

MARC STEPHEN RASPANTI PARTNER

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MARC STEPHEN RASPANTI is a seasoned trial lawyer with over 41 years of experience focusing on complex, high-stakes matters in Government Enforcement, Compliance, Internal Investigations, Federal and State White Collar Litigation; Federal and State Qui Tam Litigation; Criminal and Civil and Administrative Health Care Fraud Litigation; as well as Complex Commercial Litigation. *Chambers USA* has ranked Mr. Raspanti in Band 1 for his work in the area of Litigation: White Collar Crime & Government Investigations in Pennsylvania, as well as Band 1 for his work under the False Claims Act: Plaintiff in the USA- Nationwide.

Mr. Raspanti is a longstanding Fellow of the American College of Trial Lawyers, an invitation only fellowship of pre-eminent lawyers in the United States and Canada. He served as a former Assistant District Attorney at the Philadelphia District Attorney's Office where he tried a wide range of criminal cases to verdict. Mr. Raspanti is the founder of the firm's national Qui Tam & False Claims Act practice group and the firm's national White Collar Criminal Defense practice group.

Over his career, Mr. Raspanti has represented numerous executives, corporations, physicians, health care providers, pharmacists, surgeons, clinical laboratories, healthcare systems, manufacturers, distributors, medical device companies, entrepreneurs, clergy, accountants, lawyers, politicians, and professionals in numerous federal, state and regulatory investigations throughout the country and abroad.

He has served and continues to serve as trial counsel in complex, high-profile white collar criminal cases including:

- United States v. Valentino, 2023 WL 361077 (E.D. Pa. Jan. 23, 2023)
- United States v. Valentino, 2022 WL 1909281 (E.D. Pa. Jun. 3, 2022)
- Mr. Raspanti successfully obtained an acquittal, after a lengthy federal jury trial, of a dermatologist charged with 79 counts of health care fraud related to dermatology procedures. United States v. Dr. Harriet Comite, No. 06-0070 (E.D. Pa. Feb. 13, 2007)
- United States v. Comite, 2006 WL 3360282 (E.D. Pa. Nov. 17, 2006)
- United States v. Reicherter, 318 F.Supp.2d 265 (E.D. Pa. 2004)
- United States v. Dr. Jose Castillo, No. Crim. A. 96-CR-430 1997 WL 539762 (E.D. Pa. Aug. 7, 1997)
- Commonwealth v. Ginn, 587 A.2d 314 (Pa. Super Ct. 1991)
- In United States of America v. General Electric Company, one of the longest and most complex white collar criminal trials tried in Pennsylvania, Mr. Raspanti defended an executive of the General Electric Company charged with criminal defense procurement fraud in a four-month jury trial. United States v. Gerald Leo and James Badolato, 941 F.2d 181 (E.D. Pa. 1991)
- United States v. Dr. Tutse Towne, NO. C.A. 91-21-02-JRR, 1991 WL 146666 (D. Del. June 26, 1991)
- St. German of Alaska E. Orthodox Catholic Church v. United States, 840 F.2d 1087 (2d Cir. 1988)

On the plaintiffs side, Mr. Raspanti has been involved in the recovery of over \$2.6 billion for state and federal taxpayers and has litigated numerous high profile Qui Tam cases including:

- United States ex rel. Michael Epp v. Supreme Foodservice AG, 10-1134 (E.D. Pa.) resulting in a \$389 million recovery
- United States ex rel. Merena v. SmithKline Beecham Clinical Laboratories resulting in a \$334 million recovery
- United States ex rel. Monahan v. St. Barnabas Health System resulting in a \$265 million recovery
- United States ex rel. Hunt v. Merck-Medco Managed Care, LLC, 336 F. Supp. 2d 430 (E.D. Pa. 2004) resulting in a \$185 million recovery
- United States of America et al. v. BlueWave Healthcare Consultants Inc. resulting in a \$114 million recovery
- United States ex rel. Mason, Folstad, and MEMA v. HMA, et. al. resulting in a \$74.5 million recovery
- United States ex rel. Miller & Metts v. HMA, et al. resulting in a \$55 million recovery
- United States, et al. ex rel. Lutz, et al. v. Health Diagnostic Laboratory, Inc., et al. resulting in a \$47 million recovery from Health Diagnostic Laboratory
- United States ex rel. Cho v. Surgery Partners Inc. resulting in a \$41 million recovery
- United States ex rel. Mason, Folstad, and MEMA v. EMCARE, et. al. resulting in a \$30 million recovery
- United States ex rel. Bergman v. Abbott Laboratories, 995 F. Supp. 2d 357 (E.D. Pa. 2014) resulting in a \$25 million recovery
- United States ex rel. Baker v. Physician Partners of Am LLC resulting in a \$24.5 million recovery
- United States ex rel. Lutz et al. v. Laboratory Corporation of America Holdings resulting in a \$19 million recovery
- United States ex rel. Nevyas v. Allergan Inc., No. 2:09-cv-00432 (E.D. Pa.) resulting in a \$13 million recovery
- United States ex rel. Saunders v. Univ. of Pennsylvania Health System, 97-6747 (E.D. Pa.) resulting in a \$12 million recovery
- United States ex rel. Vincent A. DiMezza, Jr. v. The Boeing Company, No. 2-10-cv-000634 (E.D. Pa.) resulting in a \$4.4 million recovery

On the defense side, Mr. Raspanti has handled numerous reported FCA defense cases, which include:

- United States ex rel. Jasjit Walia and Preet Randhawa v. Jose Alemparte et al., 1-18-cv-00510 (D.D.C.)
- United States v. Electrostim Medical Services, Inc. - \$20 Million to Resolve Allegations of Billing Fraud, 2024 WL 4327132 (E.D. Pa. 2024)
- United States ex rel. Scheer v. Beebe Healthcare, 2024 WL 219395 (E.D. Pa. Jan. 18, 2024)
- United States v. Thomas Jefferson University - \$2.7 Million to Resolve Allegations of Improper Use (E.D. Pa. 2023)
- United States of America, et al., ex rel. Dory Frain v. Medicrea USA Corporation (E.D. Pa. 2021)
- United States ex rel. Fesenmaier v. Cameron-Ehlen Group, Inc., 2021 WL 101193 (D. Minn. Jan. 12, 2021)
- Thorton v. National Compounding Company, Inc., 2019 WL 2744623 (M.D. Fl. July 1, 2019)
- United States of America et al. v. Aetna Better Health of Pennsylvania et al., 2:17-CV-00292 (W.D. Pa. 2017)
- United States of America ex rel., et al. v. Sightpath Medical Inc., et al., 0:13-CV-03003 (D. Minn. 2013)
- United States ex rel. Bauchwitz v. Holloman, 671 F.Supp.2d 674 (E.D. Pa. 2009)
- United States of America v. GMS Management, et al., 2:96-cv-01271 (E.D. Pa. 1996)
- United States of America, ex rel. Cost Containment & Recovery Services, Inc., v. Harvard Eye Assoc, et al., 8:95-cv-00951 (C.D. Cal. 1995)
- United States v. Warnings, 1994 WL 396432 (E.D. Pa. July 26, 1994)
- Pike v. L'Nard Associates, Inc., 1992 WL 365492 (E.D. Pa. Dec. 1, 1992)

Clients describe Mr. Raspanti in *Chambers USA* as being “excellent in his field” and “an outstanding strategist.” Mr. Raspanti has been named “One of the best white collar criminal defense lawyers in Philadelphia” by *Philadelphia Magazine*; selected by his peers annually since 2004 as a *Pennsylvania Super Lawyer*; selected as one of the “Top 100” in Pennsylvania by *Super Lawyers*; selected as one of the “Top 100” in Philadelphia by *Super Lawyers*; “Lawyer of the Year” for the Philadelphia Health Care sector for 2018 and 2024; and selected by his peers annually since 2006 as part of *The Best Lawyers in America*® in the areas of Qui Tam Law, Health Care Law, Corporate Compliance Law, and Criminal Defense: White-Collar. He is also recognized in the 2026 edition

of *Legal 500* as a Tier 1 lawyer for his work in White-Collar Crime in Philadelphia. In 2016, Mr. Raspanti was the recipient of the prestigious Cesare Beccaria Award by the Justinian Society of Philadelphia and the Criminal Justice Section of the Philadelphia Bar Association.

He is a member of the Pennsylvania Association of Criminal Defense Lawyers (PACDL), the National Association of Criminal Defense Lawyers (NACDL), the Society of Corporate Compliance and Ethics (SCCE), and is an active member of the Federal Bar Association's Qui Tam Section. Within the American Bar Association, he currently serves as the National Co-Chair of the Criminal Justice Section White Collar Sub-Committee on Qui Tam Litigation. Mr. Raspanti is also a longstanding member of The National Italian American Foundation (NIAF).

Mr. Raspanti was appointed to be a member of Pennsylvania Attorney General Dave Sunday's Transition Committee, specifically the Criminal Defense Subcommittee. He was also appointed by the governor in 2007 to 2010 as the criminal defense representative on the Pennsylvania Commission on Sentencing. He was previously appointed to serve as a Commissioner on the Pennsylvania Commission on Crime and Delinquency. In 2003, under recommendation from the Chief Justice of the Supreme Court of Pennsylvania, Mr. Raspanti was appointed to the Pennsylvania Disciplinary Board for a term of six years which concluded on January 27, 2009. Prior to his appointment to the 16-person Disciplinary Board, he served for six years as a Philadelphia Disciplinary Hearing Committee Member as well as a Special Master.

Over the last few years, Mr. Raspanti has been increasingly selected by defendants, plaintiffs, and the government to mediate the resolution of complex intervened and non-intervened False Claims Act cases. He has also served as an expert witness in False Claims Act cases.

Publications

"An Emerging Opportunity for the States to Revitalize Their State False Claims Act Enforcement," Federal Bar Association *Turning Square Corners*, Summer 2025.

"Physician Open Payments June 30th Data Publication to Incorporate New Final Rule Changes," Federal Bar Association *Turning Square Corners*, Summer 2024.

"Unmasking the Power of the Anti-Fraud Injunction Statute," NACDL *The Champion*, March 2024.

"Laboratory Fraud: What Was Old is New Again," *Compliance Today*, June 2023.

"Are Courts Still the Best Place to Litigate a Qui Tam Action?," *American Health Law Association's Health Law Weekly*, August 2022.

"The Physician Payments Sunshine Act and the Future of Healthcare Transparency: Part 2," *Compliance Today*, March 2022.

"The Physician Payments Sunshine Act and the Future of Healthcare Transparency: Part 1," *Compliance Today*, February 2022.

"The differences and similarities between American and Italian healthcare fraud, waste, and abuse laws: Part 3," *Compliance Today*, January 2022.

"The differences and similarities between American and Italian healthcare fraud, waste, and abuse laws: Part 2," *Compliance Today*, December 2021.

"The differences and similarities between American and Italian healthcare fraud, waste, and abuse laws: Part 1," *Compliance Today*, November 2021.

"Are You FCPA Compliant? A Helpful Checklist for Companies," *Today's General Counsel Magazine*, Summer 2020.

"International Whistleblowing Legislation and America's False Claims Act," *CEP Magazine*, January 2020, at 16.

"Vive La Différence? American and French Healthcare Fraud, Waste, and Abuse Laws," *Compliance Today*, December 2019.

"The Impact of International Whistleblowing on Global Corporate Compliance," *CEP Magazine*, December 2019.

"Tips for Representing Corporations, Employees in Government Investigations," *Law360*, October 2019.

"Exit Interviews - Do the Benefits Outweigh the Risks?," *The Legal Intelligencer*, April 2019.

"Hiding in Plain Sight: Obtaining Insurance Coverage in White Collar Criminal Investigations and Complex Civil Litigation," *NACDL The Champion*, April 2019.

"False Claims Act Cases Against Hospital Corporations," *Corporate Crime Reporter*, November 2018.

"A Practitioner's Primer on History and Use of the Federal Anti-Kickback Statute." *AHLA Connections*, March 2017.

"A New Era of LabScams? Part 2: The Return of Laboratory Fraud." *Compliance Today*, October 2016, pp. 46-50.

"A New Era of Laboratory Fraud, Part 1: Operation LabScam Redux." *Compliance Today*, September 2016, pp. 22-25.

"Working Both Sides of the Corporate Crime Aisle," *Corporate Crime Reporter*, May 3, 2016.

"Failure to report to ODC: Violation or larger problem?" *The Legal Intelligencer*, August 27, 2013.

"Who Is Enforcing the Stark Law of the United States?" *AHLA Connections*, September 2012.

"The Tar Heel State Steps Up Its Fight Against Fraud - Part II." *The Legal Intelligencer*, June 27, 2012.

"The Tar Heel State Steps Up Its Fight Against Fraud - Part I." *The Legal Intelligencer*, June 26, 2012.

"Whats Next for the Year-Old SEC Whistleblower Program?" *The Legal Intelligencer*, November 1, 2011.

"Why Is Qui Tam Litigation Often So Difficult to Resolve?" *AHLA Connections*, September 2011, pp. 22-27.

"The IRS' Proposed Amendments to Its Informant Award Program." *The Legal Intelligencer*, March 2, 2011.

"Proposed SEC Rules Undermind Dodd-Frank's Whistleblower Incentives." *The Legal Intelligencer*, February 10, 2011.

"Sen. Stevens' Tragic Demise Breathed Life Into Brady." *The Legal Intelligencer*, January 24, 2011.

"Defense Contracting Fraud Prosecutions: Is the Past Prologue?" *The Legal Intelligencer*, July 2010.

"States, Statutes and Fraud: A Study of Emerging State Efforts to Combat White Collar Crime." *Cardozo Law Review*, Issue 5, Volume 31, April 2010.

"The Minnesota False Claims Act: Is It Minnesota Nice?" *Bench & Bar of Minnesota*, April 2010.

"Daubert Challenges to Experts in Federal Criminal Cases: A Still Underutilized Defense." *24th Annual National Institute on White Collar Crime Course Materials Book*, February 2010.

"Anatomy of a Federal Health Care Fraud Prosecution." *The Champion*, September/October 2009, p. 36.

"The Employment Protection and Anti-Discrimination Provisions of the New Jersey State False Claims Act." *New Jersey Law Journal*, August 10, 2009.

"The 'New' New Jersey False Claims Act: It Was Born to Run." *The Legal Intelligencer*, July 6, 2009.

"Compliance and Governance for Health Care Organizations and Marketing and Sales Activities." *Journal of Health Care Compliance*, May/June 2009.

"Will an Internal Independent Investigation Always Make a Difference to a Corporation?" *The Champion*, February 2009.

"Why Do They Do It?: The Motives, Mores, and Character of White Collar Criminals." *St. John's Law Review*, Issue 2 Volume 82, Spring 2008.

"Modern False Claims Act Liability" Cradle to Grave Liability." *Health Lawyers News*, 2006.

"False Claims Act Damages: One Size Doesn't Fit All." *Health Lawyers News*, Vol. 10, No. 7, July 2006.

"States, Statutes, and Fraud: An Empirical Study of Emerging State False Claims Acts." *Tulane Law Review*, December 2005, p. 465.

"When Does Economic Credentialing Violate the Anti-Kickback Statute." *Health Law Handbook*, 2002, p.307.

"Deterring Employees from Becoming Whistleblowers and Defending Against Whistleblower Suits brought by Employees." *Health Law Handbook*, 2001, p. 237.

"A Case Study: Department of Justice v. Qui Tam Relators." *Health Care Fraud Report*, June 3, 1998.

"Current Practice and Procedure under the Whistleblower Provisions of the Federal False Claims Act" *71 Temple Law Review*, 1998

"The Qui Tam Provisions of the False Claims Act: Theory, Practice and Procedure," *Health Law Handbook 149*, 1998

"The Qui Tam Provisions of the False Claims Act: Even Success Has Its Challenges." *ABA Health Law Litigation*, 1996

Speaking Engagements

Opening Remarks for Federal Bar Association's Qui Tam Section Annual Conference (Washington, DC), February 19, 2026

"Mediation of FCA Cases," Federal Bar Association's Qui Tam Section (webinar), November 19, 2025

"Fraud, Waste, Abuse & The False Claims Act," Fox Rothschild 2025 White-Collar Symposium (Philadelphia, PA), September 17, 2025

"False Claims Act Enforcement Roundtable," American Bar Association Criminal Justice Section Qui Tam Subcommittee (Miami, FL), April 10, 2025

"False Claims Act Update," Pennsylvania Bar Institute's Health Law Institute (webinar), September 9, 2024

"Litigation: From Seal Lift to Final Pretrial Conference -- 9(B), Touhy, Claims, Experts, and More," American Bar Association's Civil False Claims 2024 Conference (webinar), June 5, 2024

"Private Equity and Health Care – A Paradox or Just Good Business," American Bar Association's 25th Annual Emerging Issues in Healthcare Law Conference (New Orleans, LA), April 5, 2024

"False Claims Act Update," Pennsylvania Bar Institute's Health Law Institute (Harrisburg, PA), March 13, 2024

"A Practitioner's Guide to American Whistleblower Programs," World Online Lawyers with Excellent Practice (WOLEP) (webinar), November 21, 2023

"The State of False Claims Litigation in South Carolina," Federal Bar Association South Carolina Chapter Annual Meeting of the Chapter (Charleston, SC), November 9, 2023

"A Practitioner's Guide to American Whistleblower Programs: Three Decades of a Growing Public-Private Partnership," Mackrell International Roundtable (webinar), September 14, 2023

"When Trial is Your Best...or Only...Option!" Federal Criminal Law Committee for the Eastern District of Pennsylvania (Philadelphia, PA), June 1, 2023

"False Claims Act Today," Federal Bar Association's Qui Tam Section (webinar), May 17, 2023

"The New Italian Whistleblowing Legislation: A Practical Guide," Gitti and Partners (webinar), February 8, 2023

"The Physician Payment Sunshine Act and the Future of Healthcare Transparency," Health Care Compliance Association (webinar), November 15, 2022

"What's in the Data? Data Analytics in Health Care False Claims Act Cases," American Bar Association's Annual Meeting (Chicago, IL), August 4, 2022

"Whistleblower statutes in the United States and the European Union - regulations, commonalities and differences, perspectives," World Online Lawyers with Excellent Practice, WOLEP (webinar), July 13, 2022

"Aseracare Update: Insights into Objective Falsity in Litigation and Trials," American Bar Association's False Claims and Qui Tam Trial Institute 2022 (Miami, FL), April 25-27, 2022

"Whistleblower Counsel on the Enforcement Front Lines," White Collar Perspectives Series (webinar), March 3, 2021

"Negotiating and Mediating False Claims Act Cases," Health Care Compliance Association's 6th Annual Healthcare Enforcement Compliance Conference (webinar), November 18, 2020

"How Not to Transform Your Employees into Whistleblowers – Even the Thinnest of Pancakes Has Two Sides" Federal Bar Association's Qui Tam Section (webinar), July 14, 2020

"Multi-Relator Cases," Federal Bar Association 2020 Qui Tam Conference (Washington, DC), February 27-28, 2020

"The Changing Face of the Qui Tam," 20th Annual Pharmaceutical and Medical Device Compliance Congress (Washington, DC), November 6-8, 2019

"Use and Rise of the FCA and Healthcare Fraud Enforcement," American Health Law Association's Milestones in AHLA and Health Law Program (audio recording), October 29, 2019

False Claims Act Enforcement Roundtable (Miami, FL), September 19, 2019

"The Life of a Complex Qui Tam Case in the Eastern District of Pennsylvania," Presented to the Judges of the United States District Court for the Eastern District of Pennsylvania (Philadelphia, PA), June 26, 2019

False Claims Act and Qui Tam Trial Institute (New York, NY), June 19-21, 2019

"Health Care Fraud, Waste and Abuse Enforcement: American Style," International Compliance and Healthcare Conference, Institute of Risk & Compliance (Paris, France), May 16-17, 2019

"False Claims Act 2019: Discussion with the Expert - Successful Strategies for False Claims Act and Qui Tam Representations," American Law Institute Continuing Legal Education (webcast), February 13, 2019

"What Will the Future Bring? New Theories, New Claims, New Cases," American Conference Institute's 6th Advanced Forum on False Claims & Qui Tam Enforcement (New York, NY), January 28-29, 2019

"State Enforcement Actions: Where Are They Going in Today's Enforcement Climate?" Health Care Compliance Association's 4th Annual Healthcare Enforcement Compliance Conference (Washington, DC), November 6, 2018

False Claims Act Enforcement Roundtable (Miami, FL), September 27, 2018

"30 Years in the Trenches: A False Claims Act Litigator's Unique Perspectives," Kentucky Health Law Institute 2018 (Lexington, KY), September 13-14, 2018

"Negotiating False Claims Act Settlements and Mediation," American Bar Association's 28th Annual National Institute on Health Care Fraud (San Francisco, CA), May 2-4, 2018

"The FCA in 2018: A Brave New World?" Philadelphia Bar Association's Federal Courts Committee (Philadelphia, PA), April 18, 2018

"What Will the Future Bring? New Theories, New Claims, New Cases," American Conference Institute 5th Advanced Forum on False Claims and Qui Tam Litigation (New York, NY), January 29-30, 2018

"Crime, Punishment and the Representation of Those Accused," Burlington County Prosecutor's Office (Mt. Holly, NJ), December 5, 2017

"Your Company has been Served with a Civil Investigative Demand: Now What," 3rd Annual Healthcare Enforcement Compliance Institute (Washington, D.C.), October 31, 2017

"Medical Necessity and the False Claims Act - Lions, and Tigers and Experts, Oh My!" AHLA Fraud and Compliance Forum (Baltimore, MD), October 5, 2017

"Ten Practice Tips for Relators- Doing Your Best to File a Winning Qui Tam Case," Current Trends in False Claims Act/Qui Tam Whistleblower Litigation CLE (Charleston, SC), May 12, 2017

"False Claims Act Developments," HCCA's 21st Annual Compliance Institute (National Harbor, MD), March 26, 2017

"Best Practices for Dealing with the States in False Claims Act Cases," Healthcare Enforcement Compliance Institute Webinar March 14, 2017

"Dealing with States in Complex Health Care Fraud Investigations," Pennsylvania Bar Institute's 23rd Annual Health Law Institute (Philadelphia, PA), March 8, 2017

"Best Practices for Dealing with the States in False Claims Act Investigations, Litigation and Settlement," Healthcare Enforcement Compliance Institute (Washington, D.C.), October 24, 2016

16th Annual Taxpayers Against Fraud Education Fund Conference (Washington, D.C.), September 14-16, 2016

"False Claims Act Pleading Issues," False Claims Act/Qui Tam Whistleblowers Litigation Involving Health Care Providers CLE (Columbia, SC), May 6, 2016

"So You Want To Represent a Whistleblower: What Do You Need to Know to Succeed," Pennsylvania Bar Institutes' 22nd Annual Health Law Institute (Philadelphia, PA), March 15-16, 2016

"Litigating a False Claims Whistleblower Case," American Law Institute CLE Telephone Seminar/Audio Webcast, February 3, 2016

“Best Practices to Facilitate Global Settlements,” 3rd Annual Advanced Forum on False Claims & Qui Tam Enforcement (New York, NY), January 21-22, 2016

“Managed Care Fraud Enforcement and Compliance,” Healthcare Enforcement Compliance Institute (Washington D.C.), October 25, 2015

False Claims Act, Seton Hall Law School’s Healthcare Compliance Certification Program (Newark, NJ), October 13, 2015

“Qui Tam Litigation, A Practitioner’s Symposium: Global Settlements and Relator Share/Attorney Fee Issues,” American Bar Association’s Criminal Justice Section and the White Collar Crime Southeast Region Subcommittee (Charlotte, NC), September 25, 2015

“Federal Sentencing Trends Ten Years After United States v. Booker and Sentencing Advocacy,” Federal Bench Bar Conference (Philadelphia, PA), June 19, 2015

25th Annual National Institute on Health Care Fraud, American Bar Association (Miami, FL), May 13-15, 2015

2015 Annual Meeting, NC Fellows of the American College of Trial Lawyers (Asheville, NC), March 21, 2015

“How Relator’s Counsel Validate and Investigate a Claim Before the Complaint is Filed,” American Conference Institute 2nd Annual False Claims and Qui Tam Enforcement (New York, NY), January 21, 2015

“Fraud, Kickbacks and the False Claims Act: A White Collar Practitioner’s Primer,” 2014 PACDL White Collar Seminar (New York, NY), November 13, 2014 ...

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Bar Admissions

Pennsylvania

New York

U.S. Supreme Court

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court - Eastern District of Pennsylvania

U.S. District Court - Middle District of Pennsylvania

U.S. District Court - Western District of Pennsylvania

U.S. District Court - Southern District of New York