

## ANTHONY NATALE III

CHAIR, MEDICARE COMPLIANCE PRACTICE GROUP  
SHAREHOLDER



### AREAS OF PRACTICE

Workers' Compensation  
Medicare Compliance

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King of Prussia, PA 19406

### ADMISSIONS

Pennsylvania  
1991

### EDUCATION

University of Pittsburgh School of  
Law (J.D., 1991)

University of Pennsylvania (B.A.,  
1988)

### ASSOCIATIONS & MEMBERSHIPS

Pennsylvania Bar Association

Philadelphia Bar Association

### YEAR JOINED

1995

## OVERVIEW

Tony devotes his practice to Pennsylvania workers' compensation, unemployment compensation, municipal law (Heart and Lung Act), and federal Longshore and Harbor workers' compensation. He focuses on high-exposure, complex litigation including repetitive trauma claims, occupational disease and hearing loss claims, as well as chemical sensitivity claims. He also actively represents the National Hockey League and the National Basketball Association in regard to workers' compensation matters. In addition, Tony is the Chair of the Medicare Compliance Practice Group.

Tony has represented law firms, financial institutions, forging companies, steel mills, transportation companies, aeronautical/space manufacturers, universities and hospitals in various types of workers' compensation and unemployment compensation matters. He has handled multiple high-exposure workers' compensation chemical and toxic tort claims involving mass defendants, and he has had a high success rate in having clients dismissed from same.

Tony is the founder of Marshall Dennehey's in-house workers' compensation Continuing Legal Education program. He is also frequently called upon to speak to insurance companies and self-insured employers in the areas of workers' compensation and employment law.

## THOUGHT LEADERSHIP

### **Beware of the Language Used in Your Settlement Agreements: Medicare Is Watching**

Philadelphia - Headquarters  
Medicare Compliance  
Workers' Compensation  
October 2, 2023

### **Why Do Claimants Lie? Because They Can, and Swift Prosecution Is the Only Way to Deter It**

Philadelphia - Headquarters  
Workers' Compensation  
June 13, 2023

### **What's Hot in Workers' Comp – Special PA Alert**

Philadelphia - Headquarters  
Medicare Compliance  
Workers' Compensation  
June 10, 2022

The Supreme Court of the United States issued a decision affirming Medicaid's right to seek reimbursement from a settlement amount allocated for past and future medical care. In *Gallardo v. What's Hot in Workers' Comp* is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

### **The State of Pay-for-Play: College Athletes as Employees and the Implications for Workers' Compensation**

Workers' Compensation  
September 1, 2021

### **Pennsylvania Workers' Compensation Act and the Student-Athlete: The Ultimate Mismatch**

Philadelphia - Headquarters  
Workers' Compensation  
September 1, 2019

## **CLASSES/SEMINARS TAUGHT**

*How to Deal With Difficult Litigants*, Pennsylvania Bar Institute's Tough Problems in Workers' Compensation webinar, May 11, 2023

*Workers' Compensation Case Law Update*, Marshall Dennehey Workers' Compensation Seminar, October 27, 2022

*Hot Topics in Workers' Comp and Litigation Trends*, Philly I-Day, Philadelphia, PA, September 20, 2022

"Insurance Defense Attorneys Combat Workers' Compensation Fraud," *AM Best Insurance Law Podcast*, August 31, 2022

*What People Do For Money: Identifying Claimant Fraud In Workers' Compensation Cases*, Marshall Dennehey Insurance Fraud 360 Seminar, Lafayette Hill, PA, June, 2022

*The Right Way to Avoid a Wrongful Termination Claim When the Employee Is Also a Workers' Compensation Claimant*, Marshall Dennehey webinar, March 3, 2022

*Navigate the Medicare Maze: A Practical Guide to Understanding Medicare Set-Asides*, Marshall Dennehey webinar, November 19, 2020

*Decisions, Decisions: A Legal Update*, Marshall Dennehey webinar, October 28, 2020

*HR Webinar Series Part I: Workers' Compensation Basics*, Pennsylvania Chamber of Business and Industry, February 13, 2020

*Workers' Compensation and Medicare Legal Update*, Marshall Dennehey Workers' Compensation

Seminar, October 24, 2019

*Identifying Fraudulent Workers' Compensation Claims*, Marshall Dennehey Workers' Compensation Seminar, October 24, 2019

*The Interplay Between Traumatic Brain Injuries and Fraud in Workers' Compensation*, Pennsylvania Insurance Fraud Conference, Hershey, Pennsylvania, April 24, 2019

*Influence of Pharmaceuticals and Changing Landscape in Workers' Comp Medical Costs*, Philly I-Day, Philadelphia, Pennsylvania, April 9, 2019

*Workers' Compensation Case Law Update*; and *Workers' Compensation Fraud*, Marshall Dennehey Workers' Compensation Seminar, October 25, 2018

*Workers' Compensation Fraud: Don't Forget the Data*, Marshall Dennehey Insurance Fraud 360, June 13, 2018

*Workers' Compensation Fraud: Don't Ignore the Data!* 2018 Pennsylvania Insurance Fraud Conference, Pocono Manor, Pennsylvania, April 13, 2018

*Workers' Compensation Fraud: Don't Forget the Data*, Philly I-Day, Philadelphia, Pennsylvania, April 12, 2018

*Biggest Mistakes Companies Make in Complying with Workers' Compensation*, Pennsylvania Chamber of Business and Industry Annual Human Resources Conference, Hershey, Pennsylvania, November 28, 2017

*Workers' Compensation Legal Update*, Marshall Dennehey Workers' Compensation Seminar, October 19, 2017

*If You See Something, Say Something – Detecting Workers' Compensation Fraud*, Pennsylvania's 2017 Insurance Fraud Conference, Hershey, Pennsylvania, April 6, 2017

*Case Law Update*, Marshall Dennehey Workers' Compensation Seminars, October 19 and 27, 2016

*Pennsylvania's Workers' Compensation Law: Best Practices for Complying with Benefits, Understanding the Flow of a Workers' Compensation Claim, and Tips to Prevent WC Fraud*, PA Chamber of Business and Industry Workers' Compensation Summit, September 30, 2016

*Check the Rulebook: Workers' Compensation Legal Update*, Marshall Dennehey Workers' Compensation Seminar, October 22, 2015

*Unemployment Compensation Roundtable*, Pennsylvania Chamber of Commerce, June 2015

*Tough Problems in Workers' Compensation 2015*, Pennsylvania Bar Institute, Philadelphia, Pennsylvania, April 13, 2015

*UC/WC 101 Benefits Roundtable*, Pennsylvania Chamber of Business and Industry, King of Prussia, Pennsylvania, March 19, 2015

*PEO's effect on Guaranty Fund: Insurance Company Perspective, Fund Perspective and Counsel Perspective*, NCIGF 2014 Fall Workshop, Philadelphia, Pennsylvania, October 22, 2014

*Case Law and House Bill Update*, Marshall Dennehey Workers' Compensation Seminar, October 30, 2014

*Social Media and Workers' Compensation, and Handling Unusual WC Situations*, Pennsylvania Chamber of Business and Industry Workers' Compensation Summit, Hershey, Pennsylvania, October 1, 2014

*Workers' Compensation Medical Fraud and Abuse*, CEU Institute, June 25, 2014

*Busted! Identifying, Proving And Prosecuting Workers' Compensation Fraud*, National Workers' Compensation Insurance ExecuSummit, Uncasville, Connecticut, February 4-5, 2014

*Understanding the Most Common Mistakes Made in Workers' Compensation*, Pennsylvania Chamber of Business and Industry Annual Human Resources Conference, Hershey, Pennsylvania, December 3, 2013

*Tri-State Workers' Compensation Legal Update*, Roadmap to Success - Understanding Workers' Compensation, Marshall Dennehey seminar, October 24, 2013

*FrankenFraud – The New Employee Monster*, Marshall Dennehey Workers' Compensation Seminar, November 30, 2012

*Workers' Compensation 101 Roundtable*, Pennsylvania Chamber of Business and Industry, Harrisburg, Pennsylvania, June 8, 2012

*Unemployment Claims Fraud: Protect Your Organization from Bogus Jobless Claims*, Center for Competitive Management, April 19, 2012

*Unemployment Compensation Roundtable*, Pennsylvania Chamber of Business and Industry, Scranton, Pennsylvania, March 8, 2012; King of Prussia, Pennsylvania, March 16, 2012

*The Interplay Between the Pennsylvania Heart and Lung Act and the Pennsylvania Workers' Compensation Act*, AmeriHealth Casualty webinar, August 25, 2011

*Top Ten Defenses to a Fee Review Action*, Chubb Seminar, April 2011; discussion about the problems associated with provider fraud in fee review applications and a 10-point analysis on how to properly defend these cases

*Workers' Compensation Primer*, Drexel Seminar, March 2011; an analysis on how to defend workers' compensation actions in a university setting

*Pennsylvania Claims Handling* (monthly seminars in PA, NJ and DE), 2002-present

*Defending Pennsylvania Claims*, Boston, 2008

*Prosecuting Fraud Under New Guides*, Texas, 2006

*Pennsylvania Workers' Compensation Law and Claims Handling*, Michigan, 2001

*Case Law Updates* to various insurers on monthly basis, 1998-2000

*Prosecuting Fraud*, 1997

*Pennsylvania Forms Seminar*, 1997

*Act 57 Amendments*, 1996

*How to Defend Hearing Loss Cases*, 1994

*ADA and Workers' Compensation Act*, five Pennsylvania cities, 1992

## **PUBLISHED WORKS**

"Beware of the Language Used in Your Settlement Agreements: Medicare is Watching," *The Legal Intelligencer*, Workers' Compensation Supplement, October 10, 2023

"Why do Claimants Lie? Because They Can and Swift Prosecution is the Only Way to Deter It," *CLM Magazine*, June 2023

"The State of Pay-For-Play: College Athletes as Employees and the Implications for Workers' Compensation," *CLM Magazine*, September 2021

"Pennsylvania Workers' Compensation Act and the Student-Athlete: The Ultimate Mismatch," *Pennsylvania Lawyer*, September/October 2019

"Suicide Squeeze: An Overview of Pa. Workers' Comp and the Pro Athlete," *The Legal Intelligencer*, Workers' Compensation Supplement, October 30, 2018

"If You See Something, Say Something - The Importance of Identifying and Reporting Workers' Compensation Fraud," *CLM Magazine* (page 10), August 2017

*Pennsylvania Workers' Compensation Guide*, Eighth Edition, Pennsylvania Chamber of Business and Industry, contributing author, 2016

"The Treating Physician: A Misnomer in Workers' Comp Litigation," *Pennsylvania Law Weekly*, August 25, 2015

*Insurance Agency Risk Management: E & O Exposures By Line of Business*, chapter on workers' compensation, 2014 edition

"Practical Ramifications of Supreme Court Determination Involving Latent Manifestation of Occupational Diseases Under the PA Workers' Compensation Act," *CounterPoint*, newsletter of the PA Defense Institute, April 2014.

"PEOs: A New Potential for Workers' Comp Fraud? A Close Look at Professional Employer Organizations," *National Underwriter Property & Casualty*, October 2013

"Fee Review Litigation: An Overview," Pennsylvania Self-Insurers' Association newsletter, May 2011

"Retirement Does Not Mean Retirement When You are Collecting Workers' Compensation Benefits," *The Philadelphia Lawyer*, Summer 2011

"Ding Dong *Kachinski's* Dead: Commonwealth Court Declines To Resuscitate," *Defense Digest*, Vol. 16, No. 3, September 2010

Articles in *Defense Digest* and the Pennsylvania Self-Insurer's Association's publications

## **MEDIA COMMENTARY**

"Insurers Mobilize to Identify Comp Fraud in Effort to Stem Rise in Suspicious Claims," *Business Insurance*, May 3, 2022

"Spotting the Red Flags of Workers' Comp Fraud," *Business Insurance*, April 18, 2018

## RESULTS

### Claimant's Appeal Successfully Defeated in Motor Vehicle Accident Case

#### **Workers' Compensation**

**November 29, 2023**

We successfully defeated the claimant's appeal on a hotly-debated issue surrounding course and scope of employment in a case involving a motor vehicle accident during a paid lunch hour, which resulted in extreme medical treatment costs. We were able to convince the underlying court that the claimant was not in the course and scope of employment at the time of injury due to her deviation to run personal errands. The claimant appealed alleging the fact that, as her lunch hour is paid, she was certainly in the course and scope of employment and the underlying court erred.

### Termination petition successfully prosecuted.

#### **Workers' Compensation**

**March 2, 2023**

We successfully prosecuted a termination petition, securing a full recovery opinion from the court with reference to a Medicare eligible claimant who worked for a local Philadelphia financial institution. The claimant suffered a knee injury during the course and scope of employment. She ultimately required knee surgery for a torn meniscus. We presented evidence from the claimant's treating surgeon, coupled with an independent expert, to produce an evidence record that demonstrated by preponderance of the evidence that the knee injury had fully resolved.

### Fake COVID-19 test sinks plaintiff's case

#### **Workers' Compensation**

**November 23, 2022**

We successfully prosecuted a suspension petition in a case of first impression in Pennsylvania. The claimant sustained a compensable mental injury while employed with the employer. Thereafter, he refused to attend an Impairment Evaluation after receiving 104 weeks of indemnity benefits due to his injury. The court initially issued an order compelling the claimant's attendance. Nevertheless, the claimant maintained his refusal to attend the evaluation, citing the fact that he was COVID-19 positive and required to quarantine.

### Fatal claim petition against national trucking company denied.

#### **Workers' Compensation**

**November 10, 2022**

The decedent died of a heart attack after a three-day, over-the-road run for the trucking company. The decedent's dependents argued that the heart attack was caused by the rigors of the job. Although the decedent died as he was about to execute paperwork denoting his employment status as an independent contractor—he never signed the document. The case, therefore, proceeded to litigation in the Workers' Compensation forum. Expert evidence was presented on the issue of whether the decedent's job duties had any contribution to the death.

### Injuries at mushroom facility found non-work related.

#### **Workers' Compensation**

**April 13, 2022**

We successfully prosecuted a termination petition and at the same time defended a review petition on behalf of a Berks County mushroom facility in a falling object case. The claimant sustained a strain injury to his neck when he was struck by a stack of falling mushroom baskets at work. Although the baskets only grazed one side of his head and neck, the claimant alleged that his opposite shoulder was injured in the accident to the extent of a fully torn rotator cuff tendon.

## **SIGNIFICANT REPRESENTATIVE MATTERS**

Successfully argued that viewing the September 11 terrorist events and suffering a psychological condition did not rise to the degree of a work injury under Pennsylvania law.

Refined the interpretation of workers' compensation case law as it relates to the statute of limitations regarding death claims from medication abuse.

Successfully defeated and/or resolved at base value more than 400 high-exposure hearing loss cases in western and eastern Pennsylvania.

Successfully defended 50 late answer high-exposure claim petitions in eastern and middle Pennsylvania in 2007.

Successfully handled multiple heart attack and psychological claims.

Successfully handled multiple toxic tort (asbestos, silica) cases.