

## MARC STEPHEN RASPANTI PARTNER

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MARC STEPHEN RASPANTI is a name Partner of Pietragallo Gordon Alfano Bosick & Raspanti, LLP. He practices in the areas of Government Enforcement, Compliance, Internal Investigations, Federal and State White Collar Litigation; Federal and State Qui Tam Litigation; Criminal, Civil and Administrative Health Care Fraud Litigation; and Complex Commercial Litigation. Mr. Raspanti is the founder of the firm's national Qui Tam/False Claims Act practice group as well as the firm's White Collar Criminal Defense practice group.

In March 1999, Philadelphia Magazine named Mr. Raspanti one of the best white collar criminal defense lawyers in Philadelphia. Following that honor, Mr. Raspanti was selected by his peers as a Pennsylvania Super Lawyers from 2004 through 2019 in the field of White Collar Criminal Defense. In addition, from 2007 through 2015, he was listed as one of the Top 100 Pennsylvania Super Lawyers. From 2008 through 2015, he was selected as one of the Top 100 Philadelphia Super Lawyers. He has been named the "Lawyer of the Year" for the Philadelphia Health Care sector for 2018.

He was selected by his peers for the 2006 through 2020 editions of Best Lawyers in America® in the area of Health Care Law litigation. Mr. Raspanti is also Chambers & Partners rated in the area of Healthcare Litigation and White Collar Crime and Government Investigations.

In the area of White Collar Criminal Defense, Mr. Raspanti served as trial counsel in a number of complex, high-profile white collar criminal cases. In United States of America v. General Electric Company, he defended a former executive of the General Electric Company charged with criminal defense procurement fraud in a four-month jury trial. This case, which involved thousands of documents and hundreds of witnesses, was one of the longest and most complex white collar criminal trials ever tried in Pennsylvania. 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.

He has represented numerous executives, corporations, physicians, health care providers, hospitals, manufacturers, distributors, entrepreneurs, clergy, accountants, lawyers, politicians, and professionals in numerous federal, state and regulatory investigations throughout the country and abroad.

In the area of Qui Tam litigation, Mr. Raspanti has litigated numerous high profile cases including; United States ex rel. Robert J. Merena v. SmithKline Beecham Clinical Laboratories, as well as co-lead counsel in United States ex rel. Bradford Hunt & Walter Gauger v. Merck-Medco Managed Care, LLC and in United States ex rel. James T.

Monahan v. St. Barnabas Health System. Over the past 30 years, Mr. Raspanti has been involved in the recovery of over \$2 billion for state and federal taxpayers.

In 2012, Mr. Raspanti was elected as a Fellow of the American College of Trial Lawyers, an organization devoted to recognizing outstanding civil and criminal trial lawyers in the United States and Canada. LexisNexis® Martindale-Hubbell® recognizes Mr. Raspanti as an AV® Preeminent™ rated attorney, the highest such rating available to any individual lawyer in both legal ability and ethical standards. Mr. Raspanti has a 10, superb, rating with AVVO, which evaluates attorney qualifications based on years in practice, professional achievements, and industry recognition.

Mr. Raspanti 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 serves on the Federal Bar Association's Qui Tam Section. He is also a member of the Federal Criminal Law Committee for the Eastern District of Pennsylvania. Within the American Bar Association, Mr. Raspanti currently serves as the National Co-Chair of the Criminal Justice Section White Collar Sub-Committee on Qui Tam Litigation and has served on the Committee on Complex White Collar Criminal Litigation.

Mr. Raspanti's past legal positions include Assistant District Attorney at the Philadelphia District Attorney's Office, where he tried a wide range of criminal cases to verdict, as well as several well-respected Philadelphia litigation firms.

Mr. Raspanti has been recognized as a national leader in his field by such organizations as Law Dragon 500 magazine and the US Healthcare Expert Guide. Mr. Raspanti is an active member of the Health Care Compliance Association as well as the American Health Lawyers Association.

In November 2016, Mr. Raspanti was the recipient of the Twenty Second Annual Cesare Beccaria Award by the Justinian Society of Philadelphia and the Criminal Justice Section of the Philadelphia Bar Association. He is a longstanding member of The National Italian American Foundation. Mr. Raspanti is an ex officio member of the Board of Governors of the Justinian Society, having served as Secretary to the Society from 1998 to 2002.

From June 2007 through January 2010, Mr. Raspanti was appointed as a Commissioner by Governor Edward G. Rendell as the criminal defense representative to serve on the Pennsylvania Commission on Sentencing. The Commission creates a state-wide sentencing policy which promotes fair, consistent sentencing practices in order to provide judges with a common reference point for sentencing those convicted of felonies and misdemeanors. Mr. Raspanti was previously appointed to serve as a Commissioner on the Pennsylvania Commission on Crime and Delinquency.

On January 27, 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. He served as Chair of the Board's education committee. Prior to his appointment to the 16-person Disciplinary Board, Mr. Raspanti served for six years as a Philadelphia Disciplinary Hearing Committee Member.

Mr. Raspanti frequently speaks, writes, lectures and comments on white collar criminal defense, false claims act and health care fraud issues throughout the country. He served as an Adjunct Professor of Law at Hamline University School of Law in Minnesota where he taught classes in health care fraud, the False Claims Act, and pharmaceutical and medical device fraud. He speaks regularly at law schools and before professional trade organizations throughout the United States and abroad.

## **Publications**

"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.

"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: Even Success Has Its Challenges." *ABA Health Law Litigation*, 1998

## Speaking Engagements

- "From Initiating the Complaint to Government Intervention or Declination and Everything in Between," American Conference Institute's False Claims & Qui Tam Enforcement (New York, NY), January 27-28, 2020
- "The Changing Face of the Qui Tam," 20th Annual Pharmaceutical and Medical Device Compliance Congress (Washington, DC), November 6-8, 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

"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 ...

*For additional speaking history, we invite you to visit [www.pietragallo.com](http://www.pietragallo.com)*

## **Representative Cases**

United States et. al. ex rel. Mason, Folstad and MEMA v. Health Management Associates, Inc., et. al., No. 3:10CV472 (W.D.N.C.)

United States ex rel. Lutz v. Laboratory Corporation of America Holdings, 2019 WL 236799 (D.S.C. Jan. 16, 2019)

United States ex rel. Mason v. Health Mgmt. Assocs. Inc., et al., 3:10-CV-472-GCM (W.D.N.C.)

United States ex rel. Miller v. Health Mgmt. Assocs. Inc., et al., 10-3007 (E.D. Pa.)

United States ex rel. Saunders v. Univ. of Pennsylvania Health System, 97-6747 (E.D. Pa.)

United States ex rel. Lutz v. Heart Diagnostic Laboratory Inc., et al., 14-230 (D.S.C.)

United States ex rel. Bergman v. Abbot Laboratories, 995 F. Supp. 2d 357 (E.D. Pa. 2014)

United States ex rel. Novick v. Doshi Diagnostics, 09-4992 (D.N.J.)

United States ex rel. Ross v. Family Dermatology of Pennsylvania, P.C., et al., Case No. 1:11-cv-2413 (N.D. Ga.)

United States ex rel. Michael Epp v. Supreme Foodservice AG, 10-1134 (E.D. Pa.)

United States ex rel. DePace v. Cooper Health System, No. 08-5626 (JEI/AMD), ---F.Supp.2d---, 2013 WL 1707952 (D.N.J. Apr. 22, 2013)

United States ex rel. Mason v. Community Health Systems, Inc. et al., No. 12-817 (W.D.N.C.)

United States ex rel. Vincent A. DiMezza, Jr. v. The Boeing Company, No. 2-10-cv-000634 (E.D. Pa.)

United States ex rel. Nevyas v. Allergan Inc., No. 2:09-cv-00432 (E.D. Pa.)

United States et al. v. Christiana Care Health System et al., Civ. No. 05-344 (D. Del., 2010)

United States ex rel. James Monahan v. Robert Wood Johnson University Hospital at Hamilton, 2009 WL 1288962 (D.N.J. May 7, 2009), Case No. 02-5702

United States v. Dr. Harriet Comite, No. 06-0070 (E.D. Pa., Feb. 13, 2007)

United States ex. rel. James T. Monahan v. Saint Barnabas Health System, No. Civ. A. 02-5702 (D. N.J., June 15, 2006)

United States ex rel. Hunt v. Merck- Medco Managed Care, LLC, 336 F. Supp. 2d 430 (E.D. Pa., 2004)

United States ex rel. Hunt v. Merck-Medco Managed Care, LLC, No. 00-CV-737 (E.D. Pa., Sept. 22, 2004)

United States v. Dr. Reicherter, 318 F. Supp. 2d 265 (E.D. Pa., 2004)  
United States ex rel. Hunt v. Merck-Medco Managed Care, LLC, No. 00-CV-737, 2004 WL 868271 (E.D. Pa., April 21, 2004)  
United States v. Burns, 280 F. Supp. 2d 325 (D. Del., 2003)  
United States ex rel. Dr. Poulton v. Anesthesia Assoc. of Burlington, Inc., 87 F. Supp. 2d 351 (D. Vt., 2000)  
United States ex rel. Merena v. SmithKline Beecham Clin. Lab., 114 F. Supp. 2d 352 (E.D. Pa., 2000)  
United States ex rel. Merena v. SmithKline Beecham Clin. Lab., 205 F.3d 97 (3d Cir. 2000)  
United States ex rel. Merena v. SmithKline Beecham Clin. Lab., No. Civ. A. 93-5974, 1998 WL 83971 (E.D. Pa., Feb. 25, 1998)  
United States ex rel. Merena v. SmithKline Beecham Clin. Lab., No. Civ. A. 93-5974, 1998 WL 54379 (E.D. Pa., Jan 29, 1998)  
United States v. Dr. Jose Castillo, No. Crim. A. 96-CR-430 1997 WL 539762 (E.D. Pa., Aug. 7, 1997)  
United States ex rel. Penizotto v. Bates East Corp., No. Civ. A. 94-3626, 1996 WL 417172 (E.D. Pa., Jul. 19, 1996)  
United States v. Warings, 1994 WL 396432 (E.D. Pa. Jul. 26, 1994)  
United States ex rel. Brandimarte v. Life Ctr. Ltd., No. Ci. A. 94-2398 (E.D. Pa., Filed Apr. 1994, Settled Nov. 1995)  
United States v. Warning, No. Civ. A. 91-6488, 1994 WL 105674 (E.D. Pa., Mar. 17, 1994)  
Commonwealth v. Ginn, 587 A.2d 314 (Pa. Super Ct. 1991)  
United States ex rel. West v. Biotrax Inc., No. 95-CV-3223 (E.D. Pa., May 1991)  
St. German of Alaska E. Orthodox Catholic Church v. United States, 840 F.2d 1087 (2d Cir. 1988)  
United States v. Dr. Tutse Towne, NO. C.A. 91-21-02-JRR, 1991 WL 146666 (D. Del. June 26, 1991)  
United States v. Gerald Leo and James Badolato, 941 F.2d 181 (E.D. Pa., 1991)

## **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. 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