



Sanford E. Pitler

Shareholder

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Sandy Pitler is a shareholder with Bennett Bigelow & Leedom, P.S. Sandy's practice focuses on complex, multi-party litigation as well as advising clients on Medicare and Medicaid reimbursement, fraud and abuse, employment and patient care issues, peer review, utilization review, and dealing with various state and federal agencies.

Sandy graduated with honors from the University of Washington School of Law in 1986, where he was first in his class and an editor of the Law Review. After graduation, he served as law clerk to the Hon. Robert F. Utter of the Washington State Supreme Court during the 1986-87 term, and then served as law clerk to the Hon. Barbara J. Rothstein, Chief Judge for the U.S. District Court for the Western District of Washington. Sandy has worked extensively in the areas of hospital rate regulation, reimbursement, peer review and utilization review. Sandy has argued before the Washington State Supreme Court and was a member of the litigation team that successfully tried Multicare Medical Center v. DSHS, 768 F. Supp. 1349 (W.D. Wash. 1991). In addition, he has litigation experience in State Superior Court and before various administrative review boards, including the Medicare Provider Reimbursement Review Board in Baltimore, Maryland.

Experience

Sandy has extensive litigation experience with multi-party litigation in federal courts in Tennessee, Oklahoma, Texas, Oregon, California and Washington.

Representative Cases

Cases Involving CMS's Improper Exclusion of Medicaid-Eligible Days From the Medicare DSH Calculation:

Baptist Hospital, Inc., et al. v. Shalala, (No. 3-94-0713 (M.D. Tenn. 1995). (Result: \$13 million settlement paid to plaintiffs.)

Legacy Emanuel Hospital & Health Center, et al. v. Donna E. Shalala, (97 F. 3d 1261 (9th Cir. 1996) (Result: Judgment for the plaintiffs upheld by the 9th Circuit.)

Incarinate Word Health Services v. Shalala, No. 3:95-CV-9851-R (N.D. Tex. 1997)
(Result: Judgment for the plaintiffs; appeal dropped by the defendants.)

Baptist Memorial Hospital System v. Shalala, No. H-97-1764 (S.D. Tex. 1998)
(Result: Judgment for the plaintiffs; appeal dropped by the defendants.)

Anadarko Municipal Hospital, et al. v. Shalala, CIV-97-0288-A (W.D. Okla. 1998). (Result: Judgment for the plaintiffs, appeal dropped by the defendants.)

Cases Challenging CMS's Prohibition on Medicare Reopenings on the Issue of DSH days, Set Forth in Ruling 97-2:

Bartlett Memorial Med. Ctr., et al. v. Thompson, Nos. 02-6152 and 02-6142 (10th Cir. 2003, appeal pending).(Result: Partial judgment for the plaintiffs, cross-appeals pending.)

St. Tammany Parish Hospital Service Dist. No. 2, et al. v. Thompson, No. 1:03-cv-00592-PLF (02-601)(D.D.C. 2003)(Result: case pending).

Cases involving CMS's erroneous exclusion of Sec. 1115 waiver days, for Medicaid-eligible expansion populations, from the Medicare DSH calculation:

Portland Adventist Med. Ctr., et al. v. Thompson, CV. 02-289-JE (D. Or. 2003). (Result: Judgment for the plaintiffs, appeal pending in the Ninth Circuit).

Portland Adventist Med. Ctr., et al. v. Thompson, CV. 03-889-JO (D. Or. 2003). (Result: case pending).

Multicare Medical Center v. DSHS (768 F. Supp. 1349 (W.D. Wash. 1991). (Result: Judgment for plaintiffs after a 3-week trial.)

Baptist Hospital, Inc., et al. v. Shalala, (No. 3-94-0713 (M.D. Tenn. 1995). (Result: \$13 million settlement paid to plaintiffs.)

South Sound Radiologists, Inc., et al., v. Lyle Quasim, et al. (W.D. Wash. 1997). (Result: \$24 million settlement paid to plaintiffs.)

Legacy Emanuel Hospital & Health Center, et al. v. Donna E. Shalala, (97 F. 3d 1261 (9th Cir. 1996) (Result: Judgment for the plaintiffs upheld by the 9th Circuit.)

Incarinate Word Health Services v. Shalala, No. 3:95-CV-9851-R (N.D. Tex. 1997) (Result: Judgment for the plaintiffs; appeal dropped by the defendants.)

Baptist Memorial Hospital System v. Shalala, No. H-97-1764 (S.D. Tex. 1998) (Result: Judgment for the plaintiffs; appeal dropped by the defendants.)

Anadarko Municipal Hospital, et al. v. Shalala, CIV-97-0288-A (W.D. Okla. 1998). (Result: Judgment for the plaintiffs, appeal dropped by the defendants.)

Dameron Physicians Medical Group, et al. v. Shalala (CV –95-02999-CAL) (on appeal to the 9th Circuit)

California Society for Clinical Social Work, et al. v. S. Kimberly Belshe, et al. (DC 97-5712 JSL (Anx) C.D. Calif.) (summary judgment motion pending.)

Education/Activities

University of Washington, J.D., Honors Graduate, Highest Honors, 1986
Order of the Coif
Moot Court Honor Board Member
Executive Editor, *Washington Law Review*
Law Clerk to Barbara Rothstein, U.S. District Court, 1987-88
Law Clerk to Robert F. Utter, Washington Supreme Court, 1986-87

Awards and Recognition

Martindale-Hubbell "AV" Rated

Admitted to Bar: Washington State
U. S. District Court, Western District of Washington
Washington State Supreme Court
United States Court of Appeals for the Ninth Circuit
United States Supreme Court

Memberships: Washington State Bar Association
Seattle-King County Bar Association
American Bar Association