

## ANTHONY NATALE III

CHAIR, MEDICARE COMPLIANCE PRACTICE GROUP  
SHAREHOLDER



### AREAS OF PRACTICE

Workers' Compensation  
Medicare Compliance

### CONTACT INFO

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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

### Defense Verdict in Medicare Lien Dispute for Insurance Carrier

#### Medicare Compliance

**February 12, 2025**

We successfully defended a Massachusetts-based insurance company in a bitter dispute with the federal government regarding a Medicare conditional lien request. The insurance carrier's satellite office is based out of New Jersey, and the underlying claim involved an injury sustained in a motor vehicle accident with payments being made to the claimant under a New Jersey PIP policy. The carrier exhausted the PIP policy following the injury.

### Defense Verdict Secured for a Montgomery County Police Department

#### Workers' Compensation

**January 9, 2025**

We successfully defended a Montgomery County police department in the litigation of a claim petition. The claimant, a police officer, attended an out-of-state extended-stay educational conference. One evening after the conference activities ended, the claimant attended a "booze cruise" where she was imbibing with conference attendees. She continued to socialize and party back at the hotel. Later that night, she entered her hotel suite (which was shared with another female officer), shining her flashlight in order to change clothes.

### PA Court Rules Repetitive Trauma Not a Cause of Nerve Injuries in Landmark Workers' Comp Case

#### Workers' Compensation

**January 9, 2025**

In a case of first impression in Pennsylvania, we successfully defended a Berks County mushroom canning facility from a claim petition alleging repetitive trauma injuries to the upper extremities. The claimant alleged that over time his duties as a machine operator caused nerve injuries to both upper extremities. We presented medical expert testimony supporting the existence of these nerve damage but challenged causation.

### Successfully Defended Our Client in Litigation Surrounding a Penalty Petition

#### Workers' Compensation

**September 27, 2024**

We successfully defended a Philadelphia-based university in litigation surrounding a penalty petition filed by the claimant. The penalty alleged that the university unilaterally suspended indemnity benefits on an open and accepted work injury claim. We presented complex evidence from the insurer that Pennsylvania's Workers' Compensation Automation and Integration System (WCAIS) electronic system has internal problems which result in unwanted and unrequested claim documents being issued when simple data changes are made to an open claim.

### Successfully Defended an Appeal Before the Pennsylvania Workers' Compensation Appeal Board

#### Workers' Compensation

**September 12, 2024**

We successfully defended a Pennsylvania-based industrial linear actuator supplier on appeal before the Workers' Compensation Appeal Board. The claimant appealed a termination order which found her to be fully recovered from work injuries to her low back and multiple other body parts. The claimant alleged on appeal that factors considered by the underlying workers' compensation judge supporting the full recovery opinion (including a post-injury new slip and fall) were not supported by the evidence record.

## **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.