

JOSEPH A. MASSOOD
PETER J. DE FRANK+

KIMBERLY A. KOPP
KIM E. SPARANO
TARA M. MCCLUSKEY
IGOR KONSTANKEVICH

+NJ, NY and CT Bars
*NY Bar

MASSOOD LAW GROUP, LLC

50 PACKANACK LAKE ROAD EAST
Wayne, New Jersey 07470-6663
(973) 696-1900
Fax (973) 696-4211

Email: MAIL@MASSOODLAW.COM

OF COUNSEL
COLLEEN M. TERRY*

GALESI OFFICE
30 Galesi Drive, Suite 304
Wayne, NJ 07470
973-837-8880
973-837-8550-f
Email: pipfile@massoodlaw.com

NY NO-FAULT
1248A Clintonville Street, 2nd Floor
Whitestone, NY 11357
718-767-6100
718-767-6101-f
Email: nypipfile@massoodlaw.com

May 9, 2017

PIP ALERT

ATTN: Medical Providers
From: Joseph A. Massood, Esq. and Ross Pearlson, Esq.
Re: Patient Care Coalition – Appeals which interfere and delay patient care

The law firm of Chiesa Shahinian & Giantomasi PC (Ross Pearlson, Esq.) and Massood Law Group, LLC have agreed to partner to file a lawsuit seeking to invalidate Decision Point Review Plans which require the patient to forego medical treatment until the medical provider receives a response to their pre-service appeal. The lawsuit will also seek to invalidate DPRPs which require the patient to forego medical treatment until after an IME has been performed. The DPRPs, which the Department of Banking and Insurance approved, are in violation of the Administrative Regulations which prohibit undue interruptions in patient care and DOBI Bulletin 99-05 which specifically states treatment may proceed while the exam is being scheduled, and until the results are available.

The name of the Coalition has not been finalized. We are open to suggestions. The Coalition intends to file a lawsuit on an expedited basis and there is very high probability that the court will invalidate these provisions.

If the Coalition receives \$70,000.00, the Coalition will proceed. The Coalition is requesting that each medical provider pay a **\$2,000.00 flat fee**. No additional monies will be requested. The check shall be made payable to the following:

MASSOOD LAW GROUP, LLC ATTORNEY TRUST ACCOUNT

If the firm receives more than \$70,000.00, the additional monies will be redistributed to each member of the ASC Coalition on a percentage basis. If the firm does not receive \$70,000.00, the check will be returned in full. No administrative fee will be charged. Please provide the check no later than **May 23, 2016**. The firm will provide you with confirmation upon receipt of the check. It will be deposited into this firm's trust account. Upon receipt of the \$70,000.00 the firm will circulate a formal retainer agreement in accordance with the rules of ethics to each member of the Patient Care Coalition.

The \$70,000.00 shall include all necessary legal work and expenses to:

- 1) Form the Coalition;
- 2) Compile documents, exhibits, briefs and appear before the Department of Banking and Insurance; and
- 3) Compile documents, exhibits, briefs and appear before the Appellate Division.

The Coalition needs at least five certifications from patients whose surgeries (fusions, laminectomies, discectomies, etc.) were cancelled or had to be rescheduled because of the appeal requirement. Physicians' patients whose surgeries had to be delayed should contact the undersigned so we can make the appropriate arrangements in accordance with the attorney's rules of ethics and HIPAA to determine if the patient is willing to sign an Affidavit.



A. Ross Pearlson

Member

973.530.2100 973.530.2300 fax rpearlson@csglaw.com

PRACTICES

- Litigation
- Corporate Internal Investigations & Monitoring
- White Collar Criminal Defense & Government Investigations
- Health Care & Hospital
- Securities Litigation & Enforcement

ADMISSIONS

- New Jersey
- New York
- Pennsylvania
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern and Southern Districts of New York

EDUCATION

- Harvard Law School (J.D., *cum laude*, 1987)
- Wesleyan University (B.A., *with high distinction*, 1983)

Ross Pearlson is the co-chair of the firm's Litigation Group. He is an accomplished litigator with almost 30 years of experience in complex civil litigation and white collar criminal investigations and prosecutions, with an emphasis on health care and securities matters.

Ross has successfully represented corporations and individuals in criminal investigations brought by the United States Attorney's Office, the Securities and Exchange Commission and the Attorney General's Offices for the States of New York and New Jersey. Ross has represented clients in cases involving allegations of insider trading, kickbacks, public corruption, insurance fraud and Medicare and Medicaid fraud. His clients range from major international conglomerates and domestic corporations to securities firms, broker-dealers, hospitals, surgery centers and other health care businesses and providers. Ross has also been retained by several Fortune 500 companies to conduct internal investigations into allegations of misconduct.

Ross has also handled a wide variety of diverse matters involving civil litigation in state and federal courts. He regularly handles cases involving shareholder oppression, restrictive covenants, unfair competition and other commercial torts and contract disputes, consumer fraud, Insurance Fraud Prevention Act and RICO claims, and securities and other class action litigation. His courtroom experience includes extensive motion practice and hearings and numerous civil and criminal trials and arbitrations. Most recently, Ross was able to convince the U.S. Court of Appeals for the Third Circuit to reverse a trial court's decision against his client, a major investment bank, on a precedential issue involving indemnification and the advancement of legal fees.

Prior to joining the firm, Ross was a member of the Litigation Department of Sills Cummis & Gross PC, where he focused on corporate internal investigations, white collar crime and litigation. Ross also served as an Assistant United States Attorney in the Eastern District of New York, prosecuting federal felony cases involving mail, wire and securities fraud, and RICO violations, among others. His success as a federal prosecutor earned him the Director's Award from Attorney General Janet Reno for Sustained Superior Performance as an Assistant United States Attorney.

Ross was recently inducted into the American College of Trial Lawyers, the premier association for the Trial Bar in North America which is reserved for the top 1% of trial lawyers in any state or province. Ross has also been selected for inclusion in the 2010-2017 editions of *New Jersey Super Lawyers*, the 2012-2016 editions of *New York Super Lawyers* and the 2013-2017 editions of *Best Lawyers in America* in the areas of Commercial Litigation, Health Care Law, Regulatory Enforcement Litigation and Securities Litigation.

He was also selected as a 'Top Rated Lawyer in White Collar Criminal Defense' based on his AV® rating from Martindale-Hubbell, the highest ranking of both ethical standards and legal ability that Martindale awards.

MEMBERSHIPS & AFFILIATIONS

- American College of Trial Lawyers
- American Bar Association (Member, Sections on Litigation and Criminal Justice)
- Association of the Federal Bar of New Jersey (Trustee)
- New Jersey State Bar Association (Member, Class Action Litigation Committee)
- New Jersey Supreme Court Civil Practice Committee (2012-2014)
- New York Council of Defense Lawyers
- New York State Bar Association
- Anti-Defamation League (Chairman and Member, New Jersey Regional Advisory Board)
- NJ LEEP (Advisory Board Member)
- Temple B'nai Abraham (Trustee)

PUBLICATIONS

- Why Your Financial Service Agreement Includes Arbitration (March 27, 2017)
- The Contours of Insider Trading Liability: Will Salman Overturn Newman? (March 2016)
- The Relevance of Direct Profit in Assessing Remedies in Insider Trading Cases (April 2015)
- Predictive Coding Technology: The New Frontier (January 7, 2013)
- The Duty To Know Your Client's Computer System (February 22, 2012)

SPEAKING ENGAGEMENTS

- NJAJ Meadowlands Seminar 2015 Criminal and Municipal Law (November 19, 2015)
- Internal Investigations: Part Three of a Four-Part Complimentary CLE Series (September 12, 2013)
- New Jersey Association for Justice Educational Foundation's Criminal Law BW 2013 seminar (April 19, 2013)
- Recent Developments in Health Care Fraud and Abuse Enforcement (March 7, 2012)

ALERTS

- The Failure to Preserve and Produce E-Discovery Can Turn the Tide (June 2012)

NEWS

- 36 CSG Attorneys Selected for Inclusion in 2017 New Jersey "Super Lawyers" and "Rising Stars" (March 14, 2017)
- 27 CSG Attorneys Named to Best Lawyers in America 2017 (August 15, 2016)

- 32 CSG Attorneys Selected for Inclusion in 2016 New Jersey "Super Lawyers" and "Rising Stars" (March 22, 2016)
- 25 CSG Attorneys Named to Best Lawyers in America 2016 (August 17, 2015)
- 32 Wolff & Samson Attorneys Selected for Inclusion in 2015 New Jersey "Super Lawyers" and "Rising Stars" (March 18, 2015)
- Wolff & Samson Hosts High School Students for Week-Long Summer Internship Program (August 29, 2014)
- 26 Wolff & Samson Attorneys Named to Best Lawyers in America 2015 (August 21, 2014)
- Twenty-seven Attorneys from Wolff & Samson Named to Best Lawyers in America (August 16, 2013)
- Thirty-five Wolff & Samson Attorneys Selected for Inclusion in 2013 New Jersey "Super Lawyers" and "Rising Stars" (May 1, 2013)
- Twenty-eight Wolff & Samson Attorneys Named to Best Lawyers in America (September 18, 2012)
- Thirty-three Wolff & Samson Attorneys Selected for Inclusion in 2012 New Jersey "Super Lawyers" and "Rising Stars" (April 4, 2012)
- Pearlson Joins Wolff & Samson as Co-Chair of Litigation Group (June 24, 2011)