

ANTHONY NATALE III

CHAIR, MEDICARE COMPLIANCE PRACTICE GROUP
SHAREHOLDER



AREAS OF PRACTICE

Workers' Compensation
Medicare Compliance

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ADMISSIONS

Pennsylvania
1991

EDUCATION

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

University of Pennsylvania (B.A.,
1988)

HONORS & AWARDS

The Best Lawyers in America®,
Workers' Compensation Law –
Employers
2025

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

Average Weekly Wage, panelist, Pennsylvania Bar Association Workers' Compensation Fall Section Meeting, September 12, Hershey, Pennsylvania

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

Successfully Defended a Nationwide Tight-Tolerance Manufacturer

Workers' Compensation

July 19, 2024

We successfully defended a manufacturer serving OEMs in the aerospace, defense, semiconductor and high-tech industries. The case involved a claim petition with complex injury allegations and a potentially catastrophic initial judgement on the pleadings since the employer failed to timely answer the claim petition. When we became involved, we were able to limit the judgement on the pleadings to the date that a timely answer could have been filed. Ongoing disability in the case turned on the credibility of the claimant's medical evidence.

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.

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.