial Officer

1981 - 2000

Catholic Medical Center of Brooklyn & Queens, Inc.
88-25 153rd Street

Jamaica, New York 11432

As the Senior Vice President and Chief Financial Officer of the Catholic Medical Center, I reported directly to the President and Chief Executive Officer and held a corporate officer position. Catholic Medical Center is a multi-health care complex operating four hospitals, three nursing homes, the largest hospital-based home care agency in the country, numerous outpatient facilities, an offshore captive insurance company, and a Medicaid managed care company. Catholic Medical Center is a large teaching complex with over 1,400 beds in the system and has an annual operating budget in excess of \$700 million. We were the major teaching campus of New York Medical College. My responsibilities also included several administrative roles. During my tenure, CMC has rebuilt three hospitals, acquired an additional hospital and a nursing home, and established two new nursing homes. Fidelis Care, which is a CMC Medicaid Managed Care Program, was also created during my tenure, as was Queensbrook Insurance, Ltd., an offshore captive insurance company.

Associate Administrator

1977 - 1980

Misericordia Hospital Medical Center
600 East 233rd Street
Bronx, New York 10466

As Associate Administrator, I reported directly to the President. Responsibilities included management, direction, and supervision of the total operation of the hospital and all of its affiliate programs. Misericordia Hospital Medical Center is a 400 bed medical school affiliated teaching hospital, located in the Bronx, with an annual operating budget in excess of \$250 million. In addition to my direct responsibilities, I fulfilled various administrative duties as assigned to me by the President and assisted with the overall management of the institution. This included, in addition to creating the total financial plan for a \$54 million modernization and expansion program, assisting with the design and administrative plan for the modernization program.

**Director, Bureau of Health Care
Reimbursement & Hospital Services**

1972 - 1977

New York State Department of Health
Albany, New York

During my tenure with the Department of Health, I held various high level administrative positions, including Director of Health Care Reimbursement and Director of Hospital Services. As Director of Health Care Reimbursement, I was responsible for the setting of all Medicaid rates, Medicaid rate appeals, and Medicaid audits for all hospitals and nursing homes in the State of New York. In addition to Medicaid, I was responsible for the approval of all Blue Cross rates and Blue Cross rate appeals. As the Director of Hospital Services, I was responsible for the statewide quality surveillance program in hospitals and oversaw the Hospital Surveillance Programs of seven regional offices. As

the Director of Hospital Services, I instructed the first JCAHO and State Joint Survey processes.

EDUCATION

Graduate Program Certificate	- Health Systems Administration Union College Schenectady, New York
Master of Science	- Health Administration Russell Sage College Troy, New York
Bachelor of Science	- Accounting Russell Sage College Troy, New York

ORGANIZATIONS AND OTHER ACTIVITIES

Fellow, American College of Healthcare Executives
Fellow, Healthcare Financial Management Association
Certified Manager of Patient Accounts, Healthcare Financial Management Association
Certified Managed Care Professional, Healthcare Financial Management Association
Member of the American College of Hospital Executives
New York State Nursing Home License (inactive)
Member of the National Accounting Association
Past Officer of Healthcare Financial Management Association
Past Chairman of the Finance Committee, Hospital Association of New York State
Advisor to Legislative Council on Healthcare Financial Matters
Member of the Board of Directors of the Greater New York Hospital Association
Adjunct Professor, St. John's University
Adjunct Professor, Iona College

Presenter KIM D. RINGLER practices administrative and regulatory law focused on ethics at her firm in Waldwick, NJ. She graduated from Oberlin College and Georgetown University Law School, and received a certification in Health Care Compliance from Seton Hall Law School. She has re-established her private practice, the Ringler Law Firm, after leaving public service in June of 2015. The firm concentrates on advising and representing professionals and State licensees on regulatory and ethics issues. Kim joined the New Jersey Department of Law and Public Safety, Division of Law in 2008, after many years in private practice, as a Deputy Attorney General prosecuting State licensed medical and other professionals for violations of standards of practice and bringing in over one million dollars in fines and recovered costs in six years. She led the prosecution of a compounding pharmacy for contamination; established a nationally watched precedent for misleading advertising by dentists; and negotiated the imposition of public sanctions on three prominent orthopedic surgeons who violated financial disclosure requirements during clinical trials.

She also served as the Ethics Officer for the Division of Law providing guidance on conflicts of interest and other executive branch ethics issues to all personnel in Newark. The Attorney General presented an Exceptional Service Award to her in 2014. That year, she was appointed Deputy Director of the Division of Consumer Affairs overseeing the operations of 46 licensing boards, as well as the DCA's investigatory arm, the Enforcement Bureau; the Prescription Drug Monitoring Program; and the Drug Control Unit. She coordinated the Attorney General's Pain Management Council tasked with developing best practices in the areas of education, treatment and diversion of prescription opioid medications.

Kim has argued successfully before the New Jersey Supreme Court representing individuals on disciplinary matters, the New Jersey Advisory Committee on Professional Ethics, the Committee on Advertising and the Committee on Extra-Judicial Activities. The New Jersey Law Journal included three cases she argued before the Supreme Court among its 2013 annual top twelve noteworthy cases.

Honors include listings in *Best Lawyers in America* in the area of Ethics and Professional Responsibility Law, *New Jersey's Top Legal Minds* and *New Jersey Women Leaders in the Law*, and a Collaboration Award from the U.S. Food and Drug Administration for her participation in a joint federal/state investigation. Martindale Hubbell has consistently rated her AV Preeminent. She is a frequent lecturer on ethics, professional responsibility, litigation techniques and health care legal issues.

Memberships have included the New Jersey Supreme Court District IIB Ethics Committee. She chaired the District IIB Fee Arbitration Committee. She served as president of Women Lawyers in Bergen, president of the Association of Professional Responsibility Lawyers, and a trustee of the Bergen County Bar Foundation. Ringler was a two-term councilwoman and a deputy mayor in Ridgewood, NJ where she also served on the municipal Planning Board.

THE RINGLER LAW FIRM

167 Franklin Turnpike

Waldwick, NJ 07463

(201) 493-1800 / Fax (201) 493-1804

ringlerlaw@gmail.com / www.ringlerlaw.weebly.com

ABRAMS **AF** FENSTERMAN

Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Wolf, LLP

Attorneys at Law



JAMIE A. ROSEN, ESQ.

**Associate, Mental Health Law Practice
1111 Marcus Avenue, Suite 107
Lake Success, New York 11042
(516) 592-5857
jrosen@abramslaw.com**

Ms. Rosen's practice is primarily focused on Mental Health, Health Care and Elder Law. As part of the firm's Mental Health Law practice, she represents mental health and health care professionals, major hospital systems and community hospitals, outpatient programs, skilled nursing facilities, higher educational institutions, individuals and families. This includes mental hygiene law matters such as Kendra's Law applications (Assisted Outpatient Treatment Orders), Article 81 guardianship proceedings, and retention and treatment over objection psychiatric cases, among others.

Ms. Rosen is admitted to practice law in the State of New York and New Jersey.

Ms. Rosen received her J.D. from the Maurice A. Deane School of Law at Hofstra University where she was an Associate Editor of the *Hofstra Law Review*.

ALEE N. SCOTT – BIO



Alee N. Scott is a Special Assistant Attorney General in the Medicaid Fraud Control Unit of the Office of the New York State Attorney General. She works in the Civil Enforcement Division where she litigates civil fraud and forfeiture cases, in addition to prosecuting some criminal matters. Alee joined the Attorney General's New York City office in July 2014. Prior to joining MFCU, she worked in private practice for eight years where she litigated antitrust and complex commercial cases. Alee received her B.A. with honors in Politics from New York University and her J.D. from St. John's School of Law.

Jeffrey C. Thrope



PARTNER

JTHROPE@FOLEY.COM

P 212.338.3568
90 PARK AVENUE
NEW YORK, NY 10016-1314

Jeffrey C. Thrope is a partner and health care business lawyer with Foley & Lardner LLP. Mr. Thrope has a broad range of experience as a general counsel to the health care and related industries, as well as not-for-profit organizations and governments. He is a member of the Health Care Industry Team, as well as the Public Finance Practice.

In addition to his considerable experience in helping public and safety-net hospitals develop operational and financing plans necessary to their survival, Mr. Thrope has provided advice and counsel in virtually every area of health care law, including health care institutional structuring and governance, compliance, network formation, litigation oversight, medical-legal and ethical issues, contracting, high technology acquisition and implementation, Internet and e-commerce activities, bank financing, reimbursement, dispute resolution (including litigation where necessary), labor, internal investigations, physician arrangements and credentialing and related matters. Mr. Thrope was instrumental in developing and implementing structures for the assisted living industry as it expanded into New York.

Mr. Thrope has provided similar services to governments, colleges and other not-for-profit entities in the educational field, and has a particular talent for helping maintain his clients' mission, while addressing whatever legal issues they face. He has helped governments address structuring and financial issues, and has identified significant revenue and cost containment opportunities that have become more critical in these difficult times.

Prior to joining Foley, Mr. Thrope was a partner at Kalkines, Arky, Zall & Bernstein LLP (1988 to 2002), and then at Manatt, Phelps & Phillips, LLP (2003 to 2009). He was an associate and partner at other firms from (1981-1987).

Recognition

Mr. Thrope was ranked as one of the top health care attorneys in New York by *Chambers USA* (2011 - 2015) and was selected for inclusion in the 2007 *New York Super Lawyers®* list. He has

also been selected by his peers for inclusion in *The Best Lawyers in America*© each year since 2011 in the field of health care.

Publications

Mr. Thrope is the co-author of books and articles, including:

- Consent and Confidentiality in the Health Care of Children and Adolescents (Free Press, 1986)
- Rights and Responsibilities of Young People in New York (New York City Youth Bureau, 1986), a guide for non-lawyers that is currently updated and republished by New York State Bar Association
- Modern Federal Jury Instructions (Matthew Bender, 1985)

Thought Leadership

Mr. Thrope has spoken at various conferences and has contributed to course materials, including the Practising Law Institute Faculty 1999: Understanding, Preventing and Litigating Year 2000 Issues - Health Care Industry.

Education

Mr. Thrope is a graduate of New York University School of Law (J.D., 1980), where he was a member of the *Law Review*, and a graduate of Yale University (B.A. 1977).

Mr. Thrope served as a law clerk to the Honorable Leonard B. Sand, United States District Court Judge for the Southern District of New York (1980-1981).

Admissions and Professional Memberships

Mr. Thrope also has served as a member of the Health Law and Family Courts Committees of the Association of the Bar of City of New York.

Mr. Thrope was admitted to the New York Bar in 1981, and is admitted to practice in the federal courts for the Southern and Eastern Districts of New York and before the Second Circuit Court of Appeals.

ABRAMS **AF** FENSTERMAN

Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara & Wolf, LLP

Attorneys at Law



CAROLYN REINACH WOLF, ESQ.

Executive Partner
Director, Mental Health Law Practice
1111 Marcus Avenue, Suite 107
Lake Success, New York 11042
(516) 592-5857
cwolf@abramslaw.com

Ms. Wolf's practice concentrates in the areas of mental health and health care law, representing mental health and health care professionals, major hospital systems and community hospitals, outpatient programs, skilled nursing facilities, higher educational institutions, individuals and families. Her practice includes mental hygiene law, including retention and treatment over objection psychiatric cases, mental health warrants, capacity determinations, informed consent and medical treatment cases, confidentiality and release of records matters, interaction with law enforcement in health care facilities and institutions of higher education, Kendra's Law applications (Assisted Outpatient Treatment Orders), Article 81 and 17-A guardianship proceedings, civil and criminal litigation and negotiation specific to mental health issues, consultation and advice in navigating the mental health system and legal interventions in the health care/mental health inpatient and outpatient settings as well as higher education settings. She also consults with health care institutions on issues of end of life decision making, development and ongoing functionality of ethics committees, advance directives, and institutional review boards.

Ms. Wolf is a frequently invited speaker and consultant to institutions of higher education, specifically university counseling centers and administrators, throughout the country regarding mental health law issues.

The New York Times Sunday edition (February 8, 2013) ran a front page story entitled "A Guide in the Darkness" in the Metro Section on Ms. Wolf and her unique mental health law practice as it impacts the lives of people with serious mental health issues and their families.

Aaron Wright is a professor at Cardozo Law School and directs Cardozo Law School's Tech Clinic, which represents high growth companies in New York. Before joining Cardozo's faculty, he sold a company to Wikia, the for-profit sister project of Wikipedia, where he ran Wikia's New York office, served as General Counsel and Vice President of Product and Business Development, and helped build an open source search engine.

