



Mark Mulholland  
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*“Our litigators are superb – especially skilled at resolving disputes to our clients’ practical advantage.”*

# SMART COUNSEL STRAIGHT TALK

## Spotlight on Litigation

### Disciplined. Focused. Value-Driven.

Our Litigation Department – one of Long Island’s largest – is widely regarded as the best commercial litigation practice in the region. We regularly handle high-profile cases on behalf of major corporations, government agencies and institutions. Due to our preeminence in the field, we naturally have been involved in many of the landmark suits commenced in the region and countless complex litigations. Banks and other financial institutions, hospitals, governmental entities and regional utility providers – as well as entrepreneurs and medium-sized businesses – routinely turn to us for bet-the-farm litigations. In the area of Alternative Dispute Resolution, our litigators have handled countless high-stakes contests. Each of our litigation partners is a seasoned courtroom professional, experienced in judicial and non-judicial forums alike.

### In the Trenches: Recent Litigation Victories

#### Suit Against National Retail Company Dismissed Outright in Westchester County

- ▶ Client, a Fortune 500® company and the world’s largest software retailer with locations around the globe, turned to the Litigation Department at Ruskin Moscou Faltischek when threatened with a lawsuit involving a lease dispute
- ▶ The suit, brought by one of the largest real estate consortiums in the country, sought summary judgment against longstanding RMF client
- ▶ Based on its analysis of the suit, the RMF litigation team countered in Court that summary judgment did not apply, since the assertion was one of breach of contract
- ▶ As a result, the Court issued an order denying the claim in its entirety

#### Stop Those Audits! Litigation Department Re-Shapes New York Law

- ▶ For years, the NYS Comptroller’s office has been auditing out-of-network medical providers who treat patients covered by NY’s Empire Plan. The purpose of the audits is to determine if the provider “routinely waives” patients’ out-of-pocket costs, effectively accepting insurance proceeds as payment in full
- ▶ Based on these audits, the state has collected millions of dollars from providers
- ▶ An orthopedic group retained RMF to challenge a final audit report from the state
- ▶ While other law firms recommended their clients capitulate to the state’s demands, RMF health law and litigation attorneys set out to create new legal precedent, arguing in Court that the state constitution does not empower the Comptroller to audit such providers
- ▶ New York’s Supreme Court agreed, finding in favor of RMF client and striking down the Comptroller’s legal arguments

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**Smart Counsel. Straight Talk.**

Prior results do not guarantee a similar outcome.