



# Pascal Naples

ASSOCIATE

Pat is a litigator with a focus on the health care industry, assisting clients in navigating government investigations, litigating ERISA and managed care disputes, and protecting trade secrets.



## 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 clients in ERISA and managed care litigation. He frequently 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.

Pat also helps clients defend their trade secrets. In this zone, he often works with computer forensics investigators to track down, discover, and remedy the misappropriation. He then litigates the issues that frequently present in trade secrets cases: noncompetes; no poaching agreements; confidentiality provisions; and spoliation.

In the investigations space, Pat represents clients confronting liability under the False Claims Act, Anti-Kickback Statute, antitrust law, and other statutes. Here, Pat coordinates with executives, outside consultants, and government attorneys to limit liability and avoid business disruption as much as possible.

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:

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Represented pharmaceutical manufacturer in internal investigation in response to a subpoena issued by the Department of Justice pursuant to the Health Insurance Portability and Accountability Act (HIPAA), presenting directly to multiple government attorneys regarding antitrust concerns, as well as potential liability under the False Claims Act and Anti-Kickback Statute.

- Represented government contractor in an internal investigation, subsequent Department of Defense investigation, and related litigation under the False Claims Act, following a whistleblower complaint, 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 multinational government contractor in hotly contested litigation to enforce restrictive covenants, including non-compete and no poaching clauses, and to secure the protection of confidential information and trade secrets, successfully examining and cross-examining forensics experts and arguing discovery motions en route to multiple fee awards.
- Represented generic pharmaceutical manufacturer in commercial contract dispute against branded pharmaceutical manufacturer, principally drafting successful opposition to motion for summary judgment, ultimately leading to favorable settlement. *See Apotex Inc. v. Otsuka Pharmaceutical Co.*, No. 2022-0291-MTZ, 2022 WL 10029846 (Del. Ch. Oct. 14, 2022).
- Represented high-net-worth individual as second-chair in ERISA trial, in which plan participant alleged that individual owed more than \$70M in underfunding and penalty obligations, cross-examining multiple adverse witnesses.
- Successfully tried claim to enforce settlement agreement in decade-long construction dispute as first chair, resulting in judgment imposing fines and award of attorneys' fees. *See City of Stamford v. Ten Rugby Street, LLC*, No. FST-CV11-6011306-S, 2022 WL 1566777 (Conn. Super. Ct. May 18, 2022).
- Successfully tried premises-liability dispute as first chair on behalf of convenience-store chain, resulting in no-liability finding. *See Dzurenda v. Cumberland Farms Inc.*, No. HHD-CV20-5063495-S (Conn. Super. Ct.).

## Appellate Litigation

Recent representative appeals 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).
- Appointed as amicus counsel by US Court of Appeals for the Fourth Circuit to brief and argue on behalf of employee appealing district court order dismissing wrongful termination suit, generating settlement on the eve of oral argument.
- 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, without oral argument. *See United States v. Guntipally*, 735 F. App'x 432 (9th Cir. 2018).

## Alternative Dispute Resolution

Recent ADR matters with which Pat has been involved include:

- Represented dialysis provider in managed care-related arbitrations against health care networks, seeking to recover damages for breach of network agreements.
- Represented multiple nonprofits as lead counsel in multi-year lease dispute negotiations, ultimately avoiding litigation and securing favorable settlements.

## Publications, Presentations, & Recognitions

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### Presentations

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*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 (Business Litigation, Connecticut) 2020-2021
- *Best Lawyers*: Ones to Watch (2021-2024)
- *Super Lawyers*: Rising Star (Business Litigation, Washington, DC) 2019
- Capital Pro Bono Honor Roll: High Honors (2017-2020)
- Wake Forest University School of Law:
  - Order of the Coif
  - 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](#)