



**Sanford E. Pitler**  
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Sandy is a litigator, trial lawyer, and advisor to health care providers across the country. His local and nationwide practice focuses on complex, multi-party, Medicare and Medicaid litigation; and on advising clients on reimbursement, fraud and abuse, employment and patient care issues; peer review; utilization review; and dealing with various state and federal agencies. Sandy has extensive Medicare and Medicaid experience, and works on behalf of providers in a number of states including Washington, Oregon, Tennessee, Oklahoma, Louisiana, Texas, Florida and Ohio. He served as the lead attorney in numerous successful pieces of litigation regarding various aspects of the Medicare disproportionate share payment in Oregon, Texas, Oklahoma, and Tennessee. Sandy has worked with, and on behalf of, numerous provider organizations, including hospital associations in Oregon, Washington, Tennessee, Louisiana, Texas, and Oklahoma, and the Washington Community Mental Health Council. Most recently, Sandy served as an advisor to Regional Support Networks and mental health providers in Washington State regarding various aspects of Washington's publicly funded mental health system.

#### **PROFESSIONAL EXPERIENCE**

##### 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 (9<sup>th</sup> Cir. 1996) (Result: Judgment for the plaintiffs upheld by the 9<sup>th</sup> Circuit.)
- *Incarnate 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 Or., 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 Or., 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 (9<sup>th</sup> Cir. 1996) (Result: Judgment for the plaintiffs upheld by the 9<sup>th</sup> Circuit.)
- *Incarnate 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 9<sup>th</sup> 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.)

**AWARDS AND RECOGNITION**

- Martindale-Hubbell “AV” Rated (highest)

**PROFESSIONAL AND COMMUNITY INVOLVEMENT**

- Seattle-King County Bar Association
- American Bar Association

## **EDUCATION/ACTIVITIES**

**University of Washington, J.D.,**

with highest honors

Articles Editor, Washington Law Review

Order of the Coif

Moot Court Honor Board Member

Law Clerk to Barbara Rothstein, United States District Court, 1987-88

Law Clerk to Robert F. Utter, Washington Supreme Court, 1986-87

**Queens College, New York, B.A.**

## **BAR AND COURT ADMISSIONS**

Washington State Bar Association

United States District Court, Western District of Washington

Washington State Supreme Court

United States Court of Appeals for the Ninth Circuit

United States Supreme Court