



# Pascal Naples

ASSOCIATE

Pat is a litigator with a focus on the health care industry, assisting clients in navigating government investigations, as well as litigating ERISA, managed care, and other complex disputes.



## Industries

[Health Care](#)

## Practices

[Complex Litigation](#)

[Corporate & Securities](#)

[Government Contracts](#)

[Investigations](#)

[Trade Secrets, Noncompetes & Employee Mobility](#)

## Education

Wake Forest University School of Law, JD, cum laude, 2014

University of Pittsburgh, BA, cum laude, 2011

## Offices

[Washington, DC](#)

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Pat is an advocate for clients embroiled in high-stakes litigation. He assists a range of clients, but frequently represents clients in the health care industry. In that capacity, he works with clients in all phases of litigation: negotiating directly with government attorneys in investigations; trying cases to verdict as first chair; and arguing appeals before federal appellate courts and state supreme courts.

In his trial work, Pat often represents health care providers in managed care litigation. In this zone, he helps to navigate providers through a complex statutory and regulatory framework, which frequently includes ERISA, the Affordable Care Act, the Medicare Secondary Payer Act, and the Mental Health Parity Act. To do so, he works with health care consultants, actuaries, and other expert witnesses to aid in proving his client's case. Where appropriate, he guides clients through alternative-dispute resolution as a means of pursuing recovery or limiting liability.

In the investigations space, Pat represents a range of health care clients confronting liability under the False Claims Act, Anti-Kickback Statute, Stark Law, and other statutes. These investigations feature some of the most pressing issues in health care, including drug shortages, off-label promotion, speaker programs, Medicare pricing and reimbursement, and patient assistance programs. Here, Pat coordinates with executives and outside consultants to limit liability and avoid business disruption as much as possible. Where necessary, he litigates these issues to vindicate his clients' interests.

Outside of the health care space, Pat has worked with a variety of clients in a broad array of litigation and investigations. This work includes trade secret and employee mobility disputes, real estate and land use, and all manner of commercial entanglements.

Before entering private practice, Pat clerked for Special Master Lisa Hamilton-Fieldman at the US Court of Federal Claims and served in the Office of Staff Counsel for the US Court of Appeals for the Fourth Circuit. He also interned for the Honorable Samuel Der-Yeghiayan of the US District Court for the Northern District of Illinois.

## Client Work

### Investigations

Recent representative investigations with which Pat has been involved include:

- Represented pharmaceutical manufacturer in bet-the-company investigation in response to a subpoena issued by the Department of Justice, presenting repeatedly to government attorneys regarding as well as potential liability under the False Claims Act and Anti-Kickback Statute.
- Represented active pharmaceutical ingredient (API) supplier in settlement negotiations during pending bet-the-company litigation over Medicare reimbursement rates.
- Represented government contractor in response to Department of Defense investigation and related litigation under the False Claims Act, culminating in no findings of liability and dismissal of suit. *See Irazola v. Fors Marsh Grp.*, No. 1:19-CV-554, 2019 WL 3294900 (E.D. Va. June 28, 2019).

## Trial Litigation

Recent representative trials with which Pat has been involved include:

- Represented high-net-worth individual in ERISA trial and subsequent appeal, securing favorable testimony via cross-examination that was quoted by US Court of Appeals for the Third Circuit in reversal of \$70M verdict. *See Dunne v. Elton Corp.*, 2024 WL 4224619, at \*11 (3rd Cir. Sep. 18, 2024).
- Represented generic pharmaceutical manufacturer in commercial contract dispute against branded pharmaceutical manufacturer, successfully opposing motion for summary judgment and leading to favorable settlement. *See Apotex Inc. v. Otsuka Pharmaceutical Co.*, No. 2022-0291-MTZ, 2022 WL 10029846 (Del. Ch. Oct. 14, 2022).
- Represented industry-leading dialysis provider in bet-the-company litigation against claims repricer, successfully opposing motion for summary judgment.

## Appeals & Alternative Dispute Resolution

Recent matters with which Pat has been involved include:

- Argued municipal tax appeal before the Supreme Court of Connecticut on behalf of nonprofit housing provider, successfully persuading Court, in unanimous decision, to recognize nonprofit's real property as tax-exempt. *See Rainbow Housing Corp. v. Town of Cromwell*, 340 Conn. 501 (2021).
- Retained as appellate counsel to represent small business owner convicted of immigration fraud before US Court of Appeals for Ninth Circuit, successfully persuading Court to vacate sentence, despite appellate waiver in plea agreement. *See United States v. Guntipally*, 735 F. App'x 432 (9th Cir. 2018).
- Represented industry-leading dialysis provider in arbitrations against payers and health care networks.

## Publications, Presentations, & Recognitions

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### Presentations

- *Business & Property Contracts in the Coronavirus Crisis*, Greater New Haven Chamber of Commerce (Apr. 23, 2020) (Panelist)
- *Knick v. Township of Scott*, Home Builders & Remodelers Ass'n of Conn. Developers' Forum (Jan. 9, 2020) (Panelist)
- *Client Counseling in Appeals*, George Washington University School of Law (Fall 2019, Spring 2020) (Guest Lecturer)

### Recognitions

- *Super Lawyers: Rising Star* (2019-2021, 2023-2024)
- *Best Lawyers: Ones to Watch* (2021-2025)
- Capital Pro Bono Honor Roll: High Honors (2017-2020)
- Wake Forest University School of Law:  
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- Order of the Barristers
- Editor, *Wake Forest Law Review*
- Champion, 2012 Edwin M. Stanley Moot Court Competition
- CALI Awards: Antitrust, Business Organizations, Civil Procedure I, Complex Commercial Litigation, Legislative and Administrative Law, Torts

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## **Bar Admissions**

District of Columbia

Virginia

Connecticut

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## **Court Admissions**

US Court of Appeals, 2nd Circuit

US Court of Appeals, 4th Circuit

US Court of Appeals, 9th Circuit

US Supreme Court

US District Court, Western District of New York

US Court of Federal Claims

US Bankruptcy Court, Eastern District of Virginia

US District Court, Western District of Virginia

US District Court, District of Maryland