

John A. Schwab
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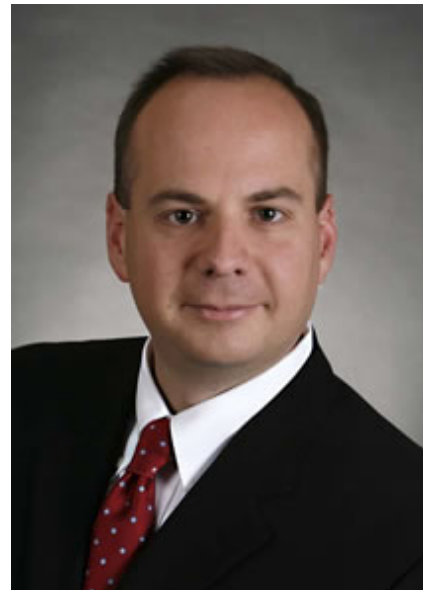
JOHN A. SCHWAB is a partner at Pietragallo Gordon Alfano Bosick & Raspanti, LLP, where he serves as Co-Chair of both the Government Enforcement, Compliance, and White Collar Litigation Practice Group and the Cyber Liability & Technology Law Practice Group. He is also a member of the firm's Litigation and Qui Tam Practice Groups.

Mr. Schwab is an experienced litigator in the areas of commercial litigation, white collar criminal defense, government investigations, corporate internal investigations and compliance, and intellectual property litigation. He represents corporate and individual clients in a wide range of civil and criminal cases, including regulatory and enforcement matters investigated by the United States of America, Commonwealth of Pennsylvania, and numerous federal and state agencies. Many of the cases involve alleged violations of federal and state laws, including money laundering, bank and lender fraud, internal revenue fraud and tax evasion, procurement and contracting fraud, mortgage fraud, trade secret theft, health care fraud, DBE fraud, public corruption, mail and wire fraud, and conspiracy.

His civil practice extends to matters including commercial disputes, shareholder actions, corporate waste and breaches of fiduciary duty, intellectual property and trade secrets, employment, False Claims Act (*qui tam*), and other complex commercial litigation. Mr. Schwab's litigation practice includes an emphasis on electronic discovery and the impact of technology in civil and white collar criminal cases.

Representative civil matters:

- Financial institution for civil fraud claims, including successful defense at trial
- Health care provider in civil lawsuit involving alleged theft of trade secrets and confidential data
- Telecommunications firm in suit to preserve access to its communications facility, including successfully obtaining injunctive relief at contested hearing
- Corporation and its president in breach of contract lawsuit concerning the sale of aircraft to government agency, including successful defense at trial
- Investigation by the SEC's Enforcement Division into alleged related party transactions
- Minority-owned business for civil False Claims Act claims involving alleged kickbacks
- Manufacturer-fabricator of rifle parts in contract dispute with company retained to repair industrial drilling machine
- Executives transitioning to new employers, including negotiations of employment agreements, severance and settlement terms, and non-compete and confidentiality agreements



PRACTICE AREAS

Commercial Litigation
Government Enforcement,
Compliance, and White Collar
Litigation
Cyber Liability & Technology Law
Qui Tam

PUBLICATIONS

Health Care Prosecutions Continue
in New Administration
Georgia-Based Hospital Group to
Pay Over \$513 Million to Resolve
Civil and Criminal Allegations
Related to Illegal Payments for
Patient Referrals
U.S. Tax Court Includes Criminal
Fines and Civil Forfeitures in \$74
Million Recovery Under IRS
Whistleblower Program
Firm Newsletter, Summer 2015
Third Circuit Sides with Government
and Orders Fumo to Shoulder More
of the Restitution Burden

BAR ADMISSIONS

Pennsylvania
West Virginia
District of Columbia
U.S. Court of Appeals for the Third
Circuit
U.S. Court of Appeals for the Fourth
Circuit

- Executive of international defense contractor in corporate internal investigation
- Physicians and psychologists in internal investigations and facing potential loss of privileges, credentials, or licenses
- Member of trial team representing global pharmaceutical company in lawsuit concerning disqualification of law firm representing competitor in hostile takeover; successfully obtained preliminary injunction
- Pittsburgh counsel to worldwide coffee company and coffeehouse chain in multidistrict patent litigation concerning mobile payment applications/software
- Pittsburgh counsel in False Claims Act employment retaliation matter

Representative criminal matters:

- Corporate executives and officers in bank and lender fraud matters in meetings and negotiations with government investigators and prosecutors
- Government contractors facing investigations into projects performed for federal and state governments and regulatory agencies
- Doctors under criminal investigations for alleged over-prescribing of opioids and Schedule II drugs by DOJ, FBI, DEA and state attorneys general
- Business owner charged with federal tax evasion by the IRS and U.S. Attorney's Office based on allegations of unreported income
- Small business owner for alleged violations of federal criminal statutes and civil False Claims Act
- Administrator of medical practice in international tax investigation by the IRS Criminal Investigation Division
- Office manager indicted on mortgage fraud charges including loss hearing and sentencing hearing at the trial level, as well as appellate proceedings at the U.S. Court of Appeals for the Third Circuit and the U.S. Supreme Court
- Pharmacy owner in joint FDA-DOJ investigation into alleged health care fraud and violations of federal Food, Drug, & Cosmetic Act, including distribution of misbranded and illegally-imported medication
- Physician facing federal investigation related to medical necessity of procedures and alleged unbundling of billing codes
- Energy supplier in an internal investigation into improper billing practices by employees
- Estimator in investigation by U.S. Department of Justice and Pennsylvania Department of Transportation into allegedly improper use of a Disadvantaged Business Enterprise (DBE) for federal and state construction projects
- Former Department of Defense employee targeted in a federal investigation for alleged role in federal military procurement
- Manager of medical practice and medical device distributor in investigation by DOJ, FBI, and Secret Service into bankruptcy fraud allegations
- Warehouse manager in investigation by U.S. Department of Transportation's Office of Inspector General into alleged violations of regulations regarding transporting hazardous materials
- Steel supplier classified as a material regular dealer in a federal investigation into alleged DBE fraud in federal and state construction projects
- Chief of Police facing criminal charges brought by the Pennsylvania Attorney General for alleged falsification of records

U.S. District Court - Western District of Pennsylvania
 U.S. District Court - Eastern District of Pennsylvania
 U.S. District Court - Middle District of Pennsylvania
 U.S. District Court - Northern District of West Virginia
 U.S. District Court - Southern District of West Virginia
 U.S. District Court - Northern District of Ohio
 U.S. Supreme Court
 U.S. Tax Court

EDUCATION

J.D., Dickinson School of Law of the Pennsylvania State University

B.S., Grove City College

- U.S. government contracting officer charged with receipt of bribes and kickbacks
- Senior military member charged with counterfeiting immigration and Social Security documents and obstruction of justice
- Business owner charged with credit card and access device fraud
- U.S. military officer charged with travel fraud and falsifying records
- Individuals charged with making false statements or misrepresentations to government investigators

Mr. Schwab earned substantial litigation and trial experience, serving in the U.S. Marine Corps as the Chief Trial Attorney at Camp Lejeune, North Carolina. As chief trial counsel, Mr. Schwab supervised six trial attorneys and defended the office's most complex cases including fact-gathering, writing and arguing motions, witness preparation, and trial. During his tenure with the U.S. Marine Corps, Mr. Schwab served as trial counsel for 10 jury trials to verdict and more than 20 bench trials. A large portion of Mr. Schwab's military practice also involved representation of Marines and Sailors at employment termination hearings, termed "boards of inquiry" for officers and "administrative separation boards" for enlisted members. He handled approximately twenty of these hearings, which involved: voir dire of the hearing members; opening statements; challenging the United States' evidence, including cross-examination of witnesses; presentation of the Marine's or Sailor's evidence, including witnesses; and closing arguments.

In 2007, Mr. Schwab served as the Battalion Judge Advocate in Fallujah, Iraq for 2nd Battalion, 6th Marines, Regimental Combat Team 6 for the U.S. Marine Corps. As the sole legal counsel for the battalion, he advised commanders and provided training on domestic and international law as well as internal investigations, fiscal law, intelligence reports, criminal justice and other legal compliance matters. He had direct oversight over all of the unit's internal investigations which encompassed a wide range of subjects, including fraud, property loss, and employment disputes.

Since 2008, Mr. Schwab has served as a faculty member of the National Trial Advocacy College at the University of Virginia School of Law, which is one of the nation's premier trial advocacy programs for practicing lawyers. He also serves as a member of the Editorial Board for the *Journal of Law and Public Policy* for Grove City College which published his article on Honest Services Fraud in its Inaugural Edition in 2010. Mr. Schwab also performed an internship with the Honorable Robert J. Cindrich on the U.S. District Court in the Western District of Pennsylvania in 2002.

Mr. Schwab was selected as a future leader of Pennsylvania's legal community by *The Legal Intelligencer* as a Lawyer on the Fast Track for 2011. He has also been named a *Pennsylvania Super Lawyers Rising Star* for 2013, 2014, 2015, and 2016 in the area of White Collar Criminal Defense.

Mr. Schwab is a member of the American Bar Association, Allegheny County Bar Association, and National Association of Criminal Defense Lawyers. He is an active member of the Criminal Justice Section of the American Bar Association and the Federal Court Criminal Practice Subcommittee and the Third Circuit Review Program Committee of the Allegheny County Bar Association. He also serves on the Local Rules Advisory Committee for the U.S. District Court for the Western District of Pennsylvania, including the eDiscovery and criminal

subcommittees.

Speaking Engagements

"Criminal Law Update 2018: What's New in Federal Court,"
Pennsylvania Bar Institute (Pittsburgh, Pennsylvania), December 14,
2018

"Health Care Enforcement: Medicine Under The Microscope," *Federal
Court Section, Allegheny County Bar Association* (Pittsburgh,
Pennsylvania), November 30, 2018

"Overcoming the Fear of Prescribing - Defending Your Patient and
Practice," *The Pennsylvania Pain Society: Annual Meeting and
Scientific Sessions* (Bedford, Pennsylvania), November 9, 2018

"Government Investigations & Prosecutions – Focus: Opioid and Drug
Addiction Treatment," *Pietragallo Law Firm* (Pittsburgh, PA), June 28,
2018

"Government Investigations & Prosecutions – Focus: Opioid and Drug
Addiction Treatment," *Pietragallo Law Firm* (Monroeville, PA), June 12,
2018

"Investigations & Compliance: What's New in Government
Enforcement and Internal Investigations," *Pietragallo Law Firm*
(Philadelphia, Pennsylvania), May 16, 2018

"Opioid Enforcement in 2018: DOJ, HHS, DEA, FBI – Who Does
What?," *The New York State Pain Society: 2018 Annual Meeting &
Scientific Sessions* (West Harrison, New York), April 28, 2018

"Health Care Compliance: Government Enforcement & Opioids,"
Health Law Section, Allegheny County Bar Association (Pittsburgh,
Pennsylvania), February 9, 2018

"Corporate Compliance, Internal Investigations and Monitorships,"
*Corporate Business & Banking Section, Allegheny County Bar
Association* (Pittsburgh, Pennsylvania), December 12, 2017

"DOJ and DEA Opioid Enforcement in 2018," *The Pennsylvania Pain
Society: Annual Meeting and Scientific Sessions* (Hershey,
Pennsylvania), December 10, 2017

"The Exchange' Data Privacy and Cybersecurity Forum," Co-Chair,
Today's General Counsel Institute (Washington, D.C.), November 2-3,
2017

"Investigations & Compliance: What's New in Government
Enforcement and Internal Investigations," *Pietragallo Law Firm*
(Pittsburgh, Pennsylvania), October 25, 2017

"Health Care Fraud Enforcement in the Trump Administration,"
Association of Certified Fraud Examiners, Pittsburgh Chapter
(Pittsburgh, Pennsylvania), October 11, 2017

"PLAN Webinar: Professional Liability, Employer Responsibility and
Navigating the Administrative Process," *Professional Liability Attorney
Network* (webcast available at www.PLANattorney.org), August 31,
2017

"Essentials of Trial Evidence," *Federal Court Section, Allegheny*

County Bar Association (Pittsburgh, Pennsylvania), December 8, 2016

"Data Privacy and Cybersecurity Forum," Co-Chair, *Today's General Counsel Institute* (Washington, D.C.), November 16-17, 2016

"Masters in Fraud and Forensics: 5-year Anniversary Celebration," *Carlow University* (Pittsburgh, Pennsylvania), August 19, 2016

"Understanding Pennsylvania Grand Jury Practice," *Pennsylvania Bar Institute* (Pittsburgh, Pennsylvania), July 15, 2016

"Advanced Cybersecurity Law," Course Planner, *Pennsylvania Bar Institute* (Pittsburgh, Pennsylvania), June 3, 2016

"Demonstration of Direct Examination," *National Trial Advocacy College at the University of Virginia School of Law* (Charlottesville, Virginia), January 9, 2016

"Data Privacy and Cyber Security Forum," Co-Chair, *Today's General Counsel Institute* (Washington, D.C.), November 4-5, 2015

"Data Breaches & Emerging Threats: The Implications for Businesses and IT," *Collaborative Webinar with Metalogix International GmbH* (webcast available here), August 6, 2015

"How to Handle a Drug Case," *Pennsylvania Bar Institute* (Pittsburgh, Pennsylvania), July 29, 2015

"What's Happening in Federal Court," *Allegheny County Bar Association's Bench-Bar Conference* (Seven Springs, Pennsylvania), June 19, 2015

"eDiscovery Issues in Complex Cases in Federal Court," *E-Discovery Symposium, Pennsylvania Bar Institute/Allegheny County Bar Association* (Pittsburgh, Pennsylvania), April 17, 2015

"Corporate Compliance and Ethics: A Legal Requirement and Business Imperative," *Pennsylvania Bar Institute* (Pittsburgh, Pennsylvania), April 13, 2015

"Cyber Security Threats, Trips, and Traps: Managing Risk and Protecting Data in the Cyber Age," *Professional Liability Attorney Network* (webcast available at www.PLANattorney.org), January 21, 2015

"The Exchange Presents Data Privacy and Cyber Security," Co-Chair, *Today's General Counsel Institute* (Washington, D.C.), November 18-19, 2014

"Cybersecurity Law 2014: Minimizing Data Legal Liability Risk in the Digital Age," *Pennsylvania Bar Institute* (Pittsburgh, Pennsylvania), August 11, 2014

"Cooperation and Collaboration in Government Investigations," Featured Moderator, *Today's General Counsel Institute* (New York, New York), July 17, 2014

"ADR & Settlement in Federal Court," *Allegheny County Bar Association's Bench-Bar Conference* (Seven Springs, Pennsylvania), June 20, 2014

"Surviving and Thriving in Government Practice," *American Bar Association YLD National Spring Conference* (Pittsburgh,

Pennsylvania), May 17, 2014

"Streamlining and Managing eDiscovery in Complex Cases in Federal Court," *2014 E-Discovery Symposium, Pennsylvania Bar Institute/Allegheny County Bar Association* (Pittsburgh, Pennsylvania), April 25, 2014

"Choosing the Winning Theme & Order of Witnesses with Sample Openings & Examinations," *Academy of Trial Lawyers of Allegheny County/Allegheny County Bar Association Federal Court Section* (Pittsburgh, Pennsylvania), March 28, 2014

"Corporate Compliance & Ethics: Trends in Enforcement & Corporate Compliance," *Pennsylvania Bar Institute* (Pittsburgh, Pennsylvania), December 10, 2013

"E-Discovery for the Corporate Market," Featured Moderator, *Today's General Counsel Institute* (New York, New York), July 17, 2013

"Data Wars: Securing Your Cyber-Footprint and Staying Ahead of the Curve," *Government Enforcement & Corporate Compliance Seminar*, Defense Research Institute (Washington, D.C.), June 28, 2013

"Discovery in Federal Litigation," Moderator, *Bench-Bar Conference*, Federal Court Section, Allegheny County Bar Association (Seven Springs, Pennsylvania), June 21, 2013

"Simplifying E-Discovery in Patent and Complex Cases in Federal Court," *2013 E-Discovery Symposium*, Pennsylvania Bar Institute/Allegheny County Bar Association (Pittsburgh, Pennsylvania), April 26, 2013

"Effective Use Of Forensic Accountants In Defending White Collar Prosecutions," Association Of Federal Defense Attorneys (webcast available at www.afda.org), February 27, 2013

"Parallel Investigations: The 'Civil' Side of a Criminal Case," *Federal Criminal Subcommittee, Allegheny County Bar Association* (Pittsburgh, Pennsylvania), February 26, 2013

"E-Discovery for the Corporate Market: The Exchange," Featured Moderator, *Executive Counsel Institute* (Houston, Texas), September 19, 2012

"21st Century Considerations: Data-Security, Social Media and The Cloud," Featured Moderator, *Executive Counsel Institute* (New York, New York), July 16, 2012

"Hot Topics in Federal Litigation," Moderator, *Bench-Bar Conference*, Federal Court Section, Allegheny County Bar Association (Seven Springs, Pennsylvania), June 15, 2012

"Legal Elements of Fraud: Civil & Criminal Fraud Actions," Guest Lecturer, *Carlow University, Master of Science in Fraud and Forensics Program* (Pittsburgh, Pennsylvania), December 5, 2011

"Legal Elements of Fraud: Whistleblowers and the False Claims Act," Guest Lecturer, *Carlow University, Master of Science in Fraud and Forensics Program* (Pittsburgh, Pennsylvania), December 5, 2011

"The Importance of Project and Process Management Skills," *Executive Counsel Institute* (Houston, Texas), September 23, 2011

"Electronic Discovery in Criminal Cases," *Federal Bar Association, Western Pennsylvania Chapter* (Pittsburgh, Pennsylvania), June 24, 2011

"Department of Justice Corporate Charging Guidelines," *Association of Certified Fraud Examiners, Pittsburgh Chapter* (Pittsburgh, Pennsylvania), December 9, 2010

"Pending Honest Services Fraud Decisions before the U.S. Supreme Court," *Journal of Law and Public Policy*, Grove City College (Grove City, Pennsylvania), May 1, 2010

"The Practice of Law in the U.S. Military," *Law Society, Grove City College* (Grove City, Pennsylvania), October 28, 2009