

## SCOTT A. GINSBERG

SHAREHOLDER



### AREAS OF PRACTICE

Fraud/Special Investigation  
Personal Injury Protection (PIP) Litigation

### CONTACT INFO

(212) 376-6405  
SAGinsberg@mdwcg.com

Wall Street Plaza  
88 Pine Street, 29th Floor  
New York, NY 10005

### ADMISSIONS

New Jersey  
2003

New York  
2004

U.S. District Court Eastern District  
of New York  
2004

U.S. District Court Southern  
District of New York  
2004

### EDUCATION

Maurice A. Deane School of Law  
at Hofstra University (J.D., 2003)

University of Florida (B.S., B.A.,  
2000)

### ASSOCIATIONS & MEMBERSHIPS

Career Services Alumni  
Committee (CSAC) Member,  
Maurice A. Deane School of Law  
at Hofstra University

### YEAR JOINED

2016

### OVERVIEW

Scott Ginsberg is a member of the Casualty Department with extensive experience defending numerous insurance carriers in disputes involving New York Personal Injury Protection claims. As a seasoned litigator with extensive trial and motion practice experience, Scott is highly regarded for his combination of creativity, strategic judgment and courtroom prowess.

Scott also handles matters as a member of the Fraud/Special Investigation Practice Group. He focuses on fraud investigation, primarily dealing with evaluating both medical provider fraud and intentional/staged losses. Scott also has significant experience conducting Examinations Under Oath as it relates to both specific claims and broader SIU investigations.

Prior to joining Marshall Dennehey, Scott managed his own firm for several years where he focused primarily on New York personal injury protection claims. Additionally, he developed experience litigating all aspects of insurance defense, premises liability, construction and labor law, vehicular negligence and homeowners' claims.

Scott earned his *juris doctor* from the Maurice A. Deane School of Law at Hofstra University, where he served as an Editor for the *Family Court Review*. Scott earned a B.S. in Psychology and a B.A. in Criminology & Law from the University of Florida, where also he served as the president of the Criminology & Law Honor Society.

He is admitted in the states of New York and New Jersey.

### THOUGHT LEADERSHIP

#### New York Addresses Excessive Out-of-State No-fault Billing with Amendment to Regulations

**New York  
General Liability  
March 1, 2018**

Key Points: Defense Digest, Vol. 24, No. 1, March 2018. Defense Digest is prepared by Marshall Dennehey Warner Coleman & Goggin to provide information on recent legal developments of interest to our readers.

## RESULTS

### Failure to provide requisite statutorily required medical assignment-of-benefits form results in dismissal of New York no-fault arbitration matter.

#### **Personal Injury Protection (PIP) Litigation**

**January 3, 2024**

We successfully defended and submitted post-hearing arguments and secured dismissal of a New York no-fault arbitration matter. The applicant, a major medical provider, filed an arbitration matter in the amount of \$361,601.62, claiming our client owed it for the claimant's unpaid medical bills following a major motor vehicle accident. The claimant had been involved in the motor vehicle accident and sought payment for medical treatment for a series of treatments rendered while hospitalized, post-accident.

### Dismissals of multiple New York No-Fault/PIP arbitrations.

#### **Personal Injury Protection (PIP) Litigation**

**December 2, 2021**

The arbitrations were commenced by medical providers against the respondent-carrier for non-payment of medical bills insofar as the policyholder and the claimant engaged in material misrepresentation in the procurement of the policy, and in the presentation of the claim. We submitted a defense brief that included numerous exhibits, including examination under oath transcripts, an affidavit from the respondent-carrier's underwriting department and screenshots of insurance premium payments from the claimant to the policyholder.

### Dismissal of PIP litigation brought by medical provider.

#### **Personal Injury Protection (PIP) Litigation**

**February 9, 2021**

We successfully secured dismissal of a New York no-fault/PIP arbitration commenced by a medical provider against a major insurance carrier for non-payment of medical bills. At the hearing, the carrier argued that the provider was ineligible for reimbursement of the disputed charges because it was not licensed in New York State with the Department of Education and the Department of State when the services at issue were rendered.

### PIP case dismissed at trial.

#### **Personal Injury Protection (PIP) Litigation**

**May 18, 2020**

Obtained a dismissal at trial in Civil Court of the City of New York, Queens County. The plaintiff, an acupuncture facility, alleged wrongful denial of personal injury protection/no-fault benefits relating to acupuncture services rendered to its assignee, a claimant who sought benefits under the defendant-carrier's policy. The trial judge granted dismissal of the complaint on the basis of the carrier's defense, that payments were issued in accordance with the applicable fee schedule and, therefore, nothing further was owed to the plaintiff.

### Summary judgment in PIP case.

#### **Personal Injury Protection (PIP) Litigation**

**May 18, 2020**

We obtained summary judgment in Civil Court of the City of New York, New York County. The plaintiff commenced an action seeking reimbursement of PIP benefits under the defendant-carrier's policy for anesthesia rendered to the claimant during a surgical procedure. After establishing that the claimant failed to appear at multiple, duly-scheduled independent medical examinations—a condition precedent to coverage—the complaint was dismissed.