



Harold Kestenbaum

Mark Mulholland

Alexander Bateman

SMART COUNSEL STRAIGHT TALK

The latest on the legal front from
Ruskin Moscou Faltischek, P.C.

Attorney Harold Kestenbaum To Host Highly Regarded Franchisor Forum on Friday, June 6, 2008

Event will take place at Ruskin Moscou Faltischek's
offices at 1425 RexCorp Plaza in Uniondale from
8:30 - 11:30 am

- ▶ Kestenbaum, known nationally as the "Franchise Guru," will once again moderate his quarterly Franchisor Forum, which helps franchise companies learn about the latest trends and challenges facing franchisors
- ▶ The Franchisor Forum is designed to provide a clearinghouse for the exchange of ideas and to help franchise companies share best practices and solve common issues
- ▶ Presentations will be made by two guest speakers on the subjects of franchise fulfillment and franchisee performance
- ▶ Kestenbaum is Counsel to Ruskin Moscou Faltischek and chair of the Distribution and Licensing practice; he is engaged exclusively in the practice of franchise distribution and licensing representing franchisors, both start-up and established
- ▶ Franchisors may obtain further information by contacting lpersaud@rmfpc.com

Supreme Court Decision Criticizes Town of Brookhaven, Upholds Claim by RMF Client Aspen Creek

Attorneys Mark Mulholland, Douglas Cooper
and Jonathan Sullivan Spearhead Winning Effort

- ▶ In his decision, Justice Baisley found the Town of Brookhaven attempted to block request for land development for its own purposes
- ▶ Aspen Creek has been seeking approval to build 19 residential homes on its 39.1 acres of property in Manorville for more than five years
- ▶ Of critical significance is that, while Aspen was seeking subdivision approval, the Town was attempting to acquire Aspen's property through condemnation proceedings
- ▶ Judge determined that the Planning Board deliberately denied processing Aspen's application "and concocted reasons to deny it as a pretext in order to enable the town to complete its condemnation proceeding and acquire the property at a bargain price"
- ▶ RMF is now challenging the condemnation efforts on Aspen's behalf, claiming the proceedings fail to adhere to the strict mandates of the landmark case *Kelo v. City of New London*

Successful Appeal Vindicates Prominent Doctor Facing Medicare Demand for Repayment of \$300,000

Partner Alexander Bateman Defends Embattled Brooklyn
Podiatrist Accused of Improper Billing of Patient Claims

- ▶ As a result of a post-payment audit by Medicare, RMF client was notified he would be required to reimburse Medicare for overpayments made to his practice
- ▶ The doctor had submitted claims to Medicare under what he believed, in good faith, was the practice's group billing number, but was actually the billing number of the doctor from whom he had recently purchased the practice
- ▶ Bateman was able to demonstrate that Medicare had itself mixed up the billing numbers during its correspondence with his client
- ▶ Further, Bateman proved to the Office of Medicare Hearings and Appeals that at no time was there a question regarding the necessity of care
- ▶ As a result of the favorable decision, Medicare is prevented from improperly recouping legitimate payments and the demand for \$300,000 has been reversed

RMF
RUSKIN MOSCOU FALTISCHEK P.C.

Smart Counsel. Straight Talk.

Prior results do not guarantee a similar outcome.

