

## JEREMY E. ABAY PARTNER

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JEREMY E. ABAY, a complex litigator, concentrates his practice on False Claims Act (qui tam) actions, healthcare litigation, government investigations, and class actions. He represents individuals, government entities, and a range of corporate clients in high-stakes litigation in trial and appellate courts.

Mr. Abay has significant experience representing both relators (whistleblowers) and defendants in various False Claims Act matters across the country. Early in his career, Mr. Abay pioneered False Claims Act liability based on Medicare and Medicaid secondary payer violations. He brought the first qui tam case to successfully argue that an auto insurer could be liable under the False Claims Act for causing Medicare and Medicaid to pay medical bills before no-fault insurance. After the government declined to intervene, Mr. Abay defeated a motion to dismiss and reached a multimillion-dollar settlement with the auto insurer.

Mr. Abay's defense practice includes representing individuals and entities facing False Claims Act liability. He has defended physicians and healthcare institutions accused of accepting illegal kickbacks, businesses accused of marketing products for improper uses, and home health agencies accused of billing for phantom visits.

Mr. Abay's thriving healthcare practice also covers insurance disputes, overpayment demands, regulatory actions, internal investigations, and general compliance issues. He has successfully defended physicians and practice groups accused of overbilling insurance companies.

Since 2019, Mr. Abay has been recognized as a *Pennsylvania Rising Star* in Class Action Litigation by *Super Lawyers*. He is currently defending corporations in a range of putative class actions. He has also amassed significant victories for plaintiffs in class actions, including a multi-million dollar settlement for misclassified dancers after the American Arbitration Associate granted class certification.

Mr. Abay is currently leading the putative class in [Razak v. Uber Techs., Inc.](#), the first case in which a federal circuit court has found—on summary judgment—that gig-economy drivers may be employees under the Fair Labor Standards Act. He is also lead counsel for a [putative class of property owners](#) who have sued NJ Transit and Somerset County over a flood gate that was left open during Tropical Storm Ida in 2021.

Mr. Abay has successfully briefed and argued appeals to the Third Circuit and New Jersey Appellate Division.

Appointed by the Supreme Court of New Jersey to the Court's District IV Ethics Committee, Mr. Abay investigates and prosecutes disciplinary charges against attorneys in Camden and Gloucester Counties, New Jersey. Drawing on this experience, Mr. Abay has represented attorneys in law firm divorces, ethics matters, and internal investigations.

Mr. Abay is an adjunct professor at Rutgers Law School, where he teaches Whistleblower Advocacy and

Deposition Advocacy. He has also guest lectured in the Business Torts seminar. He also regularly lectures at professional events, including the Pennsylvania Association of Criminal Defense Lawyers White Collar Practice Seminar, Seton Hall University School of Law's U.S. Healthcare Compliance Certificate Program, the Pennsylvania Bar Institute's Employment Law Program, and the National Institute for Trial Advocacy's Deposition Skills Program.

Mr. Abay is a member of The Legal Intelligencer's Young Lawyer Editorial Board. He has authored [the sole law review article](#) on the Pennsylvania Constitution's unique right to reputation, commonly referred to as "Simon rights," published in the Pennsylvania Bar Association Quarterly. The article explores how the right affords due process—namely, notice and an opportunity to respond—to any person whose reputation is threatened by a state-sanctioned report.

Mr. Abay graduated from Rutgers School of Law as a merit-based scholarship recipient and graduated cum laude with a B.A. from Rutgers University. During law school, he served as a research assistant to former Associate Dean Adam Scaled, analyzing emerging trends in tort theory and insurance law. He was awarded the Don F. D'Aqui Esquire Memorial Award at his law school graduation for achieving the highest average in and displaying the greatest aptitude for tort law.

## Speaking Engagements

"Deposition Skills: Philadelphia," *National Institute for Trial Advocacy* (Philadelphia, PA), January 30-31, 2024  
"Simon Rights: Defending Your Client's Reputation and the Presumption of Innocence," *Pennsylvania Association of Criminal Defense Lawyers White Collar Practice Seminar* (Philadelphia, PA), November 16, 2023  
"The False Claims Act and Dealing with Whistleblowers," *University of Florida Levin College of Law*, September 8, 2022  
"The False Claims Act and Dealing with Whistleblowers," *Seton Hall University School of Law U.S. Healthcare Compliance Certificate Program* (Seton Hall University), June 14, 2022  
"Uber & Lyft: Where Are We Going?," *Pennsylvania Bar Institute's Employment Law Institute East 2017* (Philadelphia, PA), November 28, 2017

## Publications

"Cigna's Spin on High Court Ruling Ends with \$172 Million Settlement," *Federal Bar Association Qui Tam Section Turning Square Corners*, Winter 2024  
"Simon Says Protect My Reputation: Understanding Pennsylvania's Constitutional Right to Reputation," *Pennsylvania Bar Association Quarterly*, April 2023  
"Let the Record Reflect, There Are No 'Usual Stipulations'," *The Legal Intelligencer*, February 23, 2023

## Representative Matters

*United States ex rel. Mbabazi v. Walgreen Co.*, No. 19-219, 2021 WL 4453600 (E.D. Pa. Sept. 28, 2021)  
*Razak v. Uber Techs., Inc.*, 951 F.3d 137 (3d Cir. 2020)  
*United States ex rel. Joseph Perri v. Novartis Pharms. Corp.*, No. 15-6547, 2020 WL 1891188 (D.N.J. Apr. 16, 2020)  
*United States ex rel. Smith v. Progressions Behavioral Health Servs.*, No. 18-cv-41814 (E.D. Pa. 2020)  
*Schofield v. Delilah's Den of Philadelphia, Inc.*, No. 01-15-0003-4601 (AAA 2019)  
*United States ex rel. Jersey Strong Pediatrics, LLC v. Wanaque Convalescent Ctr.*, No. CV 14-6651, 2019 WL 2710522 (D.N.J. June 28, 2019)  
*Intellisystem, LLC v. McHenry*, No. 19-1359, 2019 WL 2715373 (E.D. Pa. June 26, 2019)  
*Lopez-Negron v. Progressive Cas. Ins. Co.*, No. A-3590-17T2, 2019 WL 2510888 (N.J. Super. Ct. App. Div. June 18, 2019)

*Z&R Cab, LLC v. Phila. Parking Auth.*, 187 A.3d 1025 (Pa. Cmmw. Ct. 2018)

*Moon v. Breathless*, 868 F.3d 209 (3d Cir. 2017)

*United States ex rel. Jersey Strong Pediatrics, LLC v. Wanaque Convalescent Ctr.*, No. 14-6651, 2017 U.S. Dist. LEXIS 150566, 2017 WL 4122598 (D.N.J. Sept. 18, 2017)

*United States ex rel. Jersey Strong Pediatrics, LLC v. Wanaque Convalescent Ctr.*, No. 14-6651, 2017 WL 2577544 (D.N.J. June 14, 2017)

*Lopez-Negron v. Progressive Cas. Ins. Co.*, No. A-1632-15T4, 2017 WL 876335 (N.J. Super. Ct. App. Div. Mar. 6, 2017)

*In re: Taxicab Medallion Loan Case Management Program*, Admin. Dkt. No. 05 of 2017 (Phila. Cnty. C.C.P. 2017)

*United States ex rel. Negron v. Progressive Cas. Ins. Co.*, No. 14-577, 2016 WL 796888 (D.N.J. 2016)

*Razak v. Uber Techs., Inc.*, No. 16-573, 2016 WL 7245817, 2016 U.S. Dist. LEXIS 173351 (E.D. Pa. Dec. 14, 2016)

*Razak v. Uber Techs., Inc.*, No. 16-573, 2016 U.S. Dist. LEXIS 139668, 2016 WL 5874822 (E.D. Pa. Oct. 7, 2016)

*Razak v. Uber Techs., Inc.*, No. 16-573, 2016 U.S. Dist. LEXIS 95086, 2016 WL 3947086 (E.D. Pa. July 21, 2016)

## **Bar Admissions**

Pennsylvania

New Jersey

New York

United States Supreme Court

U.S. Court of Appeals for the Third Circuit

U.S. District Court - Eastern District of Pennsylvania

U.S. District Court - Middle District of Pennsylvania

U.S. District Court - New Jersey