

MICHAEL A. MORSE

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MICHAEL A. MORSE is a partner at Pietragallo Gordon Alfano Bosick & Raspanti, LLP, where he serves as a member of the Government Enforcement, Compliance, and White Collar Litigation Group, Commercial Litigation Group, Health Care Law Group, and Qui Tam/False Claims Act Practice Group. Mr. Morse is certified in Healthcare Compliance by the Health Care Compliance Association and the Compliance Certification Board (CCB).

Mr. Morse served as an Assistant District Attorney in the Philadelphia District Attorney's Office from 1997-2000. As an Assistant District Attorney, Mr. Morse handled hundreds of felony cases, and briefed and argued numerous cases before the Pennsylvania Supreme and Superior Courts.

Mr. Morse defends corporations, executives, universities, public officials, hospitals, medical device manufacturers, and health care providers in a wide variety of criminal and civil fraud matters in federal and state courts.

Mr. Morse advises medical device manufacturers, executives of pharmaceutical manufacturers, hospitals, medical schools, pharmacy benefits managers, physicians, and health care practices in fraud and abuse, compliance, FDA/HHS/DEA regulatory, contracting, privacy, and antitrust matters. He regularly conducts internal fraud and compliance investigations, and drafts compliance policies and procedures for manufacturers, medical schools, and large healthcare providers. Mr. Morse speaks regularly to audiences across the country on fraud, abuse and compliance matters.

Mr. Morse represents clients in a wide-variety of complex litigation matters, including: protecting publicly traded companies against misappropriation of trade secrets; defending public and private employers against allegations of wrongful termination and discrimination; defending a former executive against allegations of securities fraud; defending a large municipality against allegations of civil rights violations; and enforcing restrictive covenants.

Mr. Morse represents clients in federal and state False Claims Act litigation, including cases involving healthcare, defense contracting, and government procurement fraud. He has served as counsel for the lead whistleblower in numerous false claims cases, including:

- United States ex rel. Michael Epp v. Supreme Foodservice AG, 10-1134 (E.D.Pa.) (resulting in a \$389 Million civil and criminal recovery for federal taxpayers)
- United States ex rel. Monahan v. St. Barnabas Health System, 02-5702 (D.N.J.) (resulting in a \$265 Million recovery for federal taxpayers)
- United States ex rel. Hunt and Gauger v. Medco Health Solutions, 00-737 (E.D.Pa.) (resulting in a \$185 Million recovery for federal and state taxpayers)
- United States ex rel. Mason v. Community Health Systems, Inc. et al., No. 12-817 (W.D.N.C.) (resulting

- in a \$98 Million recovery for federal and state taxpayers)
- United States ex rel. Novick v. Doshi Diagnostics, 09-4992 (D.N.J.) (resulting in a \$15.5 Million for federal and state taxpayers)
- United States ex rel. DePace v. Cooper Health System, 08-5626 (D.N.J.) (resulting in a \$12.6 Million recovery for federal taxpayers)
- United States ex rel. DiMezza v. Boeing Corp., 10-634 (E.D.Pa) (resulting in a \$4.4 Million recovery for federal tax payers)
- United States & State of Texas ex rel. Hudnall v. Rescare, 3:01cv1154-H (N.D.Tex.) (resulting in a \$2.15 Million recovery for federal and Texas taxpayers)

Mr. Morse is a member of the American, Pennsylvania, New York and Philadelphia Bar Associations, as well as the American Health Lawyers Association, the Health Care Compliance Association, the Society of Corporate Compliance Ethics, the National Association of Criminal Defense Lawyers, and the Pennsylvania Association of Criminal Defense Lawyers. Mr. Morse has served as the Co-Chair of the Philadelphia Bar Association's Federal Courts Committee. He also has served as a member of the editorial board of the American Bar Association's Criminal Litigation newsletter, and a member of the Steering Committee of the American Bar Association's Mid-Atlantic White Collar Crime Committee.

Mr. Morse has been selected as a *Pennsylvania Super Lawyer* from 2013 through 2022 in the area of White Collar Criminal Defense. Previously, he was selected as a *Pennsylvania Super Lawyer Rising Star* for 2005 through 2008 and 2010 through 2012 in the area of White Collar Criminal Defense. He has also been selected by *The Legal Intelligencer* as a Lawyer on the Fast Track for 2010.

Representative Matters

- United States ex rel. Bergman v. Abbott Laboratories, 995 F. Supp. 2d 357 (E.D. Pa. 2014)
- 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. 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. 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. Comite, No. 06-70, 2006 WL 3791340 (E.D. Pa., Dec. 21, 2006)
- United States v. Comite, No. 06-70, 2006 WL 3360282 (E.D. Pa., Nov. 17, 2006)
- Fleet Nat'l Bank v. Boyle, No. Civ. A. 04-1277, 2005 WL 2455673 (E.D. Pa., Sept. 12, 2005)
- United States ex rel. Hudnall v. Rescare Inc., No. 3:01CU1154-11 (N.D. Tex., June 14, 2005)
- In re DVI, Inc. Sec. Litig., No. Civ. A. 03-5336, 2005 WL 1307959 (E.D. Pa., May 31, 2005)
- WM High Yield Fund v. O'Hanlon, No. Civ. A. 04-3423, 2005 WL 1017811 (E.D. Pa., April 29, 2005)
- 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, 340 F. Supp. 2d 554 (E.D. Pa., 2004)
- United States ex rel. Hunt v. Merck-Medco Managed Care, LLC, 223 F.R.D. 330 (E.D. Pa., 2004)
- United States v. Dr. Reicherter, 318 F. Supp. 2d 265 (E.D. Pa., 2004)
- Agere Sys. v. Atmel Corp., No. Civ. A. 02-864, 2004 WL 945162 (E.D. Pa., April 30, 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)
- Krenzel v. Se. Pa. Trans. Auth., 91 F. App'x 199 (3d Cir. 2004)
- Krenzel v. Se. Pa. Trans. Auth., 840 A.2d 450 (Pa. Commw. Ct. 2003)
- Coles v. City of Philadelphia, 145 F. Supp. 2d 646 (E.D. Pa., 2001) aff'd, 38 F. App'x 829 (3d Cir. 2002)

Krenzel v. Se. Pa. Trans. Auth., No. Civ. A. 00-CV-4782, 2001 WL 33626 (E.D. Pa., Jan. 12, 2001)
Krenzel v. Se. Pa. Trans. Auth., No. Civ. A. 00-4782, 2000 WL 1781921 (E.D. Pa., Nov. 27, 2000)
Commonwealth v. Weston, 749 A.2d 458 (Pa. 2000)
Commonwealth v. Johnson, 758 A.2d 1214 (Pa. Super. Ct. 2000)
United States ex rel. Mason v. Community Health Systems, Inc. et al., No. 12-817 (W.D.N.C.)

Speaking Engagements

“Laboratory Enforcement and Compliance,” Health Care Compliance Association’s Healthcare Enforcement Compliance Conference (virtual), November 10, 2021
“With Friends Like These...The Attorney-Physician Expert Witness Relationship,” American Bar Association Physicians Legal Issues: Healthcare Delivery & Innovation Virtual Conference (virtual), September 24, 2021
“Anatomy of a False Claims Act Case,” Health Care Compliance Association’s 6th Annual Healthcare Enforcement Compliance Conference (Washington, DC), November 15, 2020
“Fraud and Abuse in the Age of Coronavirus: Current and Future Federal Criminal and Civil Enforcement Actions,” American Health Law Association (virtual), June 10, 2020
“How the False Claims Act Cases Impacts Municipalities,” International Municipal Lawyers Association Mid-Year Seminar (Washington, DC), April 23, 2020. Webinar.
“False Claims Act Update,” Health Care Compliance Association’s 24th Annual Compliance Institute (Nashville, TN), March 29-April 1, 2020
“Preparing for the Fight of Your Life: Anatomy of a Health Care Fraud Prosecution,” Pennsylvania Bar Institute Health Law Institute 2020 (Philadelphia, PA), March 11-12, 2020
“Supreme Court Delivers Important Victory for Qui Tam Whistleblowers,” Health Care Compliance Association, October 23, 2019, Webinar
“Do your Ethics Policies Address Fraud, Abuse and Waste,” 2019 PICPA Health Care Conference (Great Valley, PA), June 11, 2019
“False Claims Act Developments,” Health Care Compliance Association’s 23rd Annual Compliance Institute (Boston, MA), April 7, 2019
“Whistleblowers: Who Are They, Why Do They Blow the Whistle, and What Makes a Good Whistleblower Case,” Society of Corporate Compliance and Ethic’s and Health Care Compliance Association’s Board and Audit Compliance Conference (Scottsdale, AZ), February 19, 2019
“Negotiating False Claims Act Settlements and Mediation,” 4th Annual Healthcare Enforcement Compliance Conference (Washington, DC), November 4-7, 2018
“Whistleblowers Risk and False Claim Liability,” Society of Corporate Compliance and Ethic’s Board and Audit Compliance Conference (Scottsdale, AZ), September 25, 2018
“False Claims Act Developments,” Health Care Compliance Association’s 22nd Annual Compliance Institute (Las Vegas, NV), April 15, 2018
“The Big Show: Trying a Qui Tam Case,” Federal Bar Association’s 2018 Qui Tam Conference (Washington, DC), February 28, 2018
“Developments in Qui Tam Litigation,” Pharmaceutical Compliance Forums 18th Annual Pharmaceutical and Medical Device Compliance Congress (Washington, DC), November 6, 2017
“False Claims Act Update,” Pennsylvania Association of Criminal Defense Lawyers’ White Collar Crime Seminar (Philadelphia, PA), November 11, 2016
“Recent Trends and Developments in the False Claims Act,” University of Pittsburgh School of Law (Pittsburgh, PA), October 25, 2016
“False Claims Act Developments,” Health Care Compliance Association’s 20th Annual Compliance Institute (Las Vegas, NV), April 17, 2016
“Complexities of Parallel Proceeding Under the False Claims Act,” ABA Section of Litigation Healthcare Los Angeles Regional Conference (Los Angeles, CA), November 3, 2015

"Qui Tam Litigation, A Practitioner's Symposium: Recent Trends and Development in the Law," American Bar Association's Criminal Justice Section and the White Collar Crime Southeast Region Subcommittee (Charlotte, NC), September 25, 2015

"False Claims Act Litigation," Virginia Commonwealth University (Richmond, VA), April 29, 2015

"False Claims Act Developments," HCCA 2015 Compliance Institute (Orlando, FL), April 19, 2015

"Whistleblower Litigation," Annual Bench-Bar Conference, Philadelphia Bar Association (Philadelphia, PA), October 17-18, 2014

"Anatomy of a False Claims Act Investigation," Florida Hospital Association (Daytona Beach, FL), June 18, 2014

"Managing the Whistleblower Process," PICPA Healthcare Conference (Hershey, PA), June 9-10, 2014

2014 ABA Civil False Claims Act & Qui Tam Enforcement National Institute (Washington, DC), June 4-6, 2014

"False Claims Act Developments," HCCA 2014 Compliance Institute (San Diego, CA), March 30, 2014

"False Claims Act and Qui Tam Litigation," National Business Institute CLE (Philadelphia, PA), November 21, 2013

"Case Study of a Qui Tam Case," University of Michigan School of Law (Ann Arbor, MI), November 6, 2013

"False Claims Act Developments," National Association of Portable X-ray Providers (NAPXP) Annual Convention (Las Vegas, NV), October 1-3, 2013

2013 Healthcare Fraud and Abuse Bootcamp Webinar Series, Part IV: False Claims Act (Philadelphia, PA), May 8, 2013

ABA Internal Corporate Investigations 2013 Program (Washington, DC), April 24-26, 2013

"Reporting and Returning Medicare Overpayments: The 60-day Rule and False Claims Act Liability," PBI's 19th Annual Health Law Institute (Philadelphia, PA), March 12-13, 2013

"Anatomy of a Whistleblower Case," HCCA South Atlantic Regional Annual Conference (Orlando, FL), February 8, 2013

"False Claims and Overpayment Rule," AHHA's Audits, Self-Disclosures, Recoupment & False Claims Bootcamp Webinar Series, Part II (Philadelphia, PA), December 7, 2012

"Leading Qui Tam Counsel," Thirteenth Annual Pharmaceutical Regulatory and Compliance Congress and Best Practices Forum (Washington, DC), November 6, 2012

"False Claims Act Developments," HCAA 2012 Compliance Institute (Las Vegas, NV), April 30, 2012

"CMS Seeks to Clarify Sixty-Day Report and Return: Are We There Yet?" AHHA/HCAA Webinar (Philadelphia, PA), April 11, 2012

"Fraud and Abuse Cases in the Vascular Lab," Society for Vascular Ultrasound 2011 Legislative, Regulatory & Reimbursement Issues Conference (Arlington, VA), November 4, 2011

"Health Care Fraud," 2011 PICPA Health Care Conference (Harrisburg, PA), June 6-8, 2011

"False Claims Act," Health Care Compliance Association Annual Compliance Institute (Orlando, FL), April 10, 2011

"The 10 Things You Want to Know About Whistleblower Suits But Were Afraid to Ask," Pennsylvania Bar Institute "A Day on Health Law" (Philadelphia, PA), October 19, 2010

"Whistleblower Policy and Fraud Compliance," Not-for-Profit Conference, PICPA (Harrisburg, PA), June 14, 2010

"Fraud and Compliance Update," PA Institute of Certified Public Accountants (Harrisburg, PA), June 9, 2010

"False Claims Act Changes in New Healthcare Reform Law," Strafford Webinar (Philadelphia, PA), June 1, 2010

"The 10 Things You Want to Know About Whistleblower Suits But Were Afraid to Ask," PBI's 16th Annual Health Law Institute (Philadelphia, PA), March 11-12, 2010

"Adverse Event Reporting: Complying with Federal and State Requirements," NJ Hospital Association HRET Continuing Education Webinar (Philadelphia, PA), December 10, 2009

Society of Vascular Ultrasound Legislative, Regulatory & Reimbursement Conference, (Arlington, VA), November 13, 2009

"Federal and State Qui Tam Practice," Civil Legal Education Committee Seminar to the Montgomery County Bar Association, (Norristown, PA), July 22, 2009

"Whistleblowers and Subtle Retribution - Is the concept of whistleblower protection illusory?," First Annual National Institute on Internal Corporate Investigations and In-House Counsel program (Washington, DC), May 8,

2009

"Apologies and Reporting of Medical Errors", HCCA's 13th Annual Compliance Institute (Las Vegas, NV), April 28, 2009

"Qui Tam Litigation," Civil Legal Education Committee Seminar, (Media, PA), April 15, 2009

"Preparing for the Fight of Your Life: Anatomy of a Healthcare Fraud Prosecution", BNA Audioconference (Philadelphia, PA), February 18, 2009

"Whistleblower Cases Under the Federal False Claims Act", Allegheny County Bar Association (Pittsburgh, PA), December 4, 2008

"How to Conduct an Effective Internal Investigation," National Fraud and Compliance Forum, American Health Lawyers Association and Health Care Compliance Association (Baltimore, MD), October 2008

"Preparing for the Fight of Your Life: Anatomy of a Healthcare Fraud Prosecution", Pennsylvania Bar Institute, A Day on Health Law (Philadelphia, PA), October 28, 2008

"Fleshing Out Your Complaint, Obtaining Evidence: A Case Study", Eighth Annual Taxpayers Against Fraud Education Fund Conference (Washington, D.C.), September 8, 2008

"Mandatory Reporting of Medical Errors, Near Misses, Product Defects, and Adverse Outcomes by Acute Care Hospitals," 2008 Annual Meeting, American Health Lawyers Association (San Francisco, CA), July 2008

"Mandatory Reporting of Medical Errors, Near Misses, Product Defects, and Adverse Outcomes by Acute Care Hospitals," 2008 National Compliance Institute, Health Care Compliance Association (New Orleans, LA), April 2008

"Preparing for the Fight of Your Life: Anatomy of a Healthcare Fraud Prosecution," Pennsylvania Bar Institute's 14th Annual Health Law Institute (Philadelphia, PA), March 2008

"New Developments in the Use of Expert Witnesses," PACDL's For the Experienced: The Ultimate Criminal Law CLE (Philadelphia, PA), November 2007

"Federal False Claims Act: Basics and Beyond," Government Contracts & Litigation Conference, American Conference Institute (Washington, DC), October 2007

"How to Conduct an Effective Internal Investigation," National Fraud and Compliance Forum, American Health Lawyers Association and Health Care Compliance Association (Baltimore, M.D.), September 2007

"Mandatory Reporting of Medical Errors, Near Misses, Product Defects and Adverse Events," Health Care Compliance Association's 11th Annual Compliance Institute (Chicago, IL), April 2007

"Mandatory Reporting of Medical Errors, Near Misses, Product Defects and Adverse Events," Pennsylvania Bar Institute's 13th Annual Health Law Institute (Philadelphia, PA), March 2007

"Research Fraud," Sixth Annual Taxpayers Against Fraud Conference (Washington, DC), September 2006

"Mandatory Reporting of Medical Errors, Near Misses, Product Defects and Adverse Outcomes by Acute Care Hospitals," American Bar Association Health Care Law Section Teleconference, July 2006

"The False Claims Act: The Year in Review," 12th Annual Health Law Institute, Pennsylvania Bar Institute (Philadelphia, PA), March 2006

Publications

"The Emerging Battle Over 'Objective Reasonableness' in False Claims Act Cases," *Compliance Today*, June 2022

"Best Practices for Responding to Internal Whistleblowers," *Compliance Today*, April 2020

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

"Supreme Court Delivers Important Victory for Qui Tam Whistleblowers" *Compliance Today*, August 2019

"Understanding Whistleblowers: Best Practices for Compliance Professionals" *Compliance Today*, October 29, 2018

"What Compliance Officers Should Know About State False Claims Acts" *Compliance Today*, September 4, 2018

"Deficit Reduction Act of 2005: False Claims Education Requirements and the Rise of State False Claims Acts," *2008 Health Law Handbook*, Gosfield, Alice G., West Publications, Spring 2010.

Morse, Michael A. and Peter St. Tienne Wolff. "Protecting the Empire: A Practitioner's Primer on the New York False Claims Act," *New York State Bar Association Journal*, February 2010 Vol. 82, No.1.

Morse, Michael A. and Peter St. Tienne Wolff. "Major Amendments to the Federal False Claims Act," *The Legal Intelligencer* and the *Allegheny County Bar Association Journal*, June 2009.

"Medical Apology Laws and Adverse Event Reporting Under the PSQIA", *2009 Health Law Handbook*, West Publications, June 2009.

"The Rise of State False Claims Acts," *American Bar Association Committee on Criminal Litigation*, Spring 2008.

"*Rockwell Int'l Corp. v. United States*: Supreme Court Clarifies the Original Source Exception in Federal False Claims Cases," *American Bar Association Committee on Criminal Litigation*, Vol. 7, No. 1.

"The CPT Trap: Why Following the Code Does Not Protect You from Prosecution for Health Care Fraud," *HCCA Compliance Today*, Vol. 9, No. 11.

"Why Isn't Every White Collar Defense Lawyer Using a Jury Questionnaire?" *The Champion*, September/October 2007.

"Daubert Challenges to Experts in Federal Criminal Cases: An Overlooked Defense," *The Champion*, July 2007.

"Mandatory Rules for Reporting Medical Errors, Adverse Events, Near Misses and Device Failures," *HCCA Compliance Today*, Vol. 9, No. 12.

"Mandatory Reporting of Adverse Events, Near Misses and Mistakes for Acute Care Hospitals," *Pennsylvania Bar Association Quarterly*, Vol. LXXVIII, No. 3.

"More Than a Mail Drop: Redefining the Role of Local Counsel," *Litigation*, Vol. 33, No. 1.

"Tips from the Trenches: A Corporation's Response to Search Warrants," *American Bar Association Committee on Criminal Litigation*, May 26, 2006.

"When the Wolf is At Your Door: Surviving the Execution of a Search Warrant," *Journal of Health Care Compliance*, March 1, 2006.

"The Incredible Shrinking Privilege: Conversations Between Corporate Counsel and Former Employees May No Longer Be Privileged or Protected," *American Bar Association Committee on Criminal Litigation*, June 1, 2005

Bar Admissions

Pennsylvania

New Jersey

New York