

JOHN A. SCHWAB PARTNER

Phone: (412) 263-1849

Fax: (412) 263-4275

E-mail: JAS@Pietragallo.com



JOHN A. SCHWAB is a Partner in the Pittsburgh office of Pietragallo Gordon Alfano Bosick & Raspanti, LLP. Mr. Schwab draws on his experience as a Marine Corps Officer and nearly two decades of practice as a trial attorney when representing individuals and companies. He serves as Co-Chair of both the Government Enforcement, Compliance, and White Collar Litigation Practice Group and the Cyber Security & Privacy Practice Group. He is also a member of the firm's Litigation and Qui Tam/False Claims Act (FCA) 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, the 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, environmental offenses, 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
- SEC investigation into alleged misappropriation of client funds by broker-dealer; This matter concluded

with a favorable resolution when the SEC did not recommend action

- Executives transitioning to new employers, including negotiations of employment agreements, severance and settlement terms, and non-compete and confidentiality agreements
- Executive of international defense contractor in corporate internal investigation
- Physicians, psychologists, and medical providers in internal investigations and facing potential loss of privileges, credentials, or licenses
- Physician in False Claims Act investigation related to compensation agreement with laboratory including settlement of FCA allegations and subsequent licensing and credentialing matters
- Financial institution's employee in internal investigation for alleged theft of corporate data
- 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 multi-district patent litigation concerning mobile payment applications/software
- Pittsburgh counsel in False Claims Act employment retaliation matter

Representative criminal matters:

- Government contractors facing investigations into projects performed for federal and state governments and regulatory agencies
- Physician facing IRS investigation and subsequent federal criminal tax charges for failure to pay over employment taxes; sentenced to probation despite \$1.1 million tax bill owed to the IRS
- Doctors, and their staff, 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
- CEO of telecommunications company in federal investigation by FBI and Department of Education; favorable outcome resulting in no charges being filed
- 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. 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
- Corporate executives and officers in bank and lender fraud matters in meetings and negotiations with government investigators and prosecutors
- 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 has been recognized as a Pennsylvania Super Lawyer in the category of White Collar Criminal Defense since 2018. Prior to that, he was named as a Pennsylvania Super Lawyers Rising Star since 2013. Mr. Schwab's accolades began in 2011 when he was selected as a future leader of Pennsylvania's legal community by The Legal Intelligencer as a "Lawyer on the Fast Track."

Mr. Schwab is a member of the American Bar Association, the Allegheny County Bar Association, and the 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.

Publications

Schwab, John A., and Douglas K. Rosenblum. "FCA 101: A Practitioner's Guide to the False Claims Act," *Criminal Justice*, Volume 26, Number 3.

Schwab, John A., and Abigail M. Faett. "E-Discovery in Pennsylvania: Bridging the Gap in the Electronic Age," *EDDE Journal*, September 2011.

"Congress Must Speak Clearly, Again' - 18 U.S.C. § 1346" *Journal of Law and Public Policy*, Spring 2010.

Speaking Engagements

- "Criminal Law Update 2020: Federal Court Update," *Pennsylvania Bar Institute* (Pittsburgh, Pennsylvania), December 7, 2020
- "Federal Criminal Presentence Reports: The PSR Process in the Western District," *Allegheny County Bar Association, Federal Court Section* (Pittsburgh, Pennsylvania), December 3, 2020
- "Privacy & Data Security: The Current Legal Landscape and What's Next in 2021?" *Professional Liability Attorney Network* (webcast available at www.PLANattorney.org), November 19, 2020
- "Parallel Government Investigations: The Civil Side of a Criminal Investigation," *Allegheny County Bar Association, Federal Court Section* (Pittsburgh, Pennsylvania), January 23, 2020
- "Criminal Law Update 2019: What's New in Federal Court," *Pennsylvania Bar Institute* (Pittsburgh, Pennsylvania), December 3, 2019
- "A Corruption Overview: It's Not Always Cash in a Bag," *Allegheny County Bar Association* (Pittsburgh, Pennsylvania), May 30, 2019
- "Cyber Security in the Workplace," *Electric League of Western Pennsylvania, Industry Expo & Conference* (Pittsburgh, Pennsylvania), May 14, 2019
- "Protecting Yourself in Government Investigations," *United Chinese Americans, Pittsburgh Chapter at the University of Pittsburgh* (Pittsburgh, Pennsylvania), May 11, 2019
- "ACBA Skills Training - Preparing for and Handling an Initial Appearance, Bail and Arraignment," *Federal Court Section, Allegheny County Bar Association* (Pittsburgh, Pennsylvania), April 12, 2019
- "Alumni Career Panel Night," *Career Services/Law Society at Grove City College* (Grove City, Pennsylvania), March 21, 2019
- "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

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

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

