

# **Exhibit “A”**



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Laura S. Achord

Associate - Monroe

Tel: (318) 398-4328 Cell: (318) 388-4545 Fax: (318) 398-4325 [laura.achord@bswllp.com](mailto:laura.achord@bswllp.com)

Laura S. Achord is an associate in the Monroe office of Breazeale, Sachse & Wilson, L.L.P. She graduated *cum laude* with a B.S. from the University of Mississippi in 1998. She received her Juris Doctor in 2004 from the University of Tennessee College of Law. She practices in the areas of medical malpractice defense, premises liability, judicial commitments, interdictions, and wills and successions.

Laura has experience defending hospitals, pharmacies, and individual healthcare providers in medical malpractice claims before the Patient's Compensation Fund and in the district and appellate courts. She also advises healthcare clients on medical consent and end of life issues that arise in the healthcare setting.

Laura also has experience handling judicial commitment and interdiction proceedings on behalf of corporate and individual clients.

She also drafts wills and other estate planning documents and handles successions on behalf of individual clients.

Ms. Achord is an AV<sup>®</sup>Preeminent<sup>™</sup> Peer Review rated attorney by Martindale Hubbell. She is a member of the Fourth Judicial District Court bar association, Louisiana State Bar Association, Federal Bar Association, Louisiana Hospital Association, and Defense Research Institute.

### Professional Associations

- Fourth Judicial District Court
- Louisiana State Bar Association
- Federal Bar Association
- Louisiana Hospital Association
- Defense Research Institute

### Honors and Awards

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rating in Martindale-Hubbell



### PRACTICE AREAS

**Succession & Probate  
Medical Malpractice**

### EDUCATION

University of Tennessee College of Law,  
J.D., 2004

University of Mississippi, B.S., 1998,  
*cum laude*

### ADMISSIONS

Admitted to bar 2004, Louisiana, U.S.  
District Courts, Western, Middle, and  
Eastern Districts of Louisiana and U.S.  
Court of Appeals, Fifth Circuit



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Robert L. Atkinson

Partner - Baton Rouge

Tel: (225) 381-8030 Cell: (225) 405-1557 Fax: (225) 381-8029 robert.atkinson@bswllp.com

Robert L. Atkinson has practiced with BSW since his admission to the Louisiana Bar in October of 1983, and became a partner on January 1, 1988. Robert practices in the area of commercial transactions, with an emphasis on healthcare transactions, oil and gas law, real estate matters, and commercial lending. Robert's experience includes representing clients in connection with the acquisition of hospitals and other health care facilities, creating joint ventures among various health care providers to more effectively and efficiently furnish health care services, assisting clients in acquiring commercial and industrial properties, and representing banks and other institutional lenders in commercial financing matters, including tax-exempt bond financing.

### Professional Associations

- American Health Lawyers Association
- Louisiana Hospital Association Society of Hospital Attorneys
- Louisiana Land Title Association
- Louisiana State Bar Association
- Baton Rouge Bar Association

### Community Involvement

- Former Board of Directors and Executive Committee and past President of Louisiana Industries for the Disabled (UpLFTD), a non-profit organization which furnishes rehabilitation services to disabled people.
- Former Board of Directors and Executive Committee and current President of the Dyslexia Association of Greater Baton Rouge, a non-profit organization which operates two schools furnishing educational services to children with Dyslexia and related disorders.
- Board of Directors and Executive Committee and current Secretary of the Greater Baton Rouge Community Clinic, a non-profit organization which furnishes medical and dental care to the working poor in the Baton Rouge, Louisiana area through a network of over 200 physicians and dentists who (volunteer their services.)

### Honors and Awards

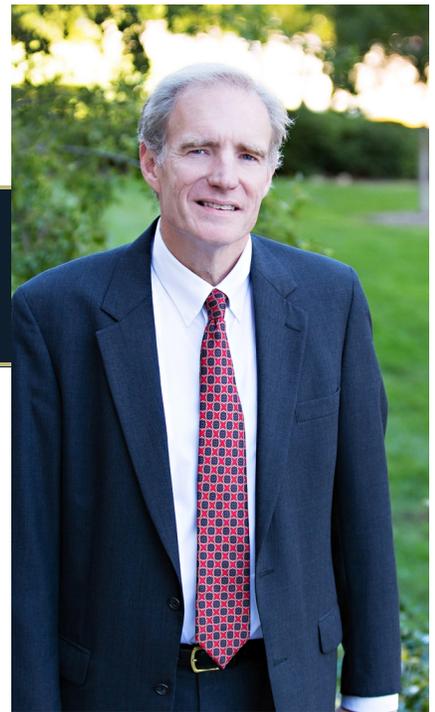
- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana* in the area of Healthcare, 2014-2017
- Selected by his peers for inclusion in The Best Lawyers in America<sup>®</sup> since 2014
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rating in Martindale-Hubbell
- Listed in *Louisiana Super Lawyers* in the area of Health Care since 2015

### Publications

- "BSW Health Law Blog" August 2013
- Co-author of "Reuniting Unused Mineral Interest with the Land", Southwest Legal Foundation 44th Annual Institute on Oil & Gas Law and Taxation (1993), and "Developments in Environmental Law: Defending Against Citizen Suits Under the Clean Water Act and Landowner Suits Against Oil Companies For the Destruction of Wetlands", Southwestern Legal Foundation 37th Annual Institute on Oil & Gas Law and Taxation (1986).

### Presentations

- "*Doing the Deal*" - *Conflicts of Interest and Governmental Ethics Issues*, Louisiana Hospital Association Advanced Issues in Physician Employment Seminar, April 2019



### PRACTICE AREAS

Healthcare  
Real Estate  
Industrial Development Team  
Bankruptcy and Creditor Debtor  
Rights/Insolvency and  
Reorganization Law  
Banking & Finance

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1983

Louisiana State University, B.S., 1980

### ADMISSIONS

Louisiana State Courts, Eastern, Middle & Western Districts of Louisiana, Fifth Circuit Court of Appeals, Eleventh Circuit Court of Appeals, 1983

- *Robert has presented numerous seminars in the fields of health care law, oil and gas law, real estate, and commercial law, including seminars on hospital joint ventures, title insurance, real estate transactions, zoning law, and the privacy provisions of HIPAA.*

### **Representative Matters**

- Represented clients in acquisition of a 95-bed acute care hospital and a 15-bed acute care/critical access hospital.
- Currently serves as general counsel for 137-bed acute care public hospital, handling day to day legal matters and supervising all legal matters.
- Represented various health care providers in connection with the establishment and implementation of joint ventures designed to furnish health care services on an effective and cost efficient basis, to own and operate, in addition to other things, specialty hospitals, ambulatory surgery centers, radiation oncology centers, and facilities furnishing state-of-the-art imaging technology.
- Represented client in connection with \$9,000,000.00 acquisition of property to expand client's industrial operations.
- Represented lender in connection with a \$31,000,000.00 financing for constructing, equipping, and operating a hospital and adjoining medical office building.
- Represented client in connection with establishing a long term acute care hospital within a hospital.
- Represented Native American tribe in rewriting the real estate section of its legal code and in authoring a new section dealing with secured transactions.
- Represented various health care providers in connection with the establishment and implementation of joint ventures designed to furnish health care services on an effective and cost efficient basis, to own and operate, in addition to other things, specialty hospitals, ambulatory surgery centers, radiation oncology centers, and facilities furnishing state-of-the-art imaging technology.
- Represented various health care providers in connection with the establishment and implementation of joint ventures designed to furnish health care services on an effective and cost efficient basis, to own and operate, in addition to other things, specialty hospitals, ambulatory surgery centers, radiation oncology centers, and facilities furnishing state-of-the-art imaging technology.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Seth E. Bagwell

Partner - New Orleans and Baton Rouge

Tel: (225) 381-8036 Fax: (225) 381-8029 [seth.bagwell@bswllp.com](mailto:seth.bagwell@bswllp.com)

Seth E. Bagwell is a partner in both the Baton Rouge and New Orleans offices, practicing primarily in the firm's Construction and Labor and Employment Groups.

Seth graduated from LSU Law School in 2011 and joined BS&W in 2023 after working for Carver Darden in New Orleans for eleven years. He has developed a broad civil litigation and contract negotiation practice.

### Construction

Seth represents general contractors, subcontractors, owners, architects and engineers in a wide array of construction disputes, which frequently involve claims under the Private and Public Works Acts, for breach of contract, and against performance and payment bonds. He has also helped contractors resolve disputes with the Louisiana State Licensing Board for Contractors.

### Labor and Employment

Mr. Bagwell has represented employers regarding non-compete agreements and regarding meal break practices and the classification of employees and independent contractors under the Fair Labor Standards Act.

### Oil and Gas

Seth has extensive experience in the oil and gas industry, representing operators, mineral lessees, and landowners in a wide variety of disputes. These include claims over unpaid mineral revenue, ownership of mineral rights, environmental contamination ("legacy lawsuits"), severance taxes, royalty payments, joint interest billing, general breach of contract, joint operating agreements, mineral leases, and servitudes.

He also frequently negotiates master service agreements, distribution contracts, onshore and offshore drilling contracts, non-disclosure agreements, and similar contracts for mid-level oil and gas operators and service companies.

### Successions and Estate Planning

Seth has provided many clients with valuable estate planning advice and drafted their wills, general and medical power of attorney agreements, trusts, and living wills (end-of-life directives).

He often provides advice to succession representatives regarding the administration of estates, and he has represented heirs and executors/administrators in succession disputes, including challenges to the validity of a will.

### Commercial Litigation

Mr. Bagwell has obtained success for his clients in court, arbitration, mediation, and the Louisiana Board of Tax Appeals, but also has an eye for creative settlement solutions.

### Business Advice

Seth advises clients with respect to business formations and dissolutions, the sale and purchase of companies and franchises, drafting operating agreements, and other general business advice that helps his clients thrive.

Seth received his B.S. in Business Administration from the University of Louisiana at Lafayette in 2008 and received his J.D. from the Paul M. Hebert Law Center at Louisiana State University where he graduated *cum laude* in 2011. While attending LSU, he served as Treasurer for the Trial Advocacy Board and completed an externship with Judge Eugene Davis of the United States Court of Appeals for the Fifth Circuit. Seth is an avid outdoorsman and was the Founding Chairman and Treasurer of Delta Waterfowl Foundation's New Orleans Chapter, an organization that promotes waterfowl conservation and hunting across North America.

### Honors and Awards

- Chancellor's Merit Scholarship Recipient, Treasurer for Trial Advocacy Board



### PRACTICE AREAS

Construction  
Labor & Employment  
Succession & Probate  
Commercial Litigation

### EDUCATION

Louisiana State University, J.D., *cum laude*, 2011

University of Louisiana at Lafayette, B.S. in Business Administration, 2008

### ADMISSIONS

Louisiana, 2011

All Louisiana state and federal courts

U.S. Court of Appeals, Fifth Circuit

- CALI award in Civil Law Property, Federal Civil Procedure 1 and Louisiana Civil Procedure II for highest grade

#### **Presentations**

- *Servitude Descriptions, Prescriptions, and Co-Ownership Issues - Resolutions for Landmen, Professional Landmen's Association of New Orleans, Annual Seminar and Executive Night (2014)*
- *Recent Developments in Oil and Gas Law, 66th Mineral Law Institute (Mar. 2019)*
- *Motions for Summary Judgment, LSBA New York, New York, Multi-Topic CLE Seminar (Nov. 2022) (Co-Presenter)*



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## John W. Barton, Jr.

Of Counsel - Baton Rouge

Tel: (225) 381-8044 Fax: (225) 381-8029 john.barton@bswllp.com

John W. Barton, Jr. is an AV<sup>®</sup> rated attorney in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. Mr. Barton's principal areas of practice include business transactions, banking, real estate, including commercial development, rural and farm land transactions, wetland mitigation banks, mineral law, governmental relations, regulatory and administrative law.

### Professional Associations

- Louisiana Bar Association (Corporate Law Section)
- Baton Rouge Bar Association (Corporate Law Section)

### Community Involvement

- Board member of Landmark Bank Board in Clinton, LA, Chairman Compliance Committee.
- Current Board Member of Louisiana Wildlife and Fisheries Foundation
- Current member, Rotary Club of Baton Rouge
- Former Board member, Istrouma Area Boy Scouts
- Former Board member, Mary Bird Perkins Cancer Center Foundation
- Former Past President and Board Member of the Nature Conservancy of Louisiana
- Former Board Member and Secretary of Baton Rouge Country Club and City Club of Baton Rouge
- Life Member of Ducks Unlimited, Coastal Conservation Association, NRA
- Member of Louisiana Forestry Association

### Honors and Awards

- Selected by his peers for inclusion in **The Best Lawyers in America**<sup>®</sup> since 2019
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rating in Martindale-Hubbell



### PRACTICE AREAS

**Corporate & Finance**

**Real Estate**

**Governmental Relations and Ethics**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1976

Louisiana State University, B.S., 1971

### ADMISSIONS

Louisiana State and Federal Courts



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Thomas M. Benjamin

Partner - New Orleans

Tel: (504) 584-5464 Fax: (504) 584-5452 thomas.benjamin@bswllp.com

Thomas M. Benjamin is a partner in the New Orleans office, where his practice includes complex commercial litigation, class actions and gaming. Mr. Benjamin is ranked as a leading Louisiana lawyer by both *Chambers USA: America's Leading Business Lawyers for Louisiana* and *Best Lawyers in America*<sup>®</sup> and is the head of the Firm's Gaming Section.

### Business and Commercial Litigation

Mr. Benjamin has experience in all aspects of litigation including trial, appellate work, and arbitration. He has represented clients in a variety of industries including real estate, financial, energy, manufacturing, transportation and construction. His litigation experience includes disputes involving the following, among others:

- unfair competition and trade practices
- class actions
- contract and lease litigation
- partnership and shareholder disputes
- securities fraud
- oil & gas litigation
- product liability
- construction disputes
- copyright infringement
- bankruptcy litigation

### Class Actions

Mr. Benjamin has successfully defended corporate clients in class actions in a variety of matters including:

- securities fraud
- defective and recalled products
- billing practices

### Gaming

Mr. Benjamin is the head of the Firm's Gaming Section and has extensive experience in gaming law including:

- buying and selling of gaming assets including video poker truck stops, gaming routes, and contracts for placement of video gaming devices
- compliance, permitting and regulatory matters including before the Louisiana Gaming Control Board, the Attorney General's Office, and the State Police
- numerous litigation involving gaming companies including unfair trade practices, breach of sales and other contracts, and partnership disputes

### Transactional Matters

Mr. Benjamin has also represented clients in various business related transactions including:

- contracts, joint ventures, and leases
- formations of companies
- the purchase and sale of assets

Mr. Benjamin graduated *cum laude* from Tulane University School of Law in 1987 where he was a member of the Order of the Coif and the Tulane Moot Court Board. He earned a Bachelor of Arts degree from the University of North Carolina at Chapel Hill in 1983.



### PRACTICE AREAS

#### Litigation

**Class Action, Mass Tort & Multi-District Litigation**

#### Gaming

**Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law**

### EDUCATION

Tulane University, J.D., *cum laude*, 1987

University of North Carolina at Chapel Hill, B.A., 1983

### ADMISSIONS

Louisiana

United States District Court, Eastern, Middle and Western Districts of Louisiana

U.S. Fifth Circuit Court of Appeals

Mr. Benjamin is admitted to the Bars of the State of Louisiana, the United States District Courts Eastern, Middle, and Western Districts and the United States Fifth Circuit. Mr. Benjamin is a native of New Orleans. He is the former President and current member of the Board of Governors of the Louisiana Civil Service League and the former Treasurer and member of the Board of Trustees of Metairie Park Country Day School.

### **Professional Associations**

- American Bar Association
- Louisiana State Bar Association
- New Orleans Bar Association

### **Community Involvement**

- Louisiana Civil Service League, Current Member of Board of Governors; President, 2000 - 2002; Secretary, 1998 - 2000
- Metairie Park Country Day School, Board of Trustees, 2012 - 2018; Treasurer and Chairman of Finance Committee, 2015-2018; Alumni Chairman, Annual Giving Council, 1997

### **Honors and Awards**

- Chambers USA: America's Leading Lawyers for Business for Louisiana, since 2010
- Selected by his peers for inclusion in The Best Lawyers in America, since 2013
- Selected Lawyer of the Year, in Securities / Capital Markets Law in New Orleans by The Best Lawyers in America<sup>®</sup> 2019 and 2020
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rating in Martindale-Hubbell
- Louisiana Super Lawyers
- Top Lawyers of New Orleans by *New Orleans Magazine* in Commercial Litigation and Gaming Law
- Order of the Coif (Tulane Law School)
- Moot Court Board (Tulane Law School)

### **Publications**

- "Raffles, Lotteries and Merchant Give-Aways Under the Louisiana Gaming Laws" May 2016
- "Class Action Alert - A New Strategy: An Unconditional Tender to the Named Plaintiff to Moot a Class Action" April 2016
- "The Supreme Court Continues to Rein in Punitive Damages", published in Network, the Newsletter of the Business and Corporate Litigation Committee of the Business Law Section of the American Bar Association, Vol. 11 Issue 2 (Summer 2003).

### **Representative Matters**

#### **Business and Commercial Litigation:**

- *Goodrich Petroleum Company, LLC v. Columbine II Limited Partnership, et al.*, 318 So.3d 1062 (La. App. 2nd Cir. 2021), writ denied 324 So.3d 103 (La. 9/27/21). Lead counsel in successful representation of Columbine in multimillion-dollar royalty and contract dispute against BP and ARCO through one week trial and then on appeal.
- *Monnie Greer, et al versus Denbury Resources Inc., et al*, 2006 WL 2475317 (E.D. La. 2006). Successfully defended publicly traded oil company and its chief executive officer in a suit brought by eleven former employees claiming in excess of \$10 million in damages allegedly due as a result of stock options vesting from a corporate reorganization and subsequent sale of a subsidiary.
- United Companies Financial Corporation Securities Litigation. Successfully represented former Chief Executive Officer of United Companies in defending against securities fraud class actions, individual shareholder litigation, and ESOP litigation involving claims totaling over \$100 million.
- In re: Tahkenitch Tree Farm Partnership ( *Yorkshire Partnership, Ltd. v. Pacific Capital Partners*). Successfully represented partner in multi-million dollar breach of contract and fraud dispute involving timber properties.
- *Jules Maraist v. Polymer International Corp.*, 2000 WL 666381 (E.D. La. 2000). Successfully defended company against stock option and profit sharing dispute brought by former executive.
- Aneco Reinsurance Company ( *Peter Mitchell, as Liquidator of Aneco v. James H. Brown Commissioner of Insurance, et al*). Obtained judgment requiring over \$1 million in funds to be turned over to a debtor in a foreign insolvency proceeding.
- *Morgan Keegan & Company v. Stern, Agee & Leach, Inc., et al*. Defended brokerage firm and brokers against federal court and subsequent arbitration proceeding involving alleged claims of raiding of brokers, unfair trade practices, and breach of noncompete and non-solicitation contracts.

- *Illinois Central Railroad Company v. 16.032 Acres of Land in Jefferson Parish, Louisiana*, 1999 WL 1276835 (E. D. La. 1999). Represented railroad in expropriation of property and defense of counter-claim relating to same.
- *Coastal Land and Timber Company v. Florgan Forest Products*. Successfully obtained a judgment on behalf of principal in suit for breach of fiduciary duty and misappropriation of funds by agent.
- Andy McDonald Copyright Litigation. Prosecuted claims on behalf of home designer against various contractors and architects involving infringement of home design plans.
- *Solo Serve Corp. v. Westowne Associates*, 929 F.2d 160 (5th Cir 1991). Successfully represented landlord from the trial court through the appeal before the U.S. Fifth Circuit in dispute over shopping center lease.
- *Borders, Inc. v. Perkins Rowe Associates, LLC, et al.*, Case No. 05-1374, USDC, M.D. La. Represented Borders book company in an unfair trade practice and breach of letter of intent litigation against shopping center owner and developer.
- Redman Gaming Litigation. Successfully prosecuted an unfair trade practice claim against casino competitor which sought to block the construction and opening of a new video poker truck stop.

#### **Gaming Matters:**

- Gaming Transactions. Represented various gaming companies in numerous transactions involving buying and selling of video poker truck stops, gaming routes, placement agreements for gaming machines and other gaming assets, permitting and licensing, and in negotiation and completion of numerous gaming contracts including placement agreements, revenue share agreements, distributorship agreements for gaming machines and joint venture agreements.
- Gaming Compliance. Represented gaming companies in compliance and regulatory matters in consultation with and before the Louisiana Gaming Control Board, the Attorney General's Office and the State Police including obtaining a favorable declaratory judgment ruling before the Louisiana Gaming Control Board to facilitate a multi-million dollar transaction.
- Gaming Litigation. Represented gaming companies in various disputes over unfair trade practices, breach of sales and other contracts, partnership disputes, breach of fiduciary duties, and various other litigation.

#### **Class Action:**

- *Steven J. Leon, Individually, and on Behalf of all Others Similarly Situated v. Blue Bell Creameries, Inc.*, Case No. 15-3454, USDC, EDLA. Successfully represented Blue Bell in a class action seeking refunds for allegedly contaminated ice cream.
- *United Companies Financial Corporation Securities Litigation*, Case No. 99-1035-B-M2, 99-1049-B-M2, 00-0006-B-M2 and 00-0099-B-M2, USDC, M.D. LA. Successfully represented former CEO of United Companies in federal class action securities fraud litigation involving over \$100 million in alleged damages.
- *Billy R. Brew, Individually and on Behalf of All Others Similarly Situated v. University Healthcare System, L.C. D/B/A Tulane University Hospital and Clinic*, Case No. 15-7329, CDC. Successfully defended Tulane University Hospital (now owned by HCA) in a class action involving alleged violations of the Louisiana Balance Billing Act.
- *Charles James Myer v. U.S. Trust Company of California, N.A.*, Case No. 00-147-D-M3, USDC, M.D. LA. Defended fiduciaries of ESPO in a class action and obtained settlement without payment of any funds.
- The Tobacco Institute: Represented trade association in numerous class actions.

#### **Securities Litigation and Arbitration:**

- United Companies Financial Corporation Securities Litigation. Successfully represented former Chief Executive Officer of United Companies in defending against securities fraud class actions involving claims totaling over \$100 million.
- *Charles James Myer v. U.S. Trust Company of California, N.A.*, Case No. 00-147-D-M3, USDC, M.D., LA. Defended fiduciaries of ESOP and obtained settlement without payment of any funds.
- *Findim Investments S.A., et al v. J. Terrell Brown, et al.*, Case No. 474, 161, 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana: Obtained dismissal of multi-million dollar state securities fraud claims.
- Representation of Brokerage Firm in FINRA arbitration. Represented brokerage firm in major arbitration case involving a multi-million dollar claim arising from alleged wrongful actions of a former broker in the sales of securities and alleged Ponzi scheme.
- *Morgan Keegan & Company v. Stern, Agee & Leach, Inc., et al.* Defended brokerage firm and brokers against federal court and subsequent arbitration proceeding involving alleged claims of raiding of brokers, unfair trade practices, and breach of noncompete and non-solicitation contracts



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Christopher D. Billings

Partner - Baton Rouge

Tel: (225) 381-3164 Fax: (225) 381-8029 [chris.billings@bswllp.com](mailto:chris.billings@bswllp.com)

Christopher "Chris" Billings is a Partner in the Baton Rouge office. His principal areas of practice include Products Liability, Class Actions and Mass Tort, Toxic Tort, General Casualty Litigation, Insurance, Healthcare, and Commercial Litigation.

Chris joined BSW in 2008 after graduating from LSU Law School, and, since that time, he has developed a broad civil litigation practice.

### Products Liability

Chris has defended businesses in suits arising out of the alleged manufacture and/or sale of various types of alleged defective products (e.g., Motorcycles, ATVs, H-VAC systems, Chemical Products, Valves/Gauges, etc.). Chris has deep knowledge of Louisiana law as it relates to the duties and responsibilities of manufacturers and non-manufacturer sellers, alike, including the Louisiana Products Liability Act ("LPLA") and Louisiana's laws on Redhibition.

### Class Actions / Mass Tort Litigation

Chris is an integral part of the firm's Class Action Defense team representing companies facing class actions and other mass tort litigation across a broad spectrum of industries including healthcare, insurance, chemical, and construction. He has successfully defended companies against class certification, secured dismissal of class representatives' claims, and negotiated favorable settlements.

### Toxic Tort / Environmental Litigation

Chris has represented premises owners, manufacturers, and other companies in suits by individuals arising out of alleged exposure to asbestos and other hazardous products, chemicals, and substances.

### General Casualty Litigation

Chris has represented numerous municipalities, political subdivisions, companies and individuals (both individually and through their insurance companies) in all types of personal injury litigation, including but not limited to:

- Trucking and other Automobile Accident Claims
- Medical Malpractice
- Premises Liability (slip/trip and fall)
- Sports and other recreational activity related injuries (In connection with this work, Chris has successfully utilized Louisiana's Recreational Immunity Statute (La. Rev. Stat. Ann. sec. 9:2795) to obtain dismissal of suits against landowners for injuries arising out of recreational activities performed on land made available to the public.)

### Insurance

Chris has litigated numerous insurance coverage issues, and has experience representing both sides (insurers and insureds) in various types of coverage disputes involving all kinds of insurance policies-whether it is helping an insured obtain coverage for a claim, accident, or occurrence under an existing policy, or assisting an insurance company in contesting coverage pursuant to the policy's terms, conditions, and/or exclusions.

### Commercial Litigation

Chris has extensive knowledge and experience representing companies involved in commercial disputes, specializing primarily in issues arising out of transference of liability through contractual indemnity provisions. Chris has also represented numerous healthcare providers and healthcare data management companies against claims and actions arising out of alleged improper billing and collection practices, including several Class Actions arising out of Louisiana's Health Care and Consumer Billing and Disclosure Protection Act (aka the "Balance Billing Act").

### Healthcare



### PRACTICE AREAS

#### Education

**Class Action, Mass Tort & Multi-District Litigation**  
**Premises Liability**  
**College and Professional Sports**  
**Transportation**  
**Casualty Litigation**  
**Medical Malpractice**

#### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D./B.C.L., 2008

Louisiana State University, B.S., Psychology, 2003

#### ADMISSIONS

Louisiana

Mr. Billings has successfully defended hospitals and other healthcare providers in numerous premises liability actions (e.g., slip and falls), medical malpractice actions, and class actions based on alleged improper billing practices.

### **Professional Associations**

- Baton Rouge Bar Association
- Louisiana State Bar Association
- American Bar Association
- Louisiana Claims Association

### **Community Involvement**

- Boys & Girls Club of Greater Baton Rouge ("Steak & Stake" Fundraising committee (2010-present); Board of Trustees, Member (2013-2018), Chair (2017-2018); Board of Governors, Member (2019 - present); Safety Committee, Founding Member; Passport to Manhood Luncheon, Past Table Captain/Committee Member; Louisiana Area Council Board, Member (2019 - present); ClubBlue, Founder, Former Member; Volunteer - 1 on 1 mentor, Summer Reader)
- Holiday Star Project Committee (Former Member)
- Youth Oasis Homeless Shelter, Red Stick Roux Rally (Volunteer Chef/Team Member)
- Clash of the Cooks - Jambalaya Showdown (Volunteer Chef/Team Member)
- Baton Rouge Bar Association, Belly Up with the Bar (Volunteer Chef/Team Member)
- Volunteer/Coach of youth sports (Basketball, Baseball/Tee-ball, Flag Football)
- Baton Rouge Ancient Athlete Society ("BRAAS") / BRAAStrong Foundation (Active Member)

### **Honors and Awards**

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rating in Martindale-Hubbell

### **Personal**

Chris is from Plaquemine, Louisiana and is resident of West Baton Rouge Parish. He is a 1999 graduate of Catholic High School in Baton Rouge, and a two-time graduate of LSU. Chris is married to Minny and has two sons, Cohen and Brooks. Chris enjoys sports, fishing, food, and music.

Chris is actively involved with the Boys and Girls Club of Greater Baton Rouge, having served many years on the Board of Trustees and now on the Board of Governors, and frequently volunteers his time to raise awareness and fundraise for the Club. Chris is also a proud member of the Baton Rouge Ancient Athlete Society (BRAAS), and he enjoys coaching youth sports.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Danielle L. Borel

Partner - Baton Rouge

Tel: (225) 381-8047 Fax: (225) 381-8029 [danielle.borel@bswllp.com](mailto:danielle.borel@bswllp.com)

Dani Borel is a partner in the Baton Rouge office, practicing in the areas of commercial litigation and healthcare litigation. Her principal areas of practice include litigation involving: healthcare provider licensing and payment disputes; trademark and copyright infringements; unfair trade practices and unfair competition; contract disputes; and commercial issues. She also advises clients on healthcare compliance and general business issues. Ms. Borel has experience in representing pharmaceutical companies in opioid litigation brought by municipalities and counties. Ms. Borel litigates matters before the state and federal courts and before administrative courts. She has been involved in appeals before Louisiana administrative courts, Louisiana state courts, Louisiana federal courts, and the United States Court of Appeals for the Fifth Circuit.

Ms. Borel received her Juris Doctor from Louisiana State University Paul M. Hebert Law Center, magna cum laude, in 2014 and was a member of The Order of Coif. She served as the Articles Editor for the Louisiana Law Review, and was a member of the Trial Advocacy and Moot Court boards. She received her Bachelor of Science from Louisiana State University, with honors, in 2011.

### Community Involvement

- Lighthouse Louisiana, Board of Directors, Executive Committee, Development Committee (2018-present)
- Lighthouse Louisiana, Baton Rouge Advisory Board Chairman (2018-present)
- Lighthouse Louisiana, Baton Rouge Advisory Board Member (2017-2018)
- LANO Community Leaders Program (Class of 2017)
- BRBA Holiday Star Program (2013-present)
- PulseBR (American Heart Association) (2018-Present)
- Volunteer Trial Advocacy Coach and Competition Judge (2014-present)

### Honors and Awards

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Selected for the Law Institute's Summary Judgment Subcommittee (2022)
- Star of the Year, American Bar Association Young Lawyer Division (2021)
- Kalinka Award for Advocacy Programs Coach of the Year (2021)
- Named "Ones to Watch" by Best Lawyers (2021, 2022, 2023)
- Named a "Rising Star" by Louisiana Super Lawyers (2020, 2021, 2022)
- American Bar Association's 2020 On the Rise - Top 40 Young Lawyers Award (2020)
- LSBA Young Lawyers Division Bat P. Sullivan, Jr. Chair's Award (2019)
- Emerging Young Lawyers in Healthcare Award, American Bar Association's Health Law Section (2019)
- Lighthouse Louisiana Door Knocker Award (Summer 2018, Winter 2019, Summer 2021)
- Star of the Quarter, American Bar Association Young Lawyer Division (Spring 2017; Fall 2017; Fall 2019)
- Order of the Coif, Member
- Louisiana Law Review, Member (2012-2014)
- Moot Court Board, Member (2012-2014)
- Trial Advocacy Board, Member (2012-2014)

### Publications

- "Texas Judge Rules Obamacare (ACA) Invalid" January 2019
- "BLUE VALLEY HOSPITAL UPDATE - Kansas District Court Dismisses Case, BVH Medicare Provider Agreement Terminated for Failing to be "Primarily Engaged"" June 2018



### PRACTICE AREAS

Healthcare  
Class Action, Mass Tort &  
Multi-District Litigation  
Dentists  
Commercial Litigation  
Intellectual Property  
Healthcare Litigation  
White Collar and Federal Criminal  
Defense

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., *magna cum laude*, 2014

Louisiana State University, B.S., Honors College: College Honors, *magna cum laude*, 2011

### ADMISSIONS

Louisiana, 2014

U.S. Fifth Circuit Court of Appeals, 2014

- "Patience is a Virtue, an Administrative Hearing is a Right: Fifth Circuit Creates Possibility of Enjoining Recoupment" May 2018
- "H.R. 1215 Could Have Lasting Effects on Medical Malpractice Litigation" YLD Health Law Committee Newsletter, October 2017
- "CMS Urged to Recoup and Audit EHR Incentive Payments" June 2017
- "Florida Supreme Court Decision Raises Concerns About the Constitutionality of Statutory Caps on Damages in Medical Malpractice Cases" June 2017
- "OIG Finalizes New Anti-Kickback Statute Safe Harbors and CMP Authorities" Louisiana Hospital Association's Impact Law Brief, January 2017
- "Negligent Credentialing: The Negligent Credentialing Claim that Evaded the LMMA" Baton Rouge Bar Association Around the Bar, January 2017
- "Billeaudeau and Beyond: Preparing for Negligent Credentialing Litigation" November 2016
- Final Rule Standardizes and Clarifies Appeals and Grievances Procedures for Medicaid Managed Care Plans August 2016
- "Successful Enforcement of Marijuana Non-Enforcement Rider" ABA YLD Health Law Newsletter, Summer 2016
- "Criminal Liability: The Difference between Conditions of Participation and Conditions of Payment" Health Law, American Bar Association Young Lawyers Division, October 2015
- "King v. Burwell Decision Maintains Status Quo" August 2015
- "King v. Burwell: Supreme Court Upholds Federal Exchanges" June 2015
- "Navigating the Muddy Waters of Spoliation of Evidence" Around the Bar, April 2015
- "The Intersection of HIPAA and Negligence: Pharmacist's Violation Cost Walgreens \$1.44 Million" December 2014
- "Land of Oz: Spoliation of Evidence in Louisiana, 74 LA. L. REV. 507" September 2014
- American Health Lawyers Association, Representing Hospitals and Health Systems Handbook. (2016). Contributing Editor - Chapter 9 Medicare Audits and Appeals Process

## Presentations

- *Governance Practicum for New Lawyer Entities*, ABA Bar Leader Institute, Chicago, IL, March 16, 2023
- *What I Wish I'd Known*, Legal Talk Network, ABA YLD & Section of Litigation, October 11, 2021 (podcast)
- *How to Be and Be Recognized as a First Chair Trial Lawyer in a World of Implicit Bias*, ABA YLD & Section of Litigation, Washington, D.C., December 7, 2022
- *A New Lawyer's Guide to Dealing with Difficult Clients and Situations: How to Stay Resilient*, ABA YLD Spring Conference, May 6, 2022
- *Servanthood through Bar Associations: Programs Power Hour*, ABA YLD Spring Conference, May 6, 2022
- *Virtual Law Day Event for Young Adults: Toward a More Perfect Union, Perspectives on Practice and the Constitution*, ABA YLD, April 27, 2022
- *Practical Skills for New Litigators: Expert Depositions*, Faculty, ABA Section of Litigation, March 22, 23, 2022
- *Is your law Firm Disaster Ready?*, Baton Rouge Bar Association, December 30, 2021, December 31, 2019
- *Battling Audits and Claims Disputes: Before, During, and After Best Practices*, LPCA Annual Conference, October 23, 2019
- *Ethics in Social Media*, Wex Malone Chapter of American Inns of Court, October 30, 2019
- *Ethics in Social Media*, Baton Rouge Bar Association, May 31, 2019
- *Ethics in Social Media*, Louisiana State Bar Association, May 17, 2019
- *Payment Issues in Behavioral Health: Options for Providers*, Louisiana Hospital Association Behavioral Health Law Update, March 28, 2019
- *Practicing in the Social Media Age*, LSBA Young Lawyers Conference, January 18, 2019
- *Battling Audits and Claims Disputes: Before, During, and After Best Practices*, LPCA Annual Conference, October 10, 2018

- *Medicare & Medicaid Fundamentals*, Presented via webinar to the American Bar Association, Moderator, February 2, 2018
- *The Basics of ERISA*, Presented at teleconference to the American Bar Association Young Lawyers Division, Moderator, November 9, 2017
- *Marijuana and Your License to Practice Law: An Examination of Ethical Rules*, Moderator, ABA YLD Fall Conference, 2017
- *Prosecuting and Defending False Claims Act Liability*, Presented as teleconference to the American Bar Association Young Lawyers Division. Moderator, June 20, 2017
- *Ethics: Practice Issues and Challenges for New and Experienced Lawyers*, BRBA Bench Bar Conference 2016

## Professional Associations

- Louisiana Law Institute
  - Council Member, 2022-23
  - Summary Judgment Subcommittee member, 2022-23
- Louisiana State Bar Association
  - Young Lawyers Division Council, Chair, 2022-2023
  - Young Lawyers Division Council, Chair-Elect 2021-2022
  - Young Lawyers Division Council, Secretary 2020-2021
  - Young Lawyers Division Council, ABA YLD Representative, 2018-2019, 2019-2020
  - Access to Justice Committee, Disaster Response Subcommittee, 2018-2021
- American Bar Association, Young Lawyers Division
  - Secretary, 2022-2023
  - Director of Membership, YLD Liaison to the Health Law Section, 2021-2022
  - Director of Membership, YLD Liaison to the Health Law Section, Long Range Planning Board Chairman Strategic Plan Steering Committee, 2020-2021
  - District Representative for Louisiana, Director of Practice Services, Chair of Host Committee, Membership Board, Credentials Board, 2019-2020;
  - District Representative for Louisiana, Vice Director of Practice Services, Membership Board, 2018-2019
  - Health Law Committee Chair, Membership Board, Finance Board, Liaison to Health Law Section (Membership), 2017-2018
  - Health Law Committee Chair, Senior Content Editor, 2016-2017
  - Health Law Committee Vice Chair, Content Editor, 2015-2016
- American Bar Association, Health Law Section
  - EMI Committee 2021-2022, 2022-2023
  - YLD Liaison to Health Law Section, 2021-2022
  - YLD Liaison to the Council, 2020-2022
  - Distance Learning Committee Vice Chair, 2017-2018; 2018-2019; 2019-2020
- American Bar Association
  - SOC Executive Committee, 2022-2023
  - Chair of SOC Membership Committee, Standings Committee and Membership, 2021-2022
  - SOC Membership Committee, Standing Committee on Membership, Law Student Division Advisory Board, 2020-2021
  - Special Committee on the Bioethics and the Law, 2016-2017
- American Health Lawyers Association
- Baton Rouge Bar Association
  - Holiday Star Program, Star Gazer, 2014-2019
- Louisiana Hospital Association



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Robert T. Bowsher

Of Counsel - Baton Rouge

Tel: (225) 381-8028 Fax: (225) 381-8029 robert.bowsher@bswllp.com

Bob Bowsher is in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. His principal areas of practice are business and corporate law, federal income tax matters, mergers and acquisitions, and securities transactions.

Mr. Bowsher has experience with the various economic incentives, including tax credits, offered by the State of Louisiana and the United States to promote new and expanded business, with the negotiation of cooperative endeavor agreements with the Louisiana Department of Economic Development and between the Louisiana Community and Technical College Systems and various non -and for-profit parties. He has extensive experience in sales, acquisitions, mergers and reorganizations of businesses in the form of corporations, limited liability companies and partnerships, as well as, the structuring and implementation of venture capital transactions and joint ventures between various types of business entities. He is counsel to a number of local and regional businesses with regard to day-to-day business matters, such as reviewing, negotiating and drafting contracts and other business agreements, providing tax advice on structuring financial arrangements, qualification of tax-exempt organizations and various other business planning matters.

### Experience

- Attorney-Advisor (law clerk) to the Honorable William H. Quealy of the United States Tax Court (1976-1977).

### Professional Associations

- Member, Baton Rouge Bar Association
- Louisiana State Bar Association, Member; Chairman, Section of Taxation, Louisiana State Bar Association (1994-1995).
- Fellow Louisiana State Bar Foundation

### Community Involvement

- Board Member of St. James Place Foundation
- Board Member and Secretary Treasurer of Friends of the LSU Art Museum

### Honors and Awards

- Selected by his peers for inclusion in The Best Lawyers in America, Since 2013
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rating in Martindale-Hubbell
- Listed in **Louisiana Super Lawyers** in the area of Mergers & Acquisitions, Since 2007

### Publications

- "COVID-19 Tax Related Provisions Affecting You and Your Business" April 2020
- "BSW Tax Blog" September 2013
- "IRS Requirements for A Community Health Needs Assessment for Tax Exempt Hospitals" August 2011
- "Tax Relief, Unemployment Insurance Reauthorization And Job Creation Act Of 2010" January 2011
- Presenter and author of many articles and seminar materials on various topics in the areas of limited liability companies, tax aspects of various types of business entities, and various estate tax issues of family entities.

### Representative Matters

- Representation of tax-exempt corporations in connection with cooperative endeavor agreements with the State of Louisiana, bond financing and the construction of community college facilities for over \$230 million and the legal problems of the corporation's business operation.



### PRACTICE AREAS

**Corporate & Finance**

**Tax**

**Succession & Probate**

**Healthcare**

**Incentives, Credits & Economic  
Development**

### EDUCATION

Louisiana State Bar Association  
Specialization Board, Board Certified  
Tax Specialist, (since 1985).

Georgetown University, L.L.M. in  
Taxation, 1977

University of Pennsylvania, J.D., 1973

Yale University, B.A., *cum laude*, 1970

### ADMISSIONS

Admitted to Bar, 1978: Louisiana;  
Louisiana State and Federal Courts,  
United States Fifth Circuit Court of  
Appeals; United States Tax Court.

- Representation of a number of venture capital corporations in Louisiana, such as CAPCO's and BIDCO's in their investment in various Louisiana based businesses with transactions totaling over \$15 million.
- Representation of a Delaware corporation in the acquisition of five shipbuilding facilities located in Texas for over \$45 million.
- Representation of various companies in obtaining venture capital funds in transactions totaling over \$20 million.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Jude C. Bursavich

Partner - Baton Rouge

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### Non-compete attorney in Louisiana

Jude C. Bursavich is a Martindale AV<sup>®</sup> rated partner in the Baton Rouge offices of Breazeale, Sachse & Wilson, L.L.P., and a member of the firm's Management Committee. Mr. Bursavich practices in the area of complex business and commercial litigation, and has concentrated on business protection issues for more than thirty years. He represents both individuals and local and national companies in business matters.

### Practice Areas

#### Commercial Litigation

- Protecting businesses from former employees
  - Non-Compete Agreements
  - Trade Secrets
  - Unfair Trade Practices
  - Breach of Fiduciary Duties
- Protecting businesses from unfair competition
  - Anti-Competitive Acts
  - Unfair Trade Practices
  - Business Defamation
- Protecting individuals from former employers
  - Non-compete issues
  - Defense of Trade Secrets Claims
  - Defense of Unfair Trade Practices Claims
- Shareholder Disputes
  - Closely Held Corporate Issues
  - 50/50 Ownership Disputes
  - Corporate Governance Issues
  - Minority Shareholdership Issues
- Contractual Disputes

#### Energy & Mineral

- Oil & Gas Litigation

#### Professional Associations

- American Bar Association
- 2003 Graduate of the Baton Rouge Chamber of Commerce Leadership Class

#### Community Involvement

- Court appointed special advocate for abused and abandoned children (CASA)
- Member of the Executive Board of the Istrouma Area Council of Boy Scouts of America
- Previous, Capital Area United Way, Board of Directors and Secretary
- Louisiana Association of Business & Industry (LABI), former Board of Directors

#### Honors and Awards

- Selected Lawyer of the Year in Litigation - Healthcare in Baton Rouge by The Best Lawyers in America<sup>®</sup> 2023



#### PRACTICE AREAS

##### Commercial Litigation

#### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1988

Louisiana State University, B.A., 1983.

#### ADMISSIONS

Louisiana State Courts, Eastern, Middle & Western Districts of Louisiana, Fifth Circuit Court of Appeals, 1989

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rating in Martindale-Hubbell
- Listed in Louisiana **Super Lawyers** in the area of Business Litigation 2007, 2018, 2019
- Selected by his peers for inclusion in **The Best Lawyers in America<sup>®</sup>**, Since 2016

## Publications

- "The Federal Trade Commission's Proposed Rule to Ban Non-Compete Agreements - What's A Louisiana Business to Do?" 02/20/2023
- "Protecting Your Business with Non-Compete Agreements" 12/05/22
- "Take Advantage of Louisiana Law to Protect Your Practice" September 2022
- "What Law Applies to Your Louisiana Non-Compete Agreement?" September 2022
- "Protecting Your Trade Secrets: Confidentiality Agreements Can't Transform Generally Known Information Into Trade Secrets" July 2022
- "Proposed Bill Would Prohibit the Use of Non-Compete Agreements with Certain Physicians" March 2022
- "An Employee/Employer Relationship Must Exist for An Enforceable Non-Compete Agreement in Louisiana" 03/14/2022
- "Will 2022 Be the Year You Protect Your Business?" 12/08/2021
- "Can Louisiana Non-Compete Agreements Prohibit Competition in Other States?" 11/09/2021
- "Physician Non-Compete Agreements In Louisiana--Still Viable" August 2021
- "Understanding Louisiana Non-Compete Law" February 2021
- "Enforcing Non-Compete Agreements in Louisiana" October 2020
- "2020 Change to Louisiana's Non-Compete Law--Have Your Agreements Re-Executed After August 1, 2020, or Be Sorry Later" July 2020
- "Non-Compete Agreements Versus Non-Solicitation Agreements: The Better Choice For Louisiana Businesses" May 2020
- "Beware Louisiana Law On Non-Compete Agreements: It Differs From Most Other States" March 2020
- "Outsiders Beware of Louisiana Law on Non-Compete Agreements" February 2020
- "2020: Time to Protect Your Louisiana Business with Non-Compete Agreements" January 2020
- "Understanding Louisiana Law on Non-Compete Agreements: A Question and Answer Approach" December 2019
- "Beware Non-Compete Agreements in Louisiana: 'Toto, I've a Feeling We're Not in Texas Anymore'" March 2019
- "Recent Jurisprudence Suggests Caution in Drafting Physician Non-Compete Agreements" February 2019
- "Louisiana Non-Compete Agreements - Are They Enforceable?" January 2019
- "2018 is Here: NOW is the Time to Utilize Non-Compete Agreements" November 2017
- "Get Your Non-Compete Agreements In Place...Or Regret It Later" March 2017
- "Enforcing Non-Compete Agreements In Louisiana: A Litigator's Perspective" March 2017
- "Maximize The Protection Offered By Louisiana's Non-Compete Law When Buying a Louisiana Business" June 2016
- "Enforcing Your Non-Compete Agreements is Good Business Strategy" May 2016
- "Using Non-Compete Agreements in 2016 to Protect Your Business" December 2015
- "Navigating the Treacherous Waters of Louisiana's Non-Compete Law" November 2015
- "Are Independent Contractors Subject to Louisiana's Non-Compete Law?" April 2015
- "Improve Your Chances of Enforcing Your Non-Compete Agreements in Louisiana" April 2015
- "Updating Your Non-Compete Agreements Annually is a Smart Business Practice" July 2014
- "Outsiders Beware of Louisiana Law on Non-Compete Agreements" February 2014
- "Trade Secret Protection in the Healthcare Industry - Fact or Fiction?" Louisiana Medical News, December 2012
- "Drafting Enforceable Non-Compete Agreements" March 2012
- "Physician Non-Compete Agreements - Are They Enforceable in Louisiana?" January 2012
- "2008 Legislature Expands Louisiana Non-Compete Statute" August 2008

## Presentations

- *Using Non-Compete Agreements Effectively*, Lafayette Chapter of the LCPA, 2019

- *Using Non-Compete Agreements Effectively*, Northshore Chapter of the LCPA , 2019
- *Non-Compete Provisions in Physician Contracts*, LHA (in Baton Rouge) , 2019
- *50/50 Shareholder Disputes: Is a Divorce Possible?*, Monroe Chapter of the LCPA , 2019
- *50/50 Shareholder Disputes: Is a Divorce Possible?*, Shreveport Chapter of the LCPA, 2019
- *Non-Compete Provisions in Physician Contracts*, Louisiana Hospital Association Advanced Issues in Physician Employment Seminar, April 2019
- *Your Employee's Duty of Fidelity and Loyalty: Non-Competition Agreements and Beyond*, Fourth Annual Update on Labor & Employment Law for the Construction Industry, Baton Rouge, October 10, 2018
- *Utilizing Non-Compete Agreements Effectively*, Society of Louisiana Certified Public Accountants, Monroe Chapter, October 2018
- *Utilizing Non-Compete Agreements Effectively*, Society of Louisiana Certified Public Accountants, Shreveport Chapter, August 2018
- *Utilizing Non-Compete and Confidentiality Agreements*, Management Update Briefing, Shreveport, October 27, 2017
- *50/50 Disputes*, Society of Louisiana Certified Public Accountants, Monroe Chapter, October 5, 2017
- *Non-Compete Agreements*, Management Update Briefing, Shreveport, October 23, 2015
- *Non-Compete Agreements*, Northeast Chapter of the LCPA, May 14, 2014
- *50/50 Stock Ownerships: Guiding Your Clients through Ownership Issues and Out of the Maze*, Society of Louisiana Certified Public Accounts, UNO Chapter, November 21, 2013
- *50/50 Stock Ownerships: Guiding Your Clients through Ownership Issues and Out of the Maze*, Society of Louisiana Certified Public Accounts, Shreveport Chapter, November 18, 2013
- *Non-Compete Agreements*, Management Update, Shreveport, September 12, 2013
- *Non-Compete Agreements*, Society of Louisiana Certified Public Accounts, Shreveport Chapter, March 18, 2013
- *Independent Contractor v. Employee*, Society of Louisiana Certified Public Accounts, Lake Charles Chapter, October 2012
- *"Dealing with Soured Relationships in Business: Non-Compete Agreements and Remedies for Breach of Fiduciary Obligations"*, Labor and Employment Seminar, Baton Rouge, Louisiana, November 19, 2003
- *"Minorities Shareholdership: An Unpleasant Place to Be"*, Society of Louisiana Certified Public Accounts, Acadiana Chapter, November 2003
- *"Protecting Yourself from Ex-Employees"*, Louisiana Purchase Venture Capital Forum, Old State Capital, Baton Rouge, Louisiana, October 16, 2003
- *"Non-Compete Agreements - Fact or Fiction?"*, Society of Louisiana Certified Public Accounts, Acadiana Chapter, September 2003
- *"Advising Clients on Non-Competition/Non-Solicitation Agreements"*, representing The Small, Start-up Business Seminar, The Center of Continuing Professional Development, LSU Paul M. Hebert Law Center, December 6, 2002
- *"Today's Friend - Tomorrow's Foe - Non-Compete Agreements"*, 2002 Labor and Employment Seminar, Baton Rouge, Louisiana, October 2002
- *"Advising Clients on Non-Competition/Non-Solicitation Agreements"*, representing The Small, Start-up Business Seminar, The Center of Continuing Professional Development, LSU Paul M. Hebert Law Center, May 16, 2002

### **Representative Matters**

- Represented both local and national companies in litigation with ex-employees who sought to leave their employment and take intellectual property and customers with them.
- Represented hundreds of businesses and individuals on the validity and enforceability of non-competition agreements in Louisiana.
- Represented various manufacturers on claims alleging trade secret violations in the manufacture of their products.
- Represented numerous shareholders in 50/50 ownership disputes, including separating owners.
- Represented numerous shareholders in various disputes on corporate governance issues.

- Represented both local and national companies in litigating contractual claims.
- Represented various national companies in litigation with other companies alleging anti-competitive acts and business defamation.
- Represented various insurance companies in class action litigation.
- Represented various oil and gas entities in litigation on business and contractual issues.

### **Legislative Testimony**

Louisiana House of Representatives Commerce Committee on Revisions to La.R.S. 23:921, May 18, 2020 (Non-Compete Statute)

Louisiana State Senate Commerce Committee on Revisions to La.R.S. 23:921, May 6, 2020 (Non-Compete Statute)



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Peter J. Butler, Jr.

Partner - New Orleans

Tel: (504) 584-5427 Cell: (504)495-5600 Fax: (504) 584-5452 peter.butler.jr@bswlp.com

Peter J. Butler, Jr. is a partner in the New Orleans office where he principally practices in the area of Commercial Litigation. He has extensive experience in all aspects of Commercial Litigation, including trial and appellate work and opposing or compelling arbitration. Mr. Butler has particularly extensive experience in litigating the dissolution and receiverships of business ventures, including partnerships, limited liability companies and closely-held corporations, as well as litigating disputes among such businesses' owners and between such businesses themselves and one or more of their owners; this includes litigating breaches of fiduciary duty and shareholders/owners rights.

Mr. Butler also has vast experience in representing governmental officials and officers in connection with navigating the intricacies of the Louisiana Code of Governmental Ethics, including representing such officers and officials before the Louisiana Board of Governmental Ethics.

Mr. Butler has also represented clients in various business-related transactions, including contracts and leases, formations of entities, the purchase and sale of assets of those entities, and the transfer of ownership interests to and from existing or new owners.

In addition, since 1989 Mr. Butler has accumulated a broad array of trial experience and has practiced in the various federal district, state district, and state appellate courts throughout the State of Louisiana and various federal district courts throughout the South. Mr. Butler's complex commercial litigation experience specifically includes:

- antitrust litigation (both health care and non-health care);
- banking (federal and state) litigation;
- commercial and corporate litigation;
- construction litigation;
- environmental litigation;
- governmental charters and governmental budgetary litigation;
- health care regulatory matters, including advice and litigation;
- intellectual property litigation;
- mergers and acquisitions and hostile takeovers;
- oil and gas litigation;
- *qui tam* and false claims act litigation;
- shareholders (and other owners) derivative litigation;
- securities and securities fraud litigation;
- state and federal income and estate tax litigation;
- unfair trade practices and anti-competitive claims litigation; and
- various torts and breaches of contract matters.

All of the foregoing litigation involved intensive discovery, sophisticated motion practice, writ application practice, and trials.

Mr. Butler is a Certified Public Accountant.

Upon graduation from Tulane University Law School in 1987, Mr. Butler clerked for the Honorable Fredrick J.R. Heebe, Chief Judge, United States District Court, Eastern District of Louisiana, from 1987-1989. Mr. Butler has been AV<sup>®</sup>Preeminent<sup>™</sup> Peer Review Rated by Martindale Hubbell since his first year of eligibility to receive any rating in 1996. Mr. Butler is a native of New Orleans.

### Experience

- Law Clerk, Hon. Frederick J. R. Heebe, Chief Judge, United States District Court, Eastern District of Louisiana (1987-89)



### PRACTICE AREAS

**Class Action, Mass Tort & Multi-District Litigation**

**Incentives, Credits & Economic Development**

**Governmental Relations and Ethics  
Civil Rights Litigation and  
Governmental Entity Defense**

### EDUCATION

Tulane University, J.D., 1987

Tulane University, B.S.M. (Accounting), 1984

Certified Public Accountant, 1989.

Law Clerk to Hon. Frederick J.R. Heebe, Chief Judge, United States District Court, Eastern District of Louisiana, 1987-1989

### ADMISSIONS

Louisiana State Courts, Eastern, Middle & Western Districts of Louisiana, Fifth Circuit Court of Appeals, 1987

### **Professional Associations**

- American Bar Association
- Louisiana State Bar Association
- Federal Bar Association
- American Institute of Certified Public Accountants
- Louisiana Society of Certified Public Accountant
- National Association of Bond Lawyers

### **Honors and Awards**

- *New Orleans CityBusiness* Leadership in Law Class of 2013 and 2020
- Selected by his peers for inclusion in The Best Lawyers in America<sup>®</sup>, Since 2018
- Listed in **Louisiana Super Lawyers** in the area of Business Litigation since 2011
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated, by Martindale-Hubbell since 1996
- Named "Top Lawyers of New Orleans" by *New Orleans Magazine* in Commercial Litigation, Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization
- BTI Consulting Group's list of 2022 Client Service All-Stars



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Alexa N. Candelora

Associate - Baton Rouge

Tel: (225) 381-8034 Fax: (225) 381-8029 alexa.candelora@bswllp.com

Alexa Candelora is an associate in the Casualty Litigation section of Breazeale, Sachse & Wilson, L.L.P. She received her Juris Doctor from Paul M. Hebert Law Center in May 2020. Alexa graduated with her Bachelor of Science in Management and a major in Legal Studies in Business and Management from Tulane University in May 2017.

### Professional Associations

- Louisiana State Bar Association
- Federal Bar Association
- Baton Rouge Bar Association
- Forum 225



### PRACTICE AREAS

Casualty Litigation  
Medical Malpractice

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D./D.C.L., *cum laude*, 2020

Tulane University A.B. Freeman School of Business, B.S. in Management, Major: Legal Studies in Business and Management, *cum laude*, May 2017

### ADMISSIONS

Louisiana

Louisiana Federal District Courts (Eastern, Western, and middle districts)

U.S. Fifth Circuit Court of Appeals



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## David R. Cassidy

Of Counsel - Baton Rouge

Tel: (225) 381-8018 Cell: (225) 939-0568 Fax: (225) 381-8029 david.cassidy@bswllp.com

David Cassidy serves as of counsel in the firm's Baton Rouge office.

He graduated from Louisiana State University in 1972 and received his law degree from the Paul M. Hebert Law Center at LSU in 1975. In 1978, he received his LLM Tax Law degree from Southern Methodist University.

He is a Board Certified Specialist in Tax Law. His primary area of practice is state and local taxes. He represents taxpayers before local Boards of Review and the Louisiana Tax Commission in ad valorem cases and the Board of Tax Appeals, federal and state district courts, and both Louisiana's appellate courts and Supreme Court in all areas of state and local taxes including income, franchise, sales and use, and severance taxes.

Mr. Cassidy became a member of the American Bar Association's Section of Taxation State and Local Tax Committee in 1989. In 1999, he was named Vice Chair of the Committee and, in 2001, he became Chair and served in that capacity until 2003.

Prior to becoming Chair, he led various subcommittees and participated in numerous presentations on state and local tax issues both as a panelist and moderator. He also contributed articles to *The Tax Lawyer*, *State and Local Tax Edition*, a joint publication of the American Bar Association's Section of Taxation and Georgetown University Law Center. In 2015, he was asked to contribute an article to the *Tax Lawyer's* Special State and Local Committee Issue commemorating the Tax Section's 75th Anniversary reflecting on the changes he had seen during his years of practice in the area of state and local taxation.

Mr. Cassidy was one of the original authors for the ABA's Sales and Use Tax Desk Book, first published in 1987, and the ABA's Property Tax Desk Book which was first published in 1995. He continues to serve as author or co-author of the Louisiana chapters for those publications.

Mr. Cassidy is also one of the original members of the editorial board of *The Journal of Multistate Taxation and Incentives* which Thomson Reuters began publishing in 1991. His most recent articles for that publication covered a New Orleans occupational license tax and Louisiana's recent amendments to its reprocessing exclusion. "New Orleans Tax on Dealers of Alcoholic Beverages Held Constitutional License Tax," *Journal of Multistate Taxation and Incentives* (Thomson Reuters/Tax & Accounting), Volume 28, Number 7, October 2018 and "Louisiana's Reprocessing Exclusion," *Journal of Multistate Taxation and Incentives* (Thomson Reuters/Tax & Accounting), Volume 27, Number 9, January 2018.

In 2018, Tax Analysts, a nonprofit publisher of articles on tax policy and administration asked Mr. Cassidy to begin writing a column on Louisiana tax issues. The first column of *Bonne Lecture* appeared in the November 12, 2018, issue of *State Tax Notes*, at p. 607 and discussed Louisiana's taxation of services.

Mr. Cassidy has given talks on various state and local tax topics to tax organizations such as the Tulane Tax Institute, The Institute for Professionals in Taxation (IPT), ABA/IPT Joint Tax Seminars, the Baton Rouge Chapter of CPAs, the Louisiana Department of Revenue, and the Louisiana Association of Tax Administrators. He has also spoken to trade associations such as Associated Builders and Contractors.

In recognition of his work, he was selected by his peers for inclusion in The Best Lawyers in America 2013, 2014, 2015, 2016, 2017, 2018, and 2019. In 2017, he was named Baton Rouge's "Lawyer of the Year" for tax law by the organization.

Since 2007, he has been designated by "Chambers USA" as one of Louisiana's leading lawyers for business in the area of Corporate/M&A and listed in "Louisiana Super Lawyers" in the area of tax.

In addition, Mr. Cassidy has been given an AV Peer Review Rating in Martindale-Hubbell which is the highest rating standard given by that organization. The rating signifies that a large number of Mr. Cassidy's peers rank him at the highest level of professional excellence for his legal knowledge, communication skills and ethical standards.



### PRACTICE AREAS

**Corporate & Finance**

**Tax**

**Education**

**Automotive**

**Government Contracts**

### EDUCATION

Southern Methodist University, LL.M. in Taxation, 1978

Paul M. Hebert Law Center, Louisiana State University, J.D., 1975

Louisiana State University, B.S., 1972

His past and present clients include Shell, Cajun Constructors, Shaw, Louisiana's Automobile Dealers Association, Flintco, Union Tank Car Company, the Louisiana Forestry Association, International Paper, the Railway Progress Institute, Global Industries, Maxim Crane, Sasol, LUBA Workers' Comp, SiriusXM, Star Enterprise, T-Mobile, FMOL Health System, Inc., Associated Builders and Contractors (Pelican Chapter), Woman's Hospital, Window World of Baton Rouge, the City of Baton Rouge, and the Louisiana Key Academy.

### Professional Associations

- American Bar Association (Past Chair of the ABA Committee on State and Local Taxation)
- Baton Rouge Bar Association
- Louisiana State Bar Association
- Louisiana Law Institute (Tax Committee)

### Community Involvement

- General Council of Louisiana Key Academy

### Honors and Awards

- Recognized in "**Chambers USA - America's Leading Lawyers for Business**" in the area of Corporate/M&A: Tax since 2008.
- Selected by his peers for inclusion in **The Best Lawyers in America**<sup>®</sup>, since 2013
- Selected Lawyer of the Year, in Tax Law in Baton Rouge by **The Best Lawyers in America**<sup>®</sup> 2017
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rating in Martindale-Hubbell
- Listed in **Louisiana Super Lawyers** in the area of Tax since 2007

### Publications

- "Four Interesting Developments Out of Louisiana" Tax Notes State, Volume 103, Number 13, April 2022
- "Review of the Tax Acts of the 2021 Louisiana Legislature" Tax Notes State, August 2021
- "COVID-19 Tax Related Provisions Affecting You and Your Business" April 2020
- New Orleans Tax on Dealers of Alcoholic Beverages Held Constitutional License Tax, Journal of Multistate Taxation and Incentives (Thomson Reuters/Tax & Accounting), Volume 28, Number 7, October 2018
- Louisiana's Reprocessing Exclusion, Journal of Multistate Taxation and Incentives (Thomson Reuters/Tax & Accounting), Volume 27, Number 9, January 2018.
- Taxation of Services in Louisiana, 11/12/2018 issue of State Tax Notes at p. 607 (Tax Analysts).
- Reflections on the Past 15 Years The Tax Lawyer (American Bar Association, Section on Taxation), Volume 68, Number 4, October 2015
- "Legislature Expands the Jurisdiction of the Board of Tax Appeals" Journal of Multistate Taxation and Incentives (Thomson Reuters/Tax & Accounting), Volume 24, Number 10, February 2015
- Shop Talk: Suit by Taxpayer's Agent Was Permitted in Louisiana Tax Refund Case May 2012
- "What is a 'Component Part' of Real/Immoveable Property: Louisiana's Sales Tax Exemption Roller Coaster", *The Journal of Multistate Taxation and Incentives*, published by Warren, Gorham & Lamont (July 2010)
- "Unconstitutional Discrimination in State Tax Incentive Programs", 9 Journal of Multistate Taxation and Incentives 4 ((March/April 99)
- "Resale Certificate Requirements for Manufacturer", 5 Journal of Multistate Taxation 209 (Nov/Dec. 95)
- *The Journal of Multistate Taxation and Incentives*, published by Warren, Gorham & Lamont., Editorial Board
- 1995 - 2019 ABA Property Tax Deskbook, Co-Author of Louisiana Chapter
- 1987 - 2019 ABA Sales and Use Tax Deskbook, Author / Co-Author Louisiana chapter

### Presentations

- *Baton Rouge Chapter of CPAs Annual Tax Day, December 2011 "State and Local Taxes"*
- *Baton Rouge Chapter of CPAs Annual Tax Day on December 3, 2009 "State and Local Taxes"*
- *Tulane Tax Institute Oct 28, 2009 "Trends in State and Local Taxes"*

- *ABA Section of Taxation Mid-year Meeting 2009: "Removal of State and Local Tax Disputes to Federal Court"*



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Joseph J. Cefalu, III

Partner - Baton Rouge

Tel: (225) 381-3176 Fax: (225) 381-8029 joseph.cefalu@bswllp.com

Joseph J. Cefalu is a partner practicing in the Casualty Litigation section of the Baton Rouge office at Breazeale. Joseph attended Louisiana State University and graduated *summa cum laude* with a bachelor's degree in the field of accounting. He then graduated *cum laude* from the Paul M. Hebert Law Center at Louisiana State University with a Juris Doctor and Graduate Diploma in Comparative Law. While in law school, Joseph was a member of the Louisiana Law Review and Editor-in-Chief of *The Civilian*.

Joseph's practice primarily involves defending various companies, employers, insurers, and self-insured funds. His practice includes tort and insurance defense, trucking and automobile accidents, premises liability, products liability, operational negligence, hurricane claims, workers' compensation, and class actions. He has experience with contractual indemnification and insurance coverage issues as well.

For catastrophic incidents, Joseph's clients trust him to perform emergency response services immediately after an incident to secure the scene, investigate the incident, retain experts, preserve all forms of evidence, obtain witness statements, work with any law enforcement involved, and provide an early evaluation of the incident to the client. Joseph has experience leading and managing large cases with numerous parties, and attorneys.

Joseph advises clients and litigates issues surrounding business disputes, property and boundary disputes, contract and lease disputes, behavioral health, interdictions and judicial commitments.

### Professional Associations

- Louisiana State Bar Association
- Baton Rouge Bar Association
  - Judge Joseph Keogh Memoria Award, 2021
  - Young Lawyers Section, Council Member
  - Worker's Compensation Section
  - Editor-in-Chief, *The Baton Rouge Lawyer* (2019-2022)
  - Assistant Editor, *The Baton Rouge Lawyer* (2016-2019)
  - Holiday Star Project
- Judge of Flory Trial and Moot Court Competitions at Paul M. Hebert School of Law
- Forum 35

### Community Involvement

- Boys & Girls Clubs of Metro Louisiana
  - Parish Advisory Counsel Member
  - Co-Founder of Club Blue, the Boys & Girls Club Young Professionals Organization
  - Mentor
  - Steak and Stake Fundraiser Committee Member
- CABL Leadership Louisiana (Class of 2023)
- BRAC Leadership (Class of 2020)
- LANO Community Leaders Program (Class of 2017)
- Louisiana Art and Science Museum Host Committee Member

### Honors and Awards

- Recipient, Baton Rouge Bar Association President's Award (2023)
- Recipient, Judge Joseph Keogh Memorial Award (2021)
- Finalist, Louisiana State Bar Association, Young Lawyer Division, Outstanding Young Lawyer Award (2021)
- Named "Ones to Watch" by Best Lawyers (2021-2023)



### PRACTICE AREAS

**Class Action, Mass Tort & Multi-District Litigation**  
**Transportation**  
**Workers' Compensation and Claims Management**  
**Premises Liability**  
**Casualty Litigation**  
**Medical Malpractice**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, Juris Doctor and Graduate Diploma in Comparative Law, *cum laude*, 2012

Louisiana State University, Accounting, *summa cum laude*, 2009

### ADMISSIONS

Admitted to practice in all Louisiana State and Federal Courts.

- Named a "Rising Star" by Louisiana Super Lawyers since (2016-2023)
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rating in Martindale-Hubbell
- Named St. Michael's 2017 Distinguished Graduate
- Top 40 Young Lawyers Award, Louisiana State Bar Association Young Lawyers Division (2022)

#### **Publications**

- "Louisiana Supreme Court Ruling on Choice of Pharmacy and Prescription Medication" August 2017
- "Louisiana Court Orders Out of State Workers' Compensation TPA to Retain Louisiana Claims Adjuster" April 2017
- "Judge Issues Permanent Injunction Enjoining Practical Effect of Louisiana Medical Treatment Guidelines and Appeal Procedure" March 2017
- "Judge Rules that Portions of the Louisiana Medical Treatment Guidelines Are Unconstitutional" July 2015
- "Significant Louisiana Jurisprudential Development Regarding the Requirement of Utilization Review Doctors to be Licensed to Practice Medicine in Louisiana" March 2015
- "Recent Louisiana Supreme Court Ruling Regarding Premises Liability and Open and Obvious Conditions" February 2015
- "Recent Development in the 1010 Process in Louisiana Workers' Compensation Law" December 2014
- "Breaking News Regarding the Effective Date of the Louisiana Medical Treatment Guidelines from the Louisiana Supreme Court" May 2014
- "Louisiana Workers' Compensation Subrogation Law Overview" February 2014
- "Louisiana Medical Treatment Guidelines Update" January 2014
- "Significant Developments With Louisiana Workers' Compensation Law" October 2013



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ATTORNEYS AT LAW

## David M. Charlton

Partner - Baton Rouge

Tel: (225) 381-8031 Fax: (225) 381-8029 david.charlton@bswllp.com

Mr. Charlton is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. His principal areas of practice are transactions, corporate and business law, and estate planning, probate, and federal estate tax matters. A summary of his practice areas is set forth below.

### Transactional Practice

Mr. Charlton has an extensive transactional practice representing parties to corporate and business acquisitions, sales, mergers, separations and private placements. Representative matters he has handled include transactions involving the following clients: petrochemical plant, regional petrochemical engineering company, national institutional food service company, international banking software company, national home health software company, regional health care software company, data encryption software company, regional distributorship for national magazines and books, regional construction companies, regional scaffolding company, construction equipment dealership, building materials supply company, regional barge line company, petroleum products distributor, restaurant chains, movie theatres, ambulatory surgery center, medical practices, medical clinics, optical shops, recreational watercraft manufacturer, oil and gas drilling company, auto repair chain, insurance agencies, and numerous local businesses. He has also handled the acquisition, sale or lease of various large assets, including: software rights, office buildings, commercial warehouses, shopping centers, commercial office parks, residential subdivisions, agricultural farms, timber farms, large tracts of land, jet aircraft, commercial helicopter, aircraft hanger and heavy equipment. Mr. Charlton has also participated as a team member in transactions involving the following clients: regional department store chain, regional insurance company, regional funeral home and cemetery company, regional credit reporting company, sugar refinery, regional manufacturer, regional lender software company, hotel, automobile dealerships, and regional portable storage unit company, among others.

### Corporate and Business Practice

Mr. Charlton serves as corporate, business and tax counsel to many regional and local businesses. In that role, he negotiates, drafts and implements: business contracts, leases, employment contracts, noncompete agreements, confidentiality and nondisclosure agreements, shareholders agreements, buy-sells, stock option plans, deferred compensation plans, retirement plans, other employee benefit plans, and other agreements. He regularly provides advice and counsel on tax matters, business negotiations and company and equity valuations. Mr. Charlton has represented a number of motion picture production companies and motion picture industry goods and service providers. He has handled dozens of transactions involving the certification, sale and purchase of Louisiana motion picture investor, labor and infrastructure tax credits, and has regularly advised clients regarding business structure and other techniques to maximize available credits. Mr. Charlton has served as production counsel or Louisiana counsel on over twenty feature length movies and television series.

### Estate Practice

Mr. Charlton has a large estate practice, involving the design and implementation of wills, trusts, family limited liability companies, life insurance programs, and other estate planning devices needed to accomplish his clients' objectives. He has handled the probate proceedings for hundreds of estates, and has substantial experience with contested estates and estate litigation. He has handled numerous federal estate tax disputes against the federal government, both in the administrative stages against the IRS, and in a number of federal estate tax litigations against the U.S. Department of Justice. His combination of experience in both the transactional arena and in the federal estate tax valuation arena has provided him with extensive knowledge regarding the valuation of private companies.

### Professional Associations

- Baton Rouge Bar Association
- Louisiana Bar Association, Sections on Corporation and Business Law, Taxation, Trusts, Estates, Probate, Immoveable Property Law, and Art, Entertainment and Sports Law.



### PRACTICE AREAS

**Corporate & Finance**

**Tax**

**Succession & Probate**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1983, *Louisiana State University Law School*, (Board of Supervisors Scholar, American Jurisprudence Award).

Louisiana State University, B.S., Accounting, 1980. (Alumni Federation Scholar, Beta Gamma Sigma, Phi Eta Sigma, and Beta Alpha Psi). Certified Estate Planning and Administration Specialist, Louisiana State Bar Association Specialization Board. Certified Tax Law Specialist, Louisiana State Bar Association Specialization Board.

### ADMISSIONS

1983, Louisiana State Courts, Eastern, Middle & Western Districts of Louisiana, Fifth Circuit Court of Appeals; 1984, U.S. Tax Court, 1984.

- American Bar Association, Sections on Taxation, and Real Property, Probate and Trust Law, and Entertainment and Sports Industries.

#### **Honors and Awards**

- Selected by his peers for inclusion in **The Best Lawyers in America**<sup>®</sup> , Since 2012
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated

#### **Publications**

- "COVID-19 Tax Related Provisions Affecting You and Your Business" April 2020
- Author of the book, "*Simplified Estate Planning and Life Insurance Planning for the Taxable Estate*"
- Author of numerous articles and seminar materials on various topics in the areas of corporate law, closely-held businesses, federal estate taxation and estate planning.

#### **Presentations**

- *Regular public speaker at forums, seminars, and other venues on various topics in the areas of corporate law, closely-held businesses, federal estate taxation and estate planning.*



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ATTORNEYS AT LAW

## V. Thomas Clark, Jr.

Partner - Baton Rouge

Tel: (225) 381-8007 Fax: (225) 381-8029 tom.clark@bswllp.com

Tom Clark's practice focuses on insurance regulatory law and dispute resolution, state procurement and contract dispute resolution, complex commercial litigation, executive and legislative branch government relations, and filmed entertainment representation. Tom represents entities ranging in size from Fortune 500 companies down to locally owned sole proprietorships, providing results-oriented representation.

In the insurance arena, Tom is an active participant in the legislative and administrative process in the formulation and interpretation of laws and regulations, which impact all forms of regulated entities (companies, funds, employers, producers, and intermediaries). He also assists those entities in obtaining regulatory consents and approvals as well as resolution through the administrative and judicial process.

In procurement and public contract matters, Tom represents proposers throughout the solicitation process to help obtain their desired objectives. He also represents contracted vendors in negotiating and obtaining mutually acceptable resolutions of contractual disputes.

Throughout his career, Tom has been an active advisor, board member, and supporter of numerous community organizations, events and economic development endeavors. In 2014, he was elected to a two-year term as President and Chair of The Committee of 100 for Economic Development, Inc., a statewide nonprofit, non-partisan organization. C100 provides leadership and resources to effect positive change by supporting efforts to improve the economy, government, education, and workforce development and thereby improve the quality of life for all the people of Louisiana. He continues to serve on the Executive Committee and serves as the Chair of C100's Reset Committee.

He also currently serves on the Executive Committee and Board of the Property Insurance Association of Louisiana, and the Executive Committee and Board of Teach For America - South Louisiana.

In 2016, Louisiana Governor John Bel Edwards named Tom as his sole appointee to the 13-member Task Force on Structural Changes in Budget and Tax Policy. The Task Force was created by the Louisiana Legislature in the 2016 Extraordinary Session as the body to conduct a year-long comprehensive review of Louisiana's tax and budgeting laws and practices for the purpose of recommending long-term initiatives for structural reform to the Governor and the Legislature.

### Professional Associations

- Property and Casualty Commission, Member - Designee of Property Insurance Association of Louisiana.
- Property Insurance Association of Louisiana, Vice Chairman of Executive Committee and Member of the Board of Directors.
- Board of Regents Stakeholder Collaborative, C100 representative
- Task Force on Structural Changes in Budget & Tax Policy (2016)
- Association of Louisiana Lobbyists
- CABL Leadership Class of 2013
- International Association of Insurance Receivers 1996-2003 (Editorial Committee)
- Federal Bar Association
- Baton Rouge Bar Association
- Louisiana State Bar Association
- Louisiana Committee of 100 for Economic Development, Past President and Chair of the Executive Committee, (2015-2016), Chair of the Fiscal Reform Committee, Chair of the Reset Committee

### Community Involvement

- Louisiana Endowment for the Humanities (2008-2019), Board of Trustees, Strategic Programming Committee, Governance Committee, Governmental Relations Committee, Personnel Committee, and Litigation Committee (current)



### PRACTICE AREAS

**Insurance Regulatory  
Administrative Law  
Procurement and Contract Dispute  
Representation  
Associations and Nonprofits  
Industrial Development Team  
Governmental Relations and Ethics  
Commercial Litigation**

### EDUCATION

Paul M. Hebert Law Center, Louisiana  
State University, J.D., 1990

Louisiana State University, B.A., 1986

### ADMISSIONS

Louisiana

- Teach for America South Louisiana, Board of Trustees, Executive Committee, and Development, and Nominating Committee Chair

### **Honors and Awards**

- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana in the area of Insurance*
- Best Lawyers<sup>®</sup> Lawyer of the Year - Administrative/Regulatory Law, 2017, 2019, 2022
- Best Lawyers<sup>®</sup> since 2010
  - Administrative / Regulatory Law
  - Commercial Litigation
  - Entertainment Law - Motion Pictures and Television
  - Government Contracts
  - Insurance Law
  - Professional Malpractice Law - Defendants
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.

### **Publications**

- "Louisiana Legislature is in Recess due to Covid-19" 03/23/2020
- Fifth Circuit Editor for the American Bar Association Reference Handbook on Insurance Company Insolvency, 4th Edition

### **Notable Achievements**

- Favorably resolved a multimillion-dollar industry-wide regulatory dispute that arose from an ambiguity in the law through a coordinated negotiation with the Commissioner of Insurance and the Office of Motor Vehicles to pass corrective legislation while utilizing administrative litigation to protect the client's interests resulting in a clarified law and fair and enforceable regulatory scheme.
- Successfully secured the rescission of multimillion-dollar procurement contract awards arising from noncompliance or irregularities in the award process.
- Successfully mediated to favorable resolution of a billion-dollar dispute in the healthcare industry.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Alexis N. Coco

Associate - Baton Rouge

Tel: (225) 381-8016 Fax: (225) 381-8029 alexis.coco@bswllp.com

Lexi is an associate in the Baton Rouge office in the Casualty section. She received her J.D., *magna cum laude*, from the Paul M. Hebert Law Center at Louisiana State University in May 2022 where she served as the Director of Internal Appellate Competitions for the Board of Advocates. Lexi began her undergraduate career at the University of Missouri where she studied Human Development and Family Studies from 2015 to 2017. She then graduated with *cum laude* distinction from Louisiana State University with her bachelor's in Child and Family Studies in 2019.

### Professional Associations

- Member, Louisiana State Bar Association
- Member, Baton Rouge Bar Association



### PRACTICE AREAS

Casualty Litigation

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 2022

Louisiana State University, B.S. in Child & Family Studies, 2019

### ADMISSIONS

Louisiana, 2022

Appellate and Federal Courts and the Fifth Circuit Court of Appeals, 2022



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Jeanne C. Comeaux

Partner - Baton Rouge

Tel: (225) 381-8051 Fax: (225) 381-8029 [jeanne.comeaux@bswllp.com](mailto:jeanne.comeaux@bswllp.com)

Jeanne Comeaux is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. Jeanne Comeaux's principal areas of practice include business and commercial litigation, antitrust litigation, healthcare antitrust litigation, unfair trade practice and unfair competition litigation, corporate governance and fiduciary litigation (including shareholders derivative actions and officer and director disputes), automobile franchise dispute litigation, partnership dispute litigation, and contract dispute litigation. Her experience includes representing small and large businesses, hospital systems, physician groups, ambulatory surgery centers, corporate shareholders, directors and officers, banks, automobile dealerships, chemical companies, insurance companies, gaming concerns, and the tugboat servicing industry.

### Professional Associations

- Baton Rouge Bar Association's appointed Delegate to the ABA's House of Delegates
- American Bar Association, Antitrust Section
- Louisiana State Bar Association, Antitrust Section
- American Health Lawyer Association
- Baton Rouge Bar Association, Former President
- Louisiana Association of Defense Counsel
- Graduate, ABA Antitrust Masters Course.
- National Association of Dealer Counsel

### Community Involvement

- The Hospice of Baton Rouge, Immediate Past President of Board of Directors
- Junior League of Baton Rouge
- 2007 Baton Rouge Chamber of Commerce Leadership
- Louisiana Art & Science Museum, Past Chairman of the Board of Directors

### Honors and Awards

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Selected by her peers for inclusion in **The Best Lawyers in America<sup>®</sup>** Since, 2020
- Named "Lawyer of the Year" by Best Lawyers (2022)

### Publications

- "Is the LMVC the Exclusive Jurisdiction to Hear Dealer Complaints with Their OEM's?" May 2021
- "Is the LMVC the Exclusive Jurisdiction To Hear Dealer Complaints With Their OEM'S?" April 2021
- "It's Time to Dust-off the "Force Majeure" Clause in your Contract" March 2020
- "New Interpretation of Military Lending Act Affects Louisiana Dealers" February 2018
- "Evanston-A Departure from Structural Remedies" April 2008
- *2005 Special Legislative Session Update*
- *Healthcare Collaborations and Antitrust*
- *The Repo Man is Here*
- *Get More Out of Your "Hold Harmless" Agreement*

### Presentations

- *The Louisiana Motor Vehicle Commission's Mediation Program*, presented to the National Association of Motor Vehicle Boards and Commissions, 2017
- *Women in the Practice of Law*, presented to the Lafayette Bar Association's Women's Section, 2016



### PRACTICE AREAS

**Automotive**  
**Healthcare**  
**Commercial Litigation**  
**Products Liability Litigation**  
**Securities Litigation**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1994

Louisiana State University, B.A., 1980

### ADMISSIONS

1994, Louisiana State Courts, Eastern, Middle & Western Districts of Louisiana, Fifth Circuit Court of Appeals, 1998.

- *Ethics: Practice Issues and Challenges for New and Experienced Lawyers*, BRBA Bench Bar Conference 2016

### **Representative Matters**

- Represented financial institutions in defense of lender liability cases.
- Represented defendants in shareholder derivative actions and corporate governance litigation.
- Represented defendants in antitrust cases, involving the healthcare, automotive, real estate, and gaming industries.
- Represented defendants' class in antitrust, dual class action litigation.
- Represented defendants in unfair trade practices and unfair competition litigation.
- Represented chemical company in defense of an antitrust claim with international jurisdictional implications.
- Represented hospital systems in contract disputes with insurance companies, including claims made against insurance companies in liquidation.
- Represented automobile dealers in franchise contract disputes with manufacturers in front of the Louisiana Motor Vehicle Commission and in various courts.
- Represented both plaintiffs and defendants in corporate and partnership dissolution and related litigation.
- Represented automobile dealers in General Motors and Chrysler bankruptcies.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Clay J. Countryman

Partner - Baton Rouge

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Clay Countryman is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. Mr. Countryman represents clients in all areas of the healthcare industry, with a primary focus on healthcare business transactions, including mergers and acquisitions, joint ventures, private equity investments and other business transactions. Clay has extensive experience in advising healthcare clients on the Stark Law, Anti-Kickback Statute, government investigations and other health care fraud and compliance matters.

Clay has been legal counsel to several different types of healthcare providers and provider organizations, ranging from national and regional health systems, hospitals, ambulatory surgery centers, to specialty physician groups and physician clinics.

Clay has held several leadership positions with the American Bar Association, and is currently the Chair of the ABA Health Law Section. Clay is also a nationally recognized speaker and author on healthcare legal topics.

### Healthcare Corporate Transactions

Clay has assisted healthcare providers in structuring joint ventures and other transactions to promote business objectives while meeting compliance requirements of specific laws and regulations, such as the Stark Law, the Anti-Kickback Statute, Medicare and Medicaid coverage and reimbursement requirements, and licensure and accreditation requirements.

- Formation of Joint Ventures to Develop and Operate Hospitals and Other Healthcare Facilities
- Mergers and Acquisitions of healthcare providers
- Development of healthcare provider networks, Accountable Care Organizations (ACOs), and Clinically Integrated Networks
- Employment Agreements, Professional Service Agreements, Medical Director and Recruitment Agreements
- Conducted Due Diligence in Acquisitions and Financing Arrangements

### Fraud and Abuse Compliance

- Stark Law and Anti-Kickback Statute Compliance in value-based service arrangements and other transactions
- Development of Co-Management Agreements and Gainsharing Arrangements
- Implementation and Review of Corporate Compliance Programs
- Government Investigations and False Claims Act Defense
- Advised Healthcare Providers on Voluntary Self-Disclosures and Overpayment Refunds

### Other Representative Matters

- Represented an OB/GYN physician group in the acquisition of the group and its ancillary services, and subsequent employment by a regional health system.
- Represented healthcare providers in internal compliance investigations and resolving overpayment and related issues under the Federal False Claims Act.
- Advised several health care provider clients on compliance with the Stark Law, Federal Anti-Kickback Statute and other similar laws applicable to employment and other alignment approaches with health systems.
- Advised physician groups and other health care providers in the formation of joint ventures to own and operate diagnostic imaging centers, hospitals, ambulatory surgical centers and cancer treatment centers.



### PRACTICE AREAS

Healthcare

### EDUCATION

Loyola University New Orleans School of Law, J.D.

University of Oklahoma, B.B.A.

### ADMISSIONS

Louisiana, (Board Certified Health Law Specialist, Louisiana Board of Legal Specialization)

- Drafted and reviewed several types of agreements for healthcare providers, including professional service agreements, employment agreements, physician recruitment agreements, medical director agreements, third-party billing agreements, management agreements, and HIPAA policies and procedures.
- Advised health care providers regarding managed care contracting and network provider agreements with commercial insurance carriers and other third-party payers.
- Advised physician groups, hospitals and other health care providers to create and implement forms, policies and procedures to comply with the HIPAA Privacy and Security Rules.
- Formed limited liability companies and other corporate entities on behalf of health care providers, including drafting and reviewing operating agreements and corporate by-laws.
- Advised several types of health care providers to develop and implement compliance programs.
- Advised several hospital-based physician groups, including anesthesiologists, radiologists and pathologists, regarding exclusive agreements with Hospitals.

### **Professional Associations**

- American Bar Association. Health Law Section
  - Health Law Section: Chair (2021-2022); Chair Elect (2020-2021); Vice Chair (2019-2020); Vice Chair, Diversity & Inclusion Committee (2021-2022); Secretary (2018-2019); Council Member at Large, 2015-2018, ABA Health Law Section
  - Section of Business Law: Member, Committees on Health Law and Life Sciences, Corporate Compliance, and Corporate Counsel.
  - Medical-Legal Partnerships Work Group, Chair, 2015-2019, ABA Health Law Section
  - Vice Chair Health Care Reform Task Force, 2017-2019, ABA Health Law Section
  - Physician Legal Issues Conference, Co-Chair 2014, 2015 and 2017, ABA Health Law Section
  - ACO Task Force, Vice Chair, 2015-2016, ABA Health Law Section
  - Business & Transactions Interest Group, Chair, 2014-2015, ABA Health Law Section
  - eHealth, Privacy & Security Interest Group, Vice Chair, 2011-2012, ABA Health Law Section
  - Emerging Issues Conference, Planning Committee, 2005-2006, ABA Health Law Section
- American Bar Association, Veterans Legal Services Commission
  - Veterans Legal Services Commission Member, 2017-2018, ABA Veterans Legal Services Commission
- American Health Lawyers Association
- Louisiana Medical Group Management Association
- Louisiana Hospital Association, Society of Hospital Attorneys, Member
- Health Care Compliance Association
- Louisiana Ambulatory Surgery Center Association
- Healthcare Information and Management Systems Society (HIMSS)
- LSBA Continuing Legal Education Committee, 2015-2022

### **Community Involvement**

- Open Air Ministries, Board Member
- Baton Rouge Area Chamber Leadership Program, Class of 2015
- Baton Rouge Area Chamber Diversity & Inclusion Committee Member (2020-2022)
- Council for a Better Louisiana (CABL) Leadership Louisiana (2017)

### **Honors and Awards**

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana* in the area of Healthcare since 2017
- Board Certified Health Law Specialist, Louisiana Board of Legal Specialization, Louisiana State Bar Association
- Selected by his peers for inclusion in The Best Lawyers in America<sup>®</sup>, Since 2020

### **Publications**

- "CMS Issues New No Surprises Act FAQs on Good Faith Estimates and the Overall Requirements and Exceptions for Healthcare Providers" 04/14/2022
- "HHS Announces \$10 Billion in Additional Funding to Hospitals in High Impact COVID-19 Areas" 07/22/2020

- "COVID-19 Louisiana Update: Louisiana Department of Health Issues Clarifications to Directives Impacting Elective Medical and Dental Procedures and Other Healthcare Services" 04/27/2020
- "COVID-19 UPDATE: CMS Issues Recommendations to Re-Open Health Care Systems to Follow up Previous Guidance on Non-Essential Surgical Procedures" 04/21/2020
- "Covid -19 ASC Update: CMS Issues Guidance For Ambulatory Surgery Centers Enrolling As Hospitals During The Covid-19 Pandemic" April 2020
- "Federal and Louisiana State Directives on Elective Surgeries and Procedures During the Covid-19 Pandemic Continue to Evolve" March 2020
- "LDH Issues Updated Notice To Licensed Healthcare Facilities And Professionals to Postpone Until Further Notice All Medical And Surgical Procedures" 03/23/2020
- "HHS Issues Blanket Waivers on Several Regulatory Requirements Including Professional Licensure, EMTALA, and Certain HIPAA Privacy Requirements" 03/17/2020
- "CMS Issues First Round of Blanket Waivers for Hospitals and Other Healthcare Facilities to Provide Regulatory Flexibility to Help Healthcare Providers Contain the Spread of COVID-19" 03/17/2020
- "Substantial Changes Proposed to the Stark Law and Anti-Kickback Statute Regulations to Address Regulatory Burdens and Value-Based Care Arrangements" October 2019
- "False Claim Act Cases and Settlements Involving Hospital Financial Relationships with Referring Physicians" June 2019
- "Florida Hospitalist Group Pays \$500,000 to Settle Potential HIPAA Violations" December 2018
- "DOJ Announces Settlement with Physicians Based on Pre-Signed Blank Prescriptions for Controlled Substances" August 2018
- "CMS Requests Feedback on Regulatory Burden of the Stark Law" June 2018
- "Justice Department Files Brief in Texas Lawsuit Supporting Challenge to the Constitutionality of the ACA" June 2018
- "HIPAA and Business Associate Agreements: Slippery Slopes for Attorneys" The Baton Rouge Lawyer, Volume 1, Issue 3, p. 18-20, May 2018
- "Family Medicine Centers of South Carolina Paid \$2 Million to Settle Alleged Stark Law Violations Based on Internal Physician Compensation Approach" September 2017
- "Emerging Compliance Issue: Recent False Claims Act Settlements Based on Improper Billing for Evaluation and Management Services by Physicians" August 2017
- "IRS Revokes Hospital's Nonprofit Status for Failure to Meet the Community Needs Assessment Requirements Under Internal Revenue Code Section 501(r)" August 2017
- "OIG Announces August 2017 Work Plan Updates" August 2017
- "Compliance Risk for Physician Practices in Waiving Patient Copays and Deductibles" August 2017
- "eClinicalWorks Case Raises New Questions" June 2017
- "OCR Settles First Enforcement Action for Untimely Reporting of a Breach" February 2017
- "OIG Finalizes New Anti-Kickback Statute Safe Harbors and CMP Authorities" Louisiana Hospital Association's Impact Law Brief, January 2017
- "Final Rule Released to the OIGs Exclusion Authorities" January 2017
- "OCR Phase 2 HIPAA Audits Have Begun: Are you Ready?" September 2016
- "Anesthesia Group Settles Kickback Allegations to Obtain Exclusive Agreements With Ambulatory Surgery Centers" August 2016
- "OIG Corporate Integrity Agreements and Physician Compliance Programs" June 2016
- "'Cloning' and 'Overpopulation' of Documentation by Physicians in Electronic Medical Records May Lead to Allegations of Fraud" June 2016
- "Physician Practice and Hospital Pay \$750,000 and \$1.5 Million for Failure to Have HIPAA Business Associate Agreements" May 2016
- "OCR Settlement with Physician Group Highlights Need For HIPAA Business Associate Agreements" April 2016
- "Imported Drugs and Medical Devices: Physicians Face Significant Liability for Purchasing Imported Drugs and Medical Devices" April 2016
- "Challenges to Medicare Advantage Plans Passing Sequestration Cuts Through to Contracted Providers" April 2016

- "OCR Announces \$1.55 Million Settlement Based on Failure to Have a Business Associate Agreement in Place and Conduct an Organization-Wide Risk Analysis" March 2016
- "2016 Hot Compliance Areas for Physician Practices" March 2016
- "Hot Off the Presses! CMS Issues Final Overpayment Regulations" February 2016
- "Recent False Claims Act Settlements Based on Hospital-Physician Compensation Arrangements" January 2016
- "Recent False Claims Act Settlements Based on Allegations of Improper and Excessive Hospital-Physician Compensation" December 2015
- "OIG Issues Advisory Opinion on Charitable Organization Providing Financial Support for Patients" 12/1/2015
- "CMS Issues Proposed Stark Law Changes in the Proposed 2016 Medicare Physician Fee Schedule" August 2015
- "Recent False Claims Act Case Involving Hospitalists' Services Includes Allegations that Company's Compliance Program and Corporate Officers Had Knowledge of Upcoding" July 2014
- "Non-Profit Health Care System Agrees to \$800,000 HIPAA Settlement in Medical Records Dumping Case" June 2014
- "Federal Court Rules that Hospital Violated the Stark Law in Compensation Arrangement with Employed Physicians" LHA Impact, November 2013
- "OIG Issues Advisory Opinion 13-09 on Ownership Interests in Group Purchasing Organization By Hospital and Other Providers August 2013
- "BSW Health Law Blog" August 2013
- "Health Care Reform Update: White House Extends Employer Coverage Mandate to 2015" July 2013
- "OIG Issues Warning to Hospitals and Other Providers In Special Fraud Alert on Physician-Owned Distributorships for Implantable Medical Devices" April 2013
- "OCR Finalizes Provisions to the HIPAA Enforcement Rule in the HIPAA Megarule To Address Liability and Civil Money Penalties for HIPAA Violations" ABA Health eSource, January 2013
- "Federal Appeals Court Overturns \$45 Million Judgment Against Hospital Based On Stark Law Violations" Louisiana Hospital Association Impact Monthly Newsletter, April 2012
- "Claims Data Sharing and HIPAA Privacy Compliance: Key Components for ACOs and Other Provider Networks" Louisiana Hospital Association Impact Monthly Newsletter, February 2012
- "OIG Issues Favorable Opinion on Online Medical Information Sharing and Referral Database Service" Louisiana Hospital Association Impact Monthly Newsletter, January 2012
- "OIG Issues Favorable Advisory Opinion on Neurology Telemedicine Arrangement" Louisiana Hospital Association Impact Monthly Newsletter, September 2011
- Author of Chapter on "Entrepreneurial Medicine: Fraud and Abuse Risk Areas For Physician Business Relationships" in *Physician Law, Evolving Trends and Hot Topics* by ABA Publishing (2014 and 2015)
- "CMS Addresses Data Sharing and HIPAA Privacy Compliance in the Final ACO Rule", ABA Health eSource, ACO Special Edition (December 8, 2011)
- *Health Care Controllers Manual*, Contributing Author, Thomson Reuters Publishing (2009)
- "Managed Care Litigation Cumulative Supplement", Contributing Author, BNA (2009)
- "Managed Care Litigation Book, Prompt Pay Litigation and Related Issues and Federal Benefit Claims Procedures (affecting ERISA plans)", Contributing Author, published by BNA (September 2005)
- "HIPAA Compliance Handbook", Aspen Publishing (March 2001)
- "Physician Practice Compliance Resource Manual", Aspen Publishing (January 2001)

## **Presentations**

- *Hot Topics Jambalaya*, Taos Third Annual Health Law Roundtable CLE Conference , January 2023
- *2023 Compliance Issues and Ambulatory Surgery Centers*, LASCA Annual Meeting , February 17, 2023
- *Hot Compliance Challenges for Hospitals: Stark Law/Anti-Kickback Statute Enforcement and No Surprises Act & Compliance Obligations & Strategic Planning for Hospitals*, LHA 32nd Annual Health Law Symposium, December 9, 2022

- *Physician Opportunities Under the Recent Stark Law and Anti-Kickback Statute Changes*, ABA Physicians Legal Issues Healthcare Delivery & Innovation Conference, Chicago, IL, September 15, 2022
- *Beware the Road Paved with Gold: Recent DOJ Fraud Settlements and Investigations of Physician Joint Ventures*, LMGMA/MSMGMA Conference, Baton Rouge, LA, July 28, 2022
- *Hybrid MCOs: Risks & Solutions*, WTW Managed Care Roundtable Conference, Nashville, TN, July 21, 2022
- *Evolving Stark Law and Anti-Kickback Statute Compliance Challenges for Value-Based Arrangements and Physician Compensation*, HFMA Annual Meeting, Denver, CO, June 27, 2022
- *Legislative Update*, Louisiana Ambulatory Surgery Center Association Summer Meeting, New Orleans, June 16, 2022
- *Key Strategic and Legal Considerations in Negotiating Radiology Service Agreements*, RBMA 2022 PaRADigm Radical Innovation, April 2022
- *Compliance Programs: Best Practices with Joint Venture Partners*, HCCA New Orleans Regional Conference, April 9, 2022
- *Health Law Update*, Louisiana Orthopedic Association Annual Meeting, New Orleans, March 18, 2022
- *Stark Law, Anti-Kickback Statute and EKRA Compliance: What Physician Practices Need to Know This Year*, MGMA State Affiliate Webinar, February 8, 2022
- *The No Surprise Act is Here: Compliance Obligations & Strategic Planning for Hospitals - Parts I and II*, Louisiana Hospital Association, March 2022
- *The No Surprise Act is Here: Compliance Obligations & Strategic Planning for Hospitals - Parts I and II*, Louisiana Hospital Association, March 2022
- *Compliance and Valuation Challenges from Recent Stark Law and Anti-Kickback Statute Changes*, LA HFMA Winter Institute Conference, January 25, 2022
- *Compliance and Valuation Challenges from Recent Stark Law and Anti-Kickback Statute Changes*, Taos Second Annual Health Law Roundtable CLE Conference, January 22, 2022
- *Hot Compliance Topics for Managers and Physician Practices*, Louisiana Medical Group Management Association Annual Conference 2021, August 2021
- *Hot Regulatory Issues Facing Louisiana Ambulatory Surgery Centers*, Louisiana Ambulatory Surgery Center Association, Annual Conference, February 5, 2021
- *Legal Update: Hot Topics for ASCs in 2017*, Louisiana Ambulatory Surgery Center Association 2017 Annual Meeting, January 20, 2017
- *Fraud and Abuse Compliance Update/Covid-19 and Physician Liability*, The American Association of Physicians of Indian Origin, June 2020
- *Louisiana Department of Health*, April 19, 2020
- *Legal Update*, Louisiana Ambulatory Surgery Center Association, Annual Conference, June 24, 2021
- *Understanding the Families First Coronavirus Response Act, the CARES Act & How it Impacts Businesses*, April 1, 2020
- *Baton Rouge Medial Group Management Association (BRMGMA) Monthly Meeting*, May 14, 2020
- *Fair Market Value Issues: When and How is FMV Important; Valuation Issues and Options*, Louisiana Hospital Association Advanced Issues in Physician Employment Seminar, April 2019
- *Understanding the Applicable Compliance Issues*, Louisiana Hospital Association Advanced Issues in Physician Employment Seminar, April 2019
- *Payment Issues in Behavioral Health*, LHA Behavioral Health Law Update, March 2019
- *Payment Issues in Behavioral Health: Options for Providers*, Louisiana Hospital Association Behavioral Health Law Update, March 28, 2019
- *Navigating the Minefields of a Successful Physician Hospital Collaboration*, ABA Physicians Legal Issues Conference, June 7, 2018
- *Physician Contracts: Compliance Auditing & Strategies*, CHRISTUS Health Compliance & Privacy Summit, May 2, 2018
- *Measuring Compliance Program Effectiveness*, HCAA New Orleans, April 2018
- *Healthcare Enforcement and Radiology Services*, 2018 PaRaDigm Conference - Radiology Business Managers Association, April 5, 2018

- *HIPAA and Mental Health*, Crisis in the Community Conference - Mental Health Association for Greater Baton Rouge, March 10, 2018
- *Medical Legal Partnerships: Attorneys and Healthcare Providers Working Together to Help Veterans and Other Patients*, Moderator, American Bar Association Center for Professional Development Health Law Section Webinar, February 12, 2018
- *Legal Issues Facing Ambulatory Surgery Centers*, Louisiana Ambulatory Surgery Center Association, Annual Conference, February 9, 2018
- *Lessons Learned from Recent Fraud Enforcement Cases and Settlements*, Region 9 Conference, Healthcare Financial Management Association, November 7, 2017
- *MACRA and Other Important Considerations in Physician Employment Agreements*, Presented to Members of the Chicago Medical Society, September 15, 2017
- *Legal Update: 2017 Hot Topics for Physician Practices*, MGMA - Acadiana, September 14, 2017
- *Legal Update: 2017 Hot Topics for Physician Practices*, MGMA - Acadiana, September 12, 2017
- *Compliance and Enforcement Roundtable Discussion*, MGMA Louisiana & MGMA Mississippi Southern Summer Conference, August 17, 2017
- *What are Medical-Legal Partnerships and How Can I Get Involved?*, American Bar Association Center for Professional Development Health Law Section Webinar, July 11, 2017
- *Legal Update: LASCA Business Meeting*, 2017 Gulf States ASC Conference, June 22, 2017
- *Stark Law and Anti-Kickback Statute Compliance for HFMA Members*, Presented to Members of HFMA, June 13, 2017
- *Emerging Compliance Issues with the Stark Law and Anti-Kickback Statute*, Louisiana State Bar Association Healthcare Law CLE, New Orleans, LA, May 25, 2017
- *Health Care Fraud Enforcement Update: False Claims Act and Beyond*, Louisiana State Bar Association Healthcare Law CLE, New Orleans, LA, May 25, 2017
- *Financial Relationships/Law & Regulations for FQHCs*, LPCA Corporate Compliance Institute Services, Session 7, May 3, 2017
- *Hospital-Physician Contracting: Compliance Issues and Strategies*, HCCA Regional Meeting, New Orleans, LA, April 21, 2017
- *Laissez les Bons Temps Rouler: Hope for Potential Stark Law Changes*, 18th Annual Conference on Emerging Issues in Healthcare Law, New Orleans, March 10, 2017
- *HIPAA Compliance And Radiology Practices*, Delta States Chapter of RMBA Annual Conference, February 16, 2017
- *HIPAA Compliance for Posting Videos to the Web*, 2016 American Society for Dermatologic Surgery Annual Meeting, New Orleans, November 13, 2016
- *Advanced Compliance Seminar*, Louisiana Hospital Association Conference Center, September 2015
- *Fraud and Abuse Traps in Physician Relationships: Lessons Learned from Recent Government Investigations*, 2015 MGMA-LA Annual Conference, New Orleans, LA, August 2015
- *Louisiana ASC Licensing Statutes and Regulations Resource Guide*, 8th Annual Gulf States ASC Conference, LASCA Business Meeting, Biloxi, MS, June 18, 2015
- *Community Clinics, Pharmacies, and Other Opportunities for Physicians and Attorneys to Work Together*, ABA Physicians Legal Issues Conference, ABA Health Law Section, Chicago, IL, June 11, 2015
- *HIPAA Compliance: Recent Changes to the HIPAA Rules and Enforcement Actions*, Acadiana Vascular Center, Lafayette, LA, May 15, 2015
- *Compliance Risk Areas: Where to Begin*, Louisiana Hospital Association Basic Compliance Seminar, Baton Rouge, LA, April 29, 2015
- *Government Investigations, Settlements, and Resulting Compliance Obligations of Long Term Care Providers*, Co-Presenter, American Health Lawyers Association Long Term Care and the Law Conference, New Orleans, La., February 24, 2015
- *Compliance Strategies for Physician Relationships*, Health Ethics Trust Conference Southeast Regional, January 28, 2015
- *The Evolution of a Hospital Compliance Program and the Role of the Compliance Officer*, Louisiana Hospital Association 25th Annual Health Law Symposium, November 5, 2014

- *Hot Fraud and Abuse Compliance Topics for Physician Practices*, MGMA New Orleans 2014 Fall Workshop, September 24, 2014
- *Mental Health Law Update*, Louisiana Hospital Association, Baton Rouge, LA, August 20, 2014
- *An Ethical Dilemma: Hospitalists and the Continuity of Care*, ABA Physicians Legal Issues Conference, ABA Health Law Section, Chicago, IL, June 13, 2014
- *HIPAA Compliance: Recent changes to the HIPAA Rules and Enforcement Actions*, R.W. Johnson & Company/Eye Center Surgery Center; Baton Rouge, LA, May 17, 2014
- *HIPAA Compliance: Recent changes to the HIPAA Rules and Enforcement Actions*, Northeast La PHO; Alexandria, LA, May 13, 2014
- *Why Does Security Get the Back Burner and How to Change That in Your Organization*, Roundtable Discussion, HealthTech Research Advisory Council Meeting, New Orleans, Louisiana, April 2014
- *HIPAA Compliance: Recent changes to the HIPAA Rules and Enforcement Actions*, East Jefferson Charity Hospital Family Practice Graduate Medical Education Residents; New Orleans, LA, March 17, 2014
- *15th Annual Conference on Emerging Issues in Health Care Law*, Litchfield, AZ, February 26, 2014
- *HIPAA Compliance: Recent changes to the HIPAA Rules and Enforcement Actions*, Ochsner Graduate Medical Education Residents; New Orleans, LA, January 27, 2014
- *Legal Updates on Issues Impacting ASCs*, Louisiana Ambulatory Surgery Center Association, 2014 Annual Conference, January 23, 2014
- *Implementing the Omnibus Changes Part II, Including Business Associates and More*, 2013 Louisiana HIPAA and E H R Conference; Baton Rouge, LA, October 28-29, 2013
- *Resolving Legal and Audit Issues in an Internal Compliance Investigation*, American Health Lawyers Association, and Health Care Compliance Association, Fraud & Compliance Forum; Baltimore, MD, September 29, 2013
- *HIPAA Compliance and Enforcement by the Office of Civil Rights: Lessons Learned for Physician Practices*, Greater New Orleans Medical Group Management Association; New Orleans, LA, September 26, 2013
- *HIPAA Compliance Made Easy for Physician Practices*, Louisiana Medical Group Management Association 2013 Annual Conference; New Orleans, LA, August 21, 2013
- *Compliance Topics for ASCs*, 2013 Gulf States ASC Conference; New Orleans, LA, June 19, 2013
- *Current Fraud and Abuse Initiatives Impacting Physicians*, 2013 Physician Legal Issues Conference, American Bar Association Health Law Section; Chicago, IL, June 13-15, 2013
- *Mental Health Law Update*, Louisiana Hospital Association; Baton Rouge, LA, May 9, 2013
- *Implementation - Business Associates and Breach Notification, HIPAA Changes - Understanding and Implementing the Latest Rule*, 2013 Louisiana HIPAA & EHR Conference; Baton Rouge, LA, March 11, 2013
- *HIPAA Compliance: Recent Enforcement Actions and Recent Changes to the HIPAA Rules*, Louisiana Orthopedic Association Annual Meeting; New Orleans, LA, March 2, 2013
- *HIPAA Enforcement by the Office for Civil Rights: Lessons Learned for ASCs*, Louisiana Ambulatory Surgery Association Conference, January 24, 2013
- *Hospital-Physician Alignment Strategies*, Louisiana Hospital Association Conference; Baton Rouge, LA, January 24, 2013
- *Advanced Business Associate Issues*, Louisiana HIPAA & EHR Conference; Baton Rouge, LA, September 29, 2012
- *New Healthcare Delivery Models: Challenges for Physician Practices*, Greater New Orleans Medical Group Management Association Compliance Boot Camp; New Orleans, LA, September 26, 2012
- *Hot Compliance Topics for Physician Practices: 2011 Year in Review*, Louisiana Medical Group Management Association 2012 Annual Conference; Lake Charles, LA, April 21, 2012
- *Fraud and Abuse Compliance in Mental Health Settings*, Louisiana Hospital Association/Mental Health Law Update, March 1, 2012
- *Federal and State Legal Issues Impacting Ambulatory Surgery Centers*, Louisiana Ambulatory Surgery Association 2012 Annual Meeting, January 25, 2012

- *Hospital-Physician Alignment Strategies*, Louisiana Hospital Association 22nd Annual Fall Health Law Symposium; Baton Rouge, LA, November 2, 2011
- *Challenges for Physician Practices Since Healthcare Reform in 2010 and Alignment Strategies for Physicians and Hospitals After Healthcare Reform*, Greater New Orleans Medical Group Management Association, September 15, 2011
- *Managed Care Contracting*, Baton Rouge Medical Group Management Association, August 11, 2011
- *2010 Fraud and Abuse Enforcement Year in Review*, Louisiana Society of Hospital Attorneys 21st Annual Health Law Symposium, November 4, 2010
- *Navigating Fraud and Abuse Issues with Health Care Reform and Other ASC Business Relationships!*, 2010 Gulf States ASC Conference; Biloxi, Mississippi, June 15, 2010



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Carroll Devillier, Jr.

Partner - Baton Rouge

Tel: (225) 381-8013 Fax: (225) 381-8029 [carroll.devillier@bswllp.com](mailto:carroll.devillier@bswllp.com)

Carroll Devillier, a partner in the Baton Rouge office, has extensive experience in all types of business and complex commercial litigation. He has represented clients ranging in size from individuals, family owned businesses, mid-sized local and regional companies, national corporations, and Fortune 500 companies in industries such as oil and gas exploration, transportation, regulated waste hauling, non-regulated waste hauling, commercial construction contractors, subcontractors; material providers; heavy equipment lessors; and health care providers ranging from single clinics to, to hospitals to national providers. Carroll is admitted to practice before all Louisiana state courts, the United States District Courts for the Middle, Eastern and Western Districts, the United States Courts of Appeals for the Fifth and Federal Circuits.

Carroll has an AV<sup>®</sup>Preeminent<sup>™</sup> Peer Review Rating by Martindale-Hubbell.

### Areas of Concentration

#### Business Litigation

Carroll has significant experience in various areas of business litigation including:

- Complex litigation involving: unfair trade practices and unfair competition, fiduciary duties of corporate officers, directors, and trustees; and general business and commercial issues.
- Representing business owners in dissolution proceedings both as the party seeking dissolution and defending against actions for dissolution.
- Representing businesses and individuals in matters involving non-compete agreements, trade secret information and breach of fiduciary duty claims between businesses and former employees.
- Representing businesses in all manner of breach of contract claims.
- Representing businesses in disputes related to property rights, land use disputes with zoning authorities and competing claims to movable and immovable property.
- Representing businesses in all manner of business torts including tortious interference with business relationship, tortious interference with contract, and business defamation.

#### Healthcare Related Commercial Litigation

- Carroll's experience includes representing health care providers, including hospital networks and individual facilities in payment disputes and recoupment appeals with Medicaid Managed Care Organizations and private pay Managed Care Organizations. This experience ranges from the initial filing of appeals through the exhaustion of administrative remedies and litigation.
- Carroll has experience representing health care businesses in qui tam and False Claims Act litigation, including the managing of the extensive discovery and motion practices attendant in such matters.

#### Commercial Collections

Carroll's practice is also comprised of a significant portion of commercial collection work. This work includes representing materialman and equipment lessors in collecting amounts owed on private and public construction projects. Carroll has represented some of the largest and most diverse materialman and equipment lessors throughout Louisiana. Carroll assists clients from the earliest stages of collection efforts, through the lien filing processes, including any notice filings, commencing litigation, securing judgment and judgment enforcement efforts, including garnishments and seizure of assets. In managing this practice area, client involvement, cost reduction, and consistent attention to open matters are paramount.

#### Professional Associations

- Baton Rouge Bar Association
- Louisiana State Bar Association
- American Bar Association
- Emerging Leaders Council, Louisiana Association of Business and Industry



### PRACTICE AREAS

**Automotive**  
**Healthcare**  
**College and Professional Sports**  
**Commercial Litigation**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D./B.C.L., 2006

University of Louisiana at Lafayette, B.S., Finance, *summa cum laude*, 2003

### ADMISSIONS

Louisiana State, Appellate and Federal Courts and the Fifth Circuit Court of Appeals, 2006

## **Community Involvement**

- Charles W. Lamar YMCA Board, Chairman of the Board of Directors
- LANO Community Leader Program, Class of 2015
- Baton Rouge Area Chamber Leadership, Class of 2017
- Council for a Better Louisiana, Leadership Louisiana Class of 2018

## **Honors and Awards**

- Recipient of the 2017 Top Forty Under Forty, Baton Rouge Business Report
- Selected by his peers for inclusion in **The Best Lawyers in America**® since 2019
- AV® Preeminent™ Peer Review Rated.
- Named a "Rising Star" in the area of Business Litigation by **Louisiana Super Lawyers**, Since 2014

## **Publications**

- "Negligent Credentialing: The Negligent Credentialing Claim that Evaded the LMMA" Baton Rouge Bar Association Around the Bar, January 2017
- "Billeaudeau and Beyond: Preparing for Negligent Credentialing Litigation" November 2016

## **Presentations**

- *Opioid Litigation Update* , - LHA Behavioral Health Law Update, March 2019
- *The Opioid Addiction Crisis - Recent Regulatory Actions, Pending Lawsuits and the Role of ASCs* , Presented at the Louisiana Ambulatory Surgery Center Association Annual Conference., February 9, 2018



## David C. Fleshman

Partner - Baton Rouge

Tel: (225) 381-8055 Fax: (225) 381-8029 David.Fleshman@bswllp.com

David Fleshman was born and raised in Baton Rouge, Louisiana. He received his undergraduate degree from Louisiana State University, where he was a member of the LSU Basketball Team. While attending law school at the LSU Paul M. Hebert Law Center, David clerked for the Governor's Executive Counsel during the 2010 Legislative Session and the Governor's Office of Homeland Security after the Deepwater Horizon oil spill. After receiving his Juris Doctorate from LSU Law, David joined Roedel Parsons from 2011-2019. David recently joined the Baton Rouge office of Breazeale, Sachse and Wilson L.L.P. as part of the Construction team.

The primary focus of David's practice has been a blend of general litigation, business transactions, construction law, sports law, and contract law. In addition to representing individuals and private companies, David has also represented several Louisiana governmental entities, including the Ernest N. Morial Exhibition Hall Authority (the New Orleans Convention Center), the Louisiana Stadium & Exposition District, the Sewerage and Water Board of New Orleans, Ascension Parish, LSU Board of Supervisors, and the New Orleans Aviation Board. Through this representation, he has extensive experience in matters involving public bid and procurement law, open meetings and public records law, public bid protests and disputes, construction contracts, and public-private partnerships for the construction of large public projects in Louisiana, such as the new North Terminal at the Louis Armstrong New Orleans International Airport.

David also represents professional and amateur athletes, coaches, agents, venue owners, and businesses in the wide-ranging and rapidly evolving arena of Sports law, including in matters involving name, image, likeness ("NIL") contracts and compliance, interpretation and enforcement of NCAA and LHSAA rules, food, beverage and concession agreements, facility use agreements, coaching contracts, business and estate planning, and sports-related injury and business litigation. David currently serves as an Adjunct Law Professor at the LSU Paul M. Hebert Law Center where he teaches Sports Law.

David is active in the Baton Rouge community, where he currently serves on the Board of Directors for The Dunham School, and the LSU National L-Club, and formerly served on the Board of the Youth Oasis Children's Shelter, Karing is Doing Something, Inc., and the St. Aloysius Administration Commission. In 2019, David received the Joseph Keogh Memorial Award in recognition of his outstanding service to the community and the Baton Rouge Bar Association.

David is married to Loren Shanklin, who also practices law in Baton Rouge, and they have three children, Virginia, Edwin, and Oliver.

### Professional Associations

- Baton Rouge Bar Association, Member
- Louisiana State Bar Association, Member

### Community Involvement

- LSU National L-Club, Treasurer/Board of Directors
- The Dunham School, Board of Trustees
- Karing is Doing Something, Inc. ("K.I.D.S."), Former Board of Directors
- Youth Oasis Children's Shelter, Former Chairman/Board of Directors

### Honors and Awards

- 2022 Recipient of the Top Forty Under Forty, Baton Rouge Business Report
- Named "Ones to Watch" by Best Lawyers (2021, 2022)
- Boys & Girls Club, 2020 Great Futures Gala Honoree
- Baton Rouge Bar Association, Judge Joseph Keogh Memorial Award, 2019
- Martindale-Hubbell AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated



### PRACTICE AREAS

**Construction**  
**College and Professional Sports**  
**Dentists**  
**Construction Litigation**  
**Government Contracts**

### EDUCATION

Louisiana State University Law Center,  
Baton Rouge, Louisiana, J.D., 2011  
Louisiana State University, B.A, 2008

### ADMISSIONS

Louisiana  
U.S. District Court Eastern District of  
Louisiana  
U.S. District Court Middle District of  
Louisiana  
U.S. District Court Western District of  
Louisiana  
U.S. Court of Appeals 5th Circuit

## **Publications**

- "Weeding Out: Marijuana as Doping for Student-Athlete Employees" May 2023



## Candace B. Ford

Associate - Baton Rouge

Tel: (225) 381-8033 Fax: (225) 381-8029 candace.ford@bswllp.com

Candace B. Ford is an Associate in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. in the Commercial Litigation practice group. Her principal areas of practice include litigation involving unfair trade practices and unfair competition; contract disputes; healthcare-related litigation; and general business and commercial litigation issues. Candace also has experience representing financial institutions, mortgage banks and lenders, mortgage loan servicers and issuers, and other consumer financial services providers in lender liability actions. Candace practices in both state and federal courts, and before administrative courts.

She joined Breazeale after serving as an Assistant Parish Attorney for the City of Baton Rouge/Parish of East Baton Rouge where she defended the city in a variety of litigation, primarily serving as federal counsel. She devoted a significant portion of her practice to representing law enforcement agencies against Section 1983 claims and other civil rights litigation. She also has experience defending the city against planning and zoning, personal injury, and many constitutional issues.

Additionally, Candace previously served as a federal law clerk at the United States District Court for the Middle District of Louisiana where she worked closely with a federal judge, which enabled her to strengthen her writing, analytical, and research skills.

Candace received her Juris Doctor, *magna cum laude*, from Southern University Law Center in the top 5% of her class, where she served as Articles Editor for the Southern University Law Review and where she received a top oral advocate award at a national inter-school moot court competition. She received her Bachelor of Arts in Criminal Justice, *summa cum laude*, with a concentration in Pre-law and Paralegal Studies from Northwestern State University in Natchitoches, Louisiana.

Candace is a regular volunteer for the Baton Rouge Bar Foundation Pro Bono Project. She has been a dependable and consistent volunteer for outreach activities including Thirst for Justice, Ask-A-Lawyer, and the new COVID-19 Legal Hotline.

A native of Shreveport, Louisiana, Candace enjoys participating in community service; traveling and spending time with her husband, Aaron V. Ford Jr., and daughter, Erin; and taking her beagle, Bentley, to the dog park.

Candace is highly effective in serving her clients because she brings litigation experience and an unusually broad legal background to Breazeale. Candace is naturally detail-oriented and extremely efficient. She particularly excels in exhaustive preparation for her cases and has an uncanny ability to identify some way, even if it is unusual, to formulate and deliver a compelling argument supporting her client's position.

### Professional Associations

- American Bar Association, Health Law Section
  - Vice Chair for Programming in the ABA Health Law Section's Litigation & Risk Management Interest Group
- Louisiana State Bar Association
- Baton Rouge Bar Association
  - Youth Education and Teen Court Committee, Chair
  - Publications Committee
  - High School Mock Trial Committee
  - Pro Bono Project volunteer
- Louis A. Martinet Legal Society, Greater Baton Rouge Chapter
- Federal Bar Association
- National Bar Association, Commercial Law Section

### Community Involvement

- Mid City Redevelopment Alliance, Board of Directors



### PRACTICE AREAS

**Litigation**  
**Healthcare**  
**Civil Rights Litigation and**  
**Governmental Entity Defense**  
**Governmental Relations and Ethics**

### EDUCATION

Southern University Law Center, J.D.,  
*magna cum laude*, 2017

Northwestern State University, B.A.,  
Criminal Justice, *summa cum laude*,  
2013

### ADMISSIONS

Louisiana

U.S. District Court for the Eastern  
District of Louisiana

U.S. District Court for the Middle District  
of Louisiana

U.S. District Court for the Western  
District of Louisiana

U.S. Court of Appeals for the Fifth  
Circuit

- Alpha Kappa Alpha Sorority, Incorporated, Gamma Eta Omega Chapter, Baton Rouge, LA

### **Honors and Awards**

- Louisiana State Bar Association Young Lawyer's Division Pro Bono Award 2020
- Baton Rouge Bar Association, President's Award 2020
- Baton Rouge Bar Association, Judge Joseph Keogh Memorial Award, 2019
- Named a "Rising Star" by Louisiana Super Lawyers (2021,2022)
- Named "Ones to Watch" by Best Lawyers, 2022
- American Bar Association Health Law Section Emerging Young Lawyers in Healthcare Award, 2022
- Selected for the Leadership, Louisiana State Bar Association 2022-2023 Class

### **Publications**

- "Creating a Respectful and Open World for Natural Hair Act of 2022 or CROWN Act" 08/29/2022
- "Judicial Interview: Judge William Morvant, 19th Judicial District Court, Division E Section 23." *The Baton Rouge Lawyer*, May/June 2021. VOL. 4, ISSUE 3, p. 8.
- "Amendments to the Federal Rules of Practice." *The Baton Rouge Lawyer*, March/April 2021. VOL. 4, ISSUE 2, p. 14.
- "Judicial Interview: Judge Gail Grover, East Baton Rouge Parish Juvenile Court, Division B." *The Baton Rouge Lawyer*, January/February 2021. VOL. 4, ISSUE 1, p. 8.
- Marriage, Religion, and the Art of Judging in Post-Obergefell Louisiana, 43 S.U. L. REV. 291 (2016)
- "Discovery Tip: Deposition Upon Written Questions." *The Baton Rouge Lawyer*, September/October 2021. VOL. 4, ISSUE 5, p. 18.

### **Presentations**

- *Moderator: Speed Networking: Young Lawyer Mixer and Networking Event*, American Bar Association, Health Law Section, March 10, 2022
- *Presenter: Oral Advocacy Workshop for Moot Court Week at Southern University Law Center*, October 25, 2021
- *Distinguished Speaker at the 2020-2021 Southern University Law Review Junior Editor Induction Ceremony*, October 16, 2020.
- *Co-Presenter: "The Youth Justice System: Opportunities to Make a Difference" CLE*, Wednesday, Sept. 16, 2020 [Speaker: Judge Gail Grover, East Baton Rouge Parish Juvenile Court]
- *Panelist: Southern University Law Center's Student Bar Association Virtual Alumni Round Up*, March 20, 2021.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Murphy J. Foster, III

Partner - Baton Rouge

Tel: (225) 381-8015 Cell: (225) 454-4770 Fax: (225) 381-8029 [murphy.foster@bswllp.com](mailto:murphy.foster@bswllp.com)

Murphy Foster is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. and a member of the firm's Management Committee. His principal areas of practice include construction litigation and employment and traditional labor law. He brings over 40 years of experience representing businesses in Construction and Labor matters and has successfully litigated a number of high profile construction and employment cases throughout the country. Mr. Foster is the former Chairman of the Labor & Employment Law section of the Louisiana State Bar Association and is a member of the Construction Industry team as well as the Labor & Employment Practice section at Breazeale, Sachse & Wilson.

Mr. Foster has been selected by his peers to be included in the "Best Lawyers in America" for his work in the practice areas of construction, labor law-management and litigation, and was selected "Lawyer of the Year" in Labor Law - Management in Baton Rouge by The Best Lawyers in America®2017 and Lawyer of the Year for Litigation - Construction in 2023. Mr. Foster is also recognized by Chambers, USA, for his experience in both the areas of construction and labor & employment law. Chambers defines Mr. Foster as a "very savvy" practitioner, who "gets good results for his clients" with an "aggressive litigation reputation" and respected through the region. Mr. Foster was also named to America's Leading Business Lawyers as "the best known labor and employment attorney in Baton Rouge" and Who's Who Legal as "one of Louisiana's top flight labor lawyers." As General Counsel to the Louisiana Associated General Contractors, and the Pelican Chapter of the Associated Builders' and Contractors, Mr. Foster is also respected for his extensive experience in litigating large construction related disputes. Chambers describes Mr. Foster as, "An experienced, assertive attorney" who "puts a bit of fear into opponents." Mr. Foster is a Charter Fellow of the Construction Lawyers Society of America (CLSA). He received the 2018 CLSA Distinguished Speaker Award and Breazeale, Sachse & Wilson, L.L.P. was awarded the CLSA Law Firm of the Year Award.

### Professional Associations

- Fellow, Order of Maximus, Construction Lawyers Society of America (CLSA)
- General Counsel, Louisiana Associated General Contractors
- General Counsel, Louisiana Pelican Chapter of the Associated Builders & Contractors
- General Counsel, Concrete & Aggregates Association, Inc
- General Counsel, Louisiana Asphalt Pavement Association
- Chairman of Policy and Bylaws Committee, Associated Builders and Contractors, National
- Board Parliamentarian, Associated Builders and Contractors, National
- Labor & Employment Law Section, Past Chairman, Louisiana State Bar Association
- Past Chair Labor & Employment Law Council (2018-2019), Associated General Contractors of America
- Fellow, Louisiana State Bar Foundation
- Member, American Bar Association
- General Counsel, Recreation and Park Commission for the Parish of East Baton Rouge
- Former General Counsel, Louisiana State Licensing Board for Contractors
- Litigation Counsel of America, Senior Fellow

### Community Involvement

- Past Chairman of the Board of the Istrouma Area Council for the Boy Scouts of America
- Boy Scouts of America Silver Beaver Award
- Eagle Scout
- Past Chairman of the Board of Prevent Child Abuse Louisiana
- Instrument Rated Multi-Engine Pilot
- Lifetime Sponsor Ducks Unlimited



### PRACTICE AREAS

**Construction**  
**Labor & Employment**  
**Public Bid Laws**  
**Associations and Nonprofits**  
**Government Contracts**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1979

### ADMISSIONS

Louisiana State Courts, Eastern, Middle & Western Districts of Louisiana, Fifth, Eighth, and Eleventh Circuit Court of Appeals, U.S. Supreme Court, 1979

## Honors and Awards

- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana* - Labor and Employment and Construction, Since 2005
- Selected by his peers for inclusion in *The Best Lawyers in America*® in Construction Law, Labor Law - Management and Litigation - Construction, Since 2013
- Selected Lawyer of the Year, in Labor Law - Management in Baton Rouge by The **Best Lawyers in America**® 2017 and for Litigation - Construction in 2023
- AV® Preeminent™ Peer Review Rated
- Litigation Counsel of America, Senior Fellow
- Listed in *Louisiana Super Lawyers* in the area of Employment & Labor
- "Who's Who Legal"
- "The International Who's Who of Business Lawyers"

## Publications

- "Mandatory Employee Arbitration and Class Action Waivers" June 2018
- "The Evolving Question of Sexual Harassment" January 2018
- Louisiana Employment Laws & Regulations published by LABI Press, co-author
- *Pratique du droit des affaires aux Etats-Unis's*, a French treatise on law in the United States authored by Ralph H. Folsom and Alain A. Levasseur, contributing author
- Mr. Foster has had numerous articles on Labor and Employment and Construction litigation published in multiple journals and publications

## Presentations

- *Mr. Foster has authored numerous papers and has addressed literally hundreds of conferences pertaining to Construction Law and Labor & Employment over the past thirty years in and around the Southern United States*

## Representative Matters

- Represented employers interest in over 250 trials and arbitrations in employment & labor and construction related disputes
- Successfully prosecuted and defended hundreds of millions of dollars in commercial and highway heavy construction disputes across Southern U.S.
- Successfully represented employers/management in numerous union representation campaigns and regularly conducts union avoidance seminars for employers
- Successfully handled decertification campaigns and elections involving former unionized employers
- Negotiated in excess of 100 collective bargaining agreements representing management
- Enjoined unlawful strikes and pickets in union - management disputes



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Nicole Gould Frey

Of Counsel - Baton Rouge

Tel: (225) 381-3165 Fax: (225) 381-8029 nicole.gould@bswllp.com

Nicole Gould Frey, Of Counsel in the Baton Rouge office, practices primarily in the areas of state and local taxation (SALT), estate planning, successions and business formation and disputes.

After serving on Central Staff to the First Circuit Court of Appeal, the Louisiana Department of Revenue was her springboard in to SALT. Nicole is currently a CMI of IPT. Her SALT training, such as the MTC Nexus School and Corporate Income Taxation of the Multistate Business, Georgetown University Advanced SALT Institute, UC Davis SALT Institute, and LDR's own audit school on Louisiana Corporate Income and Franchise Tax, enables her to counsel large and small taxpayers on Louisiana taxes including: corporate income and franchise, sales, occupational license, property (ad valorem), motor fuel, severance, and even charitable bingo tax. Counsel includes opinions, compliance advice, audit, reverse audit, controversy and litigation.

Nicole also works with the BSW Corporate Law team to advise clients on state and local tax matters related to client mergers, acquisitions, joint ventures, large contracts, and business formation. Additionally, Nicole advises clients on economic incentives, such as industrial tax exemptions "ITEP" and payments in lieu of tax "PILOT," tax credit financing involving historic tax credits "HTC" and new markets credits "NMTC", and transferable tax credits involving film tax credit, solar tax credit, research and development credit "R&D", and motion picture infrastructure credit.

She is a co-author of the Louisiana chapter in the ABA Sales & Use Tax Deskbook and the ABA Property Tax Deskbook.

Ms. Frey is admitted to all Louisiana state and federal courts and her Texas admission is presently inactive. Ms. Frey has an AV<sup>®</sup>Preeminent<sup>™</sup> Peer Review Rating by Martindale-Hubbell.

### Professional Associations

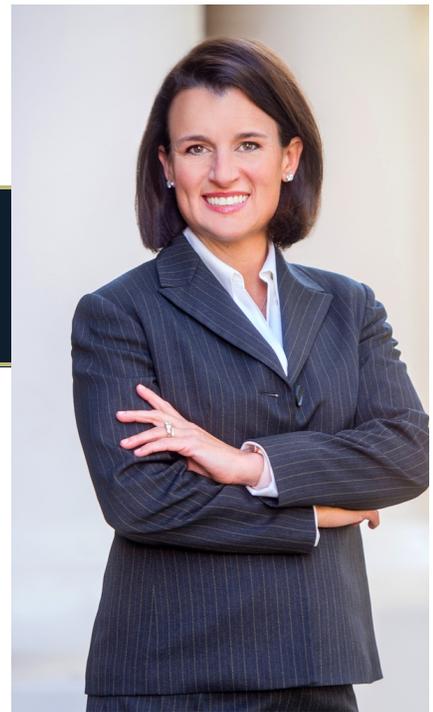
- Institute for Professionals in Tax, 2016-present; CMI, 2019-present; Sales Tax Professional Designation Committee, 2021 - present.
- Louisiana State Bar Association, Tax Section, 2001-present; Mentor, 2017-present
- Baton Rouge Bar Association, 2003-present, Member
- Baton Rouge Association of Women Attorneys, 2007-present; Member, 2003-2004
- Dean Henry George McMahon American Inn of Court, 2015-present

### Honors and Awards

- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana* in the area of Tax since 2022
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated by Martindale-Hubbell
- Named a "Rising Star" in the area of Tax by **Louisiana Super Lawyers**, 2015

### Publications

- "Louisiana Board of Tax Appeals Rules That Chemicals Qualify for Pollution Control Sales Tax Exclusion" April 2021
- "COVID-19 Tax Related Provisions Affecting You and Your Business" April 2020
- "COVID 19 Affects Upon All State and Local Taxes" March 2020
- "Various Tax Deadlines Suspended" March 2020
- "LDR disagrees with welding company: fuel is not excluded from sales tax, despite the written law saying as much" April 2017
- "La. Supreme Court Protects Taxpayers From Creeping Rental Taxes" January 2015
- "Preserve Your Louisiana Income Tax Refund Claim Now" June 2014
- "Filing a Sales Tax Refund Claim Did Not Interrupt Prescription For Unpaid Taxes" May 2014



### PRACTICE AREAS

**Corporate & Finance  
Tax**

**Succession & Probate  
Class Action, Mass Tort &  
Multi-District Litigation  
Industrial Development Team  
Dentists**

**Incentives, Credits & Economic  
Development**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 2000

Nicholl's State University, Thibodaux, Louisiana, M.B.A., 1998

Louisiana State University, B.S., Business Administration, 1996

### ADMISSIONS

Louisiana, 2000

U.S. District Court Eastern District of Louisiana, 2003

U.S. District Court Middle District of Louisiana, 2003

U.S. District Court Western District of Louisiana, 2003

Texas admission is presently inactive

- "Did you purchase a flex fuel vehicle between 2010 and July 2013? If so, you may be entitled to an income tax credit after all." May 2014
- "BSW Tax Blog" September 2013
- "UPDATED Louisiana Tax Amnesty of 2013" June 2013
- "Attention Louisiana Individual Income Payers for Tax Years 2010, 2011 and 2012" May 2013
- "Tax Alert" March 2013
- "Proposed Changes to State Income Tax Credits for Wind or Solar Energy Systems" September 2012
- Lake Charles, October 2012: Section of Louisiana CPA Society "Top Ten SALT Blunders"
- Baton Rouge, January 2012: Louisiana CPA Day "Big Changes to Taxpayer's Rights in 2010 in the Realm of Local Tax"
- Baton Rouge, January 2006: "Liaison Meeting Between the Louisiana State Bar Association Section of Taxation and the Louisiana Department of Revenue: Litigation Updates"
- National Business Institute, Baton Rouge, May 2004: "Louisiana Sales and Use Tax Update"
- Southern University Law School, Administrative Law Class (taught by Michael Baer, III), March 2003: "Legal Practice In or Against the Department of Revenue"

### **Authorships**

- Author of <http://bswtaxblog.com>
- 2017-2020 ABA Sales & Use Tax Deskbook, Co-Author of Louisiana Chapter
- 2017-2020 ABA Property Tax Deskbook, Co-Author of Louisiana Chapter



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Gregory D. Frost

Partner - Baton Rouge

Tel: (225) 381-8043 Fax: (225) 381-8029 greg.frost@bswllp.com

Gregory D. Frost, a partner in the Baton Rouge office, practices exclusively in the area of healthcare. He concentrates his legal practice primarily on the representation of not-for-profit, for-profit, and governmental hospitals, and has extensive experience assisting home health agencies, physicians, and other types of healthcare providers. Mr. Frost is experienced in Medicaid supplemental reimbursement, complex commercial transactions involving the merger and acquisition of healthcare providers, provider contractual and operational issues, licensure, fraud and abuse, and other regulatory matters. He has wide experience dealing with HIPAA and health information issues, and was one of the first attorneys in the country to be Certified in Healthcare Privacy by the American Health Information Management Association.

Mr. Frost is a Health Law Specialist, certified by the Louisiana Board of Legal Specialization. He was vice president of Legal and Governmental Affairs of the Louisiana Hospital Association for over eight years. He has lectured at Louisiana State University, Tulane University, the University of Louisiana at Lafayette, Southern University, and the College of St. Francis. He regularly speaks before trade and professional organizations and legal audiences. Mr. Frost served on the adjunct faculty of the College of St. Francis and was the organizer of the HIPAA Privacy WorkGroups and the annual Louisiana HIPAA and EHR Conference. In addition to numerous articles on health law issues, he is the editor of Louisiana Health Information Law Manual, which is currently in its eleventh edition and used as a textbook at ULL.

### Experience

- Health Law Specialist, certified by the Louisiana Board of Legal Specialization
- Vice President for Legal and Governmental Affairs, Louisiana Hospital Association, 1986-1994
- College of St. Francis (Adjunct Professor, 1998-2000)
- Louisiana State University Paul M. Hebert Law School (Adjunct Professor, 2018 and 2019)

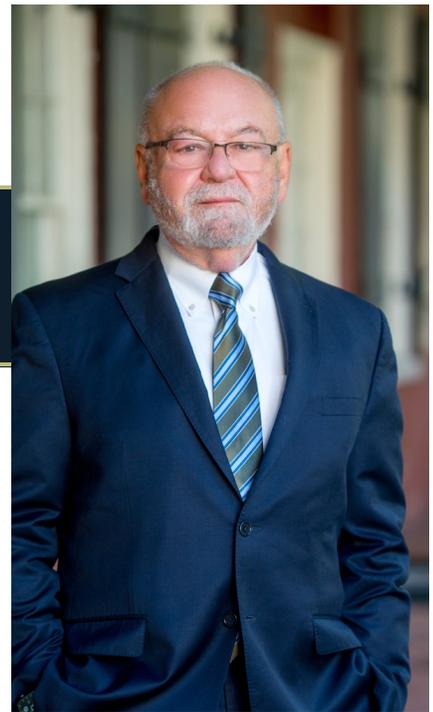
### Professional Associations

- Louisiana State Bar Association, Health Law Specialist, certified by the Louisiana Board of Legal Specialization
- Baton Rouge Bar Association
- American Bar Association Healthcare Section
- American Health Lawyers Association
- Louisiana Society of Hospital Attorneys (charter director and past president)
- American Health Information Management Association
- Healthcare Financial Management Association
- Louisiana Medical Group Management Association
- Health Care Compliance Association

### Honors and Awards

- Health Law Specialist, certified by the Louisiana Board of Legal Specialization
- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana* in the area of Healthcare, Since 2015
- Selected by his peers for inclusion in **The Best Lawyers in America**<sup>®</sup>, Since 2010
- Selected Lawyer of the Year, in Health Care Law in Baton Rouge by **The Best Lawyers in America**<sup>®</sup> 2017
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.

### Publications



### PRACTICE AREAS

Healthcare  
Associations and Nonprofits  
Dentists  
Governmental Relations and Ethics

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1981

Louisiana State University, B.A., 1977

### ADMISSIONS

Louisiana, 1981 (Health Law Specialist, certified by the Louisiana Board of Legal Specialization)

U.S. District Court, Western District of Louisiana

U.S. District Court, Eastern District of Louisiana

U.S. District Court, Middle District of Louisiana

- "Dentist and His Companies Pay More Than \$750,000 for Medically Unnecessary Medicaid Services" October 2022
- "Patient's Right to Access Their Records - HIPAA and State Law" Louisiana Dental Association Journal, May 2022
- "HIPAA - COVID-19 Update" March 2020
- "Surprise Medical Bills - Trump Administration Weighs in" May 2019
- "Exposed PHI and Snapchat - The scary intersection of HIPAA safeguards and social media" September 2017
- "Get Ready the Minimum Required Salary for an Exempt Employee is About to Double" August 2015
- "BSW Health Law Blog" August 2013
- "Trade Secret Protection in the Healthcare Industry - Fact or Fiction?" Louisiana Medical News, December 2012
- "Realignment in the Age of Healthcare Reform - Part I - Not-For Profit and Service District Hospitals" November 2012
- "Physician Medicaid Supplemental Payments—Deadline for Initial Claims and Other Issues" June 2012
- "Healthcare Reform Adds New Requirements for Charitable Hospitals" August 2010
- "Recent FMLA Changes Affect Healthcare Providers" January 2009
- "The Federal False Claims Act, Or How a Disgruntled Dental Employee Turned Whistleblower Can Recover Significant Money from a Former Employer" , Louisiana Dental Association Journal (September 2022)
- "HIPAA Update", Louisiana Healthcare Financial Management Association (January 2012)
- "Legislative Update", Louisiana Health Information Management Association (April 2012)
- "Mental Health Law Update", Louisiana Hospital Association (March 2012)
- Workers' Comp Medicals Handbook (out of print)
- Managed Care, Collections and Related Issues (out of print)
- Louisiana Health Information Law Manual

## **Presentations**

- *Legislative Update*, Louisiana Health Information Management Association, March 2023
- *Louisiana Health Information Law Seminar*, BSW Solutions, March 2023
- *Louisiana Health Information Law Seminar*, BSW Solutions, March 2022
- *Legislative Update*, Louisiana Health Information Management Association, March 2022
- *Adjunct Faculty*, Apprenticeship Week, Paul M. Hebert Law Center, Louisiana State University, 2022
- *Physician FMP Update*, Louisiana Rural Hospital Coalition Conference, May 2021
- *Louisiana Health Information Law Webinars*, BSW Solutions, April 2021
- *Advanced Healthcare - The Important, Interesting and Not Very Lucrative World of Health Information Law in Louisiana*, LSU La School, February 2020
- *Louisiana Health Information Law Seminar*, BSW Solutions, February 2020
- *Lightning Round - Medical Records Issues*, Louisiana Hospital Association Advanced Issues in Physician Employment Seminar, April 2019
- *"Doing the Deal" - Structuring - Hiring, Recruiting, Embedding Into Another Practice, etc.*, Louisiana Hospital Association Advanced Issues in Physician Employment Seminar, April 2019
- *Louisiana Health Information Law Seminar*, BSW Solutions, February 2019
- *Selected HIPAA Issues* , Louisiana Ambulatory Surgery Center Association 2019 Annual Meeting, January 2019
- *Advanced Healthcare - The Important, Interesting and Not Very Lucrative World of Health Information Law in Louisiana*, LSU Law School, April 2018
- *Legislative Update*, Louisiana Health Information Management Association, April 2018
- *Louisiana Health Information Law Seminar*, BSW Solutions, February 2018
- *HIM Update*, Louisiana Hospital Association's 28th Annual Health Law Symposium, November 2017
- *Legislative Update*, Louisiana Health Information Management Association, April 2017

- *Behavioral Health Lightening Round*, Louisiana Association of Behavioral Health, March 2017
- *HIM, Including Recent Revision to Substance Abuse Confidentiality*, LHA Behavioral Health Law Update: Creating the Right Balance in the Delivery of Behavioral Healthcare, Louisiana Hospital Association Conference Center, January 2017
- *HIPAA Basics, An Introductory Discussion*, LSBA Government and Public Law Section, November 2016
- *Louisiana Health Information Law Seminar*, BSW Solutions, February 2016
- *Advanced Compliance Seminar*, Louisiana Hospital Association Conference Center, September 2015
- *HIM Issues with Behavioral Health Providers*, LHA Behavioral Health Law Seminar: Striking the Right Balance in the Delivery of Behavioral Healthcare, August 2015
- *LHA Basic Compliance Seminar, Louisiana Hospital Association*, April 2015
- *Legislative Update*, Louisiana Health Information Management Association, April 2015
- *Louisiana Health Information Law Seminar*, BSW Solutions, February 2015
- *Healthcare Compliance Update, Louisiana Hospital Association*, January 2008
- *What's New In Privacy, 2007 Louisiana HIPAA & EHR Conference*, November 2007
- *LERN and HIPAA*, presented to the LERN Board at their retreat in New Orleans, August 22, 2014
- *Health Information Issues*, presented at the Louisiana Hospital Association's annual Mental Health Law Update conference, August 20, 2014
- *Legislative Update*, Louisiana Health Information Management Association, April 2014
- *Louisiana Health Information Law Seminar*, BSW Solutions, February 2014
- *Webinar - Public/Private Partnerships Educational Series: Part I: Alternative Sources of State Medicaid Match - CPEs, IGTs and other Obscure Acronyms.*, America Health Lawyers Association, February 12, 2014
- *HIPAA Series - Part I Webinar*, Louisiana Health Information Management Association, November 2013
- *Additional Privacy Updates - Cases, Breaches, etc. and Implementing the Omnibus Changes*, 2013 Louisiana HIPAA and E H R Conference, October 2013
- *Louisiana Medicaid Supplemental Payment UPL*, Louisiana Chapter of HFMA, August 2013
- *Legislative Update Webinar*, Louisiana Health Information Law/BSW Solutions, July 2013
- *Discovery in an Electronic Health Information Environment*, Woman's Hospital, June 2013
- *"Mental Health Law Update"*, Louisiana Hospital Association, May 2013
- *Legislative Update, Louisiana Health Information Management Association*, April 2013
- *Advanced Compliance Seminar - Louisiana Hospital Association*, March 2013
- *"HIPAA Changes - Understanding & Implementing the Latest Rule"*, Horne LLP and Breazeale, Sachse & Wilson HIPAA Conference, March 2013
- *Louisiana Health Information Law Seminar*, February 2013
- *Business Health Law Seminar - Physician Alignment Issues, Louisiana Hospital Association*, January 2013
- *Privacy Update Issues, 2011 Louisiana HIPAA and E H R Conference*, October 2012
- *HIPAA Privacy Training, HSLI*, March 2012
- *Louisiana Health Information Law Seminar*, February 2012
- *Upper Payment Limit (UPL) Basics, 22nd Annual Health Law Symposium, Louisiana Hospital Association*, November 2011
- *What's New In Privacy and Security, 2011 Louisiana HIPAA and E H R Conference*, October 2011
- *Accountable Care Organizations, Louisiana Organization of Nurse Executives*, May 2011
- *Legislative Update, Louisiana Health Information Management Association*, April 2011
- *EMTALA - The Emergency Medical Treatment and Active Labor Act, 2011 Southern Regional EMS Conference*, March 2011
- *Mental Health Issues in EMTALA" Louisiana Hospital Association's, Mental Health Law Update Conference*, March 2011
- *Compliance Training, Louisiana Hospital Association*, February 2011
- *LA Health Info Law Seminar*, February 2011
- *Winter Symposium, Louisiana Hospital Association*, February 2011

- *Community Benefit - Additional Requirements for Charitable Hospitals in Healthcare Reform*, Louisiana Chapter Healthcare Financial Management Association, January 2011
- *"HIPAA Year in Review"; "Enforcement Actions"; "Working with Business Associates after HITECH" and "Privacy Issues In EHRs"*, 2010 Louisiana HIPAA and EHR Conference, November 2010
- *HIT and Meaningful Use for Physicians*, St. Francis Medical Center Medical Staff Annual Meeting, November 2010
- *Records Retention*, Louisiana Psychological Association, October 2010
- *Healthcare Organization's Role In Formatting Public Policy*, Southeast Louisiana Chapter of American College of Healthcare Executives, October 2010
- *How to Survive RAC and other Audits*, 2010 EMS Southern Regional Conference, September 2010
- *Fraud and Abuse Update - Compliance After Health Care Reform*, Homecare Association of Louisiana, September 2010
- *HIPAA In-Service Training*, Louisiana Healthcare Quality Forum, August 2010
- *Department of Justice Collection Activities on Infusion, Blood Administration and Lithotripsy*, 2010 Summer Institute of Louisiana Chapter of Healthcare Financial Management Association, August 2010
- *3048 For Rural Hospitals: An Overview*, 8th Annual Mid-South CAH Conference 2010, August 2010
- *Non-Profit Hospitals in Healthcare Reform*, Louisiana Healthcare Reform Conference, June 2010
- *Legal Duties, Responsibilities and Liabilities of a Non-Profit Organization's Officers and Directors*, 2010 Louisiana Primary Care Association's Annual Conference, June 2010
- *Legislative Update*, Louisiana Health Information Management Association, April 2010
- *HIPAA Presentation*, Rapides Regional Medical Center, March 2010
- *Implementing HITECH Privacy Changes*, BSW Solutions, LLC Teleconference Workgroup Series, March 2010
- *Louisiana Health Information Law Seminar*, BSW Solutions, LLC, February 2010
- *Compliance Program Basics - Organizing and Managing Healthcare Compliance*, Louisiana Hospital Association, January 2010
- *What's New In Privacy and Security*, 2009 Louisiana HIPAA & EHR Conference, October 2009
- *Compliance Training*, In-house training for all employees of West Jefferson Medical Center personnel, September 2009
- *Recent Developments in Compliance-Regulations, Advisory Opinions, and Cases*, Louisiana Hospital Association's, seminar on Advanced Compliance Updates, September 2009
- *Compliance Seminar - Physician Related Issues*, Louisiana Hospital Association, June 2009
- *Legislative Update*, Louisiana Health Information Management Association, April 2009
- *Healthcare Risk Management*, Louisiana Hospital Association, April 2009
- *Mental Health Law Update*, Louisiana Hospital Association, March 2009
- *Louisiana Health Information Law Seminar*, BSW Solutions, LLC, February 2009
- *Compliance Program Basics - Organizing and Managing Healthcare Compliance*, Louisiana Hospital Association, January 2009
- *HIPAA and Medical Records*, Louisiana Society of Hospital Attorneys, Health Law Symposium, November 2008
- *Peer Review under Louisiana Law and Protecting and Disclosing Peer Review Records*, Louisiana Society of Medical Staff Services, 2008 Winter Conference, November 2008
- *Impact of Ethics Reform on Rural Hospitals*, Louisiana Hospital Association Annual Meeting and Conference, July 2008
- *Legal Responsibilities and Liability*, Louisiana Primary Care Association Annual Conference, July 2008
- *Legislative Update, Health Law Update*, Louisiana Hospital Association, May 2008
- *Admission Issues-EMTALA, Mental Health Law Update*, Louisiana Hospital Association, March 2008
- *Health Information Issues- Confidentiality, Release, and Substance Abuse*, Mental Health Law Update, Louisiana Hospital Association, March 2008
- *Louisiana Health Information Law Seminar*, HPM, February and March 2008



## Philip Giorlando

Associate - New Orleans

Tel: (504) 680-5244 Cell: (504)952-1006 Fax: (504) 584-5452 philip.giorlando@bswllp.com

Philip Giorlando is an associate attorney in the New Orleans office of Breazeale, Sachse & Wilson, L.L.P., in the Labor and Employment Law section.

Prior to joining Breazeale, Sachse & Wilson, Philip received his Juris Doctor from Paul M. Hebert Law Center where he served as Senior Editor for the Journal of Energy Law and Resources and graduated Order of the Coif. Philip earned a Bachelor of Science in Accounting from Louisiana State University.

Philip has advised clients on numerous labor and employment issues, including FMLA & ADA compliance, Federal Wage and Hour Guidelines, and avoiding discrimination in business succession planning to many different industries including, Banking, Hospitality, Hospital/Healthcare, Charter Schools, and City Governments throughout the State.

Philip presently serves on the Board of the Young Professionals Committee for the Jefferson Chamber of Commerce and is the Vice-Chair of the Louisiana State Bar Association's Labor and Employment Subcommittee.

### Professional Associations

- Louisiana State Bar Association
  - Labor and Employment Subcommittee, Vice-Chair

### Community Involvement

- Missionaries of the Poor: Mission Trip, Kingston, Jamaica - May 2015-June 2015
- Leadership Jefferson, class of 2022

### Honors and Awards

- Named a "Rising Star" by Louisiana Super Lawyers 2023
- Order of the Coif (Paul M. Hebert Law Center)

### Publications

- "Supreme Court to Rule on Workplace Religious Accommodation Requests" April 2023
- "DOL's Crackdown on Child Labor Violations" March 2023
- "Time is Money: Facing Wage and Hour Issues -- DOL's Clarification of Remote Worker Wage and Hour Rules" February 2023
- "Time is Money: Facing Wage and Hour Issues -- Misclassifying Independent Contractors: Are You My Employee?" January 2023
- "NLRB-- Employer Surveillance During Remote Work May Violate Employee Rights" 11/22/22
- "How Do You Protect Your Business from a Department of Labor Audit? Do One Yourself" October 2022
- "Tying Federal Contractor Hands: DOL to Require Public Identification of Employer Lawyers During Union Organizing" September 2022
- "Public Employer Medical Marijuana Law" August 2022
- "I'm Not Amazon, Apple, or Starbucks: Why Should I Care About Union Organizing?" July 2022
- "Should It Stay or Should It Go? The U.S. Supreme Court Stays OSHA Mandate and Lifts Stay of CMS Mandate" January 2022
- "Untangling the Web of Federal Vaccine Mandates in Light of Recent Court Rulings Halting the OSHA and CMS Regulations" December 2021
- "'Tis the Season for Mandatory Federal COVID-19 Testing and Vaccinations: OSHA, Medicare Providers, and Federal Contractors" November 2021
- "Biden's Path Out of the Pandemic: Employers Aren't Out of the Woods Yet" September 2021
- "Hurricane Ida: Where to go for help?" September 2021



### PRACTICE AREAS

Labor & Employment

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, Juris Doctor, May 2018

Louisiana State University, B.S. Accounting, May 2015

- "All Hands on Deck: Employers Must be Cautious of Overtime Laws During Hurricane Ida Recovery" September 2021
- "FEMA Critical Needs Assistance Already Hitting Louisiana Bank Accounts" September 2021
- "Executives Grabbing a Mop: Salary Exempt Employees Performing Non- Exempt Work During the Aftermath of Hurricane Ida" September 2021
- "The Long Road of COVID: How Employers Should Handle "Long COVID" as a Disability" August 2021
- "Faith in the Vaccine: Sincerely-Held Religious Belief Exception to the COVID-19 Vaccines" August 2021
- "Hospital Workers Sue Over Texas Employer's Vaccine Mandate" June 2021
- "Indian Workers Allege Human Trafficking, Wage & Hour Violations by Hindu Temple" June 2021
- "White Female Dog-Walker Alleges Race and Gender Discrimination, Defamation by Former Employer" May 2021
- "Three Spring Cleaning Tips for Employers" May 2021
- "Houston- We Have a Problem: Lessons to Learn from Elon Musk on the National Labor Relations Act and Social Media" April 2021
- "President Biden's Day 1 Executive Orders and the Future for H-1B Visas" January 2021
- "Congress' COVID-Relief Package Bill" January 2021
- "EEOC and OSHA Guidance Regarding COVID-19" April 2020
- "Department of Labor Regulations on the FFCRA: Summary" April 2020
- "CARES Act Mid-Sized Business Loans: The Union Neutrality Trade-Off" April 2020
- "Department of Labor: Third Round of Guidance on the Families First Coronavirus Response Act" March 2020
- "Department of Labor Additional Guidance on the Families First Coronavirus Response Act" March 2020
- "Department of Labor Guidance on the Families First Coronavirus Response Act" March 2020
- "DOL News Release on the FFCRA Leave Laws- Tax Credits & Enforcement" March 2020
- "Families First Coronavirus Response Act Summary--Employer Provisions" March 2020
- "The Americans with Disabilities Act: How to Handle the Troll Under the Bridge" January 2020

## **Presentations**

- *Immigration Issues in the Workplace*, Management Update, New Orleans Zoom, January 20, 2020
- *Surveying Significant Louisiana State & Employment Laws*, Management Update, Baton Rouge, November 5, 2021
- *Recognizing and Accommodating Medical Disabilities*, Management Update, New Orleans, September 9, 2021
- *Update on Federal Wage & Hour Law*, Management Update, New Orleans Zoom, May 6, 2021
- *Lessons Learned by Employers from Social Justice Movements—Black Lives Matter, #MeToo, and Rainbow Coalition*, Management Update, New Orleans Zoom, January 21, 2021
- *Handling the Need for Medical Leaves of Absence, Including Leave for COVID-19*, Management Update, November 13, 2020
- *Contractors' COVID Concerns - The Anticipated Landslide of COVID Related Employment Claims*, Labor and Employment for the Construction Industry, October 8, 2020
- *Reducing Liability for Improper Workplace Fraternization*, Management Update, New Orleans Zoom, September 17, 2020
- *Update on New Federal Paid Sick Leave Laws*, Management Update, New Orleans Zoom, May 14, 2020
- *Perils and Pitfalls at the Intersection of Social Media and Employment*, March 13, 2020, Labor & Employment for Healthcare Industry
- *Guns, Cigarettes, and Politics—Off Duty Conduct as Workplace Problems; and Wage & Hour Challenges in an Election Year*, Management Update, New Orleans, January 16, 2020
- *Hiring and Employing Former Criminal Offenders*, Management Update, Baton Rouge, November 8, 2019
- *Dealing with a Potential Active Shooter in the Workplace*, Management Update, New Orleans, September 12, 2019

- *Avoiding Employment Discrimination in Business Succession Planning*, Management Update, New Orleans, May 23, 2019
- *Current Issues and Trends Affecting Healthcare Employers*, Labor & Employment for Healthcare Industry, March 14, 2019
- *Personal Liability for HR & Management Under Workplace Laws*, Management Update, New Orleans, January 24, 2019
- *Complying with ADA, FMLA and Workers' Compensation Medical Issues*, LCIA Management Update Briefing, Baton Rouge, October 5, 2018
- *Complying with the New Federal Wage & Hour Guidelines*, Management Update Briefing, New Orleans, September 12, 2018



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Alan H. Goodman

Partner - New Orleans

Tel: (504) 584-5465 Fax: (504) 584-5452 alan.goodman@bswllp.com

Alan Goodman is a partner in the New Orleans office. While his good name and reputation are known nationally in the Chapter 11 and commercial litigation practice areas, *Best Lawyers in America* has recognized him in not only those two practice areas but also in the practice areas of mergers and acquisitions, distressed M&A, class actions, product liability, and real estate litigation. Alan was selected by *City Business Newspaper* for the Legal Hall of Fame in 2022 and has likewise been recognized by other publications for his broad experience in many practice areas.

Alan is Certified as a Mediator in Louisiana. Alan's professional activities have included serving as an adjunct professor at Tulane Law School; serving as chairman and vice-chairman of various committees and subcommittees of the American Bar Association; being active in a leadership role locally and nationally in the Anti-Defamation League (e.g., Regional Board Chairman; Vice-Chairman, National Legal Affairs Committee; National Executive Committee); and serving on Governors' and Mayors' task forces and trade missions. He is a member of the bars of Louisiana and Washington, D.C.

A native of New Orleans, Alan graduated from the elite Newman High School as the Second Honor Student (and was All-State in basketball) and thereafter attended Tulane University on a basketball scholarship and graduated with honors.

He graduated from Georgetown University Law Center in Washington, D.C. where he served as the Articles Editor for the Georgetown Law Journal and was selected as "Best Editor" of the Law Journal.

He served as a law clerk for the Honorable Charles Fahy on the United States Court of Appeals for the District of Columbia Circuit and practiced law at Covington & Burling in Washington, D.C. for four years before returning home to New Orleans in 1975.

Alan has been married to Sherrie since 1972 and has four children.

### Professional Associations

- Certified as a Mediator in Louisiana
- Adjunct Professor, Tulane Law School
- American Bar Association, Chairman and Vice-Chairman of various Committees and Subcommittees
- Governor's Economic Development Advisory Panel, Member
- Governor's Super Bowl Task Force, Member
- Mayor's Trade Mission to Japan, Member
- Anti-Defamation League, Chairman, Regional Board; Vice-Chairman, National Legal Affairs Committee; Member, National Executive Committee, National Commission and National Civil Rights Committee
- Covington & Burling, 1201 Pennsylvania Avenue, Washington, D.C.
- Judge Charles Fahy, United States Court of Appeals for the District of Columbia Circuit, Washington, D.C., Law Clerk

### Honors and Awards

- Chambers USA: America's Leading Business Lawyers since 2006
- Best Lawyers in America, Since 2009
  - Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law
  - Commercial Litigation
  - Mergers and Acquisitions
  - Class Actions
  - Product Liability Litigation
  - Litigation - Bankruptcy
  - Litigation - Real Estate



### PRACTICE AREAS

**Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law**  
**Class Action, Mass Tort & Multi-District Litigation**  
**Real Estate**  
**Corporate & Finance**  
**Commercial Litigation**  
**Products Liability Litigation**

### EDUCATION

Georgetown University Law Center,  
J.D., 1970  
Tulane University, B.A., *cum laude*,  
1967  
Newman High School, *Second Honor Student*, 1963

### ADMISSIONS

Louisiana  
District of Columbia  
United States Court of Appeals for the Fifth and Eleventh Circuits  
Louisiana Supreme Court  
U.S. Supreme Court

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated
- *New Orleans CityBusiness* Leadership in Law Class of 2007, 2018, and 2022 and Hall of Fame Member
- Louisiana Super Lawyers<sup>®</sup> since 2007
- "Top Lawyers of New Orleans" by New Orleans Magazine
- Selected Among "Top 50 Attorneys in New Orleans" by Local Newspaper
- **Educational Honors:**
  - 1970-1971: Law Clerk, Judge Charles Fahy, United States Court of Appeals for the District of Columbia Circuit, Washington, D.C.
  - 1969-1970: Articles Editor - Georgetown Law Journal, Selected "Best Editor" of Georgetown Law Journal
  - 1967: Graduated *cum laude*, Tulane University
  - 1963: Second Honor Student, Newman High School
- **Sports Honors:**
  - Selected to Top 100 Prep Basketball Players in History of New Orleans
  - Basketball Scholarship - Tulane University, 1963-1967
  - All-State Basketball - 1963

## Publications

- "Mergers and Acquisitions: How They Interact with the Changing World of Chapter 11" August 2021
- "The Changing World of Chapter 11" June 2021
- "Coronavirus: Its Impact on Chapter 11 Cases" March 2020
- "Chapter 11 Alert: Liquidating Trusts Remain a Viable Alternative for Unsecured Creditors (and Deficiency Secured Claims)" May 2016
- "Class Action Alert - A New Strategy: An Unconditional Tender to the Named Plaintiff to Moot a Class Action" April 2016
- "Bankruptcy in a Civil Law State (Louisiana): Traps for the Unwary and Strategies for the Wary - Volume 3, Issue 1" May 2014
- "Bankruptcy in a Civil Law State (Louisiana): Traps for the Unwary and Strategies for the Wary - Volume 2, Issue 2" August 2013
- "Bankruptcy in a Civil Law State (Louisiana): Traps for the Unwary and Strategies for the Wary - Volume 1, Issue 2" July 2012
- "Bankruptcy in a Civil Law State (Louisiana): Traps for the Unwary and Strategies for the Wary - Volume 1, Issue 1" March 2012

## Representative Matters

### Bankruptcy:

*In re OCA, Inc.*, Case No. 06-10179, USBC, E.D.LA.: Represented secured lender in confirmation of plan contested by debtor's principal after 7 days of hearing.

*In re Communications Corporation of America and White Knight Holdings, Inc., et al*, Case No. 06-50410, USBC, W.D. LA.: Represented junior secured lender in contentious Chapter 11 case.

*In re JLH, L.L.C.*, Case No. 99-11535, USBC, E.D.LA.: Represented major lender and obtained confirmation by consent of plan.

*In re Wichita River Oil*, Case No. 96-11660, USBC, E.D.LA.: Confirmed creditors plan for lenders after five day contested confirmation hearing, including dismissal of \$100 million lender liability claim of debtor immediately following confirmation of creditors plan.

*In re Canal Place Limited Partnership*, 921 F.2d 569 (5th Cir. 1991): Represented major lender and obtained a lift of the automatic stay four months after the Chapter 11 case was filed.

*In re Consolidated Companies, Inc.*, Case No. 91-10422, USBC, E.D.LA.: Confirmed plan of reorganization by consent representing the debtor.

*In re Gaylord Container*, Case No. 92-3654-A, USDC, E.D.LA.: Confirmed pre-packaged plan of

reorganization in less than 40 days from the date the chapter 11 case was filed.

*In re TransAmerican Natural Gas*, Case No. 84-03474-H1-5, 84-03475-H2-5, 84-03476-H1-5, 84-03477-H3-5, 84-03478-H3-5, 84-03479-H1-5, 84-03480-H1-5, 84-05539-H2-11, USBC, S.D. TX: Represented non-bank members of plan committee.

*In re Frank Martin Farms*, Case No. 12-50367, USBC, W.D.LA.: Represent lessors of sugar cane farm in Chapter 12 bankruptcy.

*In re Rock Glen HealthCare, Inc. d/b/a Rock Glen Nursing and Rehabilitation Center*, Case No. 12-10320, USBC, M.D. LA. and *In re Ravenwood Healthcare, Inc. d/b/a Harborside Nursing and Rehabilitation Center*, Case No. 12-10612, USBC, M.D. LA.: Represent healthcare and management corporation in possible acquisition of two nursing homes.

*In re Gulf Fleet Holdings, Inc.*, Case No. 10-50713, USBC, W.D.LA.: Appointed Trustee of Gulf Fleet Liquidating Trust.

#### **Class Actions:**

*Billy R. Brew, Individually and on Behalf of All Others Similarly Situated v. University Healthcare System, L.C. D/B/A Tulane University Hospital and Clinic*, Case No. 15-7328, CDC:Defend Tulane Hospital (now owned by HCA) in a class action involving alleged violation of the Louisiana Balance Billing Statute

*Steven J. Leon, Individually, and on Behalf of all Others Similarly Situated v. Blue Bell Creameries, Inc.*, Case No. 15-3454, USDC, EDLA:Defend Blue Bell in a class action, seeking refunds for allegedly contaminated ice cream.

*The Tobacco Institute*: Represent trade association in numerous class actions.

*Norman P. Lasky, et al v. J. Terrell Brown, et al.*, Case No. 99-1035-B-M2, 99-1049-B-M2, 00-0006-B-M2 and 00-0099-B-M2, USDC, M.D.LA.: Obtained favorable settlement for less than half of insurance coverage in federal class action securities fraud litigation.

*Charles James Myer v. U.S. Trust Company of California, N.A.*, Case No. 00-147-D-M3, USDC, M.D.LA.: Defended fiduciaries of ESOP in a class action and obtained settlement without payment of any funds.

#### **Intellectual Property Litigation:**

*Sugar Busters, L.L.C v. Ellen C. Brennan, et al.*, 177 F.3d 258 (5th Cir. 1999): Seminal case in Fifth Circuit on book titles - obtained reversal in Fifth Circuit that no trademark infringement in book title.

*Athletic Training Innovations, Inc. v. L.A. Gear, Inc.*, Case No. 10-01524, USDC, E.D. LA.: Represent defendant in trademark infringement claim over athletic shoes.

*Sports Design & Development Inc. d/b/a Bill Lewis Lures v. Miller Brewing Co.*, Case No. 08-01179, USDC, W.D. LA.: Represent defendant in trademark infringement claim over beer ad in the form of a fishing lure.

#### **Securities Litigation:**

*Charles James Myer v. U. S. Trust Company of California, N.A.*, Case No. 00-147-D-M3, USDC, M.D.LA.: Defended fiduciaries of ESOP and obtained settlement without payment of any funds.

*Norman P. Lasky, et al v. J. Terrell Brown, et al.*, Case No. 99-1035-B-M2, 99-1049-B-M2, 00-0006-B-M2 and 00-0099-B-M2, USDC, M.D.LA.: Obtained favorable settlement for less than half of insurance coverage in federal class action securities fraud litigation.

*Findim Investments S.A., et al v. J. Terrell Brown, et al.*, Case No. 474,161, 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana: Obtained dismissal of state securities fraud claims.

#### **Insurance Coverage Litigation:**

*A.L. Sizeler Construction Company, Inc. et al v. United States Fire Insurance Company, et al*, Case No. 06-4649, USDC, E.D. LA.: Represent commercial entities regarding substantial insurance claims arising out of Hurricane Katrina.

*Consolidated Companies, Inc. v. Lexington Insurance Company, Case No. 06-4700, USDC, E.D. LA.:* Represent commercial entity regarding substantial insurance claims arising out of Hurricane Katrina.

*Caudle Aviation, Inc. v. Hartford Fire Insurance Company, Case No. 06-4653, USDC, E.D. LA.:* Represent commercial entity regarding substantial insurance claims arising out of Hurricane Katrina.

*Corporate Realty, Inc. et al v. Gulf Insurance Company, Case No. 04-2933, USDC, E.D.LA.:* Represented commercial entity on coverage under an E&O policy - obtained summary judgment and then settled.

#### **Product Liability Litigation:**

*A.O. Smith Corporation et al v. Perfection Corporation, et al., No. 99-15646, Civil District Court for the Parish of Orleans, State of Louisiana:* Represent manufacturer of dip tubes for water heaters in state court litigation.

*The Tobacco Institute:* Represent trade association in numerous class action and individual tobacco litigation.

*Martco Limited Partnership v. Bruks-Klockner, Inc., Case No. 07-2002, USDC, W.D. LA.:* Represent manufacturer of conveyor belt system in complex litigation.

#### **Other Commercial Litigation:**

*Borders, Inc. v. Perkins Rowe Associates, L.L.C. et al., Case No. 05-1374, USDC, M.D. LA.:* Represent book company in unfair trade practices and breach of letter of intent litigation.

*Monnie Greer, et al. v. Denbury Resources, Inc., et al., Case No. 05-0682, USDC, E.D.LA.:* Represented defendant in claims for stock options of former employees; won at trial of main claims; settled afterwards.

*Weeks Marine, Inc. v. Fireman's Fund Insurance Company, Case No. 02-40825, United States Court of Appeals for the Fifth Circuit:* Obtained reversal and summary judgment on appeal to Fifth Circuit in claim on surety bond.

*Consolidated Companies, Inc. v. Peter C. Kern, Case No. 00-CV-1804, W.D.LA.:* Obtained summary judgment on claim under guaranty of debt.

*Diefenthal et al. v. Longue Vue House and Gardens, 556 So.2d 1272 (La. 1990):* Obtained unanimous favorable reversal in Supreme Court in local neighborhood dispute.

*Max Williams, Jr. v. Paul B. Deal, in his capacity as Executor of the Succession of Gerald A. Kendal c/w Succession of Gerald A. Kendal, Case No. 10-10571, CDC, Parish of Orleans, State of La.:* Represent Executor of succession in defense of substantial breach of contract claim.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Emily Black Grey

Partner - Baton Rouge

Tel: (225) 381-8011 Fax: (225) 381-8029 emily.grey@bswllp.com

Emily is the Section Manager of the firm's healthcare section, one of the largest in Louisiana. She represents healthcare providers in a wide range of issues including routine operational matters, regulatory compliance, fraud and abuse, licensing, provider enrollment, contracting, joint ventures, and healthcare transactions including hospital/physician integration. Emily's clients range from Fortune 500 companies to individual healthcare professionals and include hospitals and health systems, surgery centers, behavioral health providers, addiction centers, substance use disorder/addiction facilities, pharmacies, physicians and their practices, behavioral health providers, healthcare management and consulting companies, and other healthcare providers. As stated by *Chambers USA 2018*, "Clients describe Emily Grey as 'extremely knowledgeable' and 'extraordinarily helpful'... Clients praise her 'positive attitude and orientation towards results and resolution.' She is noted for her handling of transactional regulatory matters and offers noted experience in licensing."

Emily advises her clients on healthcare matters such as Stark and anti-kickback laws, EMTALA, HCQIA, state licensing regulations, Conditions of Participation, and other similar requirements. She assists providers who are seeking a new license, revising an existing license, or buying or selling a facility. Additionally, she represents providers under scrutiny from licensing and certification agencies and before their state licensing boards. She also represents providers in collection suits and in recoupment actions initiated by payors.

Emily has been elected to the American Health Law Association Board of Directors, with her term extending through 2025. She has also held many other leadership positions within the American Health Law Association, the American Bar Association, the Louisiana State Bar Association's Health Law Section, the Louisiana Law Institute, and the Baton Rouge Bar Association. She is a frequent speaker and author on healthcare issues for the Louisiana Hospital Association and the American Health Law's Association.

### Experience

- Louisiana State University Paul M. Hebert Law School (Adjunct Professor in Health Law, 2018, 2019)
- Board Certified Health Law Specialist, Louisiana Board of Legal Specialization, Louisiana State Bar Association

### Professional Associations

- Arbitrator, American Health Law Association's Arbitration Panel
- American Bar Association, House of Delegates Member, 2009-2012 Terms
- American Health Lawyers Association, since 2000 (Board of Directors, 2022; Hospitals and Health Systems Practice Group, Chair 2018-2020, Vice Chair of Education 2015-2016; Vice Chair of Strategic Activities 2014-2015; Mentoring Committee, 2012 - 2013; Public Health Systems Affinity Group, Chair 2013-2014, Vice Chair, 2012-2013; Public Sector Task Force, 2012; Hospitals and Health Systems Leadership Development Program, 2011 - 2012; Emergency Preparedness Affinity Group, 2009 - 2011)
- Baton Rouge Bar Association (President's Award, 2014; Judge Keogh Award, 2008; Luncheon Program Chair, 2008; Law Day Committee Chair, 2007 and 2010; Bench Bar Committee, Chair 2013, member since 2006; Law Expo Committee Chair, 2006; Young Lawyer's Section Council, 2005; Sidebar Luncheon Chair, 2005)
- Louisiana Law Institute Council Member (2009-2012)
- Louisiana Law Review
- Louisiana Society for Hospital Attorneys, since 2000



### PRACTICE AREAS

**Healthcare**  
**Alternative Dispute Resolution**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 2000 (Law Review)

Louisiana State University, B.A., English, 1997

### ADMISSIONS

2010, Texas

2000, Louisiana State Courts, Eastern, Middle & Western Districts of Louisiana, Fifth Circuit Court of Appeal, (Board Certified Health Law Specialist, Louisiana Board of Legal Specialization)

- Board Certified Health Law Specialist - Louisiana Board of Legal Specialization, Louisiana State Bar Association (Health Law Section Vice Chair 2010-2015, member since 2000, Crystal Gavel Award, 2005)
- Phi Delta Phi International Legal Fraternity
- SOLACE, Inc., (member, since 2002)

### Community Involvement

- LSU Law School's Annual Giving Campaign: Team Leader, 2008-2010.
- Community Partners For Forensic Science, Inc. (Founding member, vice-president since 2003).
- Junior League of Baton Rouge, member 2003-2006.
- Mary Bird Perkins Cancer Center Annual Giving Campaign, Corporate Division: Volunteer, 2008-2010.
- St. Jean Vianney School, Open House Committee Chair, 2006-2012.
- St. Jean Vianney Catholic Church Parish Planning Committee, 2008-2010.

### Honors and Awards

- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana* in Healthcare, Since 2016
- Selected by her peers for inclusion in The Best Lawyers in America<sup>®</sup>, Since 2016
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Baton Rouge Bar Association's President's Award: 2014. The BRBA President recognizes individuals for service, dedication and contributions to the Association.
- Listed in *Louisiana Super Lawyers* in the area of Health Care, 2012, 2013, 2015, 2018 and 2019
- Named a "Rising Star" in the area of Health Care in the 2012, 2013 and 2015 editions of Louisiana Super Lawyers
- Elected a Fellow of the American Bar Foundation in April, 2011. The Fellows support the research of the ABF through their annual contributions and sponsor programming of direct relevance to leaders of the legal profession.
- Selected for the American Health Lawyers Association, Hospitals and Health Systems Practice Group's Leadership Development Program for the 2011-12 AHLA Program Year.
- Named to American Bar Association House of Delegates: 2009-2012. Emily was named to the American Bar Association House of Delegates on behalf of the Baton Rouge Bar Association. In that position, she represented the thousands of area lawyers and the BRBA generally at the national level.
- Female Mentor of the Year: 2009. Awarded by Postlethwaite and Netterville in recognition of Emily's dedication to mentoring young women and helping them succeed in their careers and personal lives.
- Named to the Louisiana Law Institute Council: 2009-2012. Emily was a member of the official advisory law revision commission, law reform agency and legal research agency of the state of Louisiana.
- Judge Joseph Keogh Memorial Award for Outstanding Service in the Community: 2008. The Baton Rouge Bar Association recognizes one member of Young Lawyers Section with this annual award for exhibiting outstanding leadership throughout the Baton Rouge Bar Association and the Baton Rouge community.
- Marquis Who's Who
- Who's Who in the World: Since 2010. Recognized as one of the leading achievers from around the globe.
- Who's Who of American Women: Since 2008. Recognized as one of the most noteworthy women in the country.
- Who's Who In American Law: Since 2007. Recognized as one of the nation's top legal professionals.
- Named one of Baton Rouge's "Top Forty Under Forty": 2006. The Baton Rouge Business Report's annual award recognizes the 40 top business and community leaders in Baton Rouge under the age of 40.

- Paul H. Chapman Award: 2006. The National Foundation for Improvement of Justice honors the work of individuals and organizations who work to improve justice with a \$10,000 award. In September 2006, Emily accepted the award on behalf of Community Partners for Forensic Science, Inc. at a ceremony
- Crystal Gavel Award: 2005. Louisiana State Bar Association's award recognizes outstanding lawyers and judges who have been unsung heroes and heroines in their communities, and specifically individuals who have performed services out of a sense of duty, responsibility, and professionalism and made a difference in their local communities, in local organizations, or even in the life of one person.
- Young Woman of Achievement Nominee: 2005. The Baton Rouge YWCA's Women of Achievement Program recognizes and honors local women in professional, artistic and service categories. The Young Woman of Achievement Category recognizes an outstanding woman under the age of 35.
- Board Certified Health Law Specialist, Louisiana Board of Legal Specialization, Louisiana State Bar Association

## Publications

- "Louisiana Will Loosen Restrictions on Non-Emergency Healthcare Services Starting April 27, 2020" April 2020
- "Managed Care: LA Department of Insurance Emergency Rule 37" March 2020
- "Nine Tips For Hospitals On Bayou Health Plan Agreements" September 2019
- "Physician Office Management of Pain Medication Usage" American Health Lawyers Association Connections Magazine, Vol. 22, Issue 4, May 2018
- "BCBS Fraud Case Based on Hospital's Lab Arrangement Continues In Mississippi" Louisiana Hospital Association's Impact Lawbrief, January 2018
- "Course Correction: The Opioid Crisis, Regulatory Efforts, and the Role of Physicians" American Health Lawyers Association Physicians Organizations Newsletter, Vol. 20, Issue 2, December 2017
- "Recent Regulatory Efforts to Address the Opioid Addiction Crisis and What Hospitals Can Do Now" Louisiana Hospital Association's Impact Lawbrief, October 2017
- "Real Estate Appraiser Whistleblows Over Hospital's Parking Arrangement With Physicians" Louisiana Hospital Association's Impact Law Brief, August 2017
- "Psychiatric Medical Emergency Policies and the Largest EMTALA Penalty Ever" Louisiana Hospital Association's Impact Law Brief, July 2017
- "Don't Drop This Ball: Conducting Required Reviews Can Save Your Facility From Embarrassment - And Worse!" Louisiana Ambulatory Surgery Center Newsletter, July 2017
- "Conducting Required Reviews Can Save Your Facility from Embarrassment - and Worse!" Louisiana Hospital Association's Impact Law Brief, June 2017
- "OIG Finalizes New Anti-Kickback Statute Safe Harbors and CMP Authorities" Louisiana Hospital Association's Impact Law Brief, January 2017
- "Representing Hospitals and Health Systems Handbook" American Health Lawyers Association, (1st. ed. 2016), Coordinating Editor, July 2016
- "AHLA Best Practice Guide for Practice Group Leaders" American Health Lawyers Association, contributing author, May 2015
- Washington State Court Holds Psychiatric Boarding Unlawful, and State Scrambles to Comply with New Mandate Louisiana Hospital Association's Impact Lawbrief, August 2014
- "Update on APRN Supervision Rules for Hospitals with Physician Practices" Louisiana Hospital Association's Impact Lawbrief, August 2014
- CMS Releases Proposed Emergency Preparedness CoP Regulations Hospitals & Health Systems Rx, American Health Lawyers Association, May 2014
- "CMS Releases Proposed Emergency Preparedness CoP Regulations" Louisiana Hospital Association's Impact Lawbrief, April 2014
- "BSW Health Law Blog" August 2013
- "Louisiana Supreme Court Affirms Constitutionality of the Medical Malpractice Cap on Damages for the First time in Nearly 20 Years" Louisiana Hospital Association's Impact Lawbrief, July 2012
- "CMS Changes to Conditions of Participation Are Effective July 16, 2012" Louisiana Hospital Association's Impact Lawbrief, June 2012

- "The \$5 Million Question - Are You Complying with Section 6032 of the DRA?" Louisiana Hospital Association's Impact Lawbrief, May 2012
- "Get Your 855s Ready - New Forms Are Up Just In Time for the CMS Revalidation Project" March 2012
- "CMS Seeks Comment on How EMTALA Should Apply to Inpatients and Hospitals with Specialized Capabilities" January 2011
- "CMS' Stark Self-Disclosure Protocols: The Who, What, When, Where, Why and How of the New Process" September 2010
- "GINA: Protecting Genetic Information" February 2010
- "Recent First Circuit Ruling Could Mean Tax Refunds for Healthcare Providers" January 2010
- "When Should Hospitals Report Crime?" June 2009
- "6th Circuit Decision Broadens Scope of EMTALA and Liability for Hospitals" May 2009
- "OIG Releases 2009 Work Plan" October 2008
- "Landmark Peer Review Ruling - Fifth Circuit Reverses Poliner" September 2008
- "LDEQ Initiates Unannounced Compliance Inspections" May 2008
- *Cameras in Surgery Pit Patient Privacy Against Hospital Safety*, Bloomberg Law, Health Law & Business News, (April 17, 2019). Quoted as healthcare law expert regarding patient consents and hospital conducting surveillance. Available at <https://news.bloomberglaw.com/health-law-and-business/cameras-in-surgery-pit-patient-privacy-against-hospital-safety>
- *Disaster Preparedness and Response: Five Focus Areas for Hospital and Health System Counsel*, American Health Lawyers Association Hospitals & Health Systems Rx Newsletter, Vol. 21, Issue 1 (March 2019).
- American Health Lawyers Association, *Health Care Compliance Legal Issues Manual*(5th Ed., 2019). Contributing Author, Chapter 16 "EMTALA Compliance."
- *Course Correction: The Opioid Crisis, Regulatory Efforts, and the Role of Physicians*. American Health Lawyers Association Physicians Organizations Newsletter, Vol. 20, Issue 2, December 2017
- The New Two-Midnight Rule - Scrutiny Delayed for 90 Days. Louisiana Hospital Association's Impact Lawbrief, September 2013.
- *CMS Seeks Comment on How EMTALA Should Apply to Inpatients and Hospitals with Specialized Capabilities*. Louisiana Hospital Association's Impact Lawbrief, January 2011.
- *CMS' Stark Self-Disclosure Protocols: The Who, What When, Where, Why and How of the New Process*. Louisiana Hospital Association's Impact Lawbrief, September 2010.
- *Tax Refund Opportunity For Nursing Homes*. Louisiana Nursing Home Association's Lagniappe, May 2010 (discussing state sales and use tax refunds available for certain health care items).
- [www.healthlawyers.org/EmergencyPreparednessToolkit](http://www.healthlawyers.org/EmergencyPreparednessToolkit)
- *ABA House Of Delegates Report: Dues Changes, School Debt, Immigration Reform and More*, Baton Rouge Bar Association's Around the Bar, May 2010.
- *Hospitals Should Take Advantage of Tax Refund Opportunities*, Louisiana Hospital Association's Impact Lawbrief, April 2010 (discussing state sales and use tax refunds available for certain health care items).
- *ABA House of Delegates - 2009 Annual Meeting Report*, Baton Rouge Bar Association's Around the Bar, October 2009.
- *6th Circuit Decision Broadens Scope of EMTALA and Liability for Hospitals*, Louisiana Hospital Association's Impact Lawbrief, May 2009.
- *When Should Hospitals Report Crimes?* Louisiana Hospital Association's Impact Lawbrief, April 2009.
- *HCQIA Immunity Strengthened -- Fifth Circuit Reverses Poliner*. Louisiana Hospital Association's Impact Lawbrief, August 2008 (discussing the appellate court's reversal of multi-million dollar award to a physician based on the Health Care Quality Improvement Act).
- *Do Hospitals Have To Treat Psychiatric Emergencies?*EMTALA and Mental Health, Healthcare Journal of Baton Rouge, July/August 2008, at 28-29.
- *Hospitals Don't Have to Report Internal Incidents of Neglect or Abuse -- OR DO THEY?* Louisiana Hospital Association's Impact Lawbrief, March 2008 (explaining the requirements of La. R.S. 40:2009.20).
- *A Peer Review Primer*, HealthCare Journal of Baton Rouge, July/August 2007.

- *About Healthcare*, About Management, April 2005 (discussion of *Driscoll v. Stucker*, a case about physician peer review requirements under the Health Care Quality Improvement Act).
- *Romero v. Willis Knighton Medical Center*, Louisiana Hospital Association's Impact Law Brief, June 2004.
- *CMS Releases Survey*, Louisiana Hospital Association's Impact Law Brief, November 2004.
- *About Healthcare*, About Management, October 2003 (discussion of DHH's recent release of EMTALA final regulations).
- *About Healthcare*, About Management, June 2003 (discussion of on *Harry v. Marchant*, a case on the duty under EMTALA to provide stabilization treatment).
- *About Healthcare*, About Management, May 2003 (discussion of recent ruling in *Dibble v. Penn State Geisinger Clinic, Inc.* on HMO trade secrets).
- *HHS Calls for Federal Regulation of Medical Malpractice Litigation System*, Louisiana Hospital Association's Impact Lawbrief, August 2002 (summarizing DHH report on national malpractice crisis and proposed legislation).
- *Court Finds No EMTALA Duty to Stabilize a Patient Who is not Transferred*, Louisiana Hospital Association's Impact Lawbrief, July 2002 (summarizing Eleventh Circuit EMTALA ruling in *Harry v. Marchant* arising from an alleged failure to stabilize).
- *Supreme Court Rules on Patient Dumping*, Louisiana Hospital Association's Impact Lawbrief, March 2002 (summarizing a recent Louisiana Supreme Court ruling relating to the malpractice damages cap and EMTALA).
- *About Healthcare*, About Management, November 2001 (discussion of recent case on physician duty to fetus).
- *About Healthcare, About Management*, July 2011 (summary of recent developments in Complementary and Alternative Medicine Law and expected actions by Louisiana State Board of Medical Examiners).
- *The Medical Malpractice Damages Cap: What is Included?* 60 La.L.Rev. 547 (Winter 2000). A detailed analysis of La. R.S. 40:1299.42(B) and its application to claims for loss of consortium, vicarious liability, and exclusively economic injuries. Cited with approval in *Turner v. Southwest Louisiana Hosp. Ass'n*, 2003-0237 La. App. 3 Cir. 10/1/03; 856 So.2d 1237, 1243.

## Presentations

- *February 4, 2022 2022 Compliance Survival Guide: What ASCs Need to Know*, Louisiana Ambulatory Surgery Center Association Annual Meeting
- *February 5, 2021 Practical Managed Care Tips for Your Surgery Center*, Louisiana Ambulatory Surgery Center Association Annual Meeting
- *June 19, 2019 Fresh From the Trenches: A Hospital Lawyer's Disaster Preparedness and Response Boot Camp - Session IV: Show (Us) the Money! Tips and Tales of Counsel's Role in Securing Revenue and Reestablishing Solvency after a Large-Scale Disaster*, American Health Lawyers Association. Moderator.
- *May 8, 2019 - In House Counsel and Hospitals and Health Systems Practice Groups' Joint Open Member Call*, American Health Lawyers Association.
- *March 28, 2019 - Behavioral Health Lightning Round: EMTALA Update & Behavioral Health Law Update: Creating the Right Balance in the Delivery of Behavioral Healthcare*, Louisiana Hospital Association of Behavioral Health.
- *EMTALA Update*, LHA Behavioral Health Law Update, March 2019.
- *July 19, 2018 - Moving Beyond Basics: A Bootcamp For Hospital Lawyers & Advisors, Part VI: Hot Topics in EMTALA: Screening and Triaging Emergency Room Challenges*, American Health Lawyers Association
- *June 20, 2018 - Opioid Podcast Series: Physician Perspective*, American Health Lawyers Association Opioid Podcast Series
- *February 9, 2018 - The Opioid Addiction Crisis - Recent Regulatory Actions, Pending Lawsuits and the Role of ASCs*, Presented at the Louisiana Ambulatory Surgery Center Association Annual Conference.

- *February 5-6, 2018 - Hot Topics in EMTALA: Screening and Triage Emergency Room Challenges* , AMERICAN HEALTH LAWYERS ASSOCIATION, PHYSICIANS AND HOSPITALS LAW INSTITUTE IN NEW ORLEANS, LA.
- *November 3, 2017 - Lightning Round: EMTALA Lessons* , Presented at the Louisiana Hospital Association's Annual Health Law Symposium
- *September 9, 2017 - Practical Pointers for Hospitals Handling the Opioid Crisis* , AMERICAN HEALTH LAWYERS ASSOCIATION, Moderator
- *June 26-27, 2017 - Potholes Along the Golden Gate Bridge: Legal Ethics in Inside Counsel/Outside Counsel Interactions* American Health Lawyers Association Annual Meeting In San Francisco, CA.
- *March 23, 2017 - Behavioral Health Lightning Round - Six Stories of What Not To Do Under EMTALA* , Louisiana Association of Behavioral Health, Spring Education Conference.
- *January 20, 2017 - Everything You Wanted to Know About State Licensing but Were Afraid to Ask*, Presented at the Louisiana Ambulatory Surgery Center Association Annual Meeting.
- *January 19, 2017 - EMTALA Update*, Presented at the Louisiana Hospital Association's annual Behavioral Health Update.
- *June 28, 2016 - A Strategic Framework for Hospital Partnership and Affiliation Models*, AMERICAN HEALTH LAWYERS ASSOCIATION ANNUAL MEETING in Denver. Moderator of Luncheon Program.
- *June 6, 2016 - An Interactive Case Study: How to Respond to Complaints of Unnecessary Medical Procedures in the Hospital, Part I*, AMERICAN HEALTH LAWYERS ASSOCIATION. Moderator.
- *March 3, 2016 - The Consolidation Continuum: Alternative Provider Alignment Structures Part II: Hospital Partnership and Affiliation Models--A Strategic Framework*, AMERICAN HEALTH LAWYERS ASSOCIATION. Moderator.
- *October 1, 2014 - EMTALA & Psychiatric Issues*, Presented for LSU-OLOL Psychiatry Residency Program.
- *August 20, 2014 - Mental Health and EMTALA*, Presented at the Louisiana Hospital Association's annual Mental Health Law Update conference.
- *February 12, 2014 - Public/Private Partnerships Educational Series: Part I: Alternative Sources of State Medicaid Match - CPEs, IGTs and other Obscure Acronyms*, American Health Lawyers Association
- *January 13, 2014 - Public Health Systems Affinity Group Educational Call: "HIPAA/ HITECH Update: Practical Effects and Enforcement Trends."*, AMERICAN HEALTH LAWYERS ASSOCIATION.
- *October 15, 2013 - Introduction to Compliance. Guest Lecturer for Paul M. Hebert (LSU) Law Center's Health Law Survey Course.*
- *July 24, 2013 - ACOs, "The Basics?" Presented at the Annual Meeting of the LOUISIANA / MISSISSIPPI HOSPICE AND PALLIATIVE CARE ASSOCIATION in New Orleans, LA.*
- *June 22, 2013 - Health Reform Update (PPACA Insurance Mandate). Presented at the Annual Meeting of the LOUISIANA ASSOCIATION OF GENERAL CONTRACTORS in SanDestin, FL.*
- *May 9, 2013 - Mental Health and EMTALA. Presented at the Louisiana Hospital Association's annual Mental Health Law Update conference.*
- *February 11-12, 2013 - The MSO's Prognosis After ACA: A Viable Integration Tool? American Health Lawyers Association Physicians and Physician Organizations Law Institute in Phoenix, AZ. Presented with Greg Anderson of Horne, LLP.*
- *January 24, 2013 - Physician Alignment Issues. Presented at the Louisiana Hospital Association's Business Health Law Program.*
- *September 6, 2012 - Evaluation and Valuation: Key Considerations When Analyzing a Public Health System Transaction. American Health Lawyers Association. Moderated webinar presentation with Casey Nolan and Jerry Chang of Navigant Consulting.*
- *March 26, 2012 - Louisiana Governmental Ethics Issues: A Top Ten List for Hospital Service District Board Members. Presented for Lane Regional Medical Center's Board of Commissioners.*
- *March 19, 2012 - EMTALA Basics. Presented for the Woman's Hospital Medical Staff .*
- *March 13, 2012 - What Healthcare Lawyers Really Do. Presented for the River City Legal Professionals*

- *March 1, 2012 - Mental Health Issues in EMTALA: Recent Developments. Presented at the Louisiana Hospital Association's annual Mental Health Law Update conference .*
- *October 7, 2011 - EMTALA And Enforcement Actions. Presented at the Louisiana State Bar Association's Health Care Reform Conference.*
- *May 17, 2011 - Accountable Care Organizations (ACO's): The "Basics"? Presented at the Louisiana Organization of Nurse Executives Spring Education conference .*
- *March 15, 2011- Mental Health Issues in EMTALA. Presented at the Louisiana Hospital Association's Mental Health Law Update Conference.*
- *November 9, 2010 - Legal & Regulatory Issues in EHR and HIE. Presented at the 2010 Louisiana HIPAA Conference.*
- *September 30, 2010 - Is Your Hospital Prepared for the Next Emergency? A webinar presented by the American Health Lawyers Association providing an overview of emergency preparedness law and addressing regulatory and operational real-life emergency scenarios hospitals may face. Presented Operational Issues session.*
- *June 2, 2010 -Louisiana Healthcare Reform Conference. A one-day conference on the Patient Protection and Affordable Care Act and other recent healthcare reforms. Presented sessions: (1) The Skinny on Healthcare Reform: An Overview, (2) Physician-Owned Hospital Summary, (3) Physician Owned Hospitals Breakout Session.*
- *May 6, 2010 - The Skinny on Healthcare Reform: What Lawyers Need to Know. Presented Continuing Legal Education Program for the Baton Rouge Bar Association.*
- *March 27, 2010 - Sitting with the Cool Kids - Moderated seminar at the Baton Rouge Bar Association's Bench Bar Conference where local judges and lawyers met in small groups to discuss professional issues and courtroom decorum.*
- *January 20, 2010 - Compliance Program Basics: Setting up The Process - Introduction to Compliance Practice.A seminar sponsored by the Louisiana Hospital Association for Hospital CEOs, Vice President of Patient Care Services, Compliance Officers, Directors of Nursing, Risk Managers, Medical Auditors, and Hospital Attorneys, presented section on Introduction to Compliance Practice and led table discussion of common operational issues.*
- *September 29, 2009 -Compliance Training. Presented in-house training to all West Jefferson Medical Center personnel.*
- *June 18, 2009 Compliance Seminar on Physician Related Issues: Gifts and Professional Courtesy to Physicians. A seminar sponsored by the Louisiana Hospital Association for hospital CEOs, Vice President of Patient Care Services, Compliance Officers, Directors of Nursing, Risk Managers, Medical Auditors, and Hospital Attorneys, presented section on Gifts and Professional Courtesy to Physicians*
- *April 7, 2009 - Advanced Directives and DNR Designations. Presented Continuing Medical Education Program at Byrd Regional Hospital Medical Staff Meeting.*
- *April 7, 2009 - The Captain of the Ship and Your Scope of Practice. Presented educational Program to Byrd Regional Hospital Operating Room Staff.*
- *March 26, 2009 - Mental Health Law Update. Acted as moderator of seminar sponsored by the Louisiana Hospital Association primarily for hospital administrators, program directors and presented the section on EMTALA and Mental Health Law Issues on panel with Louisiana Office of Mental Health Deputy Secretary.*
- *January 13, 2009 - Compliance Program Basics: Introduction to Compliance. A seminar sponsored by the Louisiana Hospital Association for hospital CEOs, Vice President of Patient Care Services, Compliance Officers, Directors of Nursing, Risk Managers, Medical Auditors, and Hospital Attorneys, presented section on Introduction to Compliance Practice.*
- *November 4, 2008 - Advanced Directives and DNR Designations. Presented Continuing Medical Education Program at the Ochsner St. Anne General Hospital Medical Staff.*
- *May 8, 2008 - Health Law Update: Fraud and Abuse. A seminar sponsored by the Louisiana Hospital Association for its members.*

- *March 27-29, 2008 - A Jukebox of Jurisprudence and Musical Chairs with the Judges. Presented at the Baton Rouge Bar Association's Bench Bar Conference: (1) Moderator of a panel of city, civil, criminal, family court and federal judges who provided a review of recent cases and legislation and (2) organizing a seminar where over 150 lawyers met in small groups with more than 30 local judges to discuss professional issues and courtroom decorum.*
- *April 13, 2007 - Speed Dating with Judges - Seminar with over 100 lawyers and 30 local judges to discuss professional issues and courtroom decorum.*
- *June 29, 2006 and June 21, 2007 - Tackling Advanced Medical Practice Issues in Louisiana - A National Business Institute Seminar to Baton Rouge medical malpractice lawyers.*
- *April 12, 2006 and April 19, 2007 - Louisiana Medical Malpractice Act: Patient's Compensation Fund, Medical Review Panel and Expedited Procedures. Seminar presented to AIG adjusters.*
- *May 9, 2005 - EMTALA and On-Call Duties - Presented Continuing Medical Education Program at the Quarterly Meeting of the Slidell Memorial Hospital Medical Staff.*
- *March 8, 2005 - Practical Law. Presented to the Junior League of Baton Rouge.*
- *May 15, 2003 - Litigation & HIPAA. Presented at "Collection Law for the Health Care Industry in Louisiana" sponsored by Lorman Education Services.*
- *November 7, 2002 - Assignment of Benefits. Presented at The 13th Annual Health Law Symposium of the Louisiana Society of Hospital Attorneys.*
- *December 4, 2001 - The Basics of EMTALA: The Emergency Medical Treatment and Active Labor Act. Presented to Riverwest Hospital Medical Staff.*

#### **Expert Witness Engagements**

- *Consuelo Cervantes vs. Tenet Hospitals Limited, A Texas Limited Partnership D/B/A/ The Hospitals Of Providence East Campus, Civil Action No. 3:18-Cv-00110-Kc, United States District Court For The Western District Of Texas El Paso Division (March 4, 2019). Provided expert opinion regarding whether hospital satisfied Emergency Medical Treatment and Labor Act ("EMTALA") requirements related to medical screening examinations in accordance with 42 U.S.C. sec.1395dd(a), 42 C.F.R. sec.489.24(a)(i), and associated healthcare regulatory guidance.*
- *Highline Health, L.L.C. vs. UTC Laboratories, L.L.C. AAA Case No. 01-16-0003-3824 (June 30, 2017). Provided expert opinion regarding whether an agreement related to Master Distributor Agreement (MDA) for laboratory presents an unduly high risk of violating state or federal healthcare laws and whether the fair market value evaluation of the MDA compensation takes appropriate factors into account.*



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Alexandra Cobb Hains

Associate - Baton Rouge

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Alexandra Cobb Hains is an associate in the Labor and Employment section of the firm. Prior to going into private practice, Ms. Hains served as a judicial law clerk to the Honorable Madeleine Landrieu in the Louisiana Fourth Circuit Court of Appeal. Ms. Hains graduated *cum laude* from Loyola University New Orleans College of Law in 2013. She received her undergraduate degree from Louisiana State University in 2009.

### Professional Associations

- Baton Rouge Bar Association
- Louisiana State Bar Association
- Louisiana Society of Hospital Attorneys

### Community Involvement

- Knock Knock Museum, Storybook Soiree Decorations Committee

### Honors and Awards

- Named a "Rising Star" by Louisiana Super Lawyers, 2022
- Named "Ones to Watch" by Best Lawyers (2023)
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rating in Martindale-Hubbell

### Publications

- "U.S. Third Circuit Court Says Paid Time Off is NOT Part of an Employee's Salary Under the Fair Labor Standards Act" March 2023
- "New-ish Test for Worker Classification under the FLSA" November 2022
- "New Louisiana Laws Address Workplace Violence in Healthcare Settings" July 2022
- "COVID-19 and the New Normal: Return-To-Work Considerations" May 2020
- "Expansion of Unemployment Benefits in the CARES Act" April 2020
- "COVID-19 Employment Law Round-Up" March 2020
- *While Students are Speaking, the Supreme Court is Remaining Silent: How to Address Student Online Speech Through the Supreme Court and Legislative Action*, Comment Publication: *Loyola Journal of Public Interest Law* (Fall 2012)

### Presentations

- *Accommodation Contemplation: Disability, Religion, Pregnancy and Beyond*, BSW Labor and Employment Conference for Healthcare Professionals, May 11, 2022
- *Wage & Hour Issues Permeating the Healthcare Arena*, BSW Labor & Employment Conference for Healthcare Professionals, March 12, 2020



### PRACTICE AREAS

Labor & Employment  
Dentists

### EDUCATION

Loyola University New Orleans, JD, *cum laude*, 2013

Louisiana State University, B.S., 2009

### ADMISSIONS

Louisiana, 2013

Louisiana Federal District Courts, 2015



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Leo C. Hamilton

Partner - Baton Rouge

Tel: (225) 381-8056 Cell: (225) 964-4346 Fax: (225) 381-8029 leo.hamilton@bswllp.com

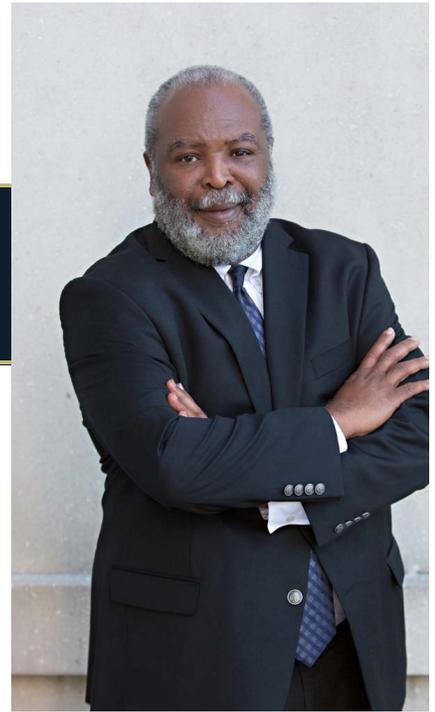
Leo C. Hamilton, a partner in the Baton Rouge office, practices in the areas of labor and employment law, administrative law, constitutional law, and governmental relations. His clients have included the City of Alexandria and the Parish of Pointe Coupee and General Counsel for the Louisiana Community and Technical College System.

### Professional Associations

- Franciscan Missionaries of Our Lady University, Board of Trustees, Chair
- LSU Alumni Association, Board of Directors, Immediate Past Chair
- Louisiana State Law Institute, Council Member, Vice President
- Entergy Louisiana Advisory Board, Member
- Louisiana Bar Foundation, Board Member, Past President
- Louisiana State Bar Association, Member
- Baton Rouge Bar Association, Past President
- House of Delegates of the American Bar Association, Past Member
- Alumnus of Leadership Baton Rouge and Leadership Louisiana
- AFSCME, Louisiana Council No. 17, Past Assistant Director
- Louisiana State Department of Labor, Past Assistant Secretary
- American Red Cross, Past President
- River City Jazz Coalition, Board Member
- Rotary Club of Baton Rouge, Member
- Omnicron Delta Kappa, the National Leadership Society, Member
- A.P. Tureaud, Sr. Black Alumni Chapter of LSU Alumni Association, Member
- Phi Delta Phi legal fraternity, Member

### Honors and Awards

- Distinguished Attorney Honoree, Louisiana Bar Foundation, 2022
- Impact Award, Louisiana Community and Technical College System
- Selected by his peers for inclusion in The Best Lawyers in America<sup>®</sup>, Since 2020
- Selected Lawyer of the Year, Administrative / Regulatory Law Employment Law - Management in Baton Rouge by The Best Lawyers in America<sup>®</sup> in 2021
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.



### PRACTICE AREAS

Labor & Employment

Education

Litigation

Associations and Nonprofits

Governmental Relations and Ethics

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1977

Louisiana State University, B.A., 1973

### ADMISSIONS

Admitted to practice: Louisiana (1980)



## Timothy W. Hardy

Partner - Baton Rouge

Tel: (225) 387-4000 Fax: (225) 381-8029 Tim.Hardy@bswllp.com

Timothy W. Hardy is a Partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. His area of concentration is Environmental Law. He serves as part of the firm's Environmental Law Practice Group. He previously served as the top advisor on environmental affairs for a former Louisiana governor, as Assistant Secretary for the Louisiana Department of Environmental Quality and as a Division Director for the Louisiana Department of Justice. He was formerly a Partner of the Roedel Parsons Koch Blache Balhoff & McCollister law firm.

Prior to attending law school, he held several technical laboratory and research positions. He was employed in the laboratory at a water purification and a wastewater treatment facility in Shreveport, Louisiana where his primary duty was quality control. He was employed by Pennzoil Research where he performed research on the stabilization of transformer oils. He was employed as a laboratory technician for Allied Chemical where he performed quality control for the manufacture of high density polyethylene.

He currently serves on the Board of Supervisors for the Louisiana Community & Technical College System, having served on the Board since 2010. He also serves on the Board of Directors of the Association of Community College Trustees (ACCT), an education organization of governing boards, representing more than 6,500 elected and appointed trustees who govern over 1,200 community and technical colleges in the United States. He is an Adjunct Professor of Law at the Southern University Law Center, teaching Environmental Law for more than 20 years. His professional career also includes, in 2003, being named as an Executive Vice President of the Shaw Group, one of only two *Fortune 500* Companies based in Louisiana at that time.

He holds a B.S. Degree in Chemistry and was named a Distinguished Alumnus by the Southern University Department of Chemistry in 2008. He was also named a Distinguished Alumnus by the Southern University Law Center in 2009 and was named to the Southern University Law Center Hall of Fame in 2012.

He is an AV<sup>®</sup>Preeminent<sup>™</sup> Peer Review rated attorney by Martindale Hubbell. He has been designated by "Chambers USA" as one of Louisiana's leading lawyers for business in the area of Environment and is listed in "Louisiana Super Lawyers" in the area of environmental.

In 2020, he was appointed by Governor John Bel Edwards to serve as a member of the Governor's Climate Initiatives Task Force. He was also named as co-chair of the Manufacturing and Industry Committee, and as a member of the Legal Advisory Group, both established by the Task Force.

He regularly represents clients in regulatory, litigation, and transactional matters, including:

### Regulatory

- Assisting clients in securing air, water, and waste permits for all facilities and representing them through any appeals that may result after permit issuance or denial.
- Negotiating and assisting in the preparation of permit modifications for all media.
- Preparing clients for inspections by government agencies, including the Louisiana Department of Environmental Quality, the United States Environmental Protection Agency, the United States Occupational, Safety and Health Administration, the United States Coast Guard, and the United States Department of Justice.
- Overseeing environmental audits and structuring same to provide for confidentiality.
- Retaining skilled environmental consultants to perform waste site cleanups, including proper cost and procedural documentation for National Contingency Plan consistency and private cost recovery actions.
- Assisting in the drafting of Federal Environmental Assessments, Federal Environmental Impact Statements and Louisiana Environmental Assessment Statements.
- Representing clients on Potentially Responsible Party Steering Committees for Superfund sites.
- Drafting proposals for environmental legislation and regulations.



### PRACTICE AREAS

**Environmental, Energy, and Natural Resources**

**Civil Rights Litigation and Governmental Entity Defense**

### EDUCATION

Southern University Law Center, Baton Rouge, Louisiana, J.D., 1981

Southern University, B.S. Chemistry, 1978

### ADMISSIONS

Louisiana

U.S. District Court Eastern District of Louisiana

U.S. District Court Middle District of Louisiana

U.S. District Court Western District of Louisiana

- Assisting clients in achieving corporate compliance with state and federal reporting and record-keeping requirements, including Emergency Release Reporting and Emergency Planning/Community Right-to-Know laws.

### **Litigation**

- Representing clients in appeals of permits.
- Representing clients in enforcement actions brought by state and/or federal government.
- Working with firm's white collar criminal defense lawyers in representing clients in environmental criminal prosecutions.

### **Professional Associations**

- American Gateway Bank, Board of Directors, Past Board Member (2005 - 2015)
- Louisiana Community and Technical College System Foundation, Past Board Member
- Greater Baton Rouge Port Commission, Past President and Board Member (2008 - 2016)
- Louisiana Association of Business and Industry, Member
- Louisiana Chemical Association, Member
- Louisiana Independent Development Executives Association, Member
- Louisiana State Bar Association, Environmental Law Section, Member
- Baton Rouge Bar Association
- National Bar Association
- American Bar Association, Environmental Values Committee, Member (Adjunct)
- United States Western, Middle and Eastern District Courts, Member
- National Organization for the Professional Advancement of Black Chemists and Chemical Engineers, Member
- Omega Psi Phi Fraternity, Inc. (social), Member
- Sigma Pi Phi Fraternity, commonly referred to as the Boule (social), Member
- Phi Alpha Delta Law Fraternity (Law), Member
- Senate President Page Cortez's designee to Gov. Edwards' Climate Initiatives Task Force

### **Community Involvement**

- Association of Community College Trustees, Secretary-Treasurer
- The Nature Conservancy of Louisiana Board of Trustees, Past Board Member
- Mid City Redevelopment Alliance Board of Directors, Past Vice President and Board Member (1994 - 1998)
- American Heart Association, East Baton Rouge Division Board of Directors, Past President and Board Member (1995 - 1997)
- Public Affairs Research Council, Past Board Member
- AMIkids, Past Board Member
- Baton Rouge Chamber of Commerce/Leadership Class of 1992, Graduate
- Council for a Better Louisiana/Louisiana Leadership Class of 1994, Graduate
- Rotary Club of Baton Rouge, Member
- Executive Leadership Council, Member

### **Honors and Awards**

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Listed in *Louisiana Super Lawyers* in the area of Environmental
- Ranked by *Chambers USA: America's Leading Business Lawyers for Louisiana* in the area of Environment, 2010, 2011 and 2012
- Louisiana Community and Technical College System Foundation Board - Recognition for Three Years of Service, Dedication and work with the LCTCS Foundation, 2010
- Southern University Law Center- 2009 named Distinguished Alumnus
- Southern University, Department of Chemistry - 2008 named Distinguished Alumnus
- Inducted into the Southern University Law Center Hall of Fame - April 2012

### **Presentations**

- *Environmental Justice Risks for Regulated Entities*, NewFields Beyond Sustainability - Environmental Justice - Risks and Solutions, August 2021

- *Environmental Justice Risks for Regulated Entities*, Air & Waste Management Association Georgia Chapter Virtual Annual Regulatory Conference, July 2021
- *Toxic Substances Control Act and Environmental Justice*, Environmental Law Institute Toxic Substances Control Act Reform - Five Years Later, June 2021
- *Changes in Environmental Regulations: 2020-2021*, 26th Annual Tulane Environmental Law & Policy Summit, February 2021



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Paul M. Hebert, Jr.

Of Counsel - Baton Rouge

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Paul M. Hebert, Jr., a native of Baton Rouge, Louisiana, is in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. practicing principally in the area of family law and real estate matters. His experience includes handling all types of matters related to family law including divorce, custody, child support, spousal support, community property and related issues.

### Professional Associations

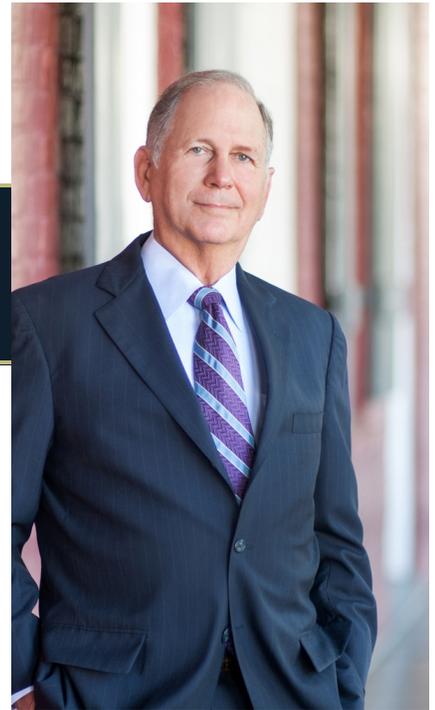
- Baton Rouge Bar Association, Family Law Section
- Louisiana State Bar Association, Board Certified in Family Law

### Honors and Awards

- Selected by his peers for inclusion in **The Best Lawyers in America**® since 2006
- Selected Lawyer of the Year, in Family Law in Baton Rouge by **The Best Lawyers in America**® 2015 and 2021
- AV® Preeminent™ Peer Review Rated.
- Listed in **Louisiana Super Lawyers** in the area of Family Law, Since 2008

### Representative Matters

- Represented wife in community property proceedings establishing new law regarding classification of assets owned by closely held corporation in which stock ownership and control was held solely by the husband.
- Represented husband in successful but lengthy community property litigation with ex-wife in state court proceedings and bankruptcy proceedings culminating in favorable conclusion for the client.
- Represented wife in community property proceedings establishing co-mingling of husband's separate funds with community.
- Represented husbands and wives in various family matters in trial courts and Courts of Appeal involving novel issues of law.
- Successfully represented non-employee spouses (wife) regarding unique employee benefit plans of husband.



### PRACTICE AREAS

**Corporate & Finance**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1970

Tulane University, B.A., 1967

### ADMISSIONS

Admitted to practice: Louisiana, 1970, U.S. District Court, Eastern District of Louisiana and Middle District of Louisiana and U.S. Supreme Court.



## Scott N. Hensgens

Managing Partner - Baton Rouge

Tel: (225) 381-3171 Fax: (225) 381-8029 [scott.hensgens@bswllp.com](mailto:scott.hensgens@bswllp.com)

Scott Hensgens is Breazeale, Sachse & Wilson's Managing Partner, and practices in the firm's Baton Rouge office. Scott dedicates his practice to Intellectual Property matters, which includes heavy concentration on the representation of businesses and individuals in trademark and copyright registration and litigation. Scott has handled state and federal litigation involving various intellectual property matters, as well as numerous proceedings before the U.S. Patent and Trademark Office (USPTO). A significant portion of his practice is dedicated to negotiating and drafting various types of intellectual property-related agreements, including: trademark and copyright license agreements, software license agreements, software as a service (SaaS) agreements, hosting services agreements, master service agreements, naming rights agreements, domain name license agreements, assignment agreements, talent release agreements, work-for-hire agreements, and confidentiality and non-disclosure agreements.

### Professional Associations

- Baton Rouge Bar Association; Member of the Baton Rouge Bar Association's Bench Bar Committee (1998-2008); Chair (2003) and Vice-Chair (2002) of the Baton Rouge Bar Association Bench-Bar Conference Committee; Recipient of the 2003 President's Award for service to the Baton Rouge Bar Association in 2003.
- Louisiana State Bar Association

### Community Involvement

- Member of the Board of Directors of Our Lady of the Lady Regional Medical Center (Vice Chair 2023; member 2017-present)
- Downtown Development District, Commissioner (Chair 2019-2020; Vice Chair 2017-2018; Treasurer 2015-2016; Member 2013-present)
- Junior League Baton Rouge Community Advisory Board (2015-present)
- Capital Area Medical-Legal Partnership, Inc. (Member, Board of Directors; 2014-2020)
- Public Affairs Research Council of Louisiana (PAR) Member of the Board of Directors (2010-present; Chair 2019-2021; Vice Chair 2017-2019; Secretary 2015-2017; Treasurer 2013-2015)
- Arts Council of Greater Baton Rouge, Board Member (2011-2019; Chair 2016-2017; Vice Chair 2015-2017; Community Fund for the Arts Chair 2014; Nomination and Board Development Chair 2013).
- City Club of Baton Rouge, Board of Governors (2014-2016)
- Community Fund for the Arts, Cabinet Member (2012-2015)
- Our Lady of the Lake College, Development Committee (2014-2023)
- Academic Distinction Fund, Board Member (2013-2019)
- Better Business Bureau of South Central Louisiana, Board Member (2013-2016)
- Baton Rouge Area Chamber Business Development Committee, Member (2008-present)
- Baton Rouge Chamber Canvas Series participant (2003-2016; Chair 2012)
- Friends of the Baton Rouge Zoo, Board Member (2013-2019; Vice Chair 2018-2019; Treasurer 2017)
- Pennington Fund for Excellence (2011-2013; 2017)
- Volunteer! Baton Rouge Member of the Board of Directors (2006-2010); Secretary (2008); Vice Chair (2009-2010)
- Capital Area United Way, New Campaigns Division (2007)
- Forum 35 Member of the Board of Directors (2002-2004); Vice President of Individual Membership for Forum 35 (2003)



### PRACTICE AREAS

Automotive  
College and Professional Sports  
Intellectual Property  
Commercial Litigation

### EDUCATION

Tulane Law School, J.D., *magna cum laude*, Order of the Coif, 1997

Louisiana State University, B.A., *magna cum laude*, Phi Beta Kappa, 1993

### ADMISSIONS

Louisiana State Courts, Eastern, Middle & Western Districts of Louisiana, Fifth and Sixth Circuit Court of Appeals, 1997  
United States Supreme Court, 2022

- Council for a Better Louisiana (CABL) Leadership Louisiana (2007)
- Baton Rouge Area Chamber Leadership Program (2009)
- Rotary Club of Baton Rouge (2013-2017)

#### **Honors and Awards**

- Recognized by *Chambers USA: America's Leading Lawyers for Business for Louisiana* in Intellectual Property, 2021
- Selected by his peers for inclusion in The Best Lawyers in America<sup>®</sup> since 2016
- Selected Lawyer of the Year, in Commercial Litigation, Litigation - Intellectual Property, Trademark Law in Baton Rouge by The Best Lawyers in America<sup>®</sup> in 2020, 2022, 2023
- Listed in Louisiana Super Lawyers in the areas of Business Litigation and Intellectual Property, Since 2016
- 2004 Recipient of the Top Forty Under Forty, Baton Rouge Business Report
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.

#### **Publications**

- "Do I Need to Trademark my Company's Name?" January 2015
- 2005 Special Legislative Session Update
- Insurance Coverage in the Storms' Aftermath
- What a Tangled Web (Site)!
- E-Discovery: Out-of-Sight Does Not Mean Out-of-Mind

#### **Representative Matters**

- Represented insurance company in breach of contract dispute with former agent in which plaintiff demanded over \$10 million in damages.
- Represented a minority shareholder in an involuntary dissolution proceeding involving companies worth approximately \$25 million.
- Represented local credit reporting agency in Fair Credit Reporting Act claims asserted by consumers.
- Represented automobile dealers in various types of lawsuits, ranging from redhibition claims to Fair Credit Reporting Act and Truth-in-Lending Act claims.
- Represented a nationwide insurance company on numerous claims involving life, health and disability policies, during which time several claims have been disposed of on summary judgment.
- Represented a nationwide distributor of heavy machinery in various redhibition actions in Louisiana and Texas.
- Represented the inventor of corrosive-resistant piping in a patent infringement matter.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Jason G. Hessick

Of Counsel - Baton Rouge

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Jason Hessick, an of counsel attorney at Breazeale, Sachse, & Wilson, L.L.P. in Baton Rouge, specializes in administrative and municipal law. With a deep understanding of Louisiana's agencies and political subdivisions, he excels in handling complaints before licensing boards and administrative bodies.

Jason's experience as a former prosecutor in administrative hearings and as a public defender, where he managed the conflict office for the 15th Judicial District Court, demonstrates his commitment to diligent representation in cases ranging from gang-related charges to white-collar crimes. As an Administrative Law Judge for the state of Louisiana, he presided over numerous regulatory and civil fine hearings involving DOTD, LDWF, DEQ, and DCFS.

Prior to joining the firm, Jason served as an attorney supervisor for the Louisiana State Police, representing them in disciplinary matters and hazardous waste transportation cases. His diverse background brings a wealth of knowledge and experience to his practice.

### Professional Associations

- Member, Louisiana State Bar Association



### PRACTICE AREAS

Administrative Law

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 2008

Louisiana State University, B.A. in Sociology, 2004

### ADMISSIONS

Louisiana



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Michael R. Hubbell

Partner - Baton Rouge

Tel: (225) 381-8040 Fax: (225) 381-8029 michael.hubbell@bswllp.com

### Serving the Business Owner and Entrepreneur

Michael R. "Mickey" Hubbell represents Business Owners and Entrepreneurs and understands the issues that they face each day. His experience involves multiple business disciplines, including corporate organization, marketing, finance, company facilities, management, economics, accounting, statistical reporting, and business decision-making and negotiations.

Mr. Hubbell incorporates his legal knowledge and over 30 years' experience dealing with business operational issues as out-side counsel into providing guidance and legal advice to Business Owners and Entrepreneurs. He frequently functions as a member of a business "team" with clients that he services. His commercial litigation experience adds value to counseling clients in business decision making and dispute resolution.

Mr. Hubbell's experience is in both transactional matters and commercial litigation matters. When legal matters involve specific knowledge and experience in areas of law practiced by other attorneys in our Firm, Mr. Hubbell works closely with those attorneys in an effort to accomplish the ultimate desired legal and business result.

### Business Owners and Entrepreneurs

#### Contracts

- Asset and stock sales and acquisitions of businesses, including post-closing "settle-up" and handling of agreed-upon and disputed claims
- Cooperative Endeavor Agreements, with related ancillary contracts
- Responses to governmental Requests for Proposals
- Customer, supplier, and third-party vendor contracts
- Equipment and Vehicle leases
- Purchase and sale of Aircraft and Vessels
- Preferred Ship Mortgages
- Physician Assistant Agreements
- Confidentiality Agreements
- Non-Disclosure Agreements
- Independent contractor and sales representative contracts
- Trademark and Copyright License Agreements
- Franchise Agreements
- Royalty Agreements

#### Real Estate

- Acquisitions, financings, leasing, and development of commercial real estate, including hotels, restaurants, office buildings, condominiums, healthcare facilities, recreational facilities, retail facilities, marinas, medical office buildings, historic tax credit properties, and various investment and mixed- use properties
- Rights-of-way and property use and occupancy agreements
- Boundary disputes and breaches of covenants and restrictions

#### Corporate

- Formation and governance of corporate entities such as limited liability companies, corporations, partnerships, and joint ventures
- Planning for transfer of family businesses
- Probate matters involving businesses and individuals



#### **PRACTICE AREAS**

**Business Owners/Entrepreneurs**  
**Corporate & Finance**  
**Real Estate**  
**Commercial Litigation**  
**Incentives, Credits & Economic Development**

#### **EDUCATION**

Paul M. Hebert Law Center, Louisiana State University, J.D., 1987 (Member, Moot Court Board; Semi-finalist, Robert Lee Tullis Moot Court Competition)

Louisiana State University, M.B.A., 1980

Louisiana State University, B.S. (Prelaw Option), College of Business Administration, 1978

#### **ADMISSIONS**

Admitted to practice: 1987, Louisiana State Courts, Eastern, Middle & Western Districts of Louisiana, Fifth Circuit Court of Appeals, United States Supreme Court

### **Commercial Litigation**

- Legal actions involving enforcement and damages resulting from breaches of contracts
- Overseeing and management of various claims and litigation matters where there are hold harmless and indemnification obligations arising out of business sales and acquisitions
- In-court representation, including institution and defense of lawsuits, pre-trial procedure, discovery proceedings, depositions, discovery disputes, pre-trial motions, and trial proceedings

### **Professional Associations**

- Baton Rouge Bar Association
- Louisiana State Bar Association
- American Bar Association, Business Law Section
- Member of Alumni Associations of the Louisiana State University College of Business Administration, the Graduate School of Business, and the Paul M. Hebert Law Center
- Louisiana State Law Institute Visitation Committee for Revisions to Louisiana Third Party Visitation Statutes, Member, 2005

### **Honors and Awards**

- Selected by his peers for inclusion in **The Best Lawyers in America**<sup>®</sup>, Since 2013
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated

### **Publications**

- Co-authored the "The Uniform Commercial Code" chapter in collaboration with Professor A. Levasseur (trans.) of the book entitled "An Introduction to the Law of the U.S.A." (Daloz, 1993)
- Be Aware of Search Logic for UCC Searches



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Kayla M. Jacob

Associate - New Orleans

Tel: (504) 584-5451 Fax: (504) 584-5452 [kayla.jacob@bswllp.com](mailto:kayla.jacob@bswllp.com)

Kayla Jacob is an associate in the Labor and Employment section of the New Orleans office. She received her Juris Doctor, *magna cum laude*, from Southern University Law Center in May 2021 where she served as a member of the Southern University Law Review and SBA Diversity Committee. Kayla earned her Bachelor of Science in Business Administration, *cum laude with distinction*, from Louisiana Scholars' College at Northwestern State University in Natchitoches, Louisiana in 2014. She then earned her Master of Science in Human Resources Education with a Concentration in Human Resources and Leadership Development, *summa cum laude*, from Louisiana State University in 2016.

Prior to joining BSW, Kayla worked as a Human Resource Consultant and Human Resource Consultant Supervisor at Louisiana State Civil Service. During her tenure at State Civil Service, she advised state agencies on State Civil Service rules, aided in the development of policies as well as the implementation of pay mechanisms, and participated in market analysis and market research. She also served as a certified statewide classification and compensation trainer for the state's Comprehensive Public Training Program.

### Professional Associations

- American Bar Association, Cannabis Law & Policy Committee

### Community Involvement

- Sigma Gamma Rho Sorority, Incorporated, Epsilon Sigma Chapter, New Orleans, LA

### Publications

- "Weeding Out: Drug Testing Woes" Spring 2023 Edition of the TIPS Cannabis Law and Policy Committee Newsletter, May 2023
- "Weeding Out: Marijuana as Doping for Student-Athlete Employees" May 2023
- "Weeding Out: Budding Legislation - Status of House Bill 24" April 2023
- "Weeding Out: Drug Testing Woes for Unionized Workplaces" March 2023
- "Weeding Out: A Series on Marijuana in the Workplace" October 2022
- "EEOC Warns Against Caregiver Discrimination" June 2022
- "Accommodate Before You Terminate: COVID May Be a Disability Under the ADA" February 2022
- *Reefer Madness: The Legal Quagmire of Medical Marijuana in the Workplace*, 47.2 S.U.L. REV. 423 (2020).

### Presentations

- "Blunt" Force Trauma: The Reality of Weed at Work and Other Off Duty Employee Conduct, Labor & Employment Conference for Healthcare Professionals, May 10, 2023
- *The Top Three NLRB Violations by Employers*, Management Update New Orleans, May 4, 2023
- *High Expectations: Monitoring Employee Marijuana Use and Other Off Duty Conduct*, Southern University Law Center CLE, April 28, 2023
- *Off-Duty Conduct as Employer Headaches - Guns, Cigarettes, Politics, and Romantic Relationships*, Management Update New Orleans, January 26, 2023
- *Staying Out of Trouble with Federal Wage and Hour Law*, L&E LCIA Seminar, November 4, 2022
- *Reducing the Risk of Being Sued for Sexual Harassment*, L&E Construction Seminar, October 6, 2022
- *Recruiting and Hiring Employees in a Tight Labor Market*, Management Update New Orleans, September 8, 2022
- *Social Media Usage in the Work Environment*, Management Update, May 5, 2022
- *Update on FMLA & ADA Developments*, Management Update, January 20, 2022



### PRACTICE AREAS

Labor & Employment

### EDUCATION

Southern University Law Center, J.D.,  
*magna cum laude*, 2021

Louisiana State University, Master of  
Science: Human Resources Education,  
*summa cum laude*, 2016

Northwestern State University, Bachelor  
of Science: Business Administration,  
*cum laude with distinction*, 2014

### ADMISSIONS

Louisiana, 2021

U.S. District Court for the Eastern,  
Middle and Western Districts of  
Louisiana

U.S. Court of Appeals for the Fifth  
Circuit

- *Unique Issues in Litigating Pregnancy Discrimination Claims*, Louisiana State Bar Association, New Orleans Labor & Employment Law CLE Committee, November 16, 2021
- *Defeating Meritless Unemployment Compensation Claims*, Management Update, New Orleans, September 9, 2021



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Rachael Jeanfreau

Partner - New Orleans

Tel: (504) 584-5467 Fax: (504) 584-5452 rachael.jeanfreau@bswllp.com

Rachael Jeanfreau is a partner in the New Orleans office, practicing in the areas of labor and employment law and commercial litigation. Ms. Jeanfreau received her Juris Doctor from Tulane University Law School, *magna cum laude*, in 2011 where she was a member of the Tulane Law Review. She received her Bachelor of Arts from Louisiana State University, *summa cum laude*, in 2007.

### Professional Associations

- Louisiana State Bar Association, Vice President of Labor and Employment Law Section

### Community Involvement

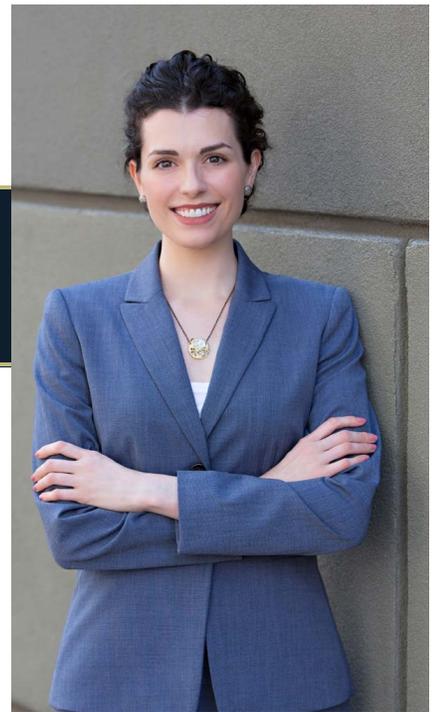
- New Orleans Regional Leadership Institute (NORLI), class of 2022
- Leadership Jefferson, class of 2018

### Honors and Awards

- Named "Ones to Watch" by Best Lawyers, 2021, 2022
- Named a "Rising Star" in the area of Employment & Labor by *Louisiana Super Lawyers* 2015, 2017, 2018, 2019
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- "Top Lawyers of New Orleans" by New Orleans Magazine in Labor and Employment Law
- Order of the Coif, Member
- Tulane Law Review, Member (2009-2011)
- Top 40 Young Lawyers Award, Louisiana State Bar Association Young Lawyers Division (2022)

### Publications

- "Weeding Out: Drug Testing Woes for Unionized Workplaces" March 2023
- "NLRB-- Employer Surveillance During Remote Work May Violate Employee Rights" 11/22/22
- "How Do You Protect Your Business from a Department of Labor Audit? Do One Yourself" October 2022
- "Tying Federal Contractor Hands: DOL to Require Public Identification of Employer Lawyers During Union Organizing" September 2022
- "I'm Not Amazon, Apple, or Starbucks: Why Should I Care About Union Organizing?" July 2022
- "Should It Stay or Should It Go? The U.S. Supreme Court Stays OSHA Mandate and Lifts Stay of CMS Mandate" January 2022
- "'Tis the Season for Mandatory Federal COVID-19 Testing and Vaccinations: OSHA, Medicare Providers, and Federal Contractors" November 2021
- "Biden's Path Out of the Pandemic: Employers Aren't Out of the Woods Yet" September 2021
- "Hurricane Ida: Where to go for help?" September 2021
- "All Hands on Deck: Employers Must be Cautious of Overtime Laws During Hurricane Ida Recovery" September 2021
- "FEMA Critical Needs Assistance Already Hitting Louisiana Bank Accounts" September 2021
- "Executives Grabbing a Mop: Salary Exempt Employees Performing Non- Exempt Work During the Aftermath of Hurricane Ida" September 2021
- "The Long Road of COVID: How Employers Should Handle "Long COVID" as a Disability" August 2021
- "Faith in the Vaccine: Sincerely-Held Religious Belief Exception to the COVID-19 Vaccines" August 2021
- "Hospital Workers Sue Over Texas Employer's Vaccine Mandate" June 2021



### PRACTICE AREAS

Labor & Employment  
Bankruptcy and Creditor Debtor  
Rights/Insolvency and  
Reorganization Law  
Commercial Litigation

### EDUCATION

Tulane University Law School, J.D.,  
*magna cum laude*, 2011

Louisiana State University, B.A., *summa cum laude*, 2007

### ADMISSIONS

Louisiana, 2011

California, 2018

- "Indian Workers Allege Human Trafficking, Wage & Hour Violations by Hindu Temple" June 2021
- "White Female Dog-Walker Alleges Race and Gender Discrimination, Defamation by Former Employer" May 2021
- "Three Spring Cleaning Tips for Employers" May 2021
- "Houston- We Have a Problem: Lessons to Learn from Elon Musk on the National Labor Relations Act and Social Media" April 2021
- "President Biden's Day 1 Executive Orders and the Future for H-1B Visas" January 2021
- "Congress' COVID-Relief Package Bill" January 2021
- "Magic Mushrooms and Marijuana: Just Sayâ" November 2020
- "Department of Labor Regulations on the FFCRA: Summary" April 2020
- "Department of Labor: Third Round of Guidance on the Families First Coronavirus Response Act" March 2020
- "Department of Labor Additional Guidance on the Families First Coronavirus Response Act" March 2020
- "Department of Labor Guidance on the Families First Coronavirus Response Act" March 2020
- "COVID-19: Frequently Asked Questions For You and Your Business" March 2020
- "Families First Coronavirus Response Act Summary--Employer Provisions" March 2020
- "Independent Contractor or Employee: The Debate on Drivers Continues" Open Road, Issue 2, 2019, Summer 2019
- "Employment Arbitration Update: Sixth Circuit Upholds Collective Action Waiver under FLSA" Recent Developments Louisiana Bar Journal, October 2018
- "Employment Drug Testing Policies: Up in Smoke?" Biz New Orleans, Volume 4, Issue 12, September 2018
- "Update on Transgender Protections under Title VII" LSBA Labor & Employment Law Section, April/May 2018
- "Time is Money: The New FLSA Overtime Rule" Lagniappe Small Business Volume 42, Issue 5, December 2016
- "The New FLSA Overtime Rule" The Corporate Counselor, Volume 31, Number 6, September 2016
- "Employers, Watch Out: ACA-Related Retaliation Claims Are Coming" The Corporate Counselor, Vol. 30, No. 10, January 2016
- "Triple Play Status Update: Firings For Employees' Facebook Activity Unlawful" The Corporate Counselor, Vol. 30, No. 10, January 2016
- "Recent NLRB Actions Force Employers to Change Established Policies and Practices" The Corporate Counselor, Volume 29, Number 11, February 2015
- "Update on Transgender Rights in the Workplace" IADC Diversity Newsletter, January 2015
- "Supreme Court Issues Four Decisions Favorable to Employers" The Corporate Counselor, Vol. 28, No. 5, September 2013
- "EEOC Recognition of a Title VII Cause of Action for Transgender Individuals" IADC Committee Newsletter, December 2012
- "Look Out! Recent EEOC Decisions Re-Interpret the Protections Offered by Title VII" The Corporate Counselor, Vol. 27, No. 5, September 2012
- "The New Healthcare Landscape for Businesses under the Affordable Care Act" July 2012

## **Presentations**

- *The Do's and Don'ts of Employee Handbooks*, Louisiana Public charter School 2022 Conference, December 2022
- *Recognizing the Need for a Leave of Absence*, Management Update, November 2022
- *Weeding Out Discrimination, Harassment & Retaliation Claims: What Employers Need to Know*, Canna One, July 2022
- *Are We Federal Contractors and What Does that Mean?*, Labor & Employment Conference for Healthcare Professionals, May, 2022
- *Stayin Out of Trouble with the Wage & Hour Law*, Management Update, May, 2022
- *Recognizing the Need for a Leave of Absence*, Management Update, May, 2022
- *Dealing with Sexual Harassment Complaints in Schools: Passing Title VII & Title IX with Flying Colors*, Louisiana Public Charter School 2021 Conference, December, 2021

- *Surveying Significant Recent Louisiana State Employment Laws*, Management Update, November, 2021
- *Reducing the Risk of Being Sued for Workplace Harassment*, Management Update, November, 2021
- *Defeating Meritless Unemployment Compensation Claims*, Management Update, November, 2021
- *Contractors' COVID Concerns - Vaccination and Testing Mandates*, Management Update, October, 2021
- *Taking Care With Employee Personnel Policies and Employment Applications*, Management Update, September 9, 2021
- *Recent NLRB Restrictions Impacting Unionized and Non-Unionized Employees*, Management Update, May 6, 2021
- *Money, Sex & Power: Gender in the Workplace*, LSBA, March 26, 2021
- *Dealing With Medical Leaves of Absence - Paid and Unpaid*, Management Update, January 26, 2021
- *"Human Trafficking, Sexual Abuse, and the Workplace"*, ABA/EEO, November 18, 2020
- *"How to Stay Out of Trouble with the Wage & Hour Division in Covid-19 Times"*, Management Update, November 13, 2020
- *"Accommodating Employee Requests for Accommodation - Disability, Religion, Pregnancy, and Beyond"*, Sixth Annual Update on Labor & Employment Law for the Construction Industry, October 8, 2020
- *"Revised Department of Labor Regulation on COVID-19 Employee Leave"*, LeadingAge Webinar, September 29, 2020
- *"What Your Business Can Do About Human Trafficking and Sexual Abuse of Employees"*, Management Update, September 17, 2020
- *"Mitigating Risk When ICE Comes Calling for I-9 Forms"*, Third Annual Labor & Employment for Healthcare Conference, March 12, 2020
- *"Wage & Hour Challenges in an Election Year"*, Management Update, January 16, 2020
- *"FMLA, ADA, Workers' Compensation and Dealing with Marijuana"*, Louisiana Public Charter School 12th Annual Conference, December 6, 2019
- *"Safely Using Criminal Background Checks in Employment"*, Management Update, Monroe, Louisiana, October 25, 2019
- *"Employee Handbook Dos and Don'ts"*, Management Update, Monroe, Louisiana, October 25, 2019
- *"Utilizing Non-Compete and Confidentiality Agreements"*, Management Update, Monroe, Louisiana, October 25, 2019
- *"Social Media, Email, and Cell Phone Policies"*, Fifth Annual Update on Labor & Employment Law for the Construction Industry, Baton Rouge, Louisiana, October 2, 2019
- *"Auditing your Compliance with Immigration Law"*, Management Update, New Orleans, September 12, 2019
- *"How to Reduce the Risk of an I-9 Audit"*, American Association of School Personnel Administrators, Webinar, August 15, 2019
- *"Staying Out of Wage & Hour Trouble"*, Management Update for the Transportation Industry, Baton Rouge, June 13, 2019
- *"Handling Medical Leaves of Absence - FMLA, ADA & Worker's Comp"*, Management Update for the Transportation Industry, Baton Rouge, June 13, 2019
- *"Revisiting the Use of Non-Compete and Confidentiality Agreements in Louisiana"*, Management Update, New Orleans, May 23, 2019
- *"The Bermuda Triangle: How to Navigate Workplace Leaves of Absence under the FMLA, ADA, and Workers' Compensation"*, Central Louisiana SHRM, Alexandria, April 17, 2019
- *"FLSA Wheel of Fortune: Panel Discussion"*, LSBA Developments in Labor & Employment Law, April 5 2019
- *"Personal Liability of Healthcare Managers and Human Resource Representatives"*, Management Update for the Healthcare Industry, Baton Rouge, March 14, 2019
- *"Terminating Thieving Employees"*, Management Update, New Orleans, January 24, 2019
- *"Personal Liability for HR & Management Under Workplace Laws"*, Management Update, New Orleans, January 24, 2019

- *"Preventing Discrimination and Retaliation Claims"*, Management Update for the Construction Industry, October 10, 2018
- *"What You Need to Know About Employee Handbooks"*, Louisiana Public Charter School 11th Annual Conference, December 14, 2018
- *"Preventing Discrimination and Retaliation Claims"*, Fourth Annual Labor & Employment Law Update for the Construction Industry, October 10, 2018
- *"Mandatory Employee Arbitration and Class Action Waivers"*, LCIA Management Update Briefing, Baton Rouge, October 5, 2018
- *"Recognizing the Need for a Leave of Absence"*, Management Update Briefing, Monroe, September 21, 2018
- *"Reducing the Risk to Being Sued for Sexual Harassment"*, Management Update Briefing, Monroe, September 21, 2018
- *"Staying Out of Trouble with the Federal Wage & Hour Law"*, Management Update Briefing, Monroe, September 21, 2018
- *"Complying with the New Federal Wage & Hour Guidelines"*, Management Update Briefing, New Orleans, September 12, 2018
- *"Staying Out of Wage & Hour Trouble"*, Management Update Briefing, New Orleans, September 12, 2018
- *"Using Mandatory Employment Dispute Arbitration"*, Management Update Briefing, New Orleans, September 12, 2018
- *"Hot Topics HR Cannot Ignore: ADA & FMLA"*, CUPA - HR: College & University Professional Association for Human Resources, June 8, 2018
- *"The ADA & FMLA 101: What Employers Need to Know"*, Presentation for Hollis Companies, May 23, 2018
- *"What the Trump NLRB Has Been Up To"*, Management Update Briefing, New Orleans, May 2, 2018
- *"Dealing with Sexual Harassment Complaints"*, Management Update Briefing, New Orleans, May 2, 2018
- *"Significant Louisiana Labor & Employment Laws"*, Management Update Briefing, New Orleans, January 24, 2018
- *"Utilizing Non-Compete and Confidentiality Agreements"*, Management Update Briefing, New Orleans, January 24, 2018
- *"Complying with the Wage & Hour Laws"*, Management Update Briefing, Baton Rouge, November 3, 2017
- *"Complying with the Wage & Hour Laws"*, Management Update Briefing, Shreveport, October 27, 2017
- *"Utilizing Non-Compete and Confidentiality Agreements"*, Management Update Briefing, Shreveport, October 27, 2017
- *"Coping with Emerging Discrimination Issues - Medical Leaves of Absence and Criminal Convictions"*, Management Update Briefing, Shreveport, October 27, 2017
- *"Dealing with Personnel Policies and Union Organizing under the Trump NLRB"*, Management Update Briefing, Shreveport, October 27, 2017
- *"Reducing Legal Risks of Electronic Communication Usage"*, Management Update Briefing, Shreveport, October 27, 2017
- *"What You Can Be Liable For Without Even Knowing It"*, Central Louisiana SHRM 2017 Annual Seminar, Alexandria, LA, October 18, 2017
- *"Successfully Navigating the Intersection of the FMLA & ADA"*, NOLA SHRM 2017 Annual Seminar, New Orleans, September 27, 2017
- *"How to Prepare For and Survive a DOL Investigation and Minimize Your Risk Under Wage & Hour Laws"*, Management Update Briefing, New Orleans, September 14, 2017
- *"Dealing with the 3-headed animal: ADA, FMLA, and workers' compensation"*, Management Update, New Orleans, September 14, 2017
- *"Common Immigration Issues for Employers and The Trump Effect"*, Management Update Briefing, New Orleans, May 4, 2017

- *"Hiring and Employing Former Criminal Offenders"*, Management Update Briefing, New Orleans, May 4, 2017
- *"Reducing the Risk of Charges and Union Organizing Under the New NLRB"*, Management Update Briefing, New Orleans, February 2, 2017
- *"Preventing Discrimination & Retaliation Claims"*, Second Annual Update on Labor and Employment Law for the Construction Industry, November 17, 2016
- *"Dealing with Dramatic Changes in the Federal Wage & Hour Regulations"*, LCIA Management Update, Baton Rouge, November 04, 2016
- *"Dealing with Dramatic Changes in the Federal Wage & Hour Regulations"*, Management Update Briefing, New Orleans, October 6, 2016
- *"Labor Law and Pharmacy"*, 2016 LPA Annual Convention and Trade Show, July 23, 2016
- *"ACA Compliance: Retaliation & the ACA"*, Society of Louisiana Certified Public Accountants 2016 Not-For-Profit Workshop, July 15, 2016
- *"Defeating Meritless Unemployment Compensation Claims"*, Management Update Briefing, New Orleans, May 19, 2016
- *"How to Minimize Your Risk by Properly Responding to Complaints of Harassment and Discrimination"*, Management Update Briefing, New Orleans, January 21, 2016
- *"FMLA and ADA"*, Management Update for the Construction Industry, Baton Rouge, November 17, 2015
- *"Successfully Navigating Medical Leaves of Absence FMLA, ADA"*, Management Update Briefing, Baton Rouge, November 13, 2015
- *"Successfully Navigating Medical Leaves of Absence FMLA, ADA"*, Management Update Briefing, Shreveport, October 23, 2015
- *"Cutting Edge Medical Issues to Accommodate Under the Americans With Disabilities Act"*, Management Update Briefing, New Orleans, September 3, 2015
- *"Complying with the New Federal Wage & Hour Laws"*, Louisiana Hospital Association Seminar, August 28, 2015
- *"A Review of Your Obligation to Accommodate Pregnant and 'Disabled' Employees in Light of Young v. UPS"*, Management Update Briefing, New Orleans, May 7, 2015
- *"Smoking in the Workplace: Conflicts, Solutions and Law"*, Management Update Briefing, New Orleans, January 22, 2015
- *"Federal Agency Updates: Religion, Criminal Background, and Social Media"*, Legal Perks Seminar, New Orleans, December 4, 2014
- *"The EEOC Invades Personnel Policies: Accommodation of Theft and Working from Home; Criminal Backgrounds; Social Media"*, LCIA Management Update, Baton Rouge, November 21, 2014
- *"Getting Ready for 2015: How Supreme Court Cases and Agency Regulations will Impact Labor and Employment Law"*, ABA/EEO Seminar, New Orleans, November 19, 2014
- *"Social Media: An Employer's Source or Sin"*, Management Update Briefing, New Orleans, September 11, 2014
- *"How to Reduce Your Chance of Being Sued by Your Employees"*, Management Update Briefing, New Orleans, May 15, 2014
- *"An Overview of Employment Law Record Requirements: Should Electronic Records be Treated Any Differently?" and "Defeating Meritless Unemployment Compensation Claims"*, Management Update Briefing, New Orleans, February 6, 2014
- *"Defending an Attack on Your Wage & Hour Program"*, Management Update Briefing, Baton Rouge, October 18, 2013
- *"Safely Using Criminal Background Checks in Employment"*, Management Update Briefing, New Orleans, October, 10, 2013
- *"Defending an Attack on Your Wage & Hour Program"*, Management Update Briefing, New Orleans, February 28, 2013
- *"An Update on Healthcare Law"*, Management Update Briefing, New Orleans, September 20, 2012



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Kourtney D. Jones

Associate - Baton Rouge

Tel: (225) 381-8026 Fax: (225) 381-8029 [kourtney.jones@bswllp.com](mailto:kourtney.jones@bswllp.com)

Kourtney, originally a native of Pensacola, Florida, earned her Juris Doctorate from Southern University Law Center in 2022. She graduated *cum laude* from Spelman College in Atlanta, Georgia, where she received her Bachelor of Arts in Political Science. During law school, she served as a Law Clerk for Judge Fredericka Wicker of Louisiana's Fifth Circuit Court of Appeals, as an Extern with the Louisiana House of Representatives Legislative Black Caucus, and as a Legislative Aide for Louisiana State Senator James Harris. Kourtney furthered her civil service by becoming a law clerk in the administration of Governor John Bel Edwards. Upon admission to the Louisiana State Bar, Kourtney continued her work with the administration by serving as an attorney and legislative liaison.

### Professional Associations

- Louisiana State Bar Association
- Baton Rouge Bar Association

### Honors and Awards

- Forum 225's John W. Barton Leadership Program (2023)



### PRACTICE AREAS

**Environmental, Energy, and Natural Resources**

### EDUCATION

Southern University Law Center, J.D., 2022

Spelman College, B.A., Political Science, *cum laude*, 2018

### ADMISSIONS

Louisiana



## David R. Kelly

Of Counsel - Baton Rouge

Tel: (225) 381-8023 Cell: (225) 205-4800 Fax: (225) 381-8029 david.kelly@bswllp.com

David Kelly has served as the firm's General Counsel since April of 2014. David is an AV<sup>®</sup> rated counsel in the firm's Baton Rouge office. David's principal areas of practice include defense of class actions and multi-joinder claims, personal injury and product liability claims, business disputes, insurance regulatory matters, and state, local, and federal tax disputes. David has first-chaired over 250 trials/hearings to verdict in state and federal court and state administrative tribunals. He has handled appeals before all the Louisiana courts of appeal, the Louisiana Supreme Court, and the United States Court of Appeals for the Fifth Circuit. He has also represented clients before the Board of Tax Appeals, the Louisiana Departments of Revenue and Insurance, and the Louisiana Division of Administrative Law. He has been the lead chair in several extended mediation and arbitration disputes.

David was listed in *Super Lawyers*<sup>®</sup> in 2007-2008, 2013-2018, and in 2021 in the area of Tax Business, Class Action/Mass Torts: Defense, and Civil Litigation: Defense. His peers have also selected him for inclusion in *The Best Lawyers in America*<sup>®</sup> since 2016. In 2019, he was named Lawyer of the Year in Litigation - Insurance in Baton Rouge by *The Best Lawyers in America*<sup>®</sup>.

David also ranked in Tax-Louisiana for *Chambers USA* 2016, 2018, 2019, and 2020. As stated by *Chambers USA* 2020, "David Kelly handles complex tax disputes as part of his wide-ranging litigation practice. His recent experience includes refund claims."

### Professional Associations

- American Board of Trial Advocates; Louisiana Chapter
- Baton Rouge Bar Association
- Louisiana State Bar Association
- American Bar Association, Member: Committee on Torts, Committee on Insurance Practice, Litigation Section, State & Local Taxation Sub-Committee

### Community Involvement

- Opera Louisiane, Current Board of Directors, Chair of Governance Committee, and Chair Elect
- Cancer Services of Greater Baton Rouge, Past Board Member and Member of Executive Committee
- Member, Chairman's Council of the Greater Baton Rouge Chamber and Graduate of the Chamber's Leadership Class of 2001
- Baton Rouge Green, Past Board member and Past President
- Baton Rouge Symphony Association, Past Board member and Past Executive Committee Member

### Honors and Awards

- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana* in Corporate/M&A 2016, 2018-2023
- Selected by his peers for inclusion in *The Best Lawyers in America*<sup>®</sup> Since 2016
- Selected Lawyer of the Year, in Litigation - Insurance Law, Mass Tort Litigation / Class Actions - Defendants, and Tax Law in Baton Rouge by *The Best Lawyers in America*<sup>®</sup> 2019 and 2023
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated
- Listed in *Louisiana Super Lawyers* in the area of Tax 2007-2008, 2013-2018, and 2021

### Publications

- "La. Supreme Court Protects Taxpayers From Creeping Rental Taxes" January 2015
- "Preserve Your Louisiana Income Tax Refund Claim Now" June 2014
- "Filing a Sales Tax Refund Claim Did Not Interrupt Prescription For Unpaid Taxes" May 2014
- "Did you purchase a flex fuel vehicle between 2010 and July 2013? If so, you may be entitled to an income tax credit after all." May 2014



### PRACTICE AREAS

**Class Action, Mass Tort & Multi-District Litigation**  
**Tax**  
**Insurance Regulatory**  
**Environmental, Energy, and Natural Resources**  
**Commercial Litigation**  
**Casualty Litigation**  
**Products Liability Litigation**  
**Government Contracts**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1982

Louisiana Tech University, Ruston, Louisiana, B.S. Accounting, 1979

### ADMISSIONS

Admitted to practice: 1982, Louisiana State Courts, Eastern, Middle & Western Districts of Louisiana, Fifth and Eleventh Circuit Court of Appeals

- "UPDATED Louisiana Tax Amnesty of 2013" June 2013
- "Attention Louisiana Individual Income Payers for Tax Years 2010, 2011 and 2012" May 2013
- ABA Section of Taxation Mid-year Meeting 2009: "Removal of State and Local Tax Disputes to Federal Court"
- ABA Section of Taxation Joint Fall CLE Meeting 2003: "State Tax Litigation: Eleventh Amendment Limitations on State Taxation: The Impact of Seminole Tribe"
- ABA Section of Taxation May Meeting, 2003: "State Tax Litigation: A Potpourri of Common and Interesting Issues"
- ABA Section of Taxation, 2002 Fall Meeting: The Privileged Few: Determining, Defending and Defeating Claims of Privilege.
- ABA Section of Taxation, 1997 Annual Meeting: Panel Discussion: Use of Experts in State and Local Tax Controversies.
- Deposition Tactics and Strategy Seminar sponsored by Lorman Business Institute.
- Advanced Workers' Compensation Seminar sponsored by National Business Institute.
- Medico Legal Cardiac Pulmonary Resuscitation and Emergency Cardiac Care Seminars to local hospitals.
- Accountant Malpractice in the 90's, Presented to local AICPA chapter.

### Representative Matters

- David has argued a number of cases before the Louisiana Supreme Court on issues including:
  - Challenge to State and Local Tax codes requirement to maintain "suitable records". *Yesterdays v. Calcasieu Parish Sales and Ues Tax Sept.*, 190 So.3d.710 (LA 5/13/16).
  - Constitutionality of Louisiana's asbestos abatement statute vis-a-vis revival of a prescribed cause of action. *Cameron Parish School Board v. ACandS, Inc.*, 687 So.2d 84, 96-0895 (La. 1/14/97).
  - Taxation of two by-products of the crude oil refining industry, e.g., coke-on-catalyst and refinery gas. *State v. BP Exploration & Oil, Inc.*, 686 So.2d 823 (La. 1997).
  - State Department of Highway's responsibility for auto accident on newly constructed section of highway. Shephard on Behalf of Shephard v. Scheeler, 701 So.2d 1308 (La. 1997); and Retroactive application of mandated benefits to existing group insurance policies under amendment to Insurance Code. In re: Louisiana Health Service & Indemnity Co. d/b/a Blue Cross Blue Shield of Louisiana, 749 So.2d 610, 98-3034 (La. 1/17/99).
  - David, working closely with our Board Certified Tax Specialist, David Cassidy, has secured a number of verdicts and settlements against the State and local collectors of revenue on a broad range of sales, income, franchise and ad valorem tax matters, e.g., *Cajun Industries, et al v. Secretary, Department of Revenue, State of Louisiana*, BTA Docket #9247; *LUBA Casualty Ins. Co. v. Secretary, Louisiana Department of Revenue*, BTA Docket # 9462D (12/11/18).
- David led the litigation team in defense of Shell Oil Company and related companies, against an alleged multi-million dollar tax liability by the St. Charles Parish School Board. After a motion for summary judgment was granted dismissing a portion of the case, a verdict for the defense was rendered as to the disputed taxes after a two-day bench trial in federal court. *St. Charles Parish School Board v. Shell Oil Company, et al*, 435 F.Supp.2d 531 (E.D. La. 2006); *St. Charles Parish School Board v. Shell Oil Company, et al*, 2007 U.S. Dist. Lexis 41183.
- David was lead counsel in 2002 federal court litigation involving a putative class action filed by first party contract holders seeking to establish class claims for diminution in value property claims; obtained early judgment granting motion to dismiss for failure to state a claim. *Manguno v. Prudential Property & Cas. Ins. Co.*, 276 F.3d 720 (5th Cir. 2002).
- David obtained a plaintiff-take-nothing jury verdict in 36 minutes after a one week products liability trial alleging a defect in an amusement ride in Lake Charles, Louisiana.
- David successfully argued motions in limine to exclude testimony of expert witnesses, including a 2003 judgment excluding plaintiffs' toxicologist and neuropsychologist tendered in support of a class action toxic tort claim in Gretna, Louisiana.
- David has first chaired over 35 statewide, nationwide and multi-district class action matters in state and federal court dealing with issues ranging from alleged mass toxic fume exposures and damages from hurricane related flooding, to claims for insurance coverage for admissions to Skilled Nursing Facilities, allegations of fraudulent misrepresentations in the taking of applications for insurance; alleged violations of Louisiana's Balance Billing Act, the FEMA formaldehyde MDL and medical privacy breach claims.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Lance J. Kinchen

Partner - Baton Rouge

Tel: (225) 381-8053 Fax: (225) 381-8029 lance.kinchen@bswllp.com

Lance Kinchen is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. His principal areas of practice include automotive, corporate law, taxation, mergers and acquisitions, business succession planning, estate planning and probate administration.

### **Corporate and Tax Planning Services**

Mr. Kinchen is also a certified public accountant and a Certified Tax Law Specialist certified by the Louisiana Board of Legal Specialization. Mr. Kinchen represents a broad range of high net worth individuals, closely-held businesses, shareholders, and members in general corporate or LLC matters; mergers and acquisitions; tax and estate planning; and business succession planning.

- Formation and Maintenance of Business Entities
- Mergers and Acquisitions
- Corporate Governance
- Shareholder Disputes
- Buy-Sell Agreements
- Shareholder Agreements

### **Business Succession Planning and Estate Planning**

Mr. Kinchen has represented numerous business owners on developing strategies to transfer their ownership to the next generation. With his CPA background, Mr. Kinchen works collaboratively with accountants, financial planners, and advisors to help his clients meet their goals.

- Closely-Held Business Succession Planning
- Wills and Trust Planning and Drafting
- Estate, Gift, and Income Tax Planning
- Probate Administration
- Shareholder Agreements addressing succession and buy-out matters

### **Automotive Services**

Serving as co-chair of the firm's Automobile Industry Team, Mr. Kinchen represents automobile and motorcycle dealerships in Louisiana and throughout the country. Mr. Kinchen serves on the Board of Directors of the National Automobile Dealers Counsel; and as a member of the firm, serves as General Counsel to the Louisiana Automobile Dealers Association. In addition to advising dealer-principals and their families in corporate matters, tax planning, franchise matters, and business succession planning, Mr. Kinchen's services include working with clients on the following matters:

- Buy-Sell Agreements
- Factor-Dealer Relations and Dispute Resolution
- Regulatory Compliance
- Tax Planning
- Business Succession Planning

### **Professional Associations**

- National Association of Dealer Counsel, Member
- Baton Rouge Bar Association
- Louisiana State Bar Association
- Society of Louisiana Certified Public Accountants
- Baton Rouge Chapter of the Society of Louisiana Certified Public Accountants

### **Community Involvement**

- YMCA Metro Board, Board of Directors (2006-2016) and Board Chairman (2015-2016)



### **PRACTICE AREAS**

**Automotive**  
**Tax**  
**Corporate & Finance**  
**Succession & Probate**  
**Business Owners/Entrepreneurs**

### **EDUCATION**

Emory University School of Law, Atlanta, Georgia, Masters of Law in Taxation, May, 1993

Paul M. Hebert Law Center, Louisiana State University, J.D., May, 1992

Louisiana State University, Baton Rouge, Louisiana, Accounting, May, 1989

### **ADMISSIONS**

Louisiana

Federal District Court for the Middle District of Louisiana, 2013

U.S. Tax Court

- Baton Rouge Chapter of the Society of Louisiana Certified Public Accountants - Past-President (2014-2015) and Board Member, 2009-present
- Baton Rouge Area Chamber (BRAC) Small Business Issues Council, member (2009 - present)

#### **Honors and Awards**

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Selected by his peers for inclusion in The Best Lawyers in America<sup>®</sup>, Since 2020

#### **Publications**

- "New Payroll Tax Deferral" August 2020
- "Louisiana Corporate Franchise Tax Suspended" July 2020
- "COVID-19 Tax Related Provisions Affecting You and Your Business" April 2020
- "COVID-19: Frequently Asked Questions For You and Your Business" March 2020
- "IRS Has Delayed Tax Day to July 15 and Phase 2 Relief" March 2020
- "Critical Issues When Selling a Dealership" March 2019
- "Critical Issues When Purchasing a Dealership" March 2019
- "New Interpretation of Military Lending Act Affects Louisiana Dealers" February 2018
- "New Tax Reform Proposal" October 2017
- "Vehicle Recalls - Auto Dealer Update" September 2017
- "FTC Used Car Rule" August 2017
- "Auto Update: Business Succession Planning" July 2017
- "BSW Tax Blog" September 2013
- "UPDATED Louisiana Tax Amnesty of 2013" June 2013
- "American Taxpayer Relief Act of 2012" January 2013
- "IRS and Louisiana Department of Revenue Provide Tax Relief to Victims of Hurricane Isaac" September 2012
- "Tax Relief, Unemployment Insurance Reauthorization And Job Creation Act Of 2010" January 2011
- "The Corporate Transparency Act", Louisiana Automobile Dealer's Association Quarterly Newsletter (January, 2023)
- "Amended Safeguard Rules", Louisiana Automobile Dealer's Association Quarterly Newsletter (January, 2022)
- Co-author of The Louisiana Gulf Opportunity Zone Business Guide.

#### **Presentations**

- *Business Succession Planning*, Speaker at Annual Conference of Louisiana Association of Plumbing-Heating-Cooling Contractors in Marksville, LA, July 15, 2016
- *Frequent speaker to automobile dealers and their employees regarding Gramm-Leach-Bliley Privacy Law, FTC Customer Information Safeguard Rule, Fair Credit Reporting Act, Truth-in-Lending Act, and Red Flags Rule.*



## John B. King

Partner - Baton Rouge

Tel: (225) 381-8014 Fax: (225) 381-8029 john.king@bswllp.com

John B. King is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. Mr. King's extensive environmental practice includes: air, water, and waste permitting; regulatory compliance and assessment; remediation and response action assessment and coordination; transaction due diligence and auditing; and enforcement counseling and defense.

*Chambers USA* has stated that "John King has a wealth of experience advising clients on a variety of environmental regulatory matters including air and water permitting, enforcement actions and remediations." John is part of a team at BSW that clients have described as "an experienced team with extensive environmental law expertise, acting for a range of clients including chemical manufacturers, production companies and oil and gas companies. Offers notable strengths in regulatory matters, enforcement and compliance. Capabilities include damage claims, cost recovery and environmental permitting."

Clients have stated to *Chambers* that John is:

- "one of the most impressive legal professionals I have ever worked with,"
- "a great communicator and negotiator who is extremely knowledgeable,"
- "a real treat to work with. With his extensive knowledge and practical experience, he always delivers what is needed," and
- that he has "always been responsive, comprehensive, strategic, and insightful when dealing with defendants, regulators and opposite-side attorneys."

Mr. King was formerly Director of Regulatory & Legal Affairs for a large oil and gas waste disposal company and responsible for its environmental and safety programs. He also served for many years as Chief Attorney for Enforcement with the Louisiana Department of Environmental Quality. While with the LDEQ, Mr. King personally prosecuted, or oversaw the prosecution of, enforcement actions issued by the LDEQ, handled major permitting matters, and successfully litigated matters in state courts, federal courts, and administrative tribunals.

### Environmental Regulatory Matters

Mr. King regularly counsels clients in a variety of regulatory matters, including:

- Environmental permitting with state and federal agencies, such as the Louisiana Department of Environmental Quality, the Louisiana Department of Natural Resources, the EPA, and the US Corps of Engineers
- Defense and resolution of enforcement actions issued by regulatory agencies, such as LDEQ and EPA, and citizen suits
- Compliance assurance with environmental statutes and regulations relating to air, water, waste, and wetlands
- Industrial site development, including site selection issues, permitting, and environmental justice issues, and navigating the public hearing and comment process

### Environmental Litigation

Mr. King represents clients in a variety of matters, including:

- Oil spills and releases
- Odor and nuisance claims
- Class action claims regarding environmental releases or contamination

### Due diligence

Mr. King represents buyers or sellers in mergers and acquisition matters, including:

- Environmental due diligence
- Seller protections, such as the bona fide prospective purchaser defense



### PRACTICE AREAS

**Admiralty & Maritime**  
**Environmental, Energy, and Natural Resources**  
**Industrial Development Team**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1985

Louisiana State University, B.S. in Marketing, 1981  
Certified Public Manager (Presented by the Division of Administration, Comprehensive Public Training Program, in conjunction with the LSU Public Management Program)

### ADMISSIONS

Louisiana, 1985

U.S. Fifth Circuit Court of Appeals

U.S. District Courts (Western, Middle & Eastern)

- Addressing non-compliance and contamination upon purchase

### **Representative Client Sectors**

Mr. King represents international, national, and local companies in the following sectors:

- Oil and gas production and refining
- Liquid and bulk storage
- Chemical production and processing
- Waste disposal and transportation
- Construction

### **Experience**

- Partner, 2003-2007, 2008 - present Breazeale, Sachse & Wilson, L.L.P.
- Director of Regulatory & Legal Affairs, 2007-2008 CCS Midstream Services, LLC.
- Attorney, 2001-2003 LeBlanc & Waddell
- Chief Attorney, 1989-2001 Louisiana Department of Environmental Quality
- Attorney, 1985-1989 Reina & LeBlanc

### **Professional Associations**

- Member of the Louisiana Oil and Gas Association
- Member of the Air and Waste Management Association
- Member of the Louisiana Solid Waste Management
- Member of the Louisiana Environmental Health Association (past board member)
- Member of the Louisiana State Bar Association, Environmental Section
- Member of the American Bar Association, Section on Energy, Environment and Resources
- Past member of the Vestry, Trinity Episcopal Church
- Past President, Trinity Episcopal Day School Board (served two terms)
- Adult Leader, Boy Scout Troop 505

### **Honors and Awards**

- Ranked in Chambers USA: America's Leading Lawyers for Business for Louisiana in Environmental in 2021
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated
- Received LDEQ's Employee of the Year Award
- Received a "Special Commendation Award" from the U.S. Department of Justice
- Received the LDEQ Service Award
- Received the National Bureau of Affairs Law Student Award for Scholastic Achievement

### **Publications**

- "Environmental Roadblocks to Petrochemical Projects" May 2023
- "Carbon Capture. Use and Sequestration Is Set for Massive Growth" March 2023
- "Same Old WOTUS" January 2023
- "The Focus On Environmental Justice" 11/14/22
- "The New ESG Wave" July 2022
- "Is CCUS The Path to Net Zero?" March 2022
- "Preparing for Enhanced Enforcement in Overburdened Communities" January 2022
- "Uh OOOO! More Regulation for Oil and Gas Production" 11/12/2021
- "Back to the Future!!" September 2021
- "Energy Consumption Data During the Pandemic Year Reveals China's Growth" July 2021
- "How to Ruin a Perfectly Good Oil and Gas Boom" May 2021
- "Louisiana Board of Tax Appeals Rules That Chemicals Qualify for Pollution Control Sales Tax Exclusion" April 2021
- "The Social Cost of Carbon Returns" March 2021
- "Environmental Justice: Origins, Background, and Site Selection Considerations - Part V: Considerations in Site Selection" January 2021
- "Environmental Justice: Origins, Background, and Site Selection Considerations - Part IV: EPA Guidance - The Toolkit" January 2021

- "Environmental Justice: Origins, Background, and Site Selection Considerations - Part III: EPA Guidance - The 2000 Draft Revised Investigative Guidance" January 2021
- "Environmental Justice: Origins, Background, and Site Selection Considerations - Part II: The Executive Order and EPA's Regulations" January 2021
- "Environmental Justice: Origins, Background, and Site Selection Considerations - Part I: The Statute" January 2021
- "A Return to Regulation?" November 2020
- "The End of Regulation by Guidance Document?" September 2020
- "EPA Announces Major Changes In Oil and Gas Regulations" August 2020
- "Oil and Gas Pipelines are Clogged, at Least for Now" June 2020
- "A Sea of Uncertainty in Navigable Waters" April 2020
- "UPDATE - Regulatory Relief in the Environmental Arena Lags Behind" March 2020
- "UPDATE 2 - Regulatory Relief in the Environmental Arena Lags Behind" March 2020
- "Regulatory Relief in the Environmental Arena Lags Behind" March 2020
- "LDEQ's Emergency Order On COVID-19" March 2020
- "Are SEPs On Their Way Out?" March 2020
- "The Scope of Jurisdictional Waters Has Been Narrowed" February 2020
- "EPA Rescinds Major Provisions in Obama-Era RMP Rule" January 2020
- "New York's Case Against Exxon Fails Miserably" December 2019
- "Objective Facts About Cancer In Louisiana's Industrial Corridor" October 2019
- "The 2015 WOTUS Rule Is Repealed" September 2019
- "The Upcoming Battle Over Water Quality Certifications" August 2019
- "A Few Hurdles to Facility Siting" July 2019
- "EPA Turns from Enforcement to Compliance Initiatives" June 2019
- "Streamlining Pipeline Permitting" April 2019
- "Considerations for Environmental Due Diligence" March 2019
- "Some Siting Considerations In Louisiana" February 2019
- "Definition of 'Waters of the U.S.' Finally Proposed" January 2019
- "To Sample or Not to Sample?" December 2018
- "EPA Offers New Owners A New Hope" October 2018
- "Upstream Operators May Get Some Regulatory Relief" September 2018
- "Landowner, Operator Protections from Contamination" August 2018
- "The Meandering Course of the Clean Water Rule" July 2018
- "EPA's 500th Day Victory Lap" June 2018
- "EPA Enforcement In The Coming Years" April 2018
- "Construction Best Management Practices" March 2018
- "Clean Water Rule Jurisdiction Resolved in *National Association of Manufacturers v. the Department of Defense* But Uncertainty Prevails" January 2018
- "Oil and Gas Production is Not Waiting for EPA" January 2018
- "The Administration Restrains Itself" December 2017
- "EPA Unveils Framework For Industry Input on Regulations" October 2017
- "The Ozone Two-Step" September 2017
- "The Clean Water Rule Gets A Well-Needed Review" August 2017
- "Will Oil and Gas Get Any Relief from Obama-era Rules?" July 2017
- "EPA Takes Action on Recent Landfill Rules" June 2017
- "Will EPA achieve its core mission?" June 2017
- "RIP to RMP?" April 2017
- "More Protests in the Pipeline" February 2017
- "ALERT: The Trump Administration's First Week" January 2017
- "ALERT: Freeze on Regulations" January 2017
- "The Hurdles for Trump's EPA" January 2017
- "Relief For the Oil and Gas Industry?" December 2016
- "EPA Expands Its Oversight of Oil and Gas Operations" October 2016
- "Never Let a Disaster Go To Waste" September 2016
- "Muddying the Upstream and Midstream Waters" August 2016

- "New Aggregation Rule Provides Clarity for Oil and Gas Industry" July 2016
- "EPA To Consider Emission Reductions At Ports" July 2016
- "EPA Proposes To Strip Affirmative Defenses For Emergencies" June 2016
- "SCOTUS Levels the Playing Field" June 2016
- "EPA Regional Reports: EPA Region 6" *Air Quality Committee Newsletter*, ABA Section of Environment, Energy, and Resources, April 2016
- "Let's Just Kick Them While They Are Down" April 2016
- "And Not a Drop to Drink?" March 2016
- "The CPP Meets SCOTUS" February 2016
- "'Emission Shaming' - EPA's Latest Compliance Tactic And How To Protect Yourself" February 2016
- "After Coal, Is EPA Pivoting to Oil?" 12/08/2015
- "EPA's Petroleum Refinery Rule Will Increase Litigation" October 2015
- "Is It Time to Lift the Oil Export Ban?" September 2015
- "An Exploration of EPA's Cost-Benefit And Regulatory Impact Analyses" September 2015
- "EPA's Greenhouse Gas Rules Causes More Harm Than Good" August 2015
- "EPA and Corps Expand Their Jurisdiction Over Waters and Wetlands" July 2015
- "The Other Shoe Did Not Drop" June 2015
- "The New Coal Combustion Residuals Rule - An Implementation and Enforcement Nightmare" *Waste and Resource Recovery Committee Newsletter*, ABA Section of Environment, Energy, and Resources, August 2015
- "EPA Coal Ash Rule Will Foster Citizen Suits" April 2015
- "EPA Proposes Zero Discharge to POTWs From Oil and Gas Sector" April 2015
- "Astroturfing the grassroots" March 2015
- "New Climate Rules Will Impact Oil and Gas Industry" February 2015
- "The Fifth Circuit Declines to Extend Sackett to Jurisdictional Determinations" January 2015
- "A Lack of Due Diligence Can Lead to High Penalties in Louisiana" December 2014
- "Two Studies Suggest Fracking Is Safe" October 2014
- "Regulation of Oil and Gas Activities in Texas, Louisiana" September 2014
- "The Clean Air Act And The Basis for Regulation of Greenhouse Gases--Part 1" September 2014
- "The Clean Air Act And The Basis for Regulation of Greenhouse Gases--Part 2" September 2014
- "The Clean Air Act And The Basis for Regulation of Greenhouse Gases--Footnotes" September 2014
- "Believe It Or Not, The Clean Water Act May Actually Help You" August 2014
- "Supreme Court Rules on Major Greenhouse Gas Regulation" July 2014
- "The Goal? No Coal!" June 2014
- "EPA, U.S. Corps Assert Jurisdiction over Isolated Waters, Wetlands" April 2014
- "Green Completions Help the Environment and Industry" March 2014
- "The Keystone XL Pipeline Passes The President's Red-Line On Climate" February 2014
- "Stray Gas Methane - The Next Big Problem?" January 2014
- "Upgraded Standards for Phase I Site Assessments May Impact Loans and Sales" December 2013
- "EPA Opens an Absurd Front in the War on Coal" November 2013
- "There is a Growing Resistance to Climate Change Proposals" October 2013
- "Keystone Pipeline Decision Looms" September 2013
- "The Expansion of the 'Unconstitutional Conditions' Doctrine In Land Use Regulation" August 2013
- "EPA Can Veto Corps' Wetlands Permits "Whenever" It Wants" July 2013
- "What You Don't Know About Phase I Can Cost You" June 2013
- "An Inconvenient Irony" April 2013
- "Why Should You Worry About Environmental Laws?" March 2013
- "The Boiler MACT is Back!" February 2013
- "What Can the BSW Environmental Group do for the Maritime Industry?" January 2013
- "Costly Rules Will Move Forward Now That Election Is Over" January 2013
- "The Ever-Expanding Regulatory Burden" Inside Industry, September 2012
- "Opening Federal Areas to Oil Production Found Economically Viable" August 2012
- "2012 Regular Legislative SessionâUpdate on Environmental Legislation" June 2012

- "Federal Government Issues New Hydraulic Fracturing Rules" June 2012
- "The Sackett Decision—A Major Victory for Property Owners" March 2012
- "Impediments to Oil and Gas Exploration and Production Constricts Supply" March 2012
- "Global Warming 'Pause' Does Not Pause EPA's Regulatory Efforts" February 2012
- "Hydraulic Fracturing Studied by EPA" January 2012
- "false" January 2012
- "The Keystone Cop-Out" December 2011
- "Recent EPA Decisions Impacting Business Opportunities" September 2011
- "Environmental Issues Facing Auto Dealers" September 2011
- "Environmental Protection at Construction Sites" September 2011
- "In re: Harrelson Materials Management, Inc., 2010-1950 (La. App. 1 Cir. 6/10/11)" July 2011
- "In re: Oil & Gas Exploration, Development, & Production Facilities Permit, No. LAG260000, 2010-1640 (La. App. 1 Cir. 6/10/11), 2011 WL 2297790" July 2011
- "In re: Petroplex International, LLC, 2010-1194, (La. App. 1 Cir. 3/25/11), 2011 WL 1225871" July 2011
- "LDEQ's Proposed Revisions to the Solid Waste Regulations" March 2011
- "LDEQ's Spill Prevention and Control Rule Amendment" September 2010
- "LDEQ Finalizes Several Rules in June" June 2010
- "LDEQ's Proposed Rule for Regulatory Permits for Concrete Manufacturing Facilities" March 2010
- "LDEQ Initiative Provides New E&P Waste Disposal Option" March 2010
- "LDEQ's Denial of Hearing Request Overturned" January 2010
- "Clean Water Restoration Act, S.787 SPCC Rule Finalized, Again" November 2009
- "Greenhouse Gas Tailoring Rule Published" September 2009
- "Environmental Justice Efforts Renewed" August 2009
- "Arranger Liability Under CERCLA" June 2009
- "Legislative Session—Pre-filed Bills of Interest" March 2009
- "Greenhouse Gas Emissions and Cap and Trade" March 2009
- "Construction Sites—EPA Proposes Tightened Storm Water Standards" December 2008
- "Recent Rules by Bush to be Rolled Back?" November 2008
- "Revisions to the Definition of Solid Waste" November 2008
- "Hazardous Substance Response Plans Are Coming" January 1900
- "LDEQ Clarifies Solid Waste Buffer Zone Rules" February 2009
- "So, What Wetlands are Regulated and What Waters are Navigable Nowadays?" -January 2009

## Presentations

- *Environmental Due Diligence*, International Liquid Terminals Association Annual Conference, June 2019
- *Recent EPA Air Memoranda and Policy Changes*, Air & Waste Management Association 112th Annual Conference, June 2019
- *The Definition of "Waters of the United States"*, Louisiana Water Environment Association, March 2019
- *Federal Regulatory Update*, Louisiana Solid Waste Association Annual Conference, March 2019
- *The Regulation of Oil and Gas Under Trump*, 4C Environmental Conference, February 2019
- *Recent Regulatory and Legal Developments Impacting Environmental Compliance*, A&WMA Annual Conference, New Orleans, Louisiana, June, 2016
- *Environmental Compliance: A Continuously Evolving Landscape*, International Liquid Terminal Association Annual Conference, Houston, Texas, June, 2016
- *Clean Power Plan*, Electric Power Conference, New Orleans, Louisiana, March, 2016
- *The Definition of Solid Waste*, Environmental Conference, Lafayette, Louisiana, March, 2016
- *The Definition of 'Waters of the United States'*, Louisiana Water Conference, Shreveport, Louisiana, March, 2016
- *Going Clear: How EPA's Transparency Trend Impacts Environmental Compliance*, 4C HSE Conference, Austin, Texas, February, 2016
- *Recent Regulatory and Legal Developments Impacting the Environment*, Air & Waste Management Association's 2015 Annual Conference

- *An Exploration of EPA's Cost-Benefit and Regulatory Impact Analyses*, 35th Annual International Operating Conference & Trade Show for International Terminals Association (ILTA)
- *"Proposed Definition of Waters of the United States"*, 2015 Louisiana Conference Co-host Louisiana Water Environment Association (LWEA)
- *"Fracking - Safer Than You've Heard"*, 4C Environmental Conference
- *"The Clean Air Act And The Basis For Regulation Of Greenhouse Gases"*, Louisiana Section of the Air & Waste Management Association's Environmental Focus 2014
- *"The Clean Air Act And The Basis For Regulation Of Greenhouse Gases"*, 2014 International Conference on Thermal Treatment Technologies & Hazardous Waste Combustors (IT3/HWC)
- *"Recent Decisions Impacting the Environment and Environmental Regulation"*, International Liquid Terminals Association
- *"What Have the Feds Been Up To? Federal Legal Developments"*, Louisiana Solid Waste Association
- *"Will the Regulatory Noose Choke Fracking?"*, Air & Waste Management Association
- *"Recent CAA Initiatives"*, Air & Waste Management Association
- *"NAAQS - How Low Can We Go"*, Air & Waste Management Association
- *"Boiler MACT - The Cost of the Benefits"*, Air & Waste Management Association
- *"Sackett v. EPA"*, Environmental Regulatory Compliance Conference
- *"UIC - Site Selection, Permitting, and Compliance"*, Environmental Regulatory Compliance Conference
- *"Oil and Gas NSPS - Green Completions"*, Louisiana Solid Waste Association
- *"The Continuing Redefinition of the Definition of Solid Waste"*, Louisiana Solid Waste Association
- *"Regulatory Enforcement Actions: What to Expect and How Best to Respond"*, International Liquid Terminal Association

#### **Representative Matters**

- Obtained construction and operating permits for a \$9.4 billion greenfield petrochemical complex.
- Represented several international chemical manufacturers in site selection and permitting of new facilities
- Represented a major oil spill response organization in obtaining \$1.1M reimbursement from the National Pollution Fund Center
- Represented brownfield developer in returning former refinery to productive use
- Represented major liquids tank storage terminal in air emissions and exposure suit
- Represented major coal terminal in citizen suit brought by environmental groups in federal court regarding Clean Water Act discharges
- Represented large sanitary treatment plant in citizen suit in federal court regarding Clean Water Act discharges
- Represents oil and gas operators in 'legacy lawsuits' and exposure cases
- Represented numerous companies regarding enforcement, permitting, and compliance issues
- Represented major chemical manufacture in EPA enforcement action relating to the Risk Management Program
- Obtained the first hazardous waste research, demonstration, and development permit in the state on behalf of client engaged in thermal treatment
- Represented large landowner regarding military munitions issues on a Formerly Used Defense Site located within the state
- Represented the Chamber of Greater Baton Rouge regarding Baton Rouge's ozone non-attainment issues and successfully obtained a stay from the U.S. Fifth Circuit of the use of reformulated gasoline (RFG) in the Baton Rouge non-attainment area
- Was appointed Special Assistant Attorney General to represent the State of Louisiana in a jury trial in federal district court against Marine Shale Processors, Inc.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Eric B. Landry

Partner - Baton Rouge

Tel: (225) 381-8041 Fax: (225) 381-8029 [eric.landry@bswlp.com](mailto:eric.landry@bswlp.com)

Eric is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. His practice focuses on assisting clients with business transactions and corporate advisory services. His principal areas of practice include health care, real estate, banking and finance, mergers and acquisitions, and corporate governance.

### Health Care

Eric is a member of the firm's robust healthcare team. He represents community hospitals, major health systems, physician practices, behavioral health providers, healthcare linen processors, home health agencies, ambulatory surgery centers, long-term care providers and other health care providers. Eric's services include negotiating, planning, and implementing various business transactions on the following matters:

- Asset and Stock Purchase Agreements
- Joint Venture Operating Agreements
- Professional Service Agreements
- Management Agreements

### Real Estate

Eric also advises clients on the sale and purchase of property, the drafting and negotiation of leases, and related real estate matters. Eric is also a licensed title insurance agent. In addition to his experience on traditional real estate matters, Eric has experience with respect to the applicability of health care fraud and abuse laws to real estate transactions. Eric has experience with:

- Commercial Leases
- Medical Office Building Leases
- Real Estate Purchase Agreements
- Stark Law and the Anti-Kickback Statute

### Banking and Finance

Eric has extensive experience representing both borrowers and lenders in connection with financing transactions including, real estate loans, construction loans, healthcare financing, traditional financing, and high-yield credit facilities.

- Loan and Security Agreements
- Mortgages
- Uniform Commercial Code (UCC)

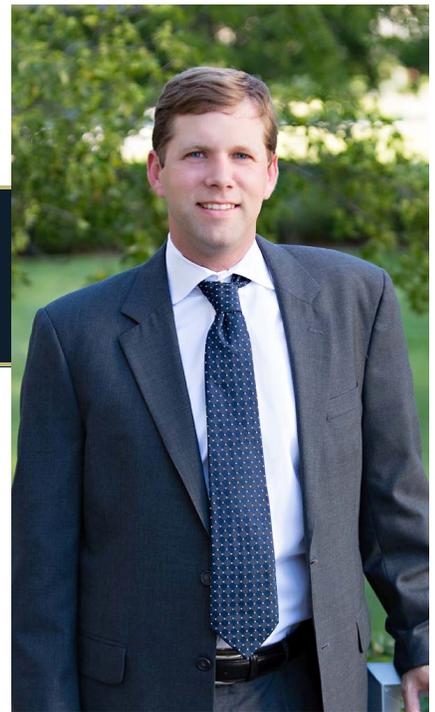
### Corporate Advisory Services

Eric advises businesses of all sizes and types on various matters relating to their formation, corporate structure, and governance. He assists companies with a diverse range of matters, including:

- Formation of Business Entities
- Bylaws and Operating Agreements
- Members' and Shareholders' Agreements
- Subscription Agreements
- Securities Regulations
- Private Placement Memorandum

### **Professional Associations**

- American Health Lawyers Association
- Louisiana State Bar Association (Young Lawyers Section Member)



### **PRACTICE AREAS**

**Corporate & Finance**

**Healthcare**

**Real Estate**

**Business Owners/Entrepreneurs**

**College and Professional Sports**

**Associations and Nonprofits**

**Dentists**

### **EDUCATION**

Paul M. Hebert Law Center, Louisiana State University, J.D., 2006

Louisiana State University, B.S. in Business Administration, 2002

### **ADMISSIONS**

Louisiana 2006, including all state, federal and appellate courts throughout Louisiana, as well as the United States Fifth Circuit Court of Appeals

- Louisiana Hospital Association
- Baton Rouge Bar Association

### Community Involvement

- Better Business Bureau of South Central Louisiana, Vice Chair 2022

### Honors and Awards

- Named a "Rising Star" in the area of Health Care by **Louisiana Super Lawyers** 2014, 2015, 2016, 2018, 2019
- Baton Rouge Area Chamber Leadership, Class of 2018
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.

### Publications

- "Louisiana Main Street Recovery Fund: (More) Help is On the Way" August 2020
- "Paycheck Protection Program Application Deadline in the Process of Being Extended" July 2020
- "PPP Update: Paycheck Protection Program Flexibility Act Enacted by Congress" June 2020
- "SBA Paycheck Protection Program Update" April 2020
- "Paycheck Protection Program Rules Released" April 2020
- "CARES ACT UPDATE (April 1, 2020): Paycheck Protection Program Application is Released" March 2020
- "Summary of Coronavirus Aid, Relief, and Economic Security Act (or CARES Act)" March 2020
- "COVID-19: Frequently Asked Questions For You and Your Business" March 2020
- "BSW Health Law Blog" August 2013
- "Real Estate Leasing in the Healthcare Industry: Understanding the Stark and Anti-Kickback Laws" Louisiana Medical News, June 2012
- "Medical Equipment: Component Parts: What Are They?" Louisiana Medical News, February 2011

### Presentations

- *"Doing the Deal" - Selected Employment Contract Provisions*, Louisiana Hospital Association Advanced Issues in Physician Employment Seminar, April 2019
- *"The Business of Art"*, 2017 Regional Arts Summit, Arts Council of Greater Baton Rouge, June 2017
- *"New Louisiana Business Corporation Act"*, 2015 LCPA Business and Industry Conference, New Orleans, LA, August 2015
- *Purchasing and Leases-Real Estate Purchases; Real Estate Leases and Equipment Leases*, Louisiana Hospital Association Business Health Law Seminar, January 24, 2013
- *"Contracts 101"*, Louisiana Hospital Association Business Health Law Seminar, January 24, 2013
- *"Legal Responsibilities of Health Center Board Members"*, Louisiana Primary Care Association, Post-Conference Sessions, 2012
- *"Legal Liability of Non-Profit Board of Directors"*, Louisiana Primary Care Association, Annual Conference, 2011
- *"Conflict of Interest Transactions"*, Louisiana Primary Care Association, Annual Conference, 2010
- *"Commercial Real Estate Legislative and Case Law Update"*, Louisiana REALTORS Association, 2007

### Representative Matters

- Represented a telecommunications company in \$100 million sale of assets.
- Represented Digital Media Company in purchase of assets.
- Represented lender in \$35 million refinance transaction.
- Represented national health care providers and local hospitals in medicaid supplemental payment program. (UPL)
- Represented home health agencies in purchase and sale of assets.
- Represented various clients in acquisitions and sale of real estate.
- Represented large industrial contracting company in purchase of assets, including software.
- Represented long term acute care provider in sale of assets.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Richard D. Leibowitz

Partner - Baton Rouge

Tel: (225) 381-8046 Fax: (225) 387-5397 richard.leibowitz@bswllp.com

Richard D. Leibowitz is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P., with more than 38 years experience in the area of public finance. He has served as Bond Counsel or Underwriter's Counsel for over \$10.0 billion of tax-exempt bonds within the State of Louisiana since 1983.

Mr. Leibowitz was recognized in *Chamber's USA: America's Leading Attorneys* for Louisiana in the area of Banking & Finance: Public Finance, 2013-2019.

### Experience

- Joined Breazeale, Sachse & Wilson, L.L.P. in 1989 (became partner in 1992)
- Prior to joining BSW, Mr. Leibowitz practiced with another Louisiana law firm which focuses in public finance for six (6) years, and practiced securities law with a law firm located in Dallas, Texas for two (2) years.

### Professional Associations

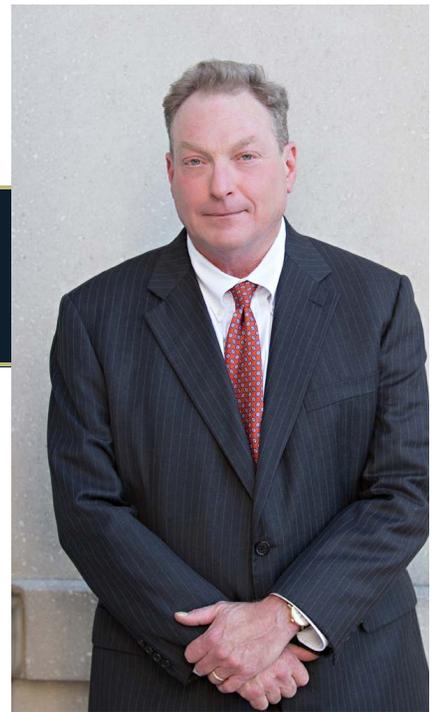
- Louisiana State Bar Association
- National Association of Bond Lawyers

### Honors and Awards

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana* - Banking & Finance: Public Finance, 2013-2019
- American College of Bond Counsel, Fellow
- Selected by his peers for inclusion in **The Best Lawyers in America<sup>®</sup>**

### Representative Matters

- Bond Counsel for the State of Louisiana, political subdivisions, local agencies and public trusts. Represent underwriters in public finance transactions.



### PRACTICE AREAS

**Industrial Development Team**  
**Public Finance**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1980

Northeast Louisiana University, B.S. (Economics), 1976

### ADMISSIONS

Admitted to practice: Louisiana (1980); Texas (1981)



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Steven B. Loeb

Partner - Baton Rouge

Tel: (225) 381-8050 Fax: (225) 381-8029 [steven.loeb@bswllp.com](mailto:steven.loeb@bswllp.com)

Steven Loeb's principal areas of practice include building and heavy construction, architect's and engineer's professional practice liability, public bid law, American with Disabilities Act, mediation and arbitration. His experience includes litigation of complex multi-party construction matters, drafting legislation and standard form agreements for the American Institute of Architects, and arbitration of disputes between owners, developers, contractors, subcontractors, sureties and design professionals. Steven has also handled complex insurance and surety claims all as part of his construction law practice. Steven is a panel arbitrator with the American Arbitration Association, and a Certified Mediator on Americans with Disabilities Act matters through Key Bridge Foundation/U.S. Department of Justice. Steven has taught several courses in the LSU School of Construction and the Southern University School of Architecture. Steven is recognized in *Chambers USA: America's Leading Lawyers* in the area of Construction.

### Professional Associations

- Baton Rouge Bar Association, 1989, past Chairman Construction Law Section
- Louisiana State Bar Association, 1989 - present
- American Bar Association, Section on Fidelity, Surety and Construction Law, 1989 - present
- Member National Council of Architectural Review Boards, 1986 - present
- Construction Specifications Institute, 1993 - present
- American Institute of Architects, 1982 - present (assoc. member)
- Member of the Attorney Panel for the American Institute of Architects National Documents Committee drafting the AIA A201 (1997 Edition)
- General Counsel for: American Council of Engineering Companies of Louisiana (ACEC/L)
- Defense Research Institute (DRI) Construction Law Section, expert witness
- International Code Council (ICC)
- American Arbitration Association (AAA) Panel Arbitrator
- Associated General Contractors - LA (AGC-La)

### Honors and Awards

- Ranked in *Chambers USA: America's Leading Lawyers for Louisiana* - Construction 2013-2017 and 2020-2023
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.

### Publications

- "HIRE NOLA Illegal" March 2016
- "Affidavit of Notice of Fee Disposition" October 2010
- "2010 Louisiana Legislative Amendments To The Private Works Act Benefits General Contractors In An Uncertain Economy, But Creates Uncertainty Regarding Certain Louisiana Lien Law Issues" September 2010
- "New Legislation: Act 726 (Designer's Estimate) To Amend Public Works Act relative to designer's estimates and to the procedures for bidding" January 2009
- "New provisions added to the public bid law by amending the key Public Works Act statute" August 2008
- "New Licensing requirements for Contractors effective January 2009" August 2008
- "Act No. 598 Significantly Restricts and Alters Public Bidding" August 2008
- Time is Money: Risk Management Strategy for Building Construction, FOR THE DEFENSE (DRI), August 2008
- *One Lawyer's Thoughts on Mold Litigation*, Building Envelope Forum (electronic publication)



### PRACTICE AREAS

**Construction**  
**Labor & Employment**

### EDUCATION

Loyola University New Orleans, J.D.,  
1989

Tulane University, Masters in  
Architecture, 2004

Tulane University, B. A. Architecture,  
1982

Tulane University, B.A. Political Science,  
1978

University of North Carolina at Chapel  
Hill, 1974-1977

The Lawrenceville School,  
Lawrenceville, NJ, 1974

### ADMISSIONS

Louisiana, 1989; Louisiana Supreme  
Court; all U.S. District Courts in  
Louisiana; U.S. District Court for the  
Northern District of Texas; U.S. District  
Court for the Southern District of Florida;  
U.S. District Court for the Northern  
District of Florida; U.S. Fifth Circuit Court  
of Appeals; U.S. Eighth Circuit Court of  
Appeals; U.S. Eleventh Circuit Court of  
Appeals.

- *Taking a Stand on Dispute Resolution*, CONCRETE CONSTRUCTION published by The World of Concrete (national publication)
- *Contractor's Liability When Substituting Products*, PROFESSIONAL BUILDER MAGAZINE (national publication)
- *AIA - A201: Contract Between Architect and Contractor, or Not?*, SPECIFIER published by Construction Specification Institute (national pub.)

### **Presentations**

- *"Delay Claims Against Design Professionals"*, 2015 Multi-State Engineering Conference, June 2015
- *"Handling Legal Issues in Engineering and Surveying Practice"*, Legal Issues for Louisiana Civil Engineers and Land Surveyors Seminar, May 2015
- *2014 Louisiana Public Bid Law*
- *Construction Specification Institute - Baton Rouge chapter - Substantial Completion from the Architect's Point of View; Recent Developments in Public Bid Law (2010)*
- *Lorman Educational Services - Construction Law Issues - What to do When (8 hours); AIA Documents (2009)*
- *Construction Specifications Institute National Conferences - Practical Alternative Dispute Resolution (2001); Avoiding the Warranty and Indemnity Trap (2004); and Mitigating Construction Disputes (2006)*
- *Multi-Housing World Conference Mold Prevention and Effective Remediation*
- *Hospitality Design Exposition and Conference Mold Litigation and Risk Management*
- *Louisiana State University Law Center Recent Development in Construction Law*
- *University of South Alabama - Roof Warranties and the Warranty Trap*
- *Twin City Fire Insurance Company, Member of Hartford Group of Companies Dispute Resolution Strategies for Design Professionals*
- *National Business Institute - Comprehensive Course in Construction Law for Contractors and Design Professionals*
- *Louisiana Joint Engineering Conferences - New Developments in Construction Law Avoiding the Warranty and Indemnity Trap International Building Code as adopted by Louisiana*
- *Louisiana Society of Civil Engineers - Design Professional Liability Insurance*
- *Louisiana Business Technology Center and Louisiana Residential Contractors Assoc. - Mediation of a Construction Claim with Mock Mediation*
- *Chitester Management Systems, Inc. - Standing Neutral - a practical alternative ADR*
- *CNA Invited Attorney Conference - Indemnity Clauses*
- *Construction Specification Institute - Pensacola chapter - Shop Drawings and Other Submittals Mold Litigation Update*
- *Construction Specification Institute - Lafayette, La. chapter - Design Professional Insurance*
- *Construction Specification Institute - Mobile Bay chapter - Change Orders, Shop Drawings, ADR and Project Closeout Modern Mold Litigation*
- *Baton Rouge Bar Association - Title III Americans with Disabilities Act*
- *Associated General Contractors - LA (AGC) Annual Speaker*
- *Associated General Contractors - Houston, TX Doing Business in Louisiana Post Katrina*
- *American Society of Civil Engineers Louisiana Chapter - Governmental Ethics for Consulting Engineers"*
- *American Institute of Architects Mississippi Chapter - Project Close Out, Dispute Resolution, and E & O Insurance*
- *American Institute of Architects Louisiana Chapter - Closing Out a Project Dispute Resolution under the AIA Documents Payment and Substantial Completion Certification Copyright and Patent Law for Design Professionals*
- *American Council of Engineering Companies of Louisiana - Recent Developments in Governmental Ethics and Public Bid Laws Affecting Design Professionals*

### **Representative Matters**

- Represented surety during takeover of bankrupt contractor on projects exceeding \$100 million, resolving a majority through negotiation and litigating balance.

- Represented a public airport authority who terminated a contractor and its surety for failure to properly and timely perform work resulting in complex multi-party litigation with over \$50 million at stake.
- Represented a major highway contractor against a public transportation agency in Texas and collected over \$2 million for the contractor's extra work and delay claims.
- Negotiated resolution of a complex claim between the general contractor, subcontractors, suppliers and casino developer requiring the on-site personal presence of Mr. Loeb to manage the project to a successful and timely completion.
- Lead counsel on \$10 million dollar mold and moisture intrusion case representing the public owner against general contractor, surety, architect, developer, insurance carriers and subcontractors.
- Handled construction litigation and American with Disabilities cases in Texas, Louisiana, Florida, Mississippi and Arkansas.

**Qualified Expert Witness (in court testimony)**

- Court appointed expert witness in "Building Construction" and "Americans with Disabilities Act Architectural Guidelines" (August 2001)
- "Alethea Rena McCastle v. Lionel Spruel" Suit No. 137,214, Div. "B", The Family Court, Parish of East Baton Rouge, Louisiana, Luke Lavergne, Judge presiding
- Expert witness in "Building Construction with emphasis on Public Contracts and Construction" (January 7, 2004)
- "City of Baton Rouge and Parish of East Baton Rouge v. Ace Bail Bond Consulting Service" Suit No. 514,889 Sect. 21 19th Judicial District Court Parish of East Baton Rouge, Louisiana, Tim Kelly, Judge presiding



## Mary Katherine Loos

Associate - Baton Rouge

Tel: (225) 381-3169 Fax: (225) 381-8029 [MaryKatherine.Loos@bswllp.com](mailto:MaryKatherine.Loos@bswllp.com)

Mary Katherine Loos is an associate in the Baton Rouge office of Breazeale in the Commercial Litigation practice group. Mary Katherine earned her B.A., *summa cum laude*, from Louisiana State University in 2018 and was a member of Phi Beta Kappa. She earned her J.D./D.C.L. from LSU Law Center in 2021, where she was a winner of the 2019 Robert Tullis Moot Court Competition, admitted to Order of the Barristers, and a member of Board of Advocates.

### Professional Associations

- Wex S. Malone American Inn of Court
- Ellevate Louisiana
- Baton Rouge Bar Association
- Louisiana State Bar Association
- Federal Bar Association, New Orleans Chapter
- American Bar Association
- Bar Association of the Fifth Federal Circuit

### Community Involvement

- St. James Episcopal Church Outreach Ministries
- Belly Up with the Bar, Baton Rouge Bar Association

### Publications

- "Protecting Health Care Providers During Pandemic: Gross Negligence Standard Applies for Premises Claims Against Physicians and Health Care Providers" LADC Newsletter, November 2022



### PRACTICE AREAS

Commercial Litigation

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D./D.C.L., 2021

Louisiana State University, B.A., *summa cum laude*, 2018

### ADMISSIONS

Louisiana, 2021

United States District Court for the Eastern, Middle and Western Districts of Louisiana, 2021

United States Court of Appeals, Fifth Circuit, 2021



## Kelsey C. Lockett

Partner - Baton Rouge

Tel: (225) 381-3174 Fax: (225) 381-8029 kelsey.lockett@bswllp.com

Kelsey Lockett is a partner in the Baton Rouge office, practicing in the area of casualty litigation. She received her Juris Doctor with honors from Louisiana State University Paul M. Hebert Law Center in 2015. She received her Bachelor of Arts from Louisiana State University, with honors, in 2012. Kelsey practices in the area of casualty litigation, premises liability, workers' compensation, medical malpractice defense, and administrative law.

Kelsey has extensive experience defending healthcare providers in malpractice claims both before the Patient's Compensation Fund and in the court system. She also acts as defense counsel for employers and their insurers involved in complex workers' compensation disputes and provides regulatory advice to employers in the context of workers' compensation practices. Kelsey also defends law enforcement officers in suits involving claims brought under 42 U.S.C. 1983. She also has experience handling complex class action matters.

Kelsey also practices in the area of administrative law. She serves as general counsel to several state licensing boards. Her experience in this area includes providing regulatory advice to state agencies in their day-to-day operations, as well as serving as prosecuting attorney in disciplinary proceedings adverse to licensees.

Kelsey has experience in Elder Law, as she handles interdictions and estate and property disputes.

### Professional Associations

- Baton Rouge Bar Association
  - Young Lawyer's Section Council, 2021
- Federal Bar Association
- Louisiana State Bar Association
- Forum 35

### Community Involvement

- LANO Community Leaders Program (Class of 2018)

### Honors and Awards

- Named "Ones to Watch" by Best Lawyers (2021, 2022)
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Named a "Rising Star" by Louisiana Super Lawyers (2022, 2023)

### Publications

- "Elderly Abuse by a Power of Attorney" December 2021
- "My Power of Attorney Isn't Enough - What Next?" December 2021
- "H.R. 1215 Could Have Lasting Effects on Medical Malpractice Litigation" YLD Health Law Committee Newsletter, October 2017
- "Louisiana Supreme Court Ruling on Choice of Pharmacy and Prescription Medication" August 2017
- "Florida Supreme Court Decision Raises Concerns About the Constitutionality of Statutory Caps on Damages in Medical Malpractice Cases" June 2017
- "Legalized Marijuana and Workers' Compensation: Advanced Issues in Workers' Compensation" June 2017
- "Judge Issues Permanent Injunction Enjoining Practical Effect of Louisiana Medical Treatment Guidelines and Appeal Procedure" March 2017
- "Wellness Programs in the Workplace: New Rules and Opportunities for Employers, Louisiana Medical News" July 2013



### PRACTICE AREAS

**Class Action, Mass Tort & Multi-District Litigation**  
**Elder Law Litigation**  
**Interdictions**  
**Premises Liability**  
**Workers' Compensation and Claims Management**  
**Casualty Litigation**  
**Medical Malpractice**  
**Civil Rights Litigation and Governmental Entity Defense**  
**Louisiana State and Local Tax (SALT)**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D./C.L., 2015  
Louisiana State University, B.A., 2012

### ADMISSIONS

Louisiana, 2015  
Louisiana Federal District Courts, 2015  
United States Fifth Circuit, 2015

## **Presentations**

- *Governmental Ethics*, Louisiana Association of School Business Officials, December 2022
- *Ethics in Nursing*, Louisiana Organization of Nurse Leaders, March 2022
- *Basics of Elder Law: Interdictions and Power of Attorney Disputes*, Louisiana Nursing Home Association, November 29, 2021
- *GBRSHRM Executive Excellence Series*, June 2019
- *Basics of Interdiction, Behavioral Health Law Update*, Louisiana Hospital Association, March 28, 2019
- *Louisiana Examination for Workers' Compensation Adjusters*, Louisiana Association for Self-Insured Employers, December 4, 2018
- *Legalized Marijuana & Workers' Compensation*, National Business Institute Advanced Issues in Workers' Compensation Seminar, June 19, 2017



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Michael C. Luquet

Partner - New Orleans

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Michael Luquet is a partner in the New Orleans office practicing in Medical Malpractice Litigation and Healthcare Law. He has extensive experience representing hospitals, physicians, nurses, nursing homes and their insurers in professional liability and general liability claims.

### Professional Associations

- Louisiana State Bar Association
- Louisiana Society of Hospital Attorneys
- Jefferson Bar Association

### Community Involvement

- Past member of the Board of Directors of the American Red Cross, Southeast Louisiana Chapter

### Honors and Awards

- Named to the *Best Lawyers in America* in the area of Medical Malpractice Defense, 2021, 2022, 2023
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Named to "Top Lawyers of New Orleans" in the area of Medical Malpractice by *New Orleans Magazine*, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022

### Publications

- "Allegations Of Driving An Ambulance Too Slowly Are Within The Scope Of The Louisiana Medical Malpractice Act" December 2009
- "The Louisiana Fifth Circuit Court of Appeal Has Held that the Louisiana Patient's Compensation Fund's Filing Fee is Constitutional" December 2009
- "LaCoste v. Pendleton Methodist Hospital, LLC and the Futility of the Coleman Factors" October 2007
- Co-author of "Medical Records Management for Louisiana Paralegals"
- Co-author of "Analyzing Medical Records for the Louisiana Paralegal"
- Co-author of "Nursing Practice in the New Millennium: Avoiding Legal Liability"

### Presentations

- *Co-presenter of continuing legal and paralegal education seminars concerning health care law*
- *Continuing Nursing Education Seminars held at West Jefferson Medical Center, East Jefferson General Hospital, and Lakeview Regional Medical Center concerning legal aspects of nursing care*



### PRACTICE AREAS

Healthcare  
Transportation  
Medical Malpractice  
Casualty Litigation

### EDUCATION

Loyola University School of Law, J.D.,  
1983

University of New Orleans, B.A., 1980

### ADMISSIONS

1983, Louisiana State Courts; United  
States District Court for the Eastern  
District of Louisiana, United States Fifth  
Circuit Court of Appeals



## Catherine M. Maraist

Partner - Baton Rouge

Tel: (225) 381-3168 Cell: (225) 921-6688 Fax: (225) 381-8029 [catherine.maraist@bswllp.com](mailto:catherine.maraist@bswllp.com)

Catherine M. Maraist is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. She focuses her practice on white collar civil and criminal defense and healthcare. Catherine has extensive experience in matters involving federal criminal law, federal civil law and procedure, civil and criminal health care fraud, appellate advocacy, trial advocacy, and professional responsibility. Catherine is a writer and lecturer in various areas of federal civil and criminal law, including health care fraud and compliance. Catherine has also served as an instructor in criminal and civil trial advocacy and appellate advocacy programs at LSU Law School and at the United States Department of Justice's National Advocacy Center.

Before joining Breazeale, Catherine served as an Assistant U.S. Attorney for the Middle District of Louisiana for over 15 years, serving in both civil and criminal capacities. As a federal prosecutor, Catherine investigated and prosecuted a wide range of federal criminal crimes, including firearm violations, narcotics, embezzlement, money laundering, tax fraud, mail fraud, bank fraud, health care fraud, asset forfeiture, and money laundering. Catherine spent several years as a member of the Medicare Fraud Strike Force, a federal government task force focused on prosecuting health care providers for fraud on the Medicare and Medicaid programs. After becoming Civil Chief for the U.S. Attorney's Office in 2011, Catherine prosecuted businesses and individuals under the False Claims Act, the federal government's tool for recovering damages and penalties based on civil fraud. As Civil Chief, she also supervised the litigation of all civil matters involving the United States.

### The following details Catherine's extensive experience:

#### Litigation

##### *Criminal Defense*

- Represents individuals and businesses that are under federal or state criminal investigations and those who have been indicted and are facing trial.
- Represents business and individuals who are victims of criminal acts, such as theft, embezzlement, fraud schemes, and Ponzi schemes.
- Conducts internal investigations of incidents involving fraud, theft, embezzlement within the client's business
- Conducts internal investigations of regulatory crimes, such as environmental crimes (e.g., Clean Air Act/Clean Water Act) and securities violations.

##### *White Collar*

- Represents individuals and businesses that have been charged with financial crimes, such as bank fraud, wire fraud, tax fraud, security fraud, and theft/embezzlement.
- Represents individuals charged with complex financial crimes, such as money laundering and structuring of financial transactions.
- Represents businesses and individuals who are being investigated or have been charged under the Racketeer Influenced and Corrupt Organizations Act (RICO), the Foreign Corrupt Practices Act (FCPA), and other federal and state anti-corruption statutes.

##### *Sentencing and Asset Forfeiture*

- Represents individuals in complex federal sentencing hearings involving financial crimes under the United States Sentencing Guidelines.
- Defends individuals and companies against asset forfeiture allegations brought by the government to seize money and property earned as a result of alleged criminal activity.
- Negotiates with the federal government to lessen the financial impact of criminal convictions.
- Represents innocent property owners whose property is seized during a criminal investigation.

##### *Health Care Fraud*



#### PRACTICE AREAS

Healthcare  
College and Professional Sports  
Dentists  
White Collar and Federal Criminal  
Defense

#### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1998

University of Texas at Austin, B.A., *cum laude*, 1988

Rutgers University in Florence, Italy, Junior Year Abroad Program at Universita degli Studi di Firenze, 1986-1987

#### ADMISSIONS

Louisiana, (Board Certified Health Law Specialist, Louisiana Board of Legal Specialization)

Middle District of Louisiana

Fifth Circuit Court of Appeals

Ninth Circuit Court of Appeals

First Circuit Court of Appeals

- Represents businesses and individuals in all phases of health care fraud and abuse investigations, including investigations involving government health care programs such as Medicare, Medicaid, and Tricare.
- Defends health care providers and health care workers in criminal charges brought under federal and state health care fraud and anti-kickback statutes, as well as health care related charges brought under the federal Travel Act.

## **Civil Enforcement**

### *False Claims Act*

- Defends businesses and individuals in cases brought by the government under the False Claims Act alleging wrongful payment of claims made to the government.
- Negotiates with the state and federal government to dismiss or limit False Claims Act allegations.
- Negotiates with the state and federal government to reduce the damages and penalties owed as a result of False Claims Act violations.

### *Stark/Anti-Kickback*

- Defends health care providers accused of violating federal Stark law and similar state law provisions prohibiting physician self-dealing
- Defends health care providers accused of violating the federal Anti-Kickback Statute and similar state law anti-kickback statutes.

## **Internal Investigations and Provider Self-Disclosures**

- Coordinates and conducts internal investigations regarding billing by health care providers.
- Identifies potential criminal and civil exposure based on payments by the government and by private health care insurers.
- Advises clients on their best options in resolving overpayments identified by the client, including self-disclosure to the government.
- Advises individual clients on the effect of a criminal conviction or a civil settlement on their professional licenses.
- Advises health care providers on effect of a settlement or conviction on Medicare and Medicaid provider privileges.

## **Compliance (Corporate and Healthcare)**

- Develops compliance plans, training employees, and ensuring that the policies are properly implemented.
- Reviews current compliance policies to ensure that policies are complete, up to date, and properly implemented.
- Conducts internal investigations of compliance concerns or potential lapse in compliance reported by client.
- Advising clients on the "next steps" to resolve any compliance issues identified during a compliance review and on the best ways to prevent future compliance issues.
- For health care clients, conducts compliance review of proposed business arrangements for compliance with federal and state health law and regulations, including the Stark law and the Anti-Kickback Statute.

## **Professional Responsibility/Licenses**

- Represents federal attorneys in government ethics and professional responsibility matters brought by the Office of Professional Responsibility and the Department of Justice's Departmental Ethics Office.
- Represents individuals in licensure investigations actions arising under FINRA (Financial Industry Regulatory Authority) and the Securities and Exchange Commission (SEC).

## **Experience**

- Louisiana State University Paul M. Hebert Law School (Adjunct Professor, 2018)

## **Professional Associations**

- Advisory Board Member, Federal Bar Association Qui Tam Section, 2022
- Louisiana State Bar Association, Board Certified Health Law Specialist, Louisiana Board of Legal Specialization
- Federal Bar Association, Former President
- Baton Rouge Bar Association
- LSU Law School Board of Trustees

## Community Involvement

- Sustaining Member, Junior League of Baton Rouge (Past Board Member, Past Community Vice-President, and Past Chair of the Diversity and Cultural Inclusion Committee)
- Member, Baton Rouge Symphony League
- Member, St. James Center for Spiritual Formation (past member on the Board of Directors)
- Member, LSU Law School Alumni Board of Trustees
- Publisher of Louisiana Civil Law and Procedure Newsletter

## Honors and Awards

- Board Certified Health Law Specialist, Louisiana Board of Legal Specialization, Louisiana State Bar Association
- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana* in the area of Healthcare, Since 2022
- Selected by peers for inclusion in The Best Lawyers in America<sup>®</sup> since 2021
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Order of the Coif, Member

## Publications

- "Dentist and His Companies Pay More Than \$750,000 for Medically Unnecessary Medicaid Services" October 2022
- "10 Things to Know About Government Investigations of Dental Providers" 04/26/2022
- "Enforcement Trends to Expect Post-Lockdown" June 2021
- "The New World of House Calls: Telehealth, COVID19, Fraud, and the Anti-Kickback Statute." May 2020
- "CARES Act Relief: Conditions, Compliance, and Potential Whistleblower Complaints" April 2020
- "Proposed Revisions to the Anti-Kickback Statute: An Overview" October 2019
- "This Summer's Healthcare Enforcement Trends" September 2019
- "The Supreme Court Clarifies the Statute of Limitations for Qui Tam Cases Brought Under the False Claims Act in *Cochise Consultancy, Inc. v. United States ex rel. Hunt*" May 2019
- "Governmental False Claims: What They Are and How to Avoid Them" April 2018
- "There's a Federal Agent at Your Door" YLD Health Law Committee Newsletter, February 2018
- "The Federal False Claims Act, Or How a Disgruntled Dental Employee Turned Whistleblower Can Recover Significant Money from a Former Employer", Louisiana Dental Association Journal (September 2022)
- Fraud Trends in Health Care in 2021, 2022, and Beyond, LHA Law Briefs (September 2022)
- Writer/Editorial Assistant, Louisiana Civil Law and Procedure Newsletter, Published by Professor Frank L. Maraist and Dean Thomas C. Galligan, Jr. (2014-present)
- Co-author, Louisiana Lawyering (pocket part), Thomson Reuters 2016 (Fall 2015, 2016)
- Co-author, Admiralty in a Nutshell (6th Ed.), Thomson West Publishers (Fall 2010)
- Co-Author, Cases and Materials on Maritime Law (1st and 2nd Editions), American Casebook Series, Thomson West Publishers (Fall 2015, Fall 2009)
- Note, *Faragher v. City of Boca Raton: An Analysis of the Subjective Perception Test Required by Harris v. Forklift Systems, Inc.*, 57 La. L. Rev. 1343 (Spring 1997)

## Presentations

- "*Using the Federal Government Against Itself*", La. Association of Criminal Defense Counsel, Law & All That Jazz CLE, May 6, 2022
- *Stark and Anti-Kick Back Laws*, Apprenticeship Week, Paul M. Hebert Law Center, Louisiana State University, 2022
- *Fraud and Abuse Compliance Update/Covid-19 and Physician Liability*, The American Association of Physician's of Indian Origin, June 2020
- *Compliance, Retaliation, and Government Investigation of Healthcare Employers*, Breazeale, Sachse & Wilson's Annual Labor and Employment Conference for Healthcare Professional, March 2019
- *Trends in Health Care Enforcement*, Louisiana Ambulatory Surgery Center Association 2019 Annual Meeting, January 2019

- *Trial Advocacy Faculty, Paul M. Hebert Law Center, Louisiana State University*, August 2002-2004, 2006-2011, 2013-2017
- *Federal Criminal Trials, Course Leader & Developer*, LSU Apprenticeship Week Faculty, January 2016 & 2017
- *"Federal Civil Rules of Procedures"*, Louisiana Attorney General's Office CLE Program, September 2017
- *"E-Discovery and ESI: Present and Potential Issues," Presenter*, Federal Bar Association, October 2015
- *"Recent Appellate Cases in Family Law," Presenter*, Baton Rouge Bar Association, August 2015
- *"Discovering and Proving Fraud," Presenter*, LSU Fraud and Forensic Accounting Conference, July 2015
- *"Suing Uncle Sam: An Overview," Presenter*, Louisiana State Bar Association CLE Program, 2014
- *NITA Building Trial Skills Program Faculty*, New Orleans, Louisiana, January 2014
- *"Federal Criminal Practice," Presenter*, Louisiana State Bar Association CLE Program, May 2013
- *"Practical Tips for Handling Your First (and Next) Federal Civil Case," Presenter*, Louisiana State Bar Association CLE Program, October 2011
- *"White Collar Crime for Civil and Criminal Practitioners," Presenter*, Louisiana State Bar Association CLE Program, November 2009
- *Appellate Advocacy Faculty*, National Advocacy Center, Columbia, South Carolina, August 2009 & August 2013
- *Moot Court Coach/Judge*, Louisiana State University, September 2006 - December 2009
- *"Maritime Litigation Involving the United States Government," Speaker*, 10th Annual Admiralty Symposium, September 2002



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Eve B. Masinter

Partner - New Orleans

Tel: (504) 584-5468 Cell: (504) 421-6366 Fax: (504) 584-5452 eve.masinter@bswllp.com

Ms. Masinter is a litigator in the areas of employment, business, and healthcare, including class action defense. She has longstanding experience in trial and appellate practice in both federal and state courts. She has successfully represented private and public entities before multiple federal and state appellate courts.

She handles administrative matters with the EEOC, DOL, and OSHA. She also opines on insurance coverage. Ms. Masinter represents management in injunction proceedings involving Unions, litigates non-compete cases, as well as cases involving state and federal employment laws and regulations. She regularly conducts employer and supervisor training on topics such as avoiding discrimination, harassment and retaliation in the work place, the hiring, discipline and termination of employees, and on various employment laws.

Her clients include hotels, hospitals and other healthcare entities, restaurants, retail and industrial employers and public entities. She not only defends such clients in various employment matters but counsels and advises them on employment and HR policy and procedures and updates and revises employment policies and procedures and employee handbooks and manuals.

She served on the International Association of Defense Counsel, Board from 7/2014 - 7/2017 and was the Board Liaison to the Employment Law, Diversity and Membership Committees, and the Defense Counsel Journal. As an active member of the New Orleans community. Eve serves as the President of the Board for New Orleans Vocal Arts Chorale.

### Appellate

- *Plaisance v. Jefferson Parish School Board*, 252 So.3d 996 (La. App. 5th Cir. 7/31/2018).

Elementary and middle school principals filed petition for damages and declarative and injunctive relief against school board, alleging breach of contract, following decision to demote or remove principals. The District Court, 24th District, Jefferson Parish, No. 721-681, DIVISION "C", June B. Darensburg, J., entered partial final judgment confirming demotions and removals.

- *Garrison v. St. Charles General Hospital*, 847 So.2d 688 (La. App. 4th Cir. 5/7/2003).

Writ granted remanding Hepatitis C class action and ordering trial court to address the Defendants' exception of cumulation of actions before ruling on class certification and to revisit exception of improper venue after or in conjunction with a hearing and ruling on class certification.

- *Chauvin v. Sisters of Mercy Health System*, St. Louis, Inc., 818 So.2d 833 (La. App. 4th Cir.5/18/2002), writ denied, 825 So.2d 1194 (La. 9/30/2002).

Summary judgment dismissing 1963 blood transfusion recipient's strict liability and negligence claims against hospital for Hepatitis C affirmed by the Louisiana Appellate Court. The Court held that, in 1963, virus' presence in blood was "unavoidably unsafe" under the restatement of the Law of Torts 2d, precluding liability.

- *Arnolie v. Orleans Parish School Board*, et al., 48 Fed.Appx. 917, 2002 WL 31115131 (5th Cir. 9/17/2002).

The Fifth Circuit determined that Arnolie's race discrimination claim was not brought timely, two unfavorable evaluations did not amount to adverse employment actions and school Principals were not "employers" as defined by Title VII.

- *Taylor v. Books A Million, Inc.*, 296 F.3d 376 (5th Cir. 7/15/2002).

In a race discrimination and retaliation case against Books A Million, Inc., the U.S. Fifth Circuit affirmed the district court's dismissal of plaintiff's claims under Fed. R. Civ. P. 12(b)(6). The case presented an issue of first impression for the Fifth Circuit regarding the timeliness of the filing of a lawsuit under Title VII after the presumed receipt of a notice of right to sue from the Equal Employment Opportunity Commission. Looking to the United States Supreme Court and other circuits, the Fifth Circuit adopted a seven-day presumption of receipt, where the date of receipt of the EEOC's notice of right to sue was



### PRACTICE AREAS

Healthcare  
Labor & Employment  
Education  
Commercial Litigation

### EDUCATION

Paul M. Hebert Law Center at Louisiana State University, J.D., 1982

Louisiana State University, B.A., 1979

### ADMISSIONS

Louisiana, 1982

U.S. District Court, Eastern, Middle and Western Districts of Louisiana and Eastern District of Arkansas

U.S. Court of Appeals, Fifth and Eighth Circuits

U.S. Supreme Court

Pro hac vice admissions to many other U.S. Federal District Courts

unknown. Under this presumption, the plaintiff's case against Books A Million was filed one day too late.

- *Douglas v. Dyn McDermott Petroleum Operations Company*, 144 F.3d 364 (5th Cir.6/18/1998), rehearing en banc denied, 163 F.3d 223 (5th Cir. 12/16/1998).

In-house counsel was terminated and sued claiming race discrimination and retaliation. Jury verdict on retaliation claim only reversed by the Fifth Circuit Court. No protection under Title VII for an in-house attorney who violated the Rules of Professional Conduct and disclosed confidential client documents and information to a third party under the guise of asserting her rights - no protected activity.

- *Cabrol v. Town of Youngsville*, 106 F.3d 101, (5th Cir. 2/24/1997)

The Fifth Circuit held that summary judgment was properly granted in favor of employer where terminated employee alleged constitutional violations but lacked a sufficient property interest as an at-will employee and could have been terminated at any time.

- *Sherman v. RK Restaurants Holdings, Inc.*, 2014 WL 4540023 (E.D. La. 9/11/2014)

Motion to Stay Pending Arbitration granted under the Federal Arbitration Act and the parallel state law in a race and religious discrimination, defamation, intentional infliction of emotional distress, and wage claim action removed to Federal Court. Arbitration Agreement signed by Executive Chef at inception of employment agreeing to submit all claims, including wage, tort and discrimination claims, enforced. Court rejects an unconscionable argument, and finds that the FAA preempts a state law that prohibits choice of forum clauses and that the claims fall within the scope of the clear terms of the Arbitration Agreement.

- *Christina v. Stein*, 2003 WL 22966366 (E.D. La. 12/12/2003).

Rule 12 (b)(6) Motion to Dismiss individual supervisory defendants (Board President and Executive Director) in Age Discrimination in Employment Act (ADEA) suit filed by employee of retirement facility.

- *Barber v. Marine Drilling Mgmt., Inc.*, 2002 WL 237848 (E.D. La. 2/15/2002).

Rule 12(b)(6) Motion to Dismiss granted in sexual harassment, defamation, intentional infliction of emotional distress and state law whistle-blower case. Allegations did not appropriately satisfy that the conduct at issue was "because of sex" or that the conduct was so severe and pervasive as to constitute hostile environment discrimination under Title VII and La. R.S. 23:301. The state law claims were dismissed for failure to state the necessary elements.

- *Santee v. Windsor Court Hotel Ltd., Pshp.*, 2000 WL 1610775 (E.D. La. 10/26/2000).

Refusal to hire because of plaintiff's hair color dismissed on summary judgment, as plaintiff did not comply with employer's grooming standards. The court found no basis for constitutional or Title VII race discrimination claims, as no state action was involved and hair color was not a protected class.

### **Professional Associations**

- American Bar Association
- Claims & Litigation Alliance (CLM)
- Louisiana State Bar Association, Labor and Employment Law Section, Chair (2006-2007), Vice-Chair (2005-2006), Secretary/Treasurer (2004-2005), Council Member (2001-2004)
- ABA Committee for Liaison with the EEOC, OFCCP & DOJ
- Federal Bar Association
- New Orleans Bar Association
- American Health Lawyers Association
- Louisiana Hospital Association
- Louisiana Supreme Court Historical Society

### **Community Involvement**

- Board President of NOVA Chorale
- Founding Board Member of NOLA City Bark

### **Honors and Awards**

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Ranked in *Chambers USA: America's Leading Lawyers for Business* for Louisiana - Labor and Employment, since 2007
- Selected by her peers for inclusion in *The Best Lawyers in America*<sup>®</sup> since 2012
- Listed in *Louisiana Super Lawyers* in the area of Employment & Labor, since 2013

- Corporate Livewire Global Awards Winner, 2015
- Selected by *New Orleans Magazine* as "Top Lawyers", 2012, 2013, 2014, 2016, 2017, 2018, 2020
- *New Orleans CityBusiness* - Leadership in Law Class of 2008
- *New Orleans CityBusiness* -Woman of the Year in 2003 and 2009
- Louisiana Super Lawyers Top 25 Women 2019
- Law Review
- Order of the Coif

### **Publications**

- "Accommodate Before You Terminate: COVID May Be a Disability Under the ADA" February 2022
- "Three Spring Cleaning Tips for Employers" May 2021
- "Recent Developments in Business and Corporate Litigation", ABA Business Law Section Annual Case Law Update - Chapter 19 August, 2019
- ABA Business Law Section Annual Case Law Update - Chapter 15: Employment Law 2018
- "Clarity on the Horizon? Another Appeals Court Grants *En Banc* Review of Sexual Orientation Discrimination under Title VII" IADC Diversity Newsletter, June 2017
- "Next stop Supreme Court? The circuit split over Title VII's coverage of sexual orientation discrimination" Westlaw Journal, Volume 31, Issue 21, May 2017
- "Because of Sex Under Title VII" May 2017
- "Hively v. Ivy Tech Comty. Coll., S. Bend, 15-1720, 2016 WL 4039703 (7th Cir. July 28, 2016): Sexual Orientation Discrimination not (yet) Covered by Title VII" IADC Diversity Newsletter, September 2016
- "Tyson Foods, Inc. v. Bouaphakeo, et al: Employees Win on Liability, but Will They Ultimately Bring Home the Bacon?" Westlaw Journal, Volume 30, Issue 24, June 2016
- "Tyson Foods, Inc. v. Bouaphakeo, et al: Employees Win on Liability, but Will They Ultimately Bring Home the Bacon?" IADC Diversity Newsletter, May 2016
- "Fifth Circuit Signals to NLRB to Show Respect and Shun Sophistry" IADC Employment Newsletter, November 2015
- "Update on Transgender Rights in the Workplace" IADC Diversity Newsletter, January 2015
- "EEOC Recognition of a Title VII Cause of Action for Transgender Individuals" IADC Committee Newsletter, December 2012
- "Alito Speaks for the Court: Timeliness Under Title VII" Louisiana Bar Journal, Volume 55, Number 2, pp.130-132, August 2007
- "Verbal Abuse: Supreme Court Slaps Down Discriminatory Standard" IADC Employment Law Newsletter, No. 1, August 2006
- "United States Supreme Court Updates" IADC Employment Law Newsletter, No. 10, June 2005
- "What's Age Got to Do With It? Recent Developments in Employment Law in the United States Supreme Court" IADC Defense Counsel Journal, Volume 72, Number 2, pp.141-157, April 2005
- "Supreme Court Update: Drugs, Sex and Money" IADC Employment Law Newsletter, No. 3, December 2003
- "Position Statements to the EEOC: A Trap for the Unwary" IADC Employment Law Newsletter, No. 2, November 2003
- "Employment Cases on the Supreme Court Docket for the 2003-2004 Term" IADC Employment Law Newsletter, No. 1, October 2003
- "What the Supremes Recently Heard and Recorded", IADC Employment Law Newsletter No. 6, November 2003
- "Recent Developments: Labor and Employment Law," "Supreme Court Limits Permissible Scope of Non-Compete Agreements", Louisiana Bar Journal, Volume 49, Number 4, pp. 330-331, January 2002

### **Presentations**

- *Update on FMLA & ADA Developments*, Management Update, January 2022
- *Surveying Significant Louisiana State Labor/Employment Laws*, Management Update Briefing, November 2021
- *Dealing with Liability for Potential Wage Disparities*, Management Update, May 2021

- *Dealing with Medical Leaves of Absence—Paid and Unpaid*, Management Update Briefing, January 2021
- *"Practicing Legally Proper Workplace Racial/Gender Sensitivity"*, Management Update Briefing, November 13, 2020
- *"Accommodating Employee Requests for Accommodation - Disability, Religion, Pregnancy, and Beyond"*, Sixth Annual Update on Labor & Employment Law for the Construction Industry , October 8, 2020
- *"What Your Business Can Do About Human Trafficking and Sexual Abuse of Employees"*, Management Update Briefing, September 17, 2020
- *"Examining Workplace Safety Standards During the COVID-19 Outbreak"*, Management Update Briefing, May 7, 2020
- *"Perils and Pitfalls at the Intersection of Social Media and Employment"*, Labor & Employment Conference for Healthcare Professionals , March 13, 2020
- *"Recent Trump Labor Board Decisions That Could Impact Your Business"*, Management Update Briefing, January 16, 2020
- *"Employer Record Retention: Legal Requirements & Best Practices"*, Society of Louisiana CPAs, Kenner , December 2018
- *"Are These Workers My Employees?"*, Management Update Briefing, New Orleans, September 2018
- *"Emerging Issues, Best Practices and Legal Challenges in the Workplace: Focus on Social Media, Investigations, Terminations and Documentation"*, Gulf States ASC Conference, Biloxi, MS, June 2018
- *"Reducing the Risk of Violence in the Workplace"*, Management Update Briefing, New Orleans, May 2018
- *"Developments in Harassment and EEO Law"*, Labor and Employment Conference for Healthcare Professionals, Baton Rouge, February 2018
- *"Dealing with Illegal Drugs, Alcohol and Substance Abuse Testing"*, Management Update Briefing, New Orleans, 1/24/18
- *"Reducing Legal Risks of Electronic Communication Usage"*, Management Update Briefing, Baton Rouge, 11/3/17
- *"FLSA Developments in Wage & Hour Law"*, Third Annual Labor and Employment Seminar for the Construction Industry, Baton Rouge, LA, 10/18/17
- *"Dealing with the 3-headed animal: ADA, FMLA, and workers' compensation"*, Management Update Briefing, New Orleans, 9/14/17
- *"Reducing Legal Risks of Electronic Communication Usage"*, Management Update Briefing, New Orleans, 5/4/17
- *"What You Can Be Liable for Without Even Knowing It"*, Management Update Briefing, New Orleans, 2/2/17
- *"Employment Law Update"*, Employment Law: Rights, Benefits, and Emerging Issues Seminar, Lafayette, 12/7/16
- *"Coping with Emerging Discrimination Claims"*, Management Update Briefing, New Orleans, 10/6/2016
- *"Dealing with Transgender Employees and Applicants"*, Management Update Briefing, New Orleans, 5/19/16
- *"Trends in Retaliation Claims"*, Management Update Briefing, New Orleans, 1/21/16
- *"The EEOC Invades Personnel Policies: Accommodation of Theft and Working from Home; Criminal Backgrounds; Social Media"; "Successfully Navigating Medical Leaves of Absence, FMLA, ADA"*, Management Update Briefing, Baton Rouge, 11/13/2015
- *"Successfully Navigating Medical Leaves of Absence, FMLA, ADA"*, Management Update Briefing, Shreveport, 10/23/15
- *"Cutting Edge Medical Issues to Accommodate Under the Americans With Disabilities Act"*, Management Update Briefing, New Orleans, 9/3/15
- *"A Primer on Handling Family and Medical Leave"*, Management Update Briefing, New Orleans, 5/7/15
- *"Smoking in the Workplace"*, Management Update Briefing, New Orleans, 1/22/15

- *"Federal Agencies Invade Personnel Policies: Accommodations of Theft and Working From Home; Criminal Background; and Social Media"*, Management Update Briefing, Baton Rouge, 11/21/14
- *"Getting Ready for 2015: How Supreme Court Cases and Agency Regulations Will Impact Labor and Employment Law"*, ABA/EEO Liaison Committee - CLE Presentation, New Orleans, 11/19/14
- *"What is The EEOC Up To Lately: Religious Garb and Pregnancy"*, CPE for the Society of the CPAs, Kenner, 10/17/14
- *"Social Media: An Employer's Source or Sin"*, Management Update Briefing, New Orleans, 9/11/14
- *"Recent Developments and Regulatory Interpretations"*, Management Update Briefing, New Orleans, 5/15/2014
- *"Title VII Updates: Criminal Background Checks, Title VII Protections, and other EEOC Initiatives"*, ABA/EEO Liaison Committee Meeting, New Orleans, 11/20/13
- *"Coping with Emerging Discrimination Claims: Criminal Convictions, Retaliation, and Harassment/Transgender Claims"*, Management Update Briefing, Baton Rouge, 10/18/2013
- *"Coping with Emerging Discrimination Claims: Retaliation, Harassment, and Transgender Claims"*, Management Update Briefing, New Orleans, 10/10/2013
- *"Interrupting Implicit Bias in the Legal Profession: Practical Tools"*, IADC 2013 Annual Meeting, Diversity and International Program, 7/8/2013
- *"ADA/FMLA: Recent Developments and Regulatory Interpretations"*, MFM/BCCA Annual Conference, Roosevelt Hotel, New Orleans, 5/20/2013
- *"Class Action Update Post Wal-mart v. Dukes"*, 2013 IADC Annual Meeting, 7/7/2013
- *"Understanding International Labor & Employment Policy"*, 2013 IADC Midyear Meeting, 2/1/2013



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Christopher A. Mason

Partner - Baton Rouge

Tel: (225) 381-8039 Fax: (225) 381-8029 [cam@bswllp.com](mailto:cam@bswllp.com)

Chris Mason is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson in the Casualty Litigation section. Chris' principal areas of practice include defense of personal injury, premises liability, product liability, insurance policy and coverage disputes, general insurance defense, commercial liability, transportation and trucking defense, workers' compensation defense, railroad liability, highway design and maintenance litigation, construction disputes, and medical malpractice. Chris has tried dozens of cases to verdict and has handled appeals before the Louisiana Courts of Appeal and Supreme Court. Chris has an AV<sup>®</sup>Preeminent<sup>™</sup> Peer Review Rating from Martindale-Hubbell, and has been listed in the Louisiana Super Lawyers as a Rising Star since 2015.

### Experience

- Represented insurance companies in defense of personal and commercial liability claims, insurance policy and coverage disputes.
- Represented trucking companies in various transportation and general liability claims.
- Represented hospitals in every phase of medical malpractice litigation, including medical review panel through appeal.
- Represented employers, insurers and self-insured funds in workers' compensation defense.
- Represented various types of businesses, contractors and construction companies in various civil litigation and disputes
- Represented clients in various complex litigation involving roadway defects, highway design and maintenance, railroad crossings, sight obstructions and immunity issues.
- Numerous successful appeals on behalf of appellants and appellees before Louisiana appellate courts and the Louisiana Supreme Court.
- Represented property owners, real estate management companies in both general business affairs and litigated matters including landlord/tenant litigation, leases, evictions, handbook and policy development, and compliance with the Fair Housing Act, defense of complaints filed with HUD or RD, including discrimination, ADA.

### Professional Associations

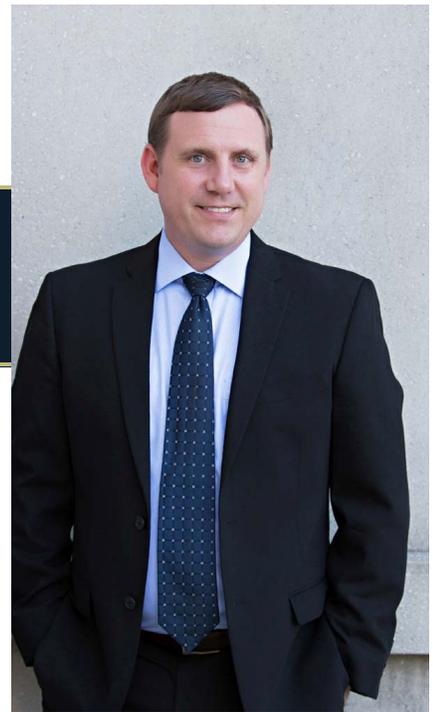
- Baton Rouge Bar Association
- Louisiana State Bar Association
- American Bar Association

### Honors and Awards

- Named a "Rising Star" in the area of Civil Litigation: Defense by *Louisiana Super Lawyers*, Since 2015
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated

### Publications

- "Louisiana Workers' Compensation Law and COVID-19 as a Potential Compensable Occupational Disease" April 2020
- "Louisiana Supreme Court Ruling on Choice of Pharmacy and Prescription Medication" August 2017
- "Judge Issues Permanent Injunction Enjoining Practical Effect of Louisiana Medical Treatment Guidelines and Appeal Procedure" March 2017



### PRACTICE AREAS

Transportation  
Workers' Compensation and Claims  
Management  
Premises Liability  
Casualty Litigation

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D./B.C.L., 2004

Louisiana State University-Baton Rouge, B.S., *magna cum laude*, 2001

### ADMISSIONS

Admitted to practice in all Louisiana State and Federal Courts



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Van R. Mayhall, Jr.

Partner - Baton Rouge

Tel: (225) 381-8009 Fax: (225) 381-8029 van.mayhall.jr@bswlp.com

Van R. Mayhall, Jr., is the senior partner in the Baton Rouge office and is a former Chairman of the firm's Executive Committee having served six years as such. He has extensive legal experience with strategic and enterprise legal issues affecting ongoing businesses. Mr. Mayhall advises boards of directors and senior management on such issues and for over 40 years has practiced in the areas of corporate and business law; business transactions, tax and securities; insurance regulatory; selected litigation and alternative dispute resolution. Mr. Mayhall is recognized in *Chambers USA: America's Leading Lawyers for Louisiana* in the area of Corporate/M&A for 2017 and 2018.

### Professional Associations

- Member Baton Rouge, State of Louisiana, and American Bar Associations
- Board Certified Tax Attorney and a former Director of the Louisiana State Bar Association Specialization Board
- Chairman of the Section on Taxation for the Louisiana State Bar Association from 1990-1991
- Member of the Federation of Regulatory Counsel "FORC."
- Member of American Bar Association's Committee on Insurance Companies
- 2016 Future Pac Chair
- Downtown Development District, 2009-2010 Chair; past Vice Chair, Secretary, and Board member
- Past Chair of the Audit Committee of the Franciscan Missionaries of Our Lady Health System and Former Nine Year Member of the Board of Directors of Our Lady of the Lake Regional Medical Center
- Past Vice Chair and Member of the Board of Directors of the East Baton Rouge Redevelopment Authority
- Chair of the Board and Member of the Executive Committee and Board of Directors of the Baton Rouge Area Chamber of Commerce, 2015
- Chair of Crime Issues Council and the Good Growth, Infrastructure & Transportation Issues Council of the Baton Rouge Chamber of Commerce
- Past Chair of the Dinner Committee for the 2007 Brotherhood/Sisterhood Awards Gala in August 2007.
- Former Chairman of the Governmental Affairs and Community Development Division of the Baton Rouge Area Chamber of Commerce
- Past Chairman of the Board of Directors for the Capital Area United Way and Campaign Chair for 2007
- Founding Chairman of the Board of Trustees of the Clara Barton Society of the Louisiana Capital Area Chapter of the American Red Cross
- Past Chairman of the Board of Directors of the Louisiana Capital Area Chapter of the American Red Cross
- Past Member of Alumni Board of Trustees, LSU Law Center
- Past Co-Chairman of the Louisiana Tax Institute
- 1987 Graduate of Leadership of Greater Baton Rouge and past Graduate of Leadership Louisiana
- Past President, Member of the Board of Governors of City Club of Baton Rouge
- Member of the Board of Directors of the Audubon Society

### Honors and Awards

- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana - Corporate/M&A*, Since 2017
- Selected by his peers for inclusion in **The Best Lawyers in America**<sup>®</sup>, Since 2014



### PRACTICE AREAS

**Class Action, Mass Tort & Multi-District Litigation**

**Litigation**

**Corporate & Finance**

**Insurance Regulatory**

**Tax**

**Capital Formation and Securities**

**Alternative Dispute Resolution**

### EDUCATION

Georgetown Law, Washington, D.C.,  
Master Law Taxation, 1979

Paul M. Hebert Law Center, Louisiana  
State University, Juris Doctorate, 1971  
(Associate Editor of the Louisiana Law  
Review from 1970-1971; Order of Coif,  
Phi Alpha Delta, and Phi Kappa Phi)

### ADMISSIONS

Louisiana State and Federal Courts,  
1971; U.S. Tax Court and the Supreme  
Court of the United States, 1979

- Selected Lawyer of the Year, in Corporate Law in Baton Rouge by The **Best Lawyers in America**® 2019, 2021, and 2023
- Selected Lawyer of the Year, in Litigation and Controversy Practice in Baton Rouge by The **Best Lawyers in America**® 2018
- Selected Lawyer of the Year, in Government Relations Practice in Baton Rouge by The **Best Lawyers in America**® 2017
- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Recommended Insurance Attorney by A.M. Best
- Listed in **Louisiana Super Lawyers** in the area of Business/Corporate since 2007
- Outstanding service award, Crime Council Chair, 2012, Baton Rouge Area Chamber of Commerce
- Awarded the "Volunteer of the Year" Award by the Capital Area United Way, 2010

## Publications

- "COVID-19 Tax Related Provisions Affecting You and Your Business" April 2020
- "COVID-19: Frequently Asked Questions For You and Your Business" March 2020
- "Insurance Persons Convicted of a Felony - Treatment In Louisiana" Federation of Regulatory Counsel Alert, October 2018
- "Enactment Update: 2017 Tax Reform Bill Individual Effects" December 2017
- "Reconciliation Update: 2017 Tax Reform Bill Business Impacts" December 2017
- "Reconciliation Update: 2017 Tax Reform Bill Individual Effects" December 2017
- "2017 Tax Reform Bill's Business Impacts" December 2017
- "2017 Tax Reform Bill's Individual Effects" December 2017
- "Corporate Governance Annual Disclosure Act" December 2015
- "Crowdfunding Remains on Hold Until SEC Issues Rules" December 2012
- "Crowdfunding: A New Opportunity to Raise Business Capital" August 2012
- "Potential Release Of Confidential Information Pertaining To Insurers Doing Business In Louisiana" January 2009
- "Louisiana Department of Insurance Legislative Package" March 2008
- "Insure Louisiana Incentive Program: Second Public Offering" January 2008
- Authored or co-authored: "Insure Louisiana Incentive Program, Second Public Offering", 2008; Guaranty Association Administrative Claims Paid on a Par With Liquidator Administrative Claims; Insurance Fraud Protection Act; Louisiana: Louisiana Department of Insurance Issues Bulletin on Felons in Insurance Industry; Louisiana: Fifth Circuit Clarifies Imposition of Penalties under Insurance Code where Insurer Arbitrarily and Capriciously Fails to Timely Settle Claim; Louisiana: Officers, Directors & Trustees to File Biographical Information Under New Regulation; Louisiana: Supreme Court Upholds the Constitutionality of "No Pay, No Play" Statute; Louisiana Year 2000 Endorsements/Exclusions; Tax Treatment of Year 2000 Compliance; "Considerations in Buying or Selling a Business in Louisiana"; "Investment Control and Securities Laws", 1992; "Basic Corporate Law in Louisiana", 1994;
- Louisiana Department of Insurance - wrote papers and delivered seminars, entitled "Basket Clause" (1993) and "Eligible Investments in Admitted Assets" (1992).

## Presentations

- *Presentation to the International Association of Insurance Receivers - "Louisiana's Corporate Governance Annual Disclosure Act" at the National Association of Insurance Commissioners Spring 2016 National Meeting Issues Forum, April 2016, New Orleans, LA;*
- *Presentation of "New Orleans - Literature and the Law," November 2014;*
- *Presentation to the Annual Louisiana Filing & Compliance Seminar held in conjunction with the Louisiana Insurers' Conference - "Legislative Highlights & Hot Topics", July; 2012, New Orleans, LA;*
- *Presentation to the Louisiana Insurers' Conference - "Contracts 101", March 2008, Baton Rouge, LA;*
- *Presentation to LABI - "Louisianans for Workers' Compensation Reform", March 2008;*
- *Presentation to the International Association of Insurance Receivers - "Directors and Officers Liability Issues and Insurance Coverage", December 2006, San Antonio, TX;*

- *Presentation to Louisiana Insurers' Conference on insurance regulatory issues and general business issues, November 2006;*
- *Presentation to the NOLHGA MPC Meeting - "Sarbanes-Oxley", February 2005, Tampa, FL;*
- *Presentation to the Institute of Internal Auditors - Sarbanes-Oxley", November 2003;*
- *Presentation to attendees of conference on "Considerations in Buying or Selling a Business in Louisiana", November 1997, Baton Rouge, LA*
- *Presentation to the Society of Louisiana Certified Public Accountants - "Bankruptcy Strategies and Workouts", June 1987, Orlando, FL*

### **Representative Matters**

- Represent businesses at board and senior management levels in addressing enterprise and strategic legal issues which constitute opportunities for or threats to such businesses.
- Represents clients in major transactional work, valued in the last several years in the hundreds of millions of dollars, including clients in major transactional work regarding corporate formation, dissolutions, reorganizations, mergers and acquisitions.
- Represents clients before the Securities & Exchange Commission and the Louisiana Securities Commission.
- Represents both private business interests and publicly-held companies. With respect to publicly-held companies, this includes the construction and drafting of many types of securities documents complying with federal and state securities laws, including registration statements, Form 10K's, Form 10Q's, 8K's and other assorted documentation, including private offering memoranda.
- Represents private clients' business interests before many different administrative bodies, including the Department of Insurance, Department of Economic Development, the Department of Revenue, Metro/City/Town Councils, Planning and Zoning Commissions, and miscellaneous boards and agencies.
- Represents clients with respect to Internal Revenue Service tax disputes, audits, and controversies arising out of corporate and personal income tax returns as well as transactional tax matters.
- Represents insurers, reinsurers, agents, HMO's, service companies, self-insured funds, third-party administrators, employers, and state regulators on a wide variety of insurance, transactional and regulatory issues.
- Represents clients in numerous class action cases and other critical pieces of litigation.
- Has served as an expert witness in both insurance regulatory and private contractual matters.
- Supports clients in advancing and opposing legislation.

### **Novels Published**

#### *Judas The Apostle*, August 2013

Ancient language expert Dr. Clotile Lejeune is happily living a quiet life in Seattle when her world is profoundly shaken. After she learns that her estranged father has been murdered, Cloe must travel with her soldier son, J. E., back to her Louisiana hometown to unlock the mysteries of a two-thousand-year-old oil jar her father has left her-a jar inscribed with the name Judas Iscariot. Anxious to find her father's killer and dispel her own personal demons, Cloe has no idea that what she is about to uncover has the potential to set the international religious community on fire.

#### *The Last Sicarus*, February 2014

Dr. Clotile Lejeune, an ancient languages expert, barely survived her encounter with the Kolektor, a billionaire arms merchant desperate to possess the ancient oil jar bequeathed to Cloe by her father. Now that the Kolektor has met his fate at the hands of the Sicarii-the shadowy successors to Judean revolutionaries and now guardians of the cave of jars-Cloe is busy translating the newly discovered and potentially earth-shaking journal of Christ's public ministry. But when she is called to a personal audience with the pope, Cloe soon realizes her past has caught up with her once again.

#### 7, October 2016

It has been four years since ancient languages expert, Cloe Lejeune, her son, J.E., and the monsignor nearly lost their lives while defeating the Karik's forces at Masada. Still, she has never lost her passion for translating old texts. One evening while attempting to decipher digitalized scraps culled from a jar left to her by the Sicarii, Cloe quickly realizes that something terrible is about to happen. As she prepares to race to the

Vatican to tell the pope of her discovery, a giant man delivers cryptic cards to seven unsuspecting strangers who suddenly find themselves heading toward New Orleans with no reason why.



## C. Stokes McConnell, Jr.

Partner - Baton Rouge

Tel: (225) 381-8035 Fax: (225) 381-8029 [esm@bswllp.com](mailto:esm@bswllp.com)

With more than 40 years of public finance law experience, C. Stokes McConnell, Jr. joined Breazeale, Sachse & Wilson as a Partner in 2015 in the firm's Baton Rouge office. Stokes is licensed to practice law in Louisiana and the District of Columbia.

He represents numerous state and municipal issuers with an emphasis on transactions benefiting nonprofit 501(c)(3) organizations and public and private higher education and healthcare institutions. These include hospital, assisted living, nursing and related healthcare organizations, educational institutions, and civic and cultural organizations. His practice has also involved serving as bond and underwriter's counsel for projects utilizing public/private partnerships. In addition, he has extensive experience as underwriters' counsel for both national and regional investment banking firms.

Stokes' representative clients and matters include:

- Served as bond counsel for the State of Louisiana, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College ("LSU"), the Louisiana Office Facilities Corporation, Louisiana Agricultural Finance Authority, the Louisiana Insurance Guaranty Association, the Louisiana Public Facilities Authority, The Louisiana Local Government Environmental Facilities and Community Development Authority as well as numerous local public agencies, public trust authorities, hospital service districts, housing authorities and industrial development boards.
- Served as bond counsel on behalf of a variety of private commercial companies in connection with industrial development financings and gozone transactions.
- Represented numerous investment banking firms, banks and other financial institutions on municipal and financial transactions throughout Louisiana and the United States.

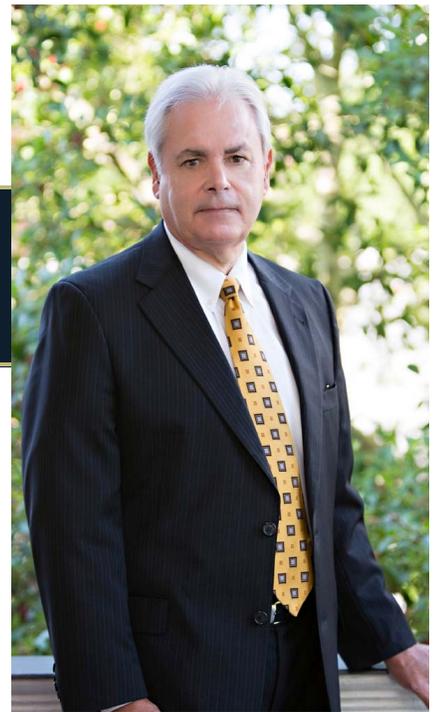
Stokes has served as a panelist at the annual National Association of Bond Lawyers Workshop. He is a frequent speaker on healthcare and higher education finance and on continuing disclosure responsibilities in public finance. Stokes received his J.D. at Louisiana State University in 1972 and earned his Bachelor of Arts degree, also at LSU in 1969.

### Professional Associations

- Baton Rouge Bar Association
- Louisiana State Bar Association - Government and Public Law Section
- National Association of Bond Lawyers
- Louisiana Society for Hospital Attorneys

### Honors and Awards

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated
- Selected by his peers for inclusion in The Best Lawyers in America<sup>®</sup> since 2020



### PRACTICE AREAS

Healthcare  
Public Finance  
Incentives, Credits & Economic  
Development  
Banking & Finance

### EDUCATION

Paul M. Hebert Law Center, Louisiana  
State University, J.D., 1972  
Louisiana State University, B.A., 1969

### ADMISSIONS

Louisiana  
District of Columbia



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Harry McClellan Moffett, IV

Partner - Monroe and New Orleans

Tel: (504) 584-5429 New Orleans Tel: (318) 398-4329 Monroe Fax: (318) 398-4325

hal.moffett@bswlip.com

Harry ("Hal") McClellan Moffett, IV is a partner in the Monroe and New Orleans offices of Breazeale, Sachse & Wilson, L.L.P. Mr. Moffett joined BSW after 22 years at a law firm founded in Monroe, Louisiana. At his former law firm, Mr. Moffett helped to expand its practice areas all over the state of Louisiana, resulting in the opening of an office in New Orleans in 2013. Mr. Moffett has handled complex state and federal litigation cases all over the state of Louisiana and joined BSW as a partner in February 2018. His primary areas of practice focus on the defense of health care providers including hospitals (tertiary, outpatient surgical centers, behavioral health facilities, and long term care and senior living facilities), nurses, physicians, dentists, and advanced practice professionals (physician assistants, nurse practitioners, and certified registered nurse anesthetists) in medical malpractice, administrative, and legal proceedings.

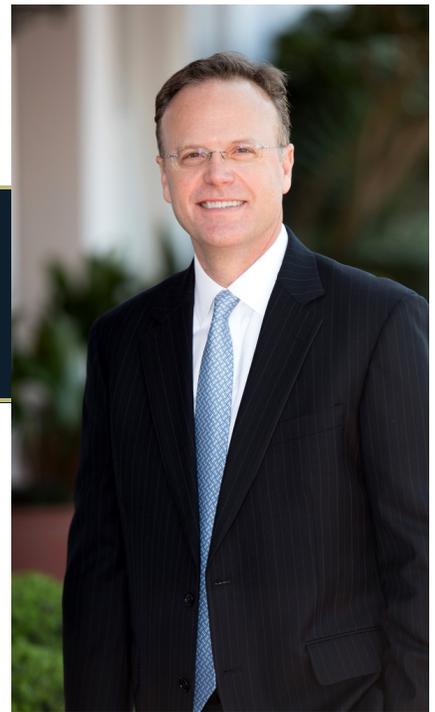
Hospital clients include service district hospitals, insured hospitals, and large self-insured national hospital groups. Mr. Moffett also represents physician groups and has extensive experience defending physicians in medical malpractice proceedings in practice areas including, but not limited to cardiology, cardiothoracic/vascular surgery, critical care, emergency medicine, general surgery, internal medicine, neurosurgery, orthopedics, otolaryngology and maxillofacial surgery, pulmonology, and rehabilitative medicine. Mr. Moffett also represents a large pharmacy insurer and has defended pharmacies and pharmacists all over the state of Louisiana.

In addition to his health care practice, Mr. Moffett has always maintained a general civil litigation practice including insurance defense (auto, bad faith, commercial general liability, and insurance coverage). He has also represented several large commercial trucking companies and construction companies in wrongful death and paralysis cases, requiring him to be familiar with federal and state standards and requirements such as Federal Motor Carrier Safety Regulations and the Manual on Uniform Traffic Control Devices. In the defense of construction companies he has also litigated construction disputes, construction defect cases, and contractual liabilities requiring interpretation and application of Louisiana State Uniform Construction Codes, International Building Codes, National Fire Protection Association Standards, Load and Resistance Design Factors, and American Association of State Highway and Transportation Officials standards.

Mr. Moffett received his B.A. from Tulane University in 1990. Then, after working for Tulane University for two years, he started law school and obtained his J.D. from Tulane University School of Law in 1995. He has an AV<sup>®</sup>Preeminent<sup>™</sup> Peer Review Rating from Martindale Hubbell.

### Professional Associations

- American Bar Association - Litigation and Health Care Sections
- Association of Defense Trial Attorneys
- Claims & Litigation Management Alliance
- Defense Research Institute
- Fourth Judicial District Court Bar Association
- Fred J. Fudickar American Inns of Court (1995-1999)
- American Inn of Court
- Louisiana Hospital Association
- Louisiana Association of Defense Counsel
- Louisiana State Bar Association
- New Orleans Bar Association - Health Care Section
- Northeast Louisiana Claims Association (1995-1999)
- Professional Liability Defense Federation



### PRACTICE AREAS

Construction  
Transportation  
Healthcare  
Medical Malpractice  
Casualty Litigation

### EDUCATION

Tulane University, J.D., 1995

Tulane University, B.A., 1990

### ADMISSIONS

All Louisiana State Courts; Federal Courts of Western, Middle and Eastern Districts and 5th Circuit Court of Appeals

- Elected a Fellow of the American Bar Foundation in April, 2018. The Fellows support the research of the ABF through their annual contributions and sponsor programming of direct relevance to leaders of the legal profession.

### **Community Involvement**

- Tulane Alumni Association, Board of Directors
- Board of the Isadore Newman School Green N White Club
- Advocate for Louisiana Independent Colleges Association (1996-2000)
- Board Member - Bayou Desiard Country Club, Monroe (2010-2013)
- Graduate-Leadership Ouachita (1998)
- Louisiana Council (1996-2000)
- Member-Tulane Alumni Association
- Volunteer to Northeast Louisiana Arts Council-Monroe Symphony Orchestra
- Volunteer - NELA Council-Blend of the Bayou - Men Who Cook/Mix

### **Honors and Awards**

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Kappa Delta Phi-Tulane University
- Order of Omega-Tulane University
- Recipient, Gary Lawton Fretwell Award-Tulane University
- Selected as Legal Transition Team for Monroe Mayor Melvin Rambo (2001)

### **Presentations**

- *Taught continuing medical education classes to physicians and nurses entitled: "Charting with the Patient's Attorney in Mind" approved by the LSBME and LSHN (2005, 2006)*



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Catherine Breaux Moore

Partner - Baton Rouge

Tel: (225) 381-8017 Fax: (225) 381-8029 catherine.moore@bswllp.com

Catherine Moore is a partner in the Baton Rouge office, practicing in the area of healthcare. Catherine advises healthcare providers on a wide range of regulatory and transactional matters, fraud and abuse, and regulatory compliance. Catherine has extensive experience in Medicaid supplemental reimbursement and dealings with managed care organizations, with an in-depth knowledge of advising hospitals, physician practices, ambulance providers, and dentists in their participation in supplemental reimbursement programs.

Catherine is a Health Law Specialist, certified by the Louisiana Board of Legal Specialization. She attended Southern Methodist University and obtained a Bachelor of Business Administration in management, a Bachelor of Arts in Spanish, and a minor in economics. Catherine then received her Juris Doctor from Louisiana State University Paul M. Hebert Law Center in 2015, where she was President of the Moot Court Board.

### Professional Associations

- Louisiana Board of Legal Specialization, Healthy Law Advisory Commission, Secretary
- LSBA Health Law Section, Secretary-Treasurer, 2022; Council Member, 2020
- American Health Lawyers Association
- American Bar Association
- Louisiana State Bar Association, Board Certified Health Law Specialist, Louisiana Board of Legal Specialization
- Baton Rouge Bar Association
- Forum 35

### Community Involvement

- LANO Community Leaders Program (Class of 2018)
- Board Member, Alzheimer's Services of the Capital Area
- Barton Leadership Program (Class of 2018)
- Go Red for Women, Executive Leadership Team
- Baton Rouge Symphony League, Member
- Louisiana Arts and Science Museum, Host Committee Member
- Executive Team Member, Emerging Leaders of the Capital Area United Way (2016)

### Honors and Awards

- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana* in Healthcare, 2020
- Named "Ones to Watch" by Best Lawyers (2021, 2022)
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Moot Court Board
- Delia Cobb Moot Court Award
- The Chancellor's Council Tulis Moot Court Competition Award
- Named a "Rising Star" by Louisiana Super Lawyers, 2022

### Publications

- "CMS Ramping Up Hospital Price Transparency Enforcement" May 2023
- "CMS Finalizes New Medicare Provider Type: Rural Emergency Hospitals" November 2022
- "No Surprises Act Update: Louisiana Enforcement" November 2022
- "HHS Proposed Rule Implements New Air Ambulance Reporting Requirements" September 2021
- "An Overview of the New Rural Emergency Hospital Medicare Designation" July 2021
- "HHS Releases New Requirements Related to Surprise Billing" July 2021



### PRACTICE AREAS

Healthcare  
Dentists

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D./C.L., 2015

Southern Methodist University, B.A., B.B.A., 2012

### ADMISSIONS

Louisiana, (Board Certified Health Law Specialist, Louisiana Board of Legal Specialization)

U.S. Fifth Circuit Court of Appeals, 2015

- "CMS Withdraws Proposed MFAR Rule" September 2020
- "CMS Announces Initiative to Enhance Nursing Home Transparency" October 2019
- "CMS Finalizes DSH Medicaid Payment Reductions" October 2019
- "CMS Announces New Ambulance Emergency Triage, Treat and Transport Payment Model" February 2019
- "HIPAA and Business Associate Agreements: Slippery Slopes for Attorneys" The Baton Rouge Lawyer, Volume 1, Issue 3, p. 18-20, May 2018
- "Additional Challenges for Off-Campus Provider-Based Hospital Departments" Louisiana Hospital Association's Impact Law Brief, July 2017
- "CMS Urged to Recoup and Audit EHR Incentive Payments" June 2017
- "Medicare Outpatient Observation Status: CMS releases standardized notice to help patients understand coverage and cost-sharing" Chicago Medicine, Volume 120, Issue 2, February 2017
- "OIG Finalizes New Anti-Kickback Statute Safe Harbors and CMP Authorities" Louisiana Hospital Association's Impact Law Brief, January 2017
- "CMS Releases Final Medicare Outpatient Observation Notice" December 2016
- "Enrollment Begins for Louisiana's Medicaid Expansion" June 2016
- "Louisiana Governor Signs Legislation Banning Common Abortion Procedure" June 2016
- "False Claims Act & Stark Law Update: United States ex rel. Drakeford v. Tuomey Healthcare System" Health Law, American Bar Association Young Lawyers Division, October 2015

### **Presentations**

- *Hospital Price Transparency Enforcement Update*, Rural Hospital Coalition Conference, Baton Rouge, May 2023
- *Update on Physician Supplemental Payments in Medicaid*, Rural Hospital Coalition Conference, Baton Rouge, May 2023
- *Hot Compliance Challenges for Hospitals: Stark Law/Anti-Kickback Statute Enforcement and No Surprises Act & Compliance Obligations & Strategic Planning for Hospitals*, LHA 32nd Annual Health Law Symposium, December 9, 2022
- *No Surprises Act in Behavioral Health*, Louisiana Hospital Association Behavioral Health Law Update, Baton Rouge, June 2022
- *The No Surprises Act is Here: Compliance Obligations & Strategic Planning for Hospitals*, Rural Hospital Coalition Conference, Baton Rouge, May 2022
- *Update on Physician Supplemental Payments in Medicaid*, Rural Hospital Coalition Conference, Baton Rouge, May 2022
- *Supplemental Payments for Ambulance Providers in Arkansas and Louisiana - Arkansas-Louisiana Ambulance Southern Regional Conference, Hot Springs, Arkansas, May 2022*
- *The No Surprise Act is Here: Compliance Obligations & Strategic Planning for Hospitals - Parts I and II*, Louisiana Hospital Association, March 2022
- *Louisiana Medicaid Supplemental Payments - An Update*, Louisiana Healthcare Financial Management Association, January 2022
- *Physician FMP Update*, Louisiana Rural Hospital Coalition Conference, May 2021
- *Lightning Round - Physician Supplemental Payments in Medicaid*, Louisiana Hospital Association Advanced Issues in Physician Employment Seminar, April 2019



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Tracy Averett Morganti

Partner - Baton Rouge

Tel: (225) 381-8005 Fax: (225) 381-8029 [tracy.morganti@bswllp.com](mailto:tracy.morganti@bswllp.com)

Tracy Averett Morganti is a Partner in the Baton Rouge office, concentrating on the areas of tax-exempt financing (state and local government, higher education, health care and industrial development/exempt facilities), public-private partnerships, economic incentives, commercial lending and business entities.

Tracy serves as bond counsel and special counsel to governmental entities, higher education institutions, nonprofit hospitals and public trusts, as underwriter's counsel for investment banking firms, as purchaser's counsel for various commercial banks and as borrower's and trustee's counsel in connection with tax-exempt and taxable bond and conventional financings. She also represents government entities and private companies with respect to economic development incentives and cooperative endeavors.

Her significant contributions include:

- Serving as bond counsel or special counsel to the LSU Board of Supervisors in connection with its capital financings since 1994, including the highly innovative public-private partnerships to develop the Nicholson Gateway mixed use and Greenhouse District student housing projects and a structuring a complex lease financing arrangement that enabled LSU and Tiger Athletic Foundation to construct three additions to Tiger Stadium. The latter was touted nationally as a vehicle for financing major college sports facilities.
- Serving as bond counsel to two Louisiana issuers in connection with a \$1 billion taxable and tax-exempt multi-state and international debt restructuring for an international tank storage company.
- Representing a local nonprofit hospital in a \$350 million transaction to finance its new, state-of-the-art facility.
- Serving as bond counsel to the State of Louisiana in connection with general obligation and revenue bond issues.
- Representing various governmental entities in connection with numerous cooperative endeavors, including agreements between a major New Orleans university, the State of Louisiana and NASA.
- Co-founding and serving on the board of directors of Women in Public Finance - Louisiana Chapter.

Tracy earned her J.D. from the Paul M. Hebert Law Center of Louisiana State University in 1992. In 1988, she graduated from Louisiana State University with her Bachelor of Arts degree in English. She also completed undergraduate studies at West Georgia College in Carrollton, Georgia.

Tracy is an avid supporter of local farmers and food artisans and access to fresh, locally grown, healthy foods for all Baton Rouge citizens. She volunteers regularly with Big River Economic and Agricultural Development Alliance and its farmers markets and serves on its board of directors.

### Professional Associations

- Louisiana State Bar Association, Government and Public Law Section
- Baton Rouge Bar Association
- National Association of Bond Lawyers
- Women in Public Finance - Louisiana Chapter, Director and Founding Member
- Council for a Better Louisiana (CABL), Leadership Louisiana, Class of 2009
- Louisiana Industrial Development Executives Association (LIDEA)
- Louisiana Bankers Association

### Honors and Awards

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Selected by her peers for inclusion in The Best Lawyers in America<sup>®</sup> since 2020
- Named "Lawyer of the Year" by Best Lawyers (2022)



### PRACTICE AREAS

**Corporate & Finance  
Industrial Development Team  
Incentives, Credits & Economic  
Development**

### EDUCATION

Paul M. Hebert Law Center, Louisiana  
State University, J.D., 1992

Louisiana State University, B.A., 1988

### ADMISSIONS

Louisiana



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Kristin Oglesby

Associate - Baton Rouge

Tel: (225) 381-3166 Fax: (225) 381-8029 [kristin.oglesby@bswllp.com](mailto:kristin.oglesby@bswllp.com)

Kristin Oglesby is an associate in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. Prior to going into private practice, Ms. Oglesby served as judicial law clerk to the Honorable S. Kyle Duncan in the United States Court of Appeals for the Fifth Circuit. Ms. Oglesby graduated *summa cum laude* from Paul M. Hebert Law Center, in 2018. She received her undergraduate degree from Louisiana State University in 2015.

### Experience

- Law Clerk, Hon. S. Kyle Duncan, United States Court of Appeals for the Fifth Circuit (2019-20)
- Research Assistant to Associate Dean Andrea B. Carroll, and an Academic Tutor for Dean Thomas Galligan (Torts), Associate Dean Andrea B. Carroll (Civil Law Property), and Professor Lee Ann Lockridge (Contracts)
- Executive Senior Editor for the Louisiana Law Review

### Professional Associations

- Louisiana State Bar Association, Member
- Order of the Coif, Member
- Baton Rouge Bar Association

### Honors and Awards

- Named "Ones to Watch" by Best Lawyers, 2022

### Publications

- "Main Street Lending Program" November 2020
- Granting Chevron Deference to IRS Revenue Rulings: The "Charitable" Thing to Do, Volume 78 of the Louisiana Law Review



### PRACTICE AREAS

Corporate & Finance

Tax

Associations and Nonprofits

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., *summa cum laude*, 2018

Louisiana State University, B.S. Accounting, 2015

### ADMISSIONS

Louisiana, 2019

Texas, 2018



## Trenton J. Oubre

Partner - Baton Rouge

Tel: (225) 381-8059 Cell: (225) 337-6067 Fax: (225) 381-8029 trenton.oubre@bswllp.com

Trenton J. Oubre is a partner in the Baton Rouge office and has been in practice since 1991. Mr. Oubre is a former member of the firm's Management Committee. He received a Bachelor's Degree from Louisiana State University in 1987 in Business Administration/Finance and received a J.D. from Louisiana State University Law School in 1991. Mr. Oubre is admitted to practice in all Louisiana Courts, the United States Middle, Western and Eastern Districts as well as the United States Fifth Circuit Court of Appeals. Mr. Oubre has practiced in the worker's compensation, casualty, tort and insurance defense areas for the past thirty-two years and has developed a very specific experience with complex workers' compensation defense matters on behalf of employers, insurers and self-insured funds. He has handled literally hundreds of trials, hearings, appellate arguments and motions. He is a frequent lecturer on workers' compensation defense strategy and related matters including casualty liability defense matters.

He is the former Chairman and a member of the Board of Directors of the Council for a Better Louisiana (CABL).

He was the 2009 President of the Baton Rouge Bar Association and is the past Treasurer and Secretary. He is a former Member at Large of the Baton Rouge Bar Association Board of Directors and has served for five terms. He was previously the Co-Chairman of the Baton Rouge Bar Workers' Compensation Committee on behalf of defense counsel. He was the first elected President of the Baton Rouge Bar Association Young Lawyers Section. He is a Fellow of the Louisiana State Bar Foundation. He is a member of the Louisiana Association of Defense Counsel (LADC), on the Board of Directors and Legislative Committee Chair of the Louisiana Association of Self-Insured Employers (LASIE), member of the Louisiana Association of Business and Industry (LABI) serving on the Employer Relations Committee and 2023 Workers' Compensation Reform Task Force Committee, was selected for the 2004 Louisiana Leadership Class of the Council for a Better Louisiana (CABL), a former Board of Director of the Louisiana Center for Law and Civic Education of the Louisiana State Bar Association, and a former Board of Director of the Audubon Girl Scout Council for a multi-parish area.

### Professional Associations

- Baton Rouge Bar Association, President 2009, Board of Directors, Former Co-Chairman of the Baton Rouge Bar Workers' Compensation Committee, First elected President of the Baton Rouge Bar Association Young Lawyers Section, Board Liaison and Committee Member of numerous committees, including Technology, Personnel, High School Mock Trial, Athletics, Law Day and Law Office Expo
- Council for a Better Louisiana (Past Chairman and Member of Board of Directors)
- Louisiana State Bar Association, Former Member of the Louisiana Center for Law and Civic Education Board of Directors (two terms)
- Fellow of the Louisiana State Bar Foundation
- Member Louisiana Association of Defense Counsel (LADC)
- Former Judge for Louisiana High School Mock Trial Competitions
- Current Board Member of Louisiana Association of Self Insured Employers (LASIE)
- Louisiana Association of Business & Industry (LABI) serving as a Presenter at the Workers' Compensation Conference and numerous committees.

### Community Involvement

- Member City Club of Baton Rouge
- Kappa Alpha Order Fraternity Alumni (Interfraternity Council Representative)
- Catholic High School of Baton Rouge Men's Club
- Le'Cercle de Bacchus (former Vice President), prominent social organization in Baton Rouge



### PRACTICE AREAS

**Workers' Compensation and Claims Management**  
**Transportation**  
**Premises Liability**  
**Casualty Litigation**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1991

Louisiana State University, Bachelor's Degree in Business/Finance, (*Graduate with Honors*), 1987

Catholic High School, New Iberia, (*Graduate with Honors*), 1983

### ADMISSIONS

1991, All Louisiana State Courts, Eastern, Middle & Western Districts of Louisiana, Fifth Circuit Court of Appeals

- Forum 35 of the Baton Rouge Area Foundation (former member) and committee member for "Light Up the Bridge" Project
- Former Judge for Louisiana High School Social-Science Fair
- Former Board Member, Audubon Girl Scout Council for Multi-Parish Area - Board of Directors (former member)
- LSU Alumni Association
- Former Youth Football and Baseball Coach

### **Honors and Awards**

- Selected by his peers for inclusion in **The Best Lawyers in America**® since 2016
- AV® Preeminent™ Peer Review Rated.
- Selected Lawyer of the Year, in Workers' Compensation Law - Employers in Baton Rouge by The Best Lawyers in America® in 2023

### **Publications**

- "Louisiana Workers' Compensation Law and COVID-19 as a Potential Compensable Occupational Disease" April 2020
- "Louisiana Supreme Court Ruling on Choice of Pharmacy and Prescription Medication" August 2017
- "Louisiana Court Orders Out of State Workers' Compensation TPA to Retain Louisiana Claims Adjuster" April 2017
- "Judge Issues Permanent Injunction Enjoining Practical Effect of Louisiana Medical Treatment Guidelines and Appeal Procedure" March 2017
- "Judge Rules that Portions of the Louisiana Medical Treatment Guidelines Are Unconstitutional" July 2015
- "Significant Louisiana Jurisprudential Development Regarding the Requirement of Utilization Review Doctors to be Licensed to Practice Medicine in Louisiana" March 2015
- "Breaking News Regarding the Effective Date of the Louisiana Medical Treatment Guidelines from the Louisiana Supreme Court" May 2014
- "Louisiana Workers' Compensation Subrogation Law Overview" February 2014
- "Louisiana Medical Treatment Guidelines Update" January 2014
- "Significant Developments With Louisiana Workers' Compensation Law" October 2013
- "Workers' Compensation Update Reference Manual" April 2013
- "New Developments In Workers Compensation Law Effective August 2012" August 2012

### **Presentations**

- *"Louisiana Workers' Compensation Claims' Evaluation of Legal, Human Resources, and Medical Costs and Decision Making"*, November 2022
- *"Louisiana Workers' Compensation Law and Infectious Diseases as Potential Compensable Occupational Disease Claims"*, October 2022
- *"The Intoxication Defense to Louisiana Worker's Compensation Claims"*, January 2021



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Richard G. Passler

Partner - New Orleans

Tel: (504) 584-5440 Cell: (504)250-5440 Fax: (504) 584-5452 richard.passler@bswllp.com

Richard G. Passler is an AV<sup>®</sup> rated partner in the New Orleans office of Breazeale, Sachse & Wilson. For the past 25 years, his practice has focused on complex commercial litigation with extensive experience in health-care related litigation, admiralty/maritime matters, and governmental ethics issues. He has represented for profit and non-profit entities, individuals, and governmental entities.

### Complex Commercial Litigation

Mr. Passler primarily handles complex commercial litigation in all types of business related matters, whether disputes between businesses or the owners of a business. The specific areas of advice and litigation include:

- Breaches of contract and related torts
- Dissolution of business (including corporations, partnerships, limited liability companies, and closely-held businesses)
- Breaches of fiduciary duties
- Anti-competitive claims including antitrust
- Unfair trade practices
- Intellectual property

The litigation often involves intensive discovery, sophisticated motion practice, writ application practice, presentation of trials, and appellate practice. Mr. Passler has extensive experience in the federal district courts, state district courts, and state appellate courts throughout the state of Louisiana. This experience is partially reflected in his over 50 reported state court decisions and over 56 reported federal court decisions.

### Healthcare

Mr. Passler represents both individual healthcare providers (e.g., doctors and nurses) and healthcare facilities (e.g., hospitals, and long term care and senior living facilities). The specific areas of advice and litigation include:

- Business litigation, including breaches of contract and related torts
- Liability disputes
- False Claims Act (*qui tam*)
- Director's and officer's liability
- Both prosecuting and defending HCQIA (peer review) actions

### Admiralty/Maritime

Mr. Passler represents various types of maritime clients in a wide array of matters. The specific areas of advice and litigation include:

- Business and commercial disputes
- Pilotage issues
- Collisions and allisions of vessels, including related property damage claims

### Governmental Ethics

Mr. Passler represents both governmental entities and those doing business with them in connection with providing advice in navigating Louisiana's myriad of governmental ethics rules. The specific areas of advice include:

- Prohibited payments from nonpublic sources
- Prohibited participation in transactions involving governmental entities
- Prohibited contractual arrangements and available exceptions



### PRACTICE AREAS

Healthcare  
Class Action, Mass Tort &  
Multi-District Litigation  
Commercial Litigation  
Governmental Relations and Ethics  
Intellectual Property  
Professional Liability Defense

### EDUCATION

Tulane University School of Law, J.D.,  
*cum laude*, 1991

- Tulane Law Review, Notes and  
Comments Editor
- Dean Rufus C. Harris Law Review  
Award

University of Texas, B.B.A. (Finance),  
1988

### ADMISSIONS

Louisiana

Texas

Eastern, Middle and Western Districts of  
Louisiana

United States Court of Appeals for the  
Fifth Circuit

United States Supreme Court

- Limitations on providing/accepting food and drink
- Prohibitions after termination of public office
- Financial disclosure requirements

### Professional Associations

- New Orleans Bar Association, Complex Litigation Committee
- Louisiana State Bar Association
- Texas State Bar Association
- Bar Association for the Fifth Federal Circuit
- Federal Bar Association, New Orleans Chapter, Admiralty Law Committee
- American Bar Association
- Special Attorney General, State of Louisiana (1995-2005)
- Hearing Committee Member, Louisiana Attorney Disciplinary Board
- Maritime Law Association of the United States - Associate Lawyer

### Honors and Awards

- Selected by his peers for inclusion in The Best Lawyers in America<sup>®</sup>, Since 2016
- Named "Top Lawyers of New Orleans" in the area of Commercial Litigation by *New Orleans Magazine* since 2014
- Named "Top Lawyers of New Orleans" in the area of Governmental Relations (Ethics) by *New Orleans Magazine* since 2015
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated by Martindale Hubbell since 2001
- Listed in *Louisiana Super Lawyers* in the area of Business Litigation, Since 2018
- BTI Consulting Group's list of 2022 Client Service All-Stars

### Publications

- "Don't Violate Louisiana's Governmental Ethics Laws This Holiday Gift-Giving Season When It Comes to Public Employees" October 2021
- "Hurricane Ida: Where to go for help?" September 2021
- "All Hands on Deck: Employers Must be Cautious of Overtime Laws During Hurricane Ida Recovery" September 2021
- "FEMA Critical Needs Assistance Already Hitting Louisiana Bank Accounts" September 2021
- "Executives Grabbing a Mop: Salary Exempt Employees Performing Non- Exempt Work During the Aftermath of Hurricane Ida" September 2021
- "During Mandated Social Distancing, in Louisiana, "The pen [stroked before a Notary and Two Witnesses, still appears to be] Mightier than the Sword"" April 2020
- "The Strong Expropriation Power Of Louisiana's Deep-Water Public Ports" January 2018
- "Analysis for Maritime Contract Determination Redefined by the U.S. Fifth Circuit" January 2018
- "Don't Forget Louisiana's Governmental Ethics Law When Hiring Governmental Employees" June 2016
- "Remember the Wining and Dining Restrictions When Entertaining Public Employees and Elected Officials" Associated Builders and Contractors, Inc., Pelican Chapter, Merit Shop Message, May 2015
- "Louisiana Governmental Ethics with a Healthcare Twist" December 2014
- "Out of State Companies: Beware of the gift restrictions to Louisiana's public servants under Louisiana's Code of Governmental Ethics" November 2014
- Comparative Impairment: Louisiana's New Methodology for Resolving Conflicts of Law, 52 La. L. Rev. 409 (1992)
- Comment, Regulation of Indecent Radio Broadcasts: George Carlin Revisited - What Does the Future Hold for the Seven "Dirty" Words?, 65 Tul. L. Rev. 131 (1990)
- Note, Apparent Authority Without Detrimental Reliance Equals No Sale, 64 Tul. L. Rev. 986 (1990)

### Judicial Clerkship

- Judicial Clerk for Judge Charles Schwartz, Jr., United States District Court, Eastern District of Louisiana (1991-1992)



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Sarah A. Perkins

Associate - Baton Rouge

Tel: (225) 381-8010 Fax: (225) 381-8029 sarah.perkins@bswllp.com

Sarah Perkins is an associate in the Baton Rouge office practicing Administrative Law. Sarah received her Juris Doctor from Louisiana State University's Paul M. Hebert Law Center in May 2022, where she was named the Robert Lee Tullis Moot Court Competition Champion and inducted into the Order of Barristers. She competed in the Judge John R. Brown Admiralty Moot Court Competition and the American Bar Association's National Appellate Advocacy Competition. Sarah earned her Bachelor of Arts in Political Science with a concentration in International Politics & Law and a minor in Sociology at Louisiana State University in 2018.

### Professional Associations

- Member, Baton Rouge Bar Association
- Member, Louisiana State Bar Association
- Member, Order of Barristers, 2022

### Community Involvement

- Delta Sigma Theta Sorority, Incorporated, Baton Rouge Delta Alumnae Chapter



### PRACTICE AREAS

**Administrative Law**  
**Insurance Regulatory**  
**Procurement and Contract Dispute Representation**  
**Governmental Relations and Ethics**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 2022

Louisiana State University, B.A. in Political Science, 2018

### ADMISSIONS

All Louisiana State and Federal Courts, 2022

U.S. Fifth Circuit Court of Appeals, 2022



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Wesley M. Plaisance

Partner - New Orleans

Tel: (504) 584-5471 Cell: (504) 920-5550 Fax: (504) 584-5452 wesley.plaisance@bswllp.com

### *Regional Tax Sale and Quiet Title Litigation Practice Across Louisiana*

Wesley M. Plaisance is a Partner in the New Orleans office of Breazeale, Sachse & Wilson, L.L.P. where he heads the Tax Sale and Quiet Title Litigation Group and practices other commercial litigation with a focus on real estate related litigation. Wesley M. Plaisance regularly handles tax sale litigation across Louisiana including without limitation in the following parishes: Orleans, East Baton Rouge, St. Tammany (including Covington, Mandeville and Slidell), Jefferson, Lafayette, Iberia, Caddo, Livingston, Plaquemines and Lafourche. Mr. Plaisance represents tax sale purchasers in suits to confirm tax sale title(s) and ownership with and/or without cancellation of mortgages and other encumbrances, in settlement of tax sale litigation matters and in partition proceedings commenced after a tax sale purchaser confirms only a fractional ownership interest.

Mr. Plaisance has extensive experience in representing tax debtors, landowners, mortgage holders including banks and other interested parties in actions to annul and/or nullify tax sales and adjudication sales. Mr. Plaisance has successfully litigated complex commercial litigation matters arising out of large investment funds created to purchase tax sale certificates and/or tax sale deeds in Louisiana, Georgia, Indiana and Florida.

### **Numerous Tax Sale Transactions Including With Title Insurance**

Mr. Plaisance is a resource for tax sale purchasers to buy or sell interest under tax sale certificates/deeds to other investors and has assisted his clients in the acquisition and/or sale of numerous tax sale deeds/certificates in Louisiana. Mr. Plaisance assists his clients in navigating the sale of immovable property with title insurance after confirmation of the tax sale certificates/deeds.

### **Real Estate and Succession Litigation**

Mr. Plaisance has also represented clients in a wide variety of business related disputes including real estate ownership/title litigation, co-ownership litigation, partition proceedings, acquisitive prescription litigation including 3 year acquisitive prescription over blighted property under Louisiana Revised Statute sec. 9:5633, purchase agreement and option litigation, contract and lease litigation, unfair competition and trade practices, summary proceedings commenced by rule for alleged nonpayment of taxes and other disputes, actions for a Writ of Mandamus and construction disputes. Mr. Plaisance also has a large succession practice and regularly handles succession administration and succession litigation matters for his clients, especially involving the sale of real estate and creditor's rights.

Additionally, Mr. Plaisance has also represented clients in business transactions including but not limited to preparation of operating agreements in connection with the formation of companies and in preparation of contracts such as agreements for the purchase and sale of assets, leases, joint venture agreements, device placement agreements, revenue sharing agreements, employment agreements and non-solicitation and non-competition agreements.

Mr. Plaisance graduated *magna cum laude* from Loyola University New Orleans College of Law where he was a member of the Loyola Law Review. In addition, Mr. Plaisance served as an extern for the Honorable Kurt D. Engelhardt in the United States District Court for the Eastern District of Louisiana. Prior to law school, Mr. Plaisance earned his Bachelor of Science degree in Biological Engineering from Louisiana State University, *cum laude*.

### **Honors and Awards**

- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana*, 2015
- Named a "Rising Star" by **Louisiana Super Lawyers**, 2014, 2015, 2016, 2017
- Named "Top Lawyers of New Orleans" by **New Orleans Magazine** in Real Estate Law
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- *Loyola Law Review*, Member
- William L. Crowe, Sr. Scholar, Loyola University of New Orleans College of Law



### **PRACTICE AREAS**

Real Estate  
Gaming  
Bankruptcy and Creditor Debtor  
Rights/Insolvency and  
Reorganization Law  
Commercial Litigation  
Tax Sale and Quiet Title Litigation

### **EDUCATION**

Loyola University New Orleans College of Law, J.D., *magna cum laude*

Louisiana State University, B.S. in Biological Engineering, *cum laude*

### **ADMISSIONS**

Louisiana

United States District Court - Eastern, Middle and Western Districts of Louisiana

United States Court of Appeals for the Fifth Circuit

## Publications

- "Post Tax Sale Notice Alone Satisfies Due Process Rights?" February 2017
- "3 Years Or 18 Months - How Long Is The Redemptive Period?" August 2016
- "Limiting Mennonite - The LA Sup. Ct. Stabilizes Certain Tax Sale Titles" June 2016
- "Local Tax Collectors Must Conduct Annual Tax Sales!" May 2016
- "Finally - Judicial Relief for Tax Sale Purchasers!" April 2016
- "Our Tax Sale Title Was Annulled - Now What?" March 2016

## Presentations

- *Guest Lecturer, " Contract Law" , Tulane University*

## Representative Matters

- **Surcouf v. Darling**, 177 So. 3d 1085 (La. App. 4th Cir. 10/21/15). Obtained favorable appellate ruling in a case of first impression in the tax sale arena.
- **Philnola LLC v. Manganello**, 184 So. 3d 148 (La. App. 5th Cir. 12/23/15). Obtained reversal of Trial Court judgment in favor of tax sale purchaser which confirmed its 100% ownership of certain immovable property.
- Successful defense of a bank in a tax sale confirmation action to preserve its mortgage over and the borrower's full ownership of valuable commercial property in the 15th Judicial District Court for the Parish of Lafayette.
- Successfully obtained rescission of adjudication sale by the City of New Orleans despite a title policy being issued in favor of the purchaser insuring the substantial purchase price and title in its favor.
- Successful representation of a Florida-based tax sale investment fund in tax sale confirmation actions.
- Representation of Colorado tax sale purchaser and its affiliated companies in various tax sale litigation matters and settlement of tax sale purchaser claims.
- Obtained judgments of 100% ownership of numerous properties for Florida tax sale investment company and judgments of eviction after trial on the merits.
- Successful defense in a tax sale confirmation action filed in 15th Judicial District Court for the Parish of Lafayette where a Nebraska tax sale investment company sought ownership of valuable commercial property and cancellation of a mortgage held by St. Martin Bank & Trust.
- Obtained Writ of Mandamus adverse to the Sheriff for the Parish of Jefferson after trial on the merits.
- Representation of tax sale investment family of companies in numerous tax sale litigation matters in the 19th Judicial District Court for the Parish of East Baton Rouge.
- Representation of real estate wholesaler in various real estate litigation and transaction matters.
- Representation of real estate developer in various real estate litigation, succession, partition, and real estate related transactional matters.
- Representation of trust in various real estate transactions and eviction litigation matters.
- Successful representation of tax sale investment company in tax sale confirmation actions and an expropriation proceeding adverse to the East Baton Rouge Parish Sewerage Commission in the 19th Judicial District Court for the Parish of East Baton Rouge.
- Successful representation of truck stop facility applicant in obtaining a valuable Type V gaming license in consultation with the Louisiana State Police and the Attorney General's Office and before the Louisiana Gaming Control Board as well as in various gaming compliance matters.
- Representation of video poker device owner and operator in various licensing and regulatory matters and in administrative actions for alleged gaming law violations.
- Successfully obtained summary judgment for specific performance forcing sale of the immovable property to buyer in Civil District Court for the Parish of Orleans.
- Successful representation of tax sale purchaser in tax sale confirmation action filed in the 17th Judicial District Court for the Parish of Lafourche and thereafter in the favorable partition by litigation proceeding to cease co-ownership of immovable property.
- Successful representation of retail shopping center owner and lessor in the purchase of commercial buildings and in various commercial lease transactions, including a lease adverse to The Sherwin Williams Company.

- Successful representation of real estate lessor in numerous breach of lease and eviction actions as well as other real estate related litigation including possessory, petitory, trespass, injunction and encroachment actions.
- Obtained various Writs of Mandamus cancelling mortgages and other encumbrances from the mortgage records in various parishes to clear title to immovable property.
- Successful defense of acquisitive prescription claims under 30 year, 10 year and 3 year (Louisiana Revised Statute sec. 9:5633/blighted immovable property) acquisitive prescription.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## E. Fredrick Preis, Jr.

Partner - New Orleans

Tel: (504) 584-5470 Fax: (504) 584-5452 fred.preis@bswllp.com

Fred Preis is a partner in the New Orleans office where he is a senior member of the labor and employment law section. Prior to serving as an officer in the United States Army, Fred earned both his undergraduate degree in business and his law degree from Louisiana State University. He has been representing management in labor law and employee relations matters throughout the United States for more than 30 years.

As both a trial lawyer and advisor, Fred has served as lead labor counsel for Fortune 500 companies, as well as trade associations and employers in numerous mid-sized and small industries and businesses throughout the United States. He is sought after as a speaker and known as an innovator in the development of employee relations programs and has testified before the State legislature on a number of occasions. He has also been interviewed and used as a source by the Wall Street Journal. Fred is past Chairman of both the Louisiana and New Orleans Bar Association Labor Law Sections and was named by the Louisiana State Bar Association to the initial eight-member commission on Labor Law Legal Specialization where he was elected Vice-Chair. He is a member of the Board of Editors for *The Corporate Counselor*, a national newsletter. Fred was selected by *City Business Newspaper* for the Legal Hall of Fame and has been recognized by *Super Lawyers Magazine*, and the *New Orleans Magazine* as one of the outstanding lawyers in the field of labor and employment law. He has repeatedly been named as one of America's leading labor and employment lawyers by the well-respected news publication, *Chambers USA* America's Leading Lawyers for Business in Louisiana.

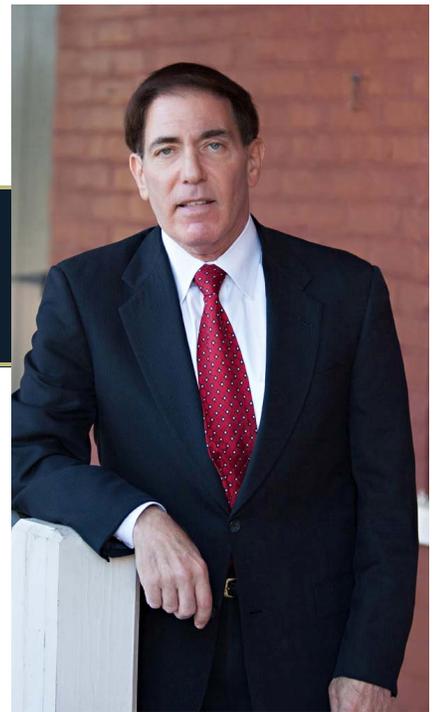
Active in many business and civic endeavors, Fred is Chairman Emeritus of the New Orleans Chamber of Commerce, former Chairman of the Jefferson Parish Chamber of Commerce and past chairman of the Louisiana Association of Business and Industry (LABI) which functions as the State Chamber of Commerce. Fred serves as an officer on the Executive Committee of the Jefferson Business Council and as Chairman of the Louisiana Right to Work Committee and recently completed terms as Chairman of the American Red Cross Southeastern Louisiana Division and President of the Louisiana Liaison Group of Federal Government Contractors. He was also Chairman of the National Legal Committee for Leading Age Long Term Care Association and continues as a long-time member of the National Committee.

Fred has completed terms of office as President of Willow Wood/Woldenburg Home for the Aged, President of the Louisiana Hospital Association Society of Hospital Attorneys, Chairman of the Board of Directors of Goodwill Industries, and as a member of the Board of Directors of GNO, Inc., CBNO/MAC, World Trade Center, and the Rotary Club where he is a Paul Harris fellow.

Fred has written numerous scholarly articles on employment law, which have appeared in publications such as the Loyola Law Review, The Corporate Counselor, Employee Relations Law Journal, CityBusiness, and the Louisiana State Bar Journal. He also is a contributing editor to The Developing Labor Law book published by the American Bar Association.

### Professional Associations

- American Bar Association, Member of the Developing Labor Law Board of Editors
- American Red Cross Southeast Louisiana Chapter, Former Chairman, Board of Directors, Executive Committee, and Chair of Nominating Committee
- Council for a Better Louisiana - 2010 Leadership Louisiana
- GNO, Inc., Board of Directors
- Goodwill Industries of Southeastern Louisiana, Past Chairman of the Board of Directors
- Jefferson Chamber of Commerce, Chairman of Political Action Committee, Immediate Past Chairman, Past secretary of the Board of Directors and Current Board Member
- Louisiana Association of Business & Industry, immediate past Chairman of the Board of Directors and Member of Executive Committee and Board of Directors; Louisiana Right to Work Committee's Board of Directors and Vice President



### PRACTICE AREAS

Labor & Employment  
Education  
Healthcare  
Gaming  
Hotels and Leisure  
Associations and Nonprofits  
Alternative Dispute Resolution  
Banking & Finance  
Civil Rights Litigation and  
Governmental Entity Defense  
Government Contracts

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1974  
Louisiana State University, B.S., 1971

### ADMISSIONS

Louisiana, 1974  
All Federal District Courts in Louisiana  
All Louisiana State Courts  
U.S. Supreme Court  
United States Court of Appeals for the Fifth Circuit  
United States Court of Appeals for the Seventh Circuit

- Louisiana Hospital Association, Past President of Society of Hospital Attorneys
- Louisiana State Bar Association, Past Chairman; Labor Law Section, Vice-Chair Labor Law Specialization Advisory Commission, 2016
- National Academy of Hospitality Industry Attorneys, Charter Member
- New Orleans Bar Association, Past Chairman - Labor Law Section
- New Orleans Chamber Foundation, Treasurer
- New Orleans Chamber of Commerce, Past Chairman of the Board of Directors
- New Orleans, Metropolitan Convention and Visitors Bureau , Served 3 terms as member of Board of Directors
- Rotary Club of New Orleans, Past Member of the Board of Directors, Paul Harris Fellow and Member of the Board of Directors of New Orleans Rotary Foundation
- Louisiana Liaison Group State Association of Federal Government Contractors, Past President
- Leading Age Non-Profit Long Term Care Association National Legal Committee, Chair, (2016-2017)
- Jefferson Business Council Member, 2017-Present
- Leading Age Compliance & Business Ethics Advisory Group, Member, 2017
- Leading Age Nursing Home Advisory Group, Member, 2017
- Jefferson Business Council Executive Board for 2019

### Honors and Awards

- *Chambers USA: America's Leading Lawyers for Business for Louisiana - Labor and Employment*, since 2004
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated. *Martindale-Hubbell is the facilitator of a peer review rating process. Ratings reflect the confidential opinions of members of the Bar and the Judiciary. Martindale-Hubbell Ratings fall into two categories legal ability and general ethical standards.*
- *New Orleans CityBusiness* Leadership in Law Class of 2006, 2008 and 2013 and Hall of Fame Member
- *Louisiana Super Lawyers* - Employment & Labor; Employment Litigation: Defense, 2007, 2008
- Named "Top Lawyers of New Orleans" by *New Orleans Magazine*, 2014, 2015, 2016, 2017, 2018, 2020

### Publications

- "Supreme Court to Rule on Workplace Religious Accommodation Requests" April 2023
- "DOL's Crackdown on Child Labor Violations" March 2023
- "Weeding Out: Drug Testing Woes for Unionized Workplaces" March 2023
- "Time is Money: Facing Wage and Hour Issues -- DOL's Clarification of Remote Worker Wage and Hour Rules" February 2023
- "NLRB-- Employer Surveillance During Remote Work May Violate Employee Rights" 11/22/22
- "How Do You Protect Your Business from a Department of Labor Audit? Do One Yourself" October 2022
- "Tying Federal Contractor Hands: DOL to Require Public Identification of Employer Lawyers During Union Organizing" September 2022
- "Public Employer Medical Marijuana Law" August 2022
- "I'm Not Amazon, Apple, or Starbucks: Why Should I Care About Union Organizing?" July 2022
- "Should It Stay or Should It Go? The U.S. Supreme Court Stays OSHA Mandate and Lifts Stay of CMS Mandate" January 2022
- "'Tis the Season for Mandatory Federal COVID-19 Testing and Vaccinations: OSHA, Medicare Providers, and Federal Contractors" November 2021
- "Biden's Path Out of the Pandemic: Employers Aren't Out of the Woods Yet" September 2021
- "The Long Road of COVID: How Employers Should Handle "Long COVID" as a Disability" August 2021
- "Faith in the Vaccine: Sincerely-Held Religious Belief Exception to the COVID-19 Vaccines" August 2021
- "Hospital Workers Sue Over Texas Employer's Vaccine Mandate" June 2021
- "Indian Workers Allege Human Trafficking, Wage & Hour Violations by Hindu Temple" June 2021
- "White Female Dog-Walker Alleges Race and Gender Discrimination, Defamation by Former Employer" May 2021

- "Three Spring Cleaning Tips for Employers" May 2021
- "Houston- We Have a Problem: Lessons to Learn from Elon Musk on the National Labor Relations Act and Social Media" April 2021
- "Congress' COVID-Relief Package Bill" January 2021
- "EEOC and OSHA Guidance Regarding COVID-19" April 2020
- "Department of Labor Regulations on the FFCRA: Summary" April 2020
- "CARES Act Mid-Sized Business Loans: The Union Neutrality Trade-Off" April 2020
- "Department of Labor: Third Round of Guidance on the Families First Coronavirus Response Act" March 2020
- "Department of Labor Additional Guidance on the Families First Coronavirus Response Act" March 2020
- "Department of Labor Guidance on the Families First Coronavirus Response Act" March 2020
- "Families First Coronavirus Response Act Summary--Employer Provisions" March 2020
- "The Americans with Disabilities Act: How to Handle the Troll Under the Bridge" January 2020
- "Employment Drug Testing Policies: Up in Smoke?" Biz New Orleans, Volume 4, Issue 12, September 2018
- "Time is Money: The New FLSA Overtime Rule" Lagniappe Small Business Volume 42, Issue 5, December 2016
- "The New FLSA Overtime Rule" The Corporate Counselor, Volume 31, Number 6, September 2016
- "Employers, Watch Out: ACA-Related Retaliation Claims Are Coming" The Corporate Counselor, Vol. 30, No. 10, January 2016
- "Triple Play Status Update: Firings For Employees' Facebook Activity Unlawful" The Corporate Counselor, Vol. 30, No. 10, January 2016
- "Recent NLRB Actions Force Employers to Change Established Policies and Practices" The Corporate Counselor, Volume 29, Number 11, February 2015
- "Legal Update: Tip Pooling and Mandatory Service Charges" January 2014
- "Supreme Court Issues Four Decisions Favorable to Employers" The Corporate Counselor, Vol. 28, No. 5, September 2013
- "Look Out! Recent EEOC Decisions Re-Interpret the Protections Offered by Title VII" The Corporate Counselor, Vol. 27, No. 5, September 2012
- "The Developing Labor Law ABA Book Supplement", Contributing Editor
- "Are Your Independent Contractors Really Independent?", The Corporate Counselor, Vol. 26, No. 1. (February 2011)
- "Wage and Hour News: Overtime Regulations Overhauled", Louisiana Hospital Association Impact Lawbrief 4/2004 Volume 19, No.4
- "U.S. Supreme Court Rejects Labor Board's Latest Test for Supervisory Status of Nurses", Impact Weekly 6/2001 Volume 16, No. 6
- "High Court Upholds Arbitration of Employment Disputes", The Corporate Counselor 4/2001 Volume 15, No. 11
- "Labor Board Rules that Temporary Employees May Be Included In Bargaining Units with Regular Employees", Impact Weekly 3/2001 Volume 16, No. 3
- "Executive Compensation" Matthew Bender 2001 (2001)
- "Courts Rule in Interesting Disability Discrimination Cases" Impact Weekly 12/2000 Volume 15, No. 12
- "Labor Board Rules that Temporary Employees May Be Included in Bargaining Units with Regular Employees" Impact Weekly 10/2000 Volume 15, No. 10
- "ERISA Lawsuit Dismissed Against Hospital that Discharged Nurse for Dishonesty" Impact Weekly 8/2000 Volume 15, No. 8
- "COBRA and the 1999 Proposed Regulations" The Corporate Counselor 6/2000 Volume 15, No. 11
- "Hospitals' Actions Towards Asthmatic Employee Did Not Violate Americans with Disabilities Act" Impact Weekly 6/2000 Volume 15, No. 6
- "Nurses Launch a "Revolution"" Impact Weekly 6/2000 Volume 15, No. 5
- "Court Affirms INS View That Nursing Is Not Always A Specialty Occupation" Impact Weekly 2/2000 Volume 15, No. 2

- "Beck Rights: One of Labor's Best-kept Secrets Reconnaissance" 2000 Volume II, No. 1 (Spring 2000)
- "Selected Louisiana Laws Affecting Hotels and Motels" 1/1995 (1995)
- "Loyola Law Review Fifth Circuit Symposium" 1993 Volume 39, No. 3 (1993)
- "Loyola Law Review Fifth Circuit Symposium" 1992 Volume 38, No. 3 (1992)
- "Loyola Law Review Fifth Circuit Symposium" 1991 Volume 37, No. 3 (1991)
- "Business Law Monographs Executive Compensation" 1990 (1990)
- "Loyola Law Review Fifth Circuit Symposium" 1990 Volume 36, No. 3 (1990)
- "Loyola Law Review Fifth Circuit Symposium" 1989 Volume 34, No. 4 (1989)

### **Presentations**

- *Hiring Individuals with a Criminal Background*, Employer Summit Sponsored by:Right on Crime, October 25th, 2018
- *Today's Significant Hotel Industry Labor/Employment/HR Developments*, Choice Hotel Owners Council - Owners and Operators Region 2 Town Hall Workshop, March 26th 2019



## James R. Raines

Partner - Baton Rouge

Tel: (225) 381-8058 Fax: (225) 381-8029 james.raines@bswllp.com

James R. Raines is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. and serves as the Recruiting Partner for the firm. His principal areas of practice include administrative law, governmental relations, municipal law, elder law litigation, and real estate.

### Administrative Law

Mr. Raines represents state licensing boards, and state and local agencies as board general counsel, prosecutor, and hearing officer in administrative hearings.

- General counsel to state licensing boards
- Prosecution of complaints before state licensing boards and other administrative bodies
- Representation of boards and agencies in state and federal court regarding termination and disciplinary matters
- Served as hearing officer in administrative proceeding before board

### Governmental Relations

Mr. Raines provides governmental relations services to clients both at the federal level in Washington D.C. as well as with state and local government. While he has a special interest in health care and technology, his diverse legal experience and relationships make him keenly adept at advising clients regarding a wide variety of issues.

### Municipal Law

Mr. Raines represents political subdivisions of the State of Louisiana regarding the unique issues inherent to political bodies, including the following:

- Compliance with the Louisiana Code of Governmental Ethics
- Compliance with Open Meetings Laws
- Compliance with the Louisiana Public Records Law
- Cooperative Endeavor Agreements

### Elder Law Litigation

Mr. Raines represents individuals involved in the following types of litigation:

- Interdictions
- Succession litigation
- Trust disputes
- Claims against fiduciaries
- Undue influence claims
- Forced heirship claims

### Real Estate

Mr. Raines advises and represents property owners, real estate management companies as well as commercial tenants in both general business affairs and litigated matters, including compliance with the Fair Housing Act, and defense of complaints filed under the Fair Housing Act.

### Professional Associations

- Louisiana State Bar Association
- Baton Rouge Bar Association

### Community Involvement

- Juvenile Diabetes Research Foundation, LA Chapter (Board Member; Former Board President, Advocacy committee; Former Nominating Chair)



### PRACTICE AREAS

Administrative Law

Elder Law Litigation

Healthcare

Governmental Relations and Ethics

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D./B.C.L., 2004

Abilene Christian University, M.S. (Psychology), 2001

Abilene Christian University, Certificate in Conflict Mediation and Dispute Resolution, 2001

Abilene Christian University, M.M.F.T. (Marriage and Family Therapy), 2000

Harding University, B.A. (Psychology), 1997

### ADMISSIONS

Admitted to practice in all Louisiana State and Federal Courts.

- LABI Emerging Leaders Council (Former Member, Former Chair)
- Leadership Baton Rouge Alumni (Former Board President, Former Board Member)
- Manners of the Heart (Former Board Member, Former Vice Chairman)

### Honors and Awards

- Named "Lawyer of the Year" by Best Lawyers (2022)
- 2015 Recipient of the Top Forty Under Forty, Baton Rouge Business Report
- Council for a Better Louisiana, 2015 Leadership Louisiana Class.
- Baton Rouge Area Leadership class of 2012.
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.

### Publications

- "Public Bodies Representation - AG Updated Opinion on Open Meetings Laws" March 2020
- "Louisiana Supreme Court Ruling on Choice of Pharmacy and Prescription Medication" August 2017
- "Louisiana Court Orders Out of State Workers' Compensation TPA to Retain Louisiana Claims Adjuster" April 2017
- "Judge Issues Permanent Injunction Enjoining Practical Effect of Louisiana Medical Treatment Guidelines and Appeal Procedure" March 2017
- "Recent SCOTUS Ruling Adds New Discrimination Claim under Fair Housing Act" July 2015
- "Judge Rules that Portions of the Louisiana Medical Treatment Guidelines Are Unconstitutional" July 2015
- "Recent Louisiana Supreme Court Ruling Regarding Premises Liability and Open and Obvious Conditions" February 2015
- "Recent Development in the 1010 Process in Louisiana Workers' Compensation Law" December 2014

### Presentations

- *Basics of Interdiction and Judicial Commitments*, LHA Behavioral Health Law Update: Creating the Right Balance in the Delivery of Behavioral Healthcare, Louisiana Hospital Association Conference Center, January 2017
- *Practitioner Licensure Issues*, LHA Behavioral Health Law Update: Creating the Right Balance in the Delivery of Behavioral Healthcare, Louisiana Hospital Association Conference Center, January 2017
- *Medicare Set-Asides in Workers' Compensation*, NBI Advanced Workers' Compensation Seminar, June 24, 2016
- *Re-Review/Reconsideration by CMS*, NAMSAP Annual Meeting, October 1, 2015
- *Basics of Interdiction and Commitments*, LHA Behavioral Health Law Seminar: Striking the Right Balance in the Delivery of Behavioral Healthcare, August 2015
- *Special Issues Regarding Evictions and Reasonable Accommodations*, Client Seminar, November 2014
- *Mental Health Law Update*, Louisiana Hospital Association, August 2014
- *Medicare Set Asides and Liability Actions, Addressing Potential Issues Before Final Regulations*, Baton Rouge Bench Bar Conference, July 24, 2014
- *MSP Compliance: Medicare Set-Asides*, Louisiana Department of Insurance, June 26, 2014
- *"PECs, Interdiction, and Commitment Compliance Essentials"*, Presented at the Louisiana Hospital Association's Mental Health Law Update conference, May 9, 2013



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Claude F. Reynaud, Jr.

Partner - Baton Rouge

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Claude F. Reynaud, Jr. is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. He has been a partner since 1981. Mr. Reynaud is a member of the firm's Management Committee.

As a member of the firm, Mr. Reynaud serves as Chief General Counsel to the Louisiana Automobile Dealers Association since 1998 and General Counsel for Baton Rouge New Car Dealers Association. Mr. Reynaud represents several General Motor's Local Marketing Associations (LMA's). Claude represents dealers in disputes with manufacturers, consumers and class actions and has also represented multiple dealers in the GM and Chrysler bankruptcies.

His principal areas of practice include litigation involving: antitrust; intellectual property; RICO; unfair competition; fiduciary duties of corporate officers, directors, and trustees; securities; contracts; automobile franchise law; lender liability; and health care. Mr. Reynaud has experience particularly in complex commercial litigation with its attendant discovery issues and motion practice. Mr. Reynaud also assists clients in the areas of antitrust, corporate governance, and prosecutes trademark and copyright applications.

### Protecting businesses from unfair competition

- Antitrust
- Unfair trade practices
- Trade secrets, trademarks and copyright
- Business defamation

### Shareholder and member disputes in closely-held companies

- Fiduciary duty litigation
- Disputes involving shareholder or operating agreements
- Corporate control disputes
- Derivative suits
- Corporate governance issues.

### Commercial Litigation

- Business torts
- Breaches of contract
- Breaches of fiduciary duty
- Securities litigation
- Lender liability
- Representing healthcare providers in managed care suits
- Opioid litigation

### Enforcing manufacturers' compliance with state franchise law

- Disputes between manufacturers and dealers
- Disputes between co-owners of dealerships
- Trade association issues (antitrust)
- Representing large groups of dealers in common issues with manufacturers

### Professional Associations

- Louisiana Bar Association, Business and Antitrust Section, Intellectual Property Section
- American Bar Association, Business and Antitrust Section, Intellectual Property Section
- Louisiana Association of Defense Counsel



### PRACTICE AREAS

**Class Action, Mass Tort & Multi-District Litigation**

**Automotive**

**Healthcare**

**Commercial Litigation**

**Intellectual Property**

**Securities Litigation**

**Alternative Dispute Resolution**

### EDUCATION

Tulane University School of Law, J.D., 1977

Louisiana State University, B.S., Corporate Finance, 1974

### ADMISSIONS

Louisiana, 1977

Louisiana Supreme Court, 1977

U.S. District Court for the Middle District of Louisiana, 1977

U.S. District Court for the Eastern District of Louisiana, 1978

U.S. District Court for the Western District of Louisiana, 1981

Fifth Circuit Court of Appeal, 1981

Sixth Circuit Court of Appeal, 1994

Eleventh Circuit Court of Appeal, 1981

U.S. Supreme Court, 1989

Various Federal district courts on an ad hoc basis in New York, West Virginia, Texas, Ohio and Mississippi.

- Member, National Association of Dealer Counsel
- Past FINRA Arbitrator, and has served as Chairperson of numerous arbitration panels
- General Counsel, Louisiana Automobile Dealers Association
- General Counsel, Baton Rouge New Car Dealers Association
- General Counsel, Baton Rouge Area Chamber of Commerce
- Trial Law Institute, Member
- Diversity Law Institute, Member
- Order of Centurions, Barrister
- Order of Certus, Advocate

### Community Involvement

- Member of the Executive Committee and Board of the Baton Rouge Area Chamber of Commerce
- Current Member of the Board of Visit Baton Rouge and Chairman of the Board of Visit Baton Rouge, 2010 and 2011, 2018
- Former Board Member, Baton Rouge Area Foundation (BRAAF), 1995-2001; Present member, BRAAF Civic Initiatives Committee
- Past Co-Chair, Plan Baton Rouge Steering Committee to revitalize downtown Baton Rouge
- Past President, Board of Volunteer Baton Rouge
- Graduate of 1989 Leadership Baton Rouge Graduate of 2002 CABL Louisiana Leadership
- Past Chairman, Board of Prevent Child Abuse Louisiana

### Honors and Awards

- Ranked by **Chambers USA: America's Leading Business Lawyers for Louisiana** in the area of Litigation: General Commercial, Since 2007
- Listed in **The Best Lawyers in America**<sup>®</sup> in the areas of Commercial Litigation; Litigation; Antitrust Litigation; and Intellectual Property, Since 2001
- Selected Lawyer of the Year, in Litigation - Intellectual Property in Baton Rouge by **The Best Lawyers in America**<sup>®</sup> 2017
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Louisiana Super Lawyers 2010 & 2012
- American College of Trial Lawyers, Fellow
- Litigation Counsel of America, Senior Fellow
- Fellow, Litigation Counsel of America

### Publications

- "Is the LMVC the Exclusive Jurisdiction to Hear Dealer Complaints with Their OEM's?" May 2021
- "Is the LMVC the Exclusive Jurisdiction To Hear Dealer Complaints With Their OEM'S?" April 2021

### Representative Matters

- Mr. Reynaud has experience in representing pharmaceutical distributors in opioid litigation brought by municipalities and counties and antitrust litigation brought by the AG in Louisiana.
- Mr. Reynaud represented the City of Alexandria (City) in litigation against Cleco for alleged overcharges to the City's Utility resulting in a 50.7 million dollar settlement for the City.
- Mr. Reynaud represented the City in negotiations with MISO that involved the City becoming a member of MISO.
- Mr. Reynaud represented the Louisiana Public Service Commission in its consideration of the application by Entergy, Inc. to merge with Florida Power and Light Company (Docket No. U-25354).
- Mr. Reynaud has represented financial institutions in lender liability cases where the total exposure has exceeded \$100 million.
- Mr. Reynaud has represented defendants in antitrust cases where the total exposure has exceeded over \$1 billion.
- Mr. Reynaud has represented clients in adversary proceedings in bankruptcy courts where the total amount of the estate is over \$1.65 billion.
- Mr. Reynaud has appeared as lead counsel in litigation in all district courts in the State of Louisiana, Federal District Courts in Jackson, Mississippi; Texas; Columbus, Ohio; Cleveland, Ohio; Charleston, West Virginia; and the Southern District of New York.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## K. Nicole Reynolds

Special Counsel - Baton Rouge

Tel: (225) 381-8054 Cell: (337) 945-3676 Fax: (225) 381-8029 nicole.reynolds@bswllp.com

Nicole Reynolds is a attorney in the Baton Rouge office of Breazeale, Sachse & Wilson in the Casualty Litigation practice group. Nicole has seventeen years of litigation experience handling medical malpractice defense from inception through judgment or appeal, in State and Federal Courts in Louisiana. Dedicated practice to the defense of health care providers, including physicians, hospitals, nurses, advanced practice professionals, nursing homes, oral surgeons, and dentists. She is admitted in all State Courts in Louisiana and the Western District of Louisiana. Nicole practices in both state and federal courts. In 1999, Nicole graduated from Louisiana State University, *cum laude*. She received her Juris Doctor from Paul M. Hebert Law Center in May 2003.

### Professional Associations

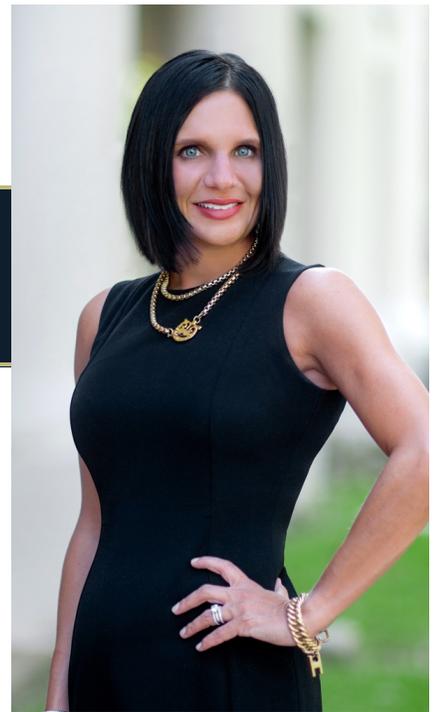
- Louisiana State Bar Association
- Federal Bar Association
- American Inn of Court

### Honors and Awards

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated
- Top Healthcare Lawyer in South Louisiana
- Completed National Trial Advocacy Program
- Awarded Rising Star Award by National Oral and Maxillofacial Insurance Company

### Presentations

- *HIPAA in the Age of Social Medical*, LAMMICO Defense Counsel Seminar, 2018
- *Hospitalist Medicine*, LAMMICO Defense Counsel Seminar, 2013



### PRACTICE AREAS

Healthcare  
Medical Malpractice  
Casualty Litigation

### EDUCATION

Paul M. Hebert Law Center, J.D., 2003  
Louisiana State University, Bachelor of  
Civil Law Studies, *cum laude*, 1999

### ADMISSIONS

Louisiana



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Jacob E. Roussel

Partner - Baton Rouge

Tel: (225) 381-3172 Fax: (225) 381-8029 jacob.roussel@bswllp.com

Jacob Roussel is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. Jake received his undergraduate degree in Construction Management from Louisiana State University and his law degree from Louisiana State University Paul M. Hebert Law Center. Jake's principal areas of practice include Construction and Labor & Employment.

### Construction

Mr. Roussel advises and represents clients, including owners, design professionals, general contractors, sureties, subcontractors, and suppliers, in all aspects of construction related matters. Mr. Roussel assists clients with risk avoidance through negotiation and preparation of contract documents as well as in the resolution of claims and disputes through litigation in state and federal courts and mediation and arbitration. Mr. Roussel has handled matters involving public and private construction projects, including industrial, highway, commercial, and residential projects. Specific experience handling construction industry disputes includes:

- Public bid protests and disputes
- Design errors and omissions
- Construction defect claims
- Compliance with building codes and regulations
- Payment and lien claims, including under the Public and Private Work Acts and claims involving payment bonds
- Unforeseen site conditions
- Delay, acceleration, and inefficiency claims
- Scope-of-work disputes
- Cost overruns
- Contract termination disputes

### Labor and Employment

Mr. Roussel regularly represents employers in a broad variety of labor and employment matters, including preparing employment and independent contractor agreements as well as in the resolution of claims and disputes. Mr. Roussel's experience involving employment disputes includes non-competition agreement claims, wage payment disputes, and discrimination, harassment and retaliation litigation.

### Experience

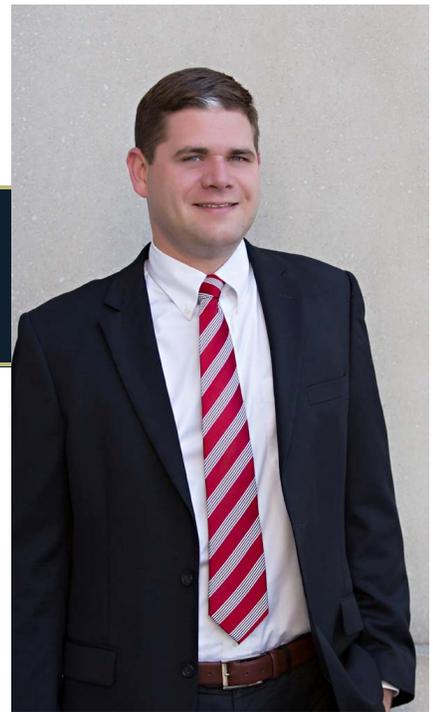
- Extern to the Louisiana Court of Appeal First Circuit Honorable Jewel "Duke" Welch

### Honors and Awards

- Named "Ones to Watch" by Best Lawyers, 2021, 2022
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.

### Publications

- "Conflict In The Courts Over Prompt Payment On Public Projects" January 2021
- "Court Holds That Owner Has No Right to Recovery Against Payment Bond" October 2019
- "Court Ruling Subjects Design Professionals to Negligence Claims for Expanded Time Period" October 2019
- "Coming Soon: Changes to the Private Works Act" October 2019
- "Offsets for Disputed Claims: Public VS. Private" March 2019
- "Merits Succeed, and Procedural Arguments Rejected, in Public Bid Law Case" January 2019



### PRACTICE AREAS

Labor & Employment  
Construction

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D./D.C.L., *cum laude*, 2012

Louisiana State University, Construction Management, *magna cum laude*, 2008

### ADMISSIONS

Louisiana, 2012

- "Bidding Requirements: Do They Exceed or Conflict with the Public Bid Law?" Jacob Roussel, November 2018
- "Court Rules That Supplier Notices of Non-Payment Are Not Required" September 2018
- "What If It's Impossible to Comply with the Bid Requirements?" July 2018
- "Court of Appeal Holds that Claims of a Public Entity are "Secondary" to a Contractor's Right to Prompt Payment" May 2018
- "Recent Cases Have Reduced Defenses to Payment Bond Claims" March 2018
- "A Year After Substantial Completion, and Still Timely Recording Liens" March 2017
- "Recording of Claims on Public Projects- How 2016 Cases Modified Our Understanding Regarding Their Timeliness and Necessity" January 2017
- "Statutory vs. Conventional Bonds: What's the Difference?" October 2016
- "Claims Against Design Professionals: Is It Too Late?" March 2016
- "Payment: "If" vs. "When"" September 2015
- "Does the Public Bid Law Only Contain the Minimum Requirements for Bidding?" June 2015
- "ABC Weighs-In on No Damage for Delay Provisions on Public Projects" Associated Builders and Contractors, Inc., Pelican Chapter, Merit Shop Message, June 2015
- "Imminent OSHA Changes" October 2014
- "Compelling Contract Payments from a Public Entity: What Happens When It Spends Your Money Elsewhere?" April 2014
- "Use It or Lose It" September 2013
- "Time to Make a Move: New Law Allows for LLCs to Change their State of Organization" December 2012

#### **Presentations**

- *Indemnification and Defense*, American Council of Engineering Companies, Deep South Convention, July 2013
- *Liability and Contractual Provisions for Design Professionals*, Construction Specifications Institute (CSI) Baton Rouge- Fall Seminar, October 2015
- *The legal implications of your Div. 0 + 1 Specifications*, Construction Specifications Institute (CSI) New Orleans and AIA New Orleans Symposium, October 2018
- *Damages in the Construction Industry*, Forensic, Litigation & Valuation Workshop, Society of Louisiana CPAs, October 2018
- *Louisiana Construction Law: The Latest Jurisprudential Developments*, Baton Rouge Bar Association, Construction Law Section , March 2019
- *Minimum Standards of Land Surveying*, American Council of Engineering Companies, Deep South Convention , July 2019
- *Contract Clauses to Manage Risks*, Construction Specifications Institute (CSI) Baton Rouge, March 2020



## Melissa M. Shirley

Partner - Baton Rouge

Tel: (225) 381-3173 Fax: (225) 381-8029 [melissa.shirley@bswllp.com](mailto:melissa.shirley@bswllp.com)

Melissa Morse Shirley, a partner in the Baton Rouge office, practices in the areas of labor and employment law, including litigation, transactional, administrative and counseling matters. Her clients include petrochemical companies, health care industry organizations, gaming industry companies, retail businesses, food service industry clients, financial institutions, contractors, universities, law firms and a number of governmental entities. Ms. Shirley became a Partner with Breazeale, Sachse & Wilson in 2002. She has served on the Firm's recruiting committee since 1999 and previously served as the firm's Recruiting Partner. Ms. Shirley also serves as the manager of the firm's labor and employment team.

In the area of litigation, Ms. Shirley has defended a wide variety of both corporate and public employers in cases involving Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Employee Retirement Income Security Act, the United States Constitution, as well as correlative state employment discrimination, benefit and wage related laws. Ms. Shirley also has extensive experience litigating issues under employment statutes unique to Louisiana, including Louisiana's pregnancy leave statutes, anti retaliation/whistleblower provisions, wage payment laws, drug testing and noncompete statutes.

In her traditional labor law practice, Ms. Shirley has assisted clients before the National Labor Relations Board in connection with representation proceedings, unfair labor practice charges and back pay specifications. She has also conducted extensive training and developed tailored programs designed to assist companies in preventing or prevailing in union organizing campaigns and unfair labor practice proceedings.

Because the proverbial ounce of prevention is key in today's litigious workforce, Ms. Shirley assists and counsels clients on day-to-day employee relations in order to prevent disputes on the front end, and to ensure compliance with the demanding and always evolving labor and employment laws. Through the drafting of policies, employee and management training, and employer audits and counseling, Ms. Shirley has developed and helped to implement preventive programs tailored to individual clients' organizational needs.

### Professional Associations

- Baton Rouge Bar Association
- Louisiana State Bar Associations, Labor and Employment Section
- Member of the Fifth Circuit Bar Association
- Federal Bar Association

### Community Involvement

- CABL Leadership Class
- Baton Rouge Area Chamber Leadership Program
- International Hospitality Foundation, hosting and shepherding students from abroad

### Honors and Awards

- Selected as a Recognized Practitioner in Louisiana Labor & Employment Law by Chambers USA 2007, 2015, 2016
- Selected by her peers for inclusion in The Best Lawyers in America® 2019
- 2010 Recipient of the Top Forty Under Forty, Baton Rouge Business Report
- AV® Preeminent™ Peer Review Rated.

### Publications

- "Employment Law Stay in the Know!" May 2023
- "COVID-19 and the New Normal: Return-To-Work Considerations" May 2020



### PRACTICE AREAS

**Labor & Employment**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1997

Louisiana State University, Speech & Communication, minor in Political Science, 1993

### ADMISSIONS

Louisiana 1997, including all state, federal and appellate courts throughout Louisiana, as well as the Federal Fifth Circuit Court of Appeal.

- "Expansion of Unemployment Benefits in the CARES Act" April 2020
- "COVID-19 Employment Law Round-Up" March 2020
- "Minimizing Risk in the "New" Sexual Harassment Environment" October 2018
- "FLSA Claims for Automatic Meal Break Deductions Continue to Plague Long-term Care Industry" October 2018
- "Fair Labor Standards Act Claims Continue Their Rise" April 2018
- "Discrimination/Retaliation: Importance of Documentation" March 2018
- "Fair Labor Standards Act Claims Continue Their Rise" March 2018
- "First Amendment Retaliation" March 2018
- "EEOC Publishes Guidance Regarding Employee Leave as a Reasonable Accommodation Under the Americans With Disabilities Act" June 2016
- "Imminent OSHA Changes" October 2014
- "EEOC Recognizes Cause of Action for Discrimination Against Transgendered Employees" June 2012
- "When Crime Doesn't Pay: Recent Activity from the EEOC" February 2012
- "In Your Face[book]: Recent Revelations from the National Labor Relations Board" December 2010
- "The Latest Convergence of War and Work: Recent Amendments to the FMLA" February 2008
- Participated in numerous Lorman Education Services Programs concerning Employment and Labor Law issues. Focus on harassment and discrimination.
- Coauthored paper and presented comprehensive employment law seminar during industrial client's management retreat
- Coauthored paper and presented overview of harassment and discrimination laws as well as the FMLA during national gaming client multi-property management conference
- Coauthored paper and presented two comprehensive employment law seminars to management of multi-facility healthcare industry client
- Authored Article published by ABC & GBRIMA: "Management Alert - Court Issues Word of Caution to Industrial Owners and Contractors"
- Authored "More on USERRA Posting Requirements," in the aftermath of Katrina
- Authored "A Word of WARNING in the Aftermath of Katrina," advising corporations regarding WARN Act implications of Katrina
- Coauthored paper presented to attorneys attending Southern Methodist University Employment Law Conference: "An Ever Evolving Enigma - Evidentiary Trends in Employment Litigation"
- "Navigating Shifting Waters Without Sinking the Ship: Insights and Strategies in Harassment and Discrimination Law"
- "Toto, I Don't Think We're in Kansas Anymore: Recent Trends in Harassment and Discrimination"
- "Reasonable On Its Face?: Recent Trends in ADA Accommodations and Undue Hardship"
- "Issues in Discrimination and Harassment: Don't Get Caught With Your Pants Down"
- Coauthored paper and presentation - BSW Labor and Employment Law Seminars:
- BSW Labor & Employment Section Newsletter: "Focus on the FMLA"

## **Presentations**

- *Lightning Round - Traditional Employment Law Issues*, Louisiana Hospital Association Advanced Issues in Physician Employment Seminar, April 2019
- *Fourth Annual Update on Labor & Employment Law for the Construction Industry*, update on labor & employment law, Baton Rouge, LA, October 2018
- *Management Update Briefing*, update on labor & employment law, Baton Rouge, LA, October 2018
- *Labor & Employment Conference for Healthcare Professionals*, update on Labor and Employment Law, Baton Rouge, LA, February 2018
- *"Management Update Briefing"*, update on Labor & Employment Law, Baton Rouge, LA, November 2017
- *Third Annual Update on Labor and Employment Law for the Construction Industry*, update on Labor & Employment Law, Baton Rouge, LA, October 2017
- *Second Annual Update on Labor and Employment Law for the Construction Industry*, update on Labor and Employment Law, Baton Rouge, LA, November 2016

- *"Management Update Briefing"*, update on Labor & Employment Law, Baton Rouge, LA, November 2016
- *"Management Update Briefing"*, update on Labor and Employment Law, Baton Rouge, LA, April 2016
- *First Annual Update on Labor and Employment Law for the Construction Industry*, update on Labor and Employment Law, Baton Rouge, LA, November 2015
- *"Management Update Briefing"*, update on Labor and Employment Law, Baton Rouge, LA, May 2015
- *"Management Update Briefing"*, update on Labor and Employment Law, Baton Rouge, LA, April 2013
- *Invited to speak to Fortune 500 construction company concerning common law employment and recent impacts on the industry*
- *Participated in Director and Officer Seminar hosted by Breazeale, Sachse & Wilson*
- *Participated in Human Resources Management Conference sponsored by multi facility healthcare clients*
- *Developed and executed comprehensive management training for 300+ gaming industry managers*
- *Presentation to South Central Industrial Association on multiple employment topics*
- *Presentation to petrochemical and construction industry sponsored jointly by Associated Builders and Contractors and Greater Baton Rouge Industrial Managers Association: "Common Law Employment: Compliance or Catastrophe"*

## **Representative Matter**

### **Litigation:**

- Successfully defended petrochemical facility facing recent trend of employees of third party contractors attempting to obtain ERISA and other benefits from the client company. Prevailed at trial and on appeal, thereby defeating what promised to be an expansive representative action.
- Represented significant construction corporation which sued union and its business agent following aggressive tactics by organizer which jury found in violation of the law. Monetary damages awarded.
- Obtained Judgment as a Matter of Law for retail industry client sued for breach of alleged employment contract and stock options.
- Unanimous jury verdict for gaming industry client involving allegations of sex discrimination, harassment and retaliation.
- Obtained Judgment as a Matter of Law in extended multi-defendant jury trial for nursing home concerning alleged race discrimination.
- Secured zero damage award for retail client held to have violated the NLRA.
- Obtained significant defense awards of costs and attorneys fees in numerous cases for health care, financial and gaming industry clients sued under a variety of federal and state discrimination laws.
- Successfully resolved potentially expansive class litigation against a hospital pursued by the Equal Employment Opportunity Commission.
- Obtained summary dismissal of numerous significant cases handled for health care, retail, financial and gaming industry clients, including cases involving race discrimination and harassment; sex discrimination and harassment; retaliation; whistleblower claims; pregnancy discrimination; age discrimination and harassment; disparate pay; defamation; drug testing; constitutional claims of equal protection and violation of due process.
- Counsel on appeal of several significant state and federal jury awards which were vacated by the Court of Appeal.

### **Board/Administrative Proceedings:**

- Successfully defended healthcare organization in one of the first non-union NLRB charges to be brought against the industry in the region.
- Defeated significant union organizing efforts for construction industry client in Dallas, Texas.
- Defended Louisiana health care industry clients against organizing efforts directed toward the nursing profession.
- Assisted in defeating organizing effort for gaming industry clients.

- Defeated multiple unfair labor practice charges brought against construction industry as well as other clients in connection with representation proceedings.
- Successfully defended hundreds of Charges of Discrimination filed with the Equal Employment Opportunity Commission. No "cause" determinations issued against any client to date.
- Defeated discrimination charges against secondary education facilities filed with the Department of Education.
- Successfully mediated matters before the Equal Employment Opportunity Commission when such was consistent with clients' goals.



## Jacob Simpson

Partner - Baton Rouge

Tel: (225) 381-3179 Fax: (225) 381-8029 [jacob.simpson@bswllp.com](mailto:jacob.simpson@bswllp.com)

Jacob Simpson is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. He is a Board-Certified Health Law Specialist certified by the Louisiana Board of Legal Specialization and served as Chair of the Louisiana State Bar Association Health Law Section for five years. Jacob represents healthcare providers in a wide range of issues including routine operational matters, regulatory compliance, fraud and abuse, licensing and provider enrollment. Jacob also focuses his practice on advising clients on legal issues related to human subject research, genetic research, research grants and contracts, research misconduct and data privacy. Jacob's clients range from large health systems to individual healthcare professionals and include academic medical centers, hospitals, ambulatory surgical centers, behavioral health providers, healthcare management and consulting companies, institutional review boards (IRB) and Federally Qualified Health Centers (FQHC).

### Clinical Research / Life Sciences

Jacob offers comprehensive solutions in the clinical research industry, including reviewing complex contracts; negotiating and consulting for hospitals, academic medical centers and IRBs; and helping Louisiana residents access experimental, life-saving treatments. As former in-house counsel to an academic medical center, Jacob provides insightful perspective to research sites in clinical research regulated by the FDA and Office of Human Research Protection (OHRP), including patient consent, access to and use of tissue and associated patient information, and the Institutional Review Board (IRB) process. Jacob has collaborated with a variety of research sites, including large academic medical centers in Louisiana and across the country, providing guidance to IRBs, sites and clinical research personnel regarding human subject research laws. Jacob's services include advising clients on the following matters:

- Clinical Trial Agreement Negotiation
- Regulatory Compliance
- Data Privacy and Security
- Tissue / Biorepository
- Material Transfer Agreements

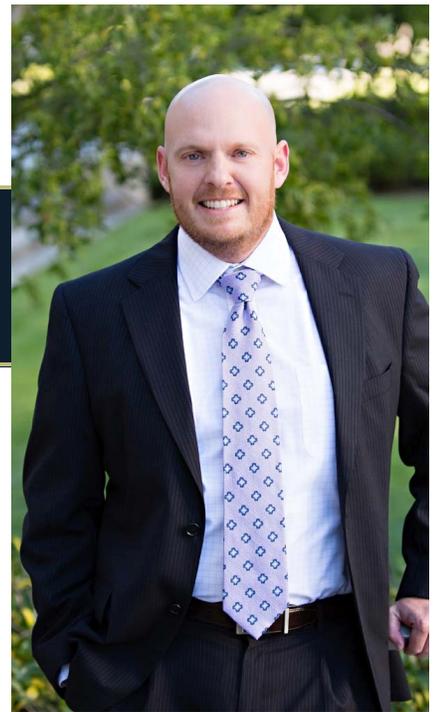
Jacob has served on the IRB for one of the largest hospitals in the region and an Air Force clinical research laboratory IRB. Prior to becoming a lawyer, Jacob earned a degree in Microbiology with a minor in Chemistry from Louisiana State University and engaged in biomedical research at the Pennington Biomedical Research Center.

### Healthcare

As a Board-Certified Health Law Specialist, Jacob advises clients on a myriad of healthcare matters, including regulatory compliance, licensure, enrollment, certification, operational matters, fraud and abuse, and HIPAA compliance. Jacob has significant experience in health care facility licensure and Medicare/Medicaid provider enrollment for a broad range of health systems, hospitals, ambulatory surgery centers, long term care facilities, rehabilitation hospitals, home and community based services providers, long term acute care hospitals, pharmacies, behavioral health providers, addiction treatment centers, and other health care facilities. Jacob's services include advising clients on the following:

- Hospital, ASC and other health care facility licensing
- Medicare and Medicaid Enrollment
- HIPAA compliance
- Pharmacy, CLIA, and DEA licensure
- Due Diligence for Mergers & Acquisitions

In his role as Chair of the Louisiana State Bar Association ("LSBA") Health Law Section, Jacob was instrumental in ensuring Health Law became recognized as a legal specialty in the State of Louisiana.



### **PRACTICE AREAS**

**Healthcare**  
**Dentists**  
**Intellectual Property**

### **EDUCATION**

Paul M. Hebert Law Center, Louisiana State University, J.D., *Order of the Coif*, 2006

Louisiana State University, B.S., *summa cum laude*, 2000

### **ADMISSIONS**

Louisiana, 2006 (Board Certified Health Law Specialist - Louisiana Board of Legal Specialization)

United States Patent & Trademark Office, Registered Patent Attorney

Through his efforts, the Health Law Specialty was approved by the LSBA Board of Legal Specialization, the LSBA House of Delegates and the Louisiana Supreme Court, and is now a recognized legal specialty in Louisiana. Jacob has also volunteered on the IRB for one of the largest hospitals in the region.

### **Intellectual Property**

Jacob is also a registered attorney with the United States Patent and Trademark Office and counsels clients on a variety of IP matters including technology transfer, confidentiality and material transfer agreements. His legal experience also includes working in-house with the Louisiana State University AgCenter in its Intellectual Property office.

### **Military Service**

Jacob is a proud member of the United States military, currently holding the rank of Lieutenant Colonel. He joined the US Air Force in 2001 and spent 12 years on active duty. Lt Col Simpson has continued his service in the United States Air Force Reserve Corp as a Judge Advocate General (JAG) since 2013.

### **Board Certifications**

Board Certified Health Law Specialist, Louisiana Board of Legal Specialization, Louisiana State Bar Association  
United States Patent and Trademark Office, Registered Patent Attorney

### **Professional Associations**

- Prior Chair, Health Law Section, Louisiana State Bar Association, 2015 to 2020
- American Health Lawyers Association
- American Bar Association, Health Law Section
- Baton Rouge Bar Association

### **Community Involvement**

- Board Member of YMCA
- Life Sciences Practice Group Leadership Development Program for American Health Lawyers Association

### **Honors and Awards**

- Ranked in *Chambers USA: America's Leading Lawyers for Business for Louisiana* in Healthcare, 2023
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Meritorious Service Medal (2 Oak Leaf Cluster)
- Air Force Commendation Medal (1 Oak Leaf Cluster)
- Air Force Outstanding Unit Award (1 Oak Leaf Cluster)
- Air Force Organizational Excellence Award (1 Oak Leaf Cluster)
- National Defense Service Medal
- Global War on Terrorism Service Medal
- Air Force Expeditionary Service Ribbon with Gold Border
- Air Force Longevity Service (2 Oak Leaf Clusters)

### **Publications**

- "AHLA Clinical Trial Agreement Toolkit, 2022 edition" June, 2022
- "FDA Pushes Enrollment of Underrepresented Populations in Clinical Trials with Recent 'Race and Ethnicity Diversity Plan' Draft Guidance" May 2022
- "FDA Revises Health System Compounding Guidance, Implementing a More Practical Approach" February 2022
- "OCR's "Right of Access" Enforcement Still Going Strong after Sixteenth Settlement to Date" April 2021
- "Recent Exception to Single IRB Review Mandate Provides Research Institutions Flexibility During COVID-19 Pandemic" December 2020
- "Clinical Research - Government and Industry Team to Provide Hope in the Crisis" March 2020
- "HIPAA \$6.50 Copy Fee Limitation Does Not Apply to Lawyers and Other Third Party Record Requests" February 2020
- "\$10M False Claims Act Settlement Serves as a Reminder for Skilled Nursing Facilities" November 2018

- "Update: LDH Licensing "Express Lane" Coming Soon" October 2018
- "BLUE VALLEY HOSPITAL UPDATE - Kansas District Court Dismisses Case, BVH Medicare Provider Agreement Terminated for Failing to be "Primarily Engaged"" June 2018
- "LDH Licensing "Express Lane" Coming Soon" June 2018
- "CMS Terminates Medicare Provider Agreement For Failing to be "Primarily Engaged" in Providing Services to Inpatients" May 2018
- "Bankrupt Business Associate Agrees to \$100K HIPAA Settlement for Medical Records Left at Dumpster" February 2018
- "OIG Report Shows Many Incidents of Potential Abuse or Neglect Unreported in SNFs" September 2017
- "Recent \$400K HIPAA Settlement with FQHC Highlights Importance of HIPAA Security Management Process" May 2017
- "OIG Finalizes New Anti-Kickback Statute Safe Harbors and CMP Authorities" Louisiana Hospital Association's Impact Law Brief, January 2017
- "First Ever HIPAA Enforcement Action for Delay in Breach Reporting" BSW Health Law Blog, January 2017
- "HIPAA Amendment Purports to Strengthen the National Instant Criminal Background Check System (NICS) - Part II" January 2016
- "HIPAA Amendment Purports to Strengthen the National Instant Criminal Background Check System (NICS) - Part I" January 2016
- "Update on APRN Supervision Rules for Hospitals with Physician Practices" Louisiana Hospital Association's Impact Lawbrief, August 2014
- "Clinical Research: IRB and HIPAA Basics", Virtual Workshop Presented to Woman's Hospital, Resident Researchers (May 2020)
- "Clinical Research - Government and Industry Team to Provide Hope in the Crisis" (March 2020)
- "Update: LDH Licensing "Express Lane" Coming Soon" (October 2018)
- "HIPAA \$6.50 Copy Fee Limitation Does Not Apply to Lawyers and Other Third Party Record Requests" (February 2020)
- "\$10M False Claims Act Settlement Serves as a Reminder for Skilled Nursing Facilities (November 2018)
- "BLUE VALLEY HOSPITAL UPDATE - Kansas District Court Dismisses Case, BVH Medicare Provider Agreement Terminated for Failing to be "Primarily Engaged" (June 2018)
- "LDH Licensing "Express Lane" Coming Soon" (June 2018)
- "CMS Terminates Medicare Provider Agreement For Failing to be "Primarily Engaged" in Providing Services to Inpatients" (May 2018)
- "Bankrupt Business Associate Agrees to \$100K HIPAA Settlement for Medical Records Left at Dumpster" (February 2018)
- "HIPAA Emergency Operations", Louisiana Hospital Association (September 28, 2017)
- "OIG Report Shows Many Incidents of Potential Abuse or Neglect Unreported in SNFs (September 2017)
- "Recent \$400K HIPAA Settlement with FQHC Highlights Importance of HIPAA Security Management Process" (May 2017)
- "The Volk Case and the Duty to Warn, LHA Behavioral Health Law Update: Creating the Right Balance in the Delivery of Behavioral Healthcare", Louisiana Hospital Association Conference enter (January 2017)
- "OIG Finalizes New Anti-Kickback Statute Safe Harbors and CMP Authorities" , Louisiana Hospital Association's Impact Law Brief (January 2017)
- "First Ever HIPAA Enforcement Action for Delay in Breach Reporting" , BSW Health Law Blog (January 2017)
- "HIPAA Amendment Purports to Strengthen the National Instant Criminal Background Check System (NICS) - Part II" (January 2016)
- "HIPAA Amendment Purports to Strengthen the National Instant Criminal Background Check System (NICS) - Part I" (January 2016)
- "Update on APRN Supervision Rules for Hospitals with Physician Practices" , Louisiana Hospital Association's Impact Lawbrief (August 2014)

- "Criminal Cyberattacks Against Health Care Providers Are on the Rise", BSW Health Law Blog (May 2015)
- "Can a Member of Local Bank Board Serve on the Board of a Hospital Service District?", BSW Health Law Blog (October 2014)
- "HIPAA and Baby Photo Boards", BSW Health Law Blog (August 2014)

#### **Presentations**

- *Clinical Research and Institutional Review Boards*, LSU Health Law Class, Paul M. Hebert Law Center, Louisiana State University, April 2022
- *Healthcare Regulatory Agencies in Provider Licensing & Enrollment*, Apprenticeship Week, Paul M. Hebert Law Center, Louisiana State University, 2022



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Jerry L. Stovall, Jr.

Partner - Baton Rouge

Tel: (225) 381-8042 Fax: (225) 381-8029 [jls@bswllp.com](mailto:jls@bswllp.com)

Mr. Stovall is an Employment Law Specialist, certified by the Louisiana Board of Legal Specialization. He concentrates his practice in the areas of labor & employment law, corporate formation, business, corporate and fiduciary litigation. Mr. Stovall represents private employers and public entities. Mr. Stovall is a frequent speaker, author and trainer, primarily in the areas of labor & employment law.

### Experience

- Associate, Liddell Sapp Zivley Hill & LaBoon, Houston, TX, 1989-1990
- Associate, West, Webb, Allbritton & Gentry, College Station, TX, 1990-1995
- Associate, Breazeale, Sachse & Wilson, L.L.P. 1990-1997
- Partner, Breazeale, Sachse & Wilson, L.L.P. 1997-Present

### Professional Associations

- Baton Rouge Bar Association
- Louisiana State Bar Association
- Louisiana State Bar Employment Law Advisory Committee
- Texas State Bar Association
- American Bar Association
- Board of Directors of the Greater Baton Rouge Society of Human Resource Management
- Employment Counsel to the Louisiana House of Representatives
- Counsel to the Pelican Chapter of Associated Builders and Contractors
- Member of the Louisiana Association of General Contractors Safety Council
- Counsel to the Louisiana and Community Technical College System
- Represents numerous private employers in the construction, service, chemical, health care and sales industries.

### Honors and Awards

- Ranked in **Chambers USA: America's Leading Lawyers for Business for Louisiana** in the area of Labor & Employment in 2014-2015
- Selected by his peers for inclusion in **The Best Lawyers in America**<sup>®</sup>, Since 2013
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.

### Publications

- "DOL Opinion Letter Tells Employers How to Calculate FMLA Leave During a Holiday Week" June 2023
- "Last Week, The U.S. Dept. of Labor Issued a Field Assistance Bulletin Regarding the Pump Act" May 22, 2023
- "Paid Family and Medical Leave Act Bill Pulled" May 19, 2023
- "Once Again, the EEOC Revises Its Covid-19 Guidance" May 2023
- "Pregnant Worker Fairness Act Effective in 43 Days" May 12, 2023
- "Be Careful When Conducting Pre-Hire Criminal Background Checks" May 2023
- "Bipartisan Group of Senators Pose Another Challenge to Use of Noncompete Agreements" 02/03/2023
- "Your OSHA Form 300-A's Must Be Posted By February 1, Probably" January 2023
- "Employers Should Start Using New EEOC Poster Now" 12/06/2022
- "U.S. Congress Passes Law That Will Void Non-Disclosure Agreements Related to Sex Harassment Claims" 11/22/22



### PRACTICE AREAS

**Labor & Employment**  
**Construction**  
**Corporate Formation and Management**  
**Occupational Safety & Health Administration**  
**Non-Competition**  
**Harassment, Discrimination, & Retaliation**

### EDUCATION

Baylor University School of Law, 1989  
Baylor University, 1986

### ADMISSIONS

Texas (1989)  
Louisiana (1994)  
All State and Federal Courts in Louisiana and Texas  
U.S. Supreme Court

Employment Law Specialist, certified by the Louisiana Board of Legal Specialization

- "The OFCCP May Be Planning to Release Your 2016-2020 EEO-1 Reports. What Can You Do?" 08/24/2022
- "Federal Appeals Court Affirms NLRB Decision Reinstating Employee Who Defaced Company Overtime Sign-Up Sheet" 08/16/2022
- "Employer Ordered to Pay Employee Five Million Dollars Because" July 2022
- "EEOC Issues COVID-19 Update!" July 2022
- "You Need to Know This If You Have Commissioned Salespeople in Texas" 06/13/2022
- "2022 Legislative Update" June 2021
- "Do You Hear That Sound? It's The Paid Leave Train, And It's Heading Straight for You" 4/19/2022
- "Can My Boss Really Fire Me for Talking About His Compensation?" 04/12/2022
- "Department of Labor Issued Field Assistance Bulletin Showing Emphasis on Retaliation" 04/11/2022
- "President Biden Signs Law Limiting Arbitration Agreements for Sexual Harassment" 03/07/22
- "The CDC Has Relaxed It's Face Covering Recommendations, And This Should Matter to You" 3/03/2022
- "Congress Passes Ban on Arbitration Clauses for Sex Harassment and Sex Assault Claims - Bill Goes to Biden for Signature" February 2022
- "Recent Federal Court Ruling on ADA Claim Emphasizes Importance of Engaging In and Documenting the Interactive Process" 2/09/2022
- "The Department of Labor Is Coming After Us All" 02/07/2022
- "If the DOL Doesn't Get You, the NLRB Will" 02/02/2022
- "If I Have Said It Once..." 12/13/2021
- "Recent Fifth Circuit Ruling Offers Great Tips for Avoiding OSHA Citations" 12/02/21
- "Fifth Circuit Court of Appeals Issues Stay Of OSHA Covid-19 ETS" 11/08/2021
- "OSHA Issues New Emergency Temporary Standard For COVID-19" November 2021
- "EEOC's 10/25/2021 Updated Technical Assistance Regarding COVID-19 Vaccination Religious Exemption Requests Really Doesn't Change Much" October 2021
- "Get Ready for OSHA's New Emergency Temporary Standard Mandating COVID Vaccinations" October 2021
- "Back to the Basics" October 2021
- "Safer Federal Workforce Task Force Issues Covid-19 Guidance" September 2021
- "Democrats Propose Bill to Increase Maximum Penalty for OSHA "Willful" Violations to \$700,000 as Part of \$3.5 Trillion Budget Reconciliation Package" September 2021
- "OSHA is Tripling Down on Heat-Related Hazards" September 2021
- "President Biden Outlines New Vaccination Plan" September 2021
- "The ARPA COBRA Notice Deadline is Just Around the Corner" September 2021
- "You Absolutely Can Require Your Employees to be Vaccinated; Unlessâ!" August 2021
- "Texas Increases Protections for Employees Filing Sexual Harassment Claims" August 2021
- "HHS and DOJ Issue Guidance on How Disability Laws Apply to "Long COVID": Get Ready for More Demands for Reasonable Accommodations" August 2021
- "Don't Miss the August 1 Notice Deadline For Louisiana's Revised Pregnancy Discrimination Law" July 2021
- "If You Have Employees in Texas, Your Risk of a Sex Harassment Claim Just Increased" July 2021
- "U.S. DOL Issues NPR Implementing New \$15 an Hour Federal Contractor Minimum Wage" July 2021
- "EEOC Issues Guidance Addressing Discrimination Against Transgender Employees" July 2021
- "President Biden Has Not Banned Non-compete Agreements, But It Looks like He Wants To" July 2021
- "Relevant Bills of the 2021 Regular Legislative Session" July 2021
- "EEOC Issues Guidance on Employment Discrimination Based on Sexual Orientation and Gender Identity" July 2021
- "OSHA Issues COVID-19 Emergency Temporary Standards and Guidance on Mitigating and Preventing COVID-19" June 2021
- "The CDC Opens Things Up!" May 2021
- "If You Are a Fan of Paid Leave, This Is the Year for You" May 2021

- "Three for One Friday!" April 2021
- "My Employees Have Been Jabbed Twice, Now What?" April 2021
- "Get Ready to Submit Your EEO-1 Component 1 Data to the EEOC" April 2021
- "The New \$1.9 Trillion Stimulus Bill Impacts Extends the FFCRA Through September 2021" March 2021
- "The CDC Says that Fully Vaccinated Workers Do Not Need to Wear Masks - Sort Of" March 2021
- "Keep an Eye on These Bills If You Use or Are Considering Using a Mandatory Arbitration Provision" March 2021
- "U.S. Dept. of Labor Expands Unemployment Insurance Eligibility" March 2021
- "Please, Please, Please Use Common Sense When Responding to an Employee's Request for a Reasonable Accommodation" March 2021
- "Be Very Careful If You Discuss Wages and High-Level Hiring With Competitors, or You Might End Up in Jail" February 2021
- "Check Your Call-In Policies" February 2021
- "A Few Things to Consider if You Are Thinking of Requiring Your Employees to Get the COVID-19 Vaccine" February 2021
- "A Short Summary of How President Biden's American Rescue Plan Could Impact Employers" February 2021
- "Ninth Circuit Issues a Per Diem Ruling That is Worth Noting" February 2021
- "A Quick Overview of President Biden's Employment-Related Executive Orders to Date" January 2021
- "U.S. Wage and Hour Division Issues Two New Opinion Letters" December 2020
- "2020 Second Extraordinary Session: The Final Tally" November 2020
- "Does State or Federal Law Require Me to Allow Employees Time Off of Work to Vote?" October 2020
- "Flu Season Is Approaching, Should You Require Employees to Get A Flu Shot?" October 2020
- "The CDC Re-Defines "Close Contact"" October 2020
- "DOL Announces Revisions to FFCRA That Will Seriously Impact Healthcare Providers" September 2020
- "DOL Issues Three New Q&A's Regarding FFCRA School Leave" August 2020
- "Be Careful If You Allow Employees to Give Paid Leave to Each Other" August 2020
- "New York Court Vacates Four Provisions of the FFCRA Final Rule" 08/06/2020
- "DOL Issues New Q&As" July 2020
- "Don't Inadvertently Create COBRA Liability" July 2020
- "DOL Issues New Optional FMLA Forms" July 2020
- "Supreme Court Rules Title VII Prohibits Discrimination Based Upon Sexual Orientation and Transgender Status - Part II" June 2020
- "EEOC Updates COVID-19 Technical Assistance Q&A" June 2020
- "OSHA Issues First COVID-19 Related Citation to Nursing Home in Georgia" June 2020
- "U.S. DOL Issues New FFCRA Q&A's" June 2020
- "OSHA Changes Its April Guidance Regarding the Duty to Record Positive COVID-19 Screens" May 2020
- "DOL Issues Sixth Set of Families First Coronavirus Response Act FAQs and It's a Mixed Bag for Employers" May 2020
- "EEO-1 Reports Now Not Due Until March of 2021" May 2020
- "Treasury Department and SBA Answer PPP Loan Forgiveness Question" 05/06/2020
- "Making Plans to Bring Your People Back To Work" May 2020
- "DOL Updates COBRA Notices" 05/06/2020
- "More on the Relaxed I-9 Remote-Work Verification Requirements" May 2020
- "Does The FLSA "Emergency" Exception Apply To You?" April 2020
- "Is This an "Emergency"?" April 2020
- "DOL Issued New FAQ Last Friday" 04/05/2020
- "Read This--It Is Important!" April 2020
- "Hold on to Your Hat! The IRS Gives Us Some Good News" April 2020
- "DOL Issues Second Set Of FAQs; And The News Is Mostly Good For Employers" March 2020

- "U.S. Department of Labor Issues COVID-19 Question and Answers" March 2020
- "COVID-19: Frequently Asked Questions For You and Your Business" March 2020
- "Get Familiar With OSHA'S Guidance on Preparing Workplaces for COVID-19" March 2020
- "How to Compensate Your Employees During a Virus Outbreak" March 2019
- "Don't Get Your Legal Advice from the News" January 2020
- "Holiday Party Useful Tips to Consider" November 2019
- "Are You Ready For The New White Collar Salary Requirements?" October 2019
- "NLRB Issues a Common Sense Memo" August 2019
- "NLRB Rules in Favor of Employment Arbitration" August 2019
- "Department of Labor Issues Opinion Letter That Parental Attendance at Child's IEP Meeting Is Covered by FMLA" August 2019
- "NLRB Gives Employers Greater Control Over Their Public Spaces" July 2019
- "Bad News, It Looks Like At Least Two of Texas' Paid Sick Leave Ordinances Are About to Go Into Effect" June 2019
- "What Should You Do If You Receive an SSA "No-Match" Letter" June 2019
- "Supreme Court Holds EEOC Charge-Filing Requirement is Not Jurisdictional" June 2019
- "Don't Ignore Pre-Litigation Demands That Mention Arbitration" May 2019
- "Employers Should Prepare to Submit Their Component 2 Pay Data By September 30, 2019" May 2019
- "Dallas Follows Austin and San Antonio and Implements a Paid Sick Leave Ordinance" March 2019
- "Be Careful if You Want to Use Unpaid Interns this Summer" May 2019
- "U.S. House of Representatives Urges OSHA to Create a Standard Regarding Workplace Violence in the Healthcare Industry" May 2019
- "Apparently I Need to Say This: Do Not Say "Whites Preferred" When Posting a Job Online" May 2019
- "April 24 U.S. Supreme Court Ruling on Arbitration Agreements Is a Win for Employers" April 2019
- "Am I Disabled If My Boss Really Annoys Me?" April 2019
- "Claims against Public Entities under ADA Website Accessibility Standards Are Exploding" February 2019
- "The Fair Credit Reporting Act: We're Not Done Yet" February 2019
- "It's Time to Create Your E-Verify Cases" January 2019
- "OSHA Issues Final Rule Withdrawing Mandate That Large Employers Electronically File Data Contained in Their 300 and 301 Forms" January 2019
- "It is Almost Time to Post And File Your 300A Forms" January 2019
- "The Fair Credit Reporting Act Is Tricky" December 2018
- "If You Have the Authority to Hire and Fire, the DOL Might Play the Grinch This Christmas and Sue You Personally for FLSA Violations" December 2018
- "Tis The Season to Accommodate Your Employee's Religious Beliefs" November 2018
- "Be Very Careful What You Say to an Employee About FMLA Leave: You May Create a Claim that Otherwise Would Not Have Existed" November 2018
- "After A Nine Year Hiatus, The DOL Issues Two New FMLA Opinion Letters" September 2018
- "Does Your Last-Chance Agreement Contain A Prospective Waiver? It Probably Shouldn't" July 2018
- "Logic Prevails At The NLRB! Some Common Sense HR Policies Are Legal Once Again!" June 2018
- "The Perfect Storm: A Convergence of Unpaid Rest Breaks, The FLSA and FMLA" May 2018
- "Good News for Employers! U.S. Supreme Court Decides that Class Action Waivers In Arbitration Provisions Are Enforceable" May 2018
- "IRS Issues Assistance on New Paid FMLA Tax Credit" April 2018
- "The DOL Has Begun to Issue Opinion Letters Again - And You Should Read Them" April 2018
- "OSHA Withdraws Fairfax Memo, Employers Are No Longer Required to Allow Non-Employees to Accompany OSHA Investigators" May 2017
- "Good News for Federal Contractors - President Trump Blocks Implementation of Obama "Blacklisting"" March 2017
- "Texas Court Stops Implementation of Minimum Salary Increase" November 2016

- "OSHA Delays Enforcement of Anti-Retaliation Provisions - Again" October 2016
- "Reminder - FLSA Salary Increase Deadline is Approaching" September 2016
- "The EEOC Issues Guidance on Avoiding Retaliation Claims" September 2016
- "LABI Asks Department of Labor to Delay Implementation of Overtime Rules" September 2016
- "OSHA Tries to Make Workers Safer by Making Post-Accident Drug Screens and Safety-Incentive Programs More Difficult to Apply" July 2016
- "Email Reminder - Don't Do What Debbie Did" July 2016
- "The EEOC Takes Sexual Orientation Discrimination Seriously" July 2016
- "OFCCP Issues Final Rule Updating Sex Discrimination Guidelines For Federal Contractors" June 2016
- "DOL Issues Proposed Rule Requiring Federal Contractors to Provide Paid Sick Leave" February 2016
- "FLSA Violations Can Land You in Jail" December 2015
- "The EEOC, DOL and OFCCP Announce Deadlines for Final Rules" December 2015
- "Healthcare Providers Beware, OSHA Is Targeting Your Workplace Violence Programs, And It Is Going to Cost You..." December 2015
- "OSHA Says that Fainting at the Sight of Blood is Recordable" November 2015
- "EEOC Issues Another NPR Regarding Employee Wellness Programs" November 2015
- "Most Common Hiring Pitfalls" August 2015
- "Get Ready the Minimum Required Salary for an Exempt Employee is About to Double" August 2015
- "The Department of Labor Narrows The Independent Contractor Exemption Classification" July 2015
- "Court Rules That Employer May Be Liable For Actions Of An Anonymous Harasser" July 2015
- "EEOC Issues Revised Enforcement Guidance on Pregnancy Discrimination and Related Issues" July 2015
- "DOL Issues Rule Increasing White Collar Minimum Salary Requirement" June 2015
- "Be on the Lookout for Department of Labor's "Administrator's Interpretation" Clarifying Independent Contractor Status" June 2015
- "OFCCP Posts Sample Affirmative Action Plans for Veterans and Persons with Disabilities" June 2015
- "Why You Should Not Agree to Continue Health Insurance As Part of a Separation Agreement" June 2015
- "OSHA Issues a Transgender Bathroom Usage Guidance" June 2015
- "US Department of Labor Releases New FMLA Forms" June 2015
- "EEOC Initiates Paperless Online Charge System" May 2015
- "EEOC Finally Issues Notice of Proposed Rulemaking Regarding Application of ADA to Employer Wellness Plans" April 2015
- "May an Employer Require a Medical Examination When an Employee Transfers from One Position to Another" March 2015
- "United States Department of Labor Announces Final Rule Regarding Definition of "Spouse" Under the FMLA" February 2015
- "OSHA Regulations Expanded to Require Automobile Dealers to Maintain OSHA 300 Logs" January 2015
- "A Couple Action Items for HR in 2015" January 2015
- "IRS Mileage Reimbursement Rate Increases for 2015" January 2015
- "U.S. Department of Justice Takes Position that Title VII Prohibits Gender Identity Discrimination" January 2015
- "At Least 21 States Raise Their Minimum Wage in 2014" January 2015
- "It's Official, The EEOC Doesn't Want Your Employees To Be Healthy" August 2014
- "NLRB Encourages Employees to Also File Complaints with OSHA and Department of Labor" August 2014
- "Department of Labor Issues a Notice of Proposed Rulemaking to Revise Definition of "Spouse" Under the FMLA" June 2014
- "Bullying In The Workplace-Address It Now Or Pay Later" April 2014

- "Fifth Circuit Holds that Confidentiality Agreement Prohibiting Disclosure of "Financial" and "Personnel Information" Violates NLRA" April 2014
- "Supreme Court Clarifies Employer Obligations to Pay for Time Spent Donning and Doffing Clothes" February 2014
- "New OSHA Regulations Tracking Workplace Injuries" January 2014
- "Exercise Caution When Granting Year-End Bonuses" December 2013
- "When Is a Full House Worse Than Two of a Kind? When the NLRB Is Involved" August 2013
- "Contrary to Public Opinion, You Can Still Conduct Criminal Background Checks-With Caution" June 2013
- "Department of Labor Issues New Regulations Regarding FMLA Military Leave" March 2013
- "What to Do When Employees Don't Show Up..." August 2012
- "EEOC Holds That Transgender Workers Are Protected by Title VII" 5/1/2012
- "Final ADA Regulations" 6/2/2011
- "2008 Legislature Expands Louisiana Non-Compete Statute" August 2008
- Contributing author to the Texas Young Lawyers Association's publication, Texas Lawyers Professional Ethics, 3rd Edition



## Thomas R. Temple, Jr.

Partner - Baton Rouge

Tel: (225) 381-8024 Fax: (225) 381-8029 thomas.temple@bswllp.com

Thomas Temple's broad areas of practice include class action litigation, medical malpractice defense and other healthcare-related issues, toxic tort litigation, insurance coverage litigation, products liability defense, transportation and construction general liability claims, as well as a variety of other types of casualty litigation.

Thomas is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson. He is a member of the firm's Management Committee and is currently the head of the firm's Insurance Industry Team. Thomas attended Millsaps College in Jackson, Mississippi, obtaining a Bachelor of Business Administration with a minor in Economics. He received his J.D. from the Paul M. Hebert Law Center at Louisiana State University. Thomas has an AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rating from Martindale-Hubbell.

### Professional Associations

- Baton Rouge Bar Association
- Louisiana State Bar Association
- American Bar Association
- Louisiana Association of Defense Counsel

### Community Involvement

- American Heart Association, Board member
- Baton Rouge Area Chamber Leadership Program (2008)
- Boys & Girls Club of Greater Baton Rouge, Chairman of Louisiana Area Counsel, Board of Trustees
- Council for a Better Louisiana, Leadership Louisiana (2010)
- Cancer Services of Greater Baton Rouge, Board of Directors
- West Feliciana Historical Society, Board of Directors

### Honors and Awards

- Selected by his peers for inclusion in **The Best Lawyers in America<sup>®</sup>**, since 2015
- Selected Lawyer of the Year, in Commercial Litigation in Baton Rouge by The Best Lawyers in America<sup>®</sup> 2018, in Mass Tort Litigation, Class Actions - Defendants, in Baton Rouge by The Best Lawyers in America<sup>®</sup> 2021
- 2011 Recipient of the Top Forty Under Forty, Baton Rouge Business Report
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated<sup>™</sup>
- Listed in *Louisiana Super Lawyers* in the area of Civil Litigation: Defense, since 2018
- Named a "Rising Star" in the area of Personal Injury Defense: Medical Malpractice the 2012-2013 and 2016-2017 editions of **Louisiana Super Lawyers**

### Presentations

- *He has lectured on legislative developments regarding tort reform and judicial developments in tort.*

### Representative Matters

- Represented companies in toxic tort class action involving alleged injurious exposure to products of the representative companies.
- Extensive work with healthcare providers on informed consent issues, end of life issues, elderly care issues, and interdictions.
- Represented insurers and policyholders in insurance coverage disputes involving health insurance claims, automobile insurance claims and commercial liability insurance claims, as well as property insurance claims including business interruption.
- Represented various types of businesses in defending against premises liability claims.



### PRACTICE AREAS

**Class Action, Mass Tort & Multi-District Litigation**  
**Healthcare**  
**Environmental, Energy, and Natural Resources**  
**Transportation**  
**College and Professional Sports**  
**Commercial Litigation**  
**Casualty Litigation**  
**Medical Malpractice**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1998

Millsaps College, Bachelor of Business Administration with a minor in Economics, 1995

### ADMISSIONS

Admitted to practice in all Louisiana State and Federal Courts, including the United States Fifth Circuit.

- Represented a major railroad with regard to crossing accidents and FELA claims.
- Represented hospitals in medical malpractice litigation.
- Represented insurance companies in defense of class action claims, including a class action filed against an auto insurer for first party diminished value claims.
- Represented companies with regard to litigation involving industrial accidents.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Terrel A. Thomas

Partner - Baton Rouge

Tel: (225) 381-3170 Fax: (225) 381-8029 [terrel.thomas@bswllp.com](mailto:terrel.thomas@bswllp.com)

Terrel Thomas is a partner in the Baton Rouge office. She received a Bachelor of Science in International Trade and Finance from Louisiana State University in 1996 and a Juris Doctor degree from Southern University Law Center in 1999.

Terrel was admitted to the Louisiana Bar in 1999 and is admitted to practice before all Louisiana state courts and U.S. District Courts for the Eastern, Middle, and Western Districts of Louisiana.

Terrel is a former attorney with the Louisiana Workers' Compensation Corporation where she managed and maintained several cases dealing with state workers' compensation defense, Second Injury Fund litigation, subrogation, including maritime and Jones Act claims, longshore claims, and Medicare submissions. She has experience in Second Injury Fund litigation, seeking reimbursements from the Board on behalf of LWCC, and Medicare-related issues, including settlements, submissions, conditional payments, and closeout letters. Terrel represents employers and carriers in Louisiana before the Office of Workers' Compensation, the U.S. DOL Office of Administrative Law Judges, United States District Courts, Louisiana State District Courts, and Louisiana Circuit Courts of Appeal.

Terrel has been a guest speaker at multiple seminars regarding workers' compensation to audiences that include claims adjusters, Employers/policyholders, human resources directors, healthcare workers, safety personnel, and attorneys.

### Professional Associations

- Louisiana State Bar Association
- Baton Rouge Bar Association - Workers' Compensation Section

### Community Involvement

- St. Aloysius Church & School-Come Lord Jesus Group Leader, Confirmation Small Group Leader
- St. Aloysius Child Care Center-Parental Advisory Council
- Catholic High School Mother's Club and Spirit Committee
- Kids Chance Scholarship Tournament and Fundraiser

### Honors and Awards

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated<sup>™</sup>



### PRACTICE AREAS

Transportation  
Workers' Compensation and Claims Management  
Premises Liability  
Casualty Litigation

### EDUCATION

Southern University Law Center, J.D., 1999

Louisiana State University, B.S. in International Trade and Finance, 1996

### ADMISSIONS

Louisiana

Eastern, Middle & Western District Courts of Louisiana



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Joseph P. Titone

Partner - Baton Rouge

Tel: (225) 381-3167 Fax: (225) 381-8029 joseph.titone@bswllp.com

Joseph P. Titone is a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P., practicing in the areas of creditors' rights, and focuses on medical collections. Mr. Titone's experience includes the management of a high volume collection practice and in-house counsel for a bank and insurance company.

### Experience

- Law clerk to the Honorable Pike Hall, Louisiana Court of Appeal, Second Circuit, 1974-75

### Professional Associations

- Baton Rouge Bar Association
- Louisiana Bar Association
- Past President of the Shreveport Young Lawyers Association, 1981-82
- Board of Directors, Shreveport Bar Association, 1981-82
- Co-founder of the Shreveport Bank Counsel Group

### Representative Matters

- Maintains in excess of 1500 hospital accounts.
- Developed and managed a high volume collection department for a regional bank and statewide insurance company.



### PRACTICE AREAS

Healthcare  
Bankruptcy and Creditor Debtor  
Rights/Insolvency and  
Reorganization Law

### EDUCATION

Paul M. Hebert Law Center, Louisiana  
State University, J.D., 1974

Louisiana Polytechnic Institute, B.A.,  
1970

### ADMISSIONS

Louisiana 1974; authorized to practice in  
all State courts and the Middle, Western  
and Eastern Federal District Courts



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Christopher J. Vidrine

Associate - Baton Rouge

Tel: (225) 381-8019 Fax: (225) 381-8029 Chris.Vidrine@bswllp.com

Chris is an associate in the Baton Rouge office in the Healthcare section. He graduated *summa cum laude* from Paul M. Hebert Law Center in 2022 and is a member of the Order of the Coif. Chris earned his Bachelor of Science in Mass Communication with a concentration in Public Relations and a minor in Business Administration from Louisiana State University in 2018.

### Professional Associations

- Member, Order of the Coif, 2022
- Member, Baton Rouge Bar Association
- Member, Louisiana State Bar Association

### Publications

- "The Zoom Paradox: Schrodinger's Witness," Louisiana Law Review, Vol. 82, Issue 1



### PRACTICE AREAS

Healthcare

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 2022

Louisiana State University, B.S. in Mass Communication

St. Joseph's Abbey and Seminary College

### ADMISSIONS

Louisiana, 2022

Appellate and Federal Courts and the Fifth Circuit Court of Appeals, 2022



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## B. Troy Villa

Partner - Baton Rouge

Tel: (225) 381-8052 Cell: (225) 202-4865 Fax: (225) 381-8029 troy.villa@bswllp.com

Troy Villa is a partner at Breazeale, Sachse & Wilson, L.L.P. in Louisiana. He has extensive experience in numerous areas of business transactions, financing and advisory services.

### **Tax Credit Financing and Economic Incentives**

Troy represents clients in various capacities in tax credit financing and investment transactions involving New Markets Tax Credits and historic rehabilitation tax credits and with projects involving state and local economic incentives and Public-Private Partnerships ("P3").

- Historic Tax Credits ("HTC")
- New Markets Tax Credits ("NMTC")
- Leverage and bridge loan financing associated with HTC and NMTC financing
- Industrial Tax Exemptions, Payments-in-Lieu-of-Tax ("PILOT")
- Cooperative Endeavors involving P3 projects
- Opportunity Zone Investments

### **Financing**

Troy has represented clients for many years in traditional and non-traditional financing transactions, including:

- Asset-based lending
- Development and Construction Loans
- Mezzanine financing
- Private Equity Investments (Investors and Issuers)
- Venture Capital

### **Mergers & Acquisitions**

He also represents business clients and entrepreneurs in a wide variety of business transactions involving the purchase and sale of businesses. He has extensive experience in the structuring and negotiation of terms related to these types of transactions, and the drafting of related contracts and agreements. He has advised clients with respect to both domestic and international transactions.

- Purchase and Sale of Privately-Held Businesses
- Mergers
- Consolidations
- Reorganizations
- Leveraged-buyouts and restructuring

### **Professional Associations**

- Louisiana State Bar Association
- Baton Rouge Bar Association
- Institute for Professionals in Tax (IPT)
- Louisiana Industrial Development Executives Association (LIDEA), Board of Directors
- American Red Cross - Louisiana Capital Area Chapter (Board of Directors: 2008 and previously, 1998-2006, Chairman 2002-2003)
- American Health Lawyers Association
- Education's Next Horizon (Board of Directors)
- Gulf Coast Housing Partnership (Board of Directors)
- Former Academic Distinction Fund (Treasurer, Board of Directors)
- Former Diocese of Baton Rouge Catholic School Board (Director)



### **PRACTICE AREAS**

**Corporate & Finance**

**Healthcare**

**Industrial Development Team**

**Business Owners/Entrepreneurs**

**Real Estate**

**Associations and Nonprofits**

**Incentives, Credits & Economic  
Development**

### **EDUCATION**

Paul M. Hebert Law Center, Louisiana State University, J.D., 1990 (Louisiana Law Review, Senior Editor)

Nicholls State University, B.S., 1986

### **ADMISSIONS**

Admitted to practice: 1990, Louisiana State Courts, Eastern, Middle & Western Districts of Louisiana.

## Honors and Awards

- Selected by his peers for inclusion in **The Best Lawyers in America**<sup>®</sup> , Since 2009
- Selected Lawyer of the Year, in Mergers and Acquisition Law in Baton Rouge by **The Best Lawyers in America**<sup>®</sup> 2013, 2015, 2019
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.

## Publications

- "Paycheck Protection Program Application Deadline in the Process of Being Extended" July 2020
- "PPP Update: Paycheck Protection Program Flexibility Act Enacted by Congress" June 2020
- "SBA Paycheck Protection Program Update" April 2020
- "Paycheck Protection Program Rules Released" April 2020
- "CARES ACT UPDATE (April 1, 2020): Paycheck Protection Program Application is Released" March 2020
- "Summary of Coronavirus Aid, Relief, and Economic Security Act (or CARES Act)" March 2020
- "COVID-19: Frequently Asked Questions For You and Your Business" March 2020
- "It's Time to Dust-off the "Force Majeure" Clause in your Contract" March 2020
- "BSW Health Law Blog" August 2013
- "Not-for-Profits and LLCsâDon't be fooled by the Annual Meeting Disclosure Statement Being Mailed to You." May 2011

## Representative Matters

- Represented financial buyer of industrial service company operating in Louisiana and Texas in \$13 million buy-out.
- Represented operator of cellular telephone network in Louisiana to national cellular carrier in \$36 million transaction, which included various ancillary aspects for transition.
- Represented seller of oil-field equipment business to global energy equipment manufacturer in \$12 million transaction.
- Represented owners of alternative fuels producer in sale of refinery to public company in \$24 million transaction.
- Represented owners of telecommunications business in South Louisiana in various financing transactions in excess of \$40 million and ultimately in sale of business to private equity fund in \$100 million transaction, including participation in obtaining regulatory approvals and/or letters of non-opposition from the Louisiana Public Service Commission.
- Represented telecommunications business in South Louisiana in leveraged buyout of co-owner in \$86 million transaction, including participation in obtaining regulatory approvals and/or letters of non-opposition from the Louisiana Public Service Commission.
- Represented joint venture partner in sale of interest in national chemical business and assets to other joint venture partner in \$85 million transaction.



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Stephen R. Whalen

Partner - Baton Rouge

Tel: (225) 381-8006 Cell: (225) 802-7645 Fax: (225) 381-8029 [stephen.whelen@bswllp.com](mailto:stephen.whelen@bswllp.com)

Stephen Whalen is a partner attorney at the Baton Rouge office of Breazeale, Sachse & Wilson, L.L.P. Steve's principal area of practice is casualty litigation. His experience includes asbestos litigation, medical malpractice, 1983 litigation, general tort litigation and workers' compensation. He represents clients in both state and federal courts.

### Experience

- Associate, Benckenstein, Norvell, Bernsen & Nathan, L.L.P., Beaumont, TX, 1990 - 1997
- Partner, Breazeale, Sachse & Wilson, L.L.P., Baton Rouge, LA, 1997 - Present

### Professional Associations

- Baton Rouge Bar Association
- Louisiana State Bar Association
- Texas Bar Association

### Honors and Awards

- Selected by his peers for inclusion in The Best Lawyers in America<sup>®</sup>, Since 2018
- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.

### Representative Matters

- Represents a Fortune 100 company in toxic tort litigation involving alleged injurious exposure to asbestos.
- Represents owner and operator of recreation parks against allegation involving operations and maintenance of facilities.
- Represented sugar mills in Louisiana involving alleged injurious exposure to asbestos. Also assisted in locating ancient insurance policies for eventual coverage of claims.
- Represented insurers and policy holders in insurance coverage disputes involving automobile and commercial liability claims.
- Successfully defended owner and operator of exotic animal exhibit against allegations of negligent design of tour wagons.
- Represented maintenance contractor in wrongful death claim arising out of alleged failure of equipment during plant operations



### PRACTICE AREAS

**Automotive  
Casualty Litigation  
Civil Rights Litigation and  
Governmental Entity Defense**

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1990

Tulane University; Louisiana State University, B.S., 1986

### ADMISSIONS

Texas, 1990

Louisiana, 1997

Federal District Court for the Middle District of Louisiana; 1997

Federal District Court for the Eastern District of Louisiana; 2007

Federal District Court for the Western District of Louisiana; 1997

Federal District Court for the Southern District of Texas; 1993

Federal District Court for the Eastern District of Texas; 1993



**BREAZEALE, SACHSE & WILSON, L.L.P.**  
ATTORNEYS AT LAW

## Douglas K. Williams

Partner - Baton Rouge

Tel: (225) 381-8032 Cell: (225) 229-8560 Fax: (225) 381-8029 douglas.williams@bswllp.com

Doug Williams is an AV<sup>®</sup>-rated partner. He practices in the areas of medical malpractice defense, insurance defense, product liability defense and interstate common carrier matters.

### Professional Associations

- Louisiana Trucking Research and Education Council
- Member of the Transportation Lawyers Association (TLA)
- Member of the American Trucking Associations (ATA), serving on Safety Policy Committee, Labor & Policy Committee and Insurance Task Force
- General Counsel for the Louisiana Motor Transport Association (LMTA)
- Member of the American Board of Trial Advocates (ABOTA)
- Member of the Board of the Medical Malpractice Practice Group, Louisiana Association of Defense Counsel (LADC)
- Member of the National Association of Railroad Trial Counsel (NARTC)
- Past Member of the Board of Directors for the Louisiana Association of Defense Counsel
- American Bar Association, Section on Torts and Insurance Practice
- Louisiana State Bar Association
- Baton Rouge Bar Association
- Louisiana Association of Business & Industry, Member of the Civil Reform Council
- Member of the Medical Malpractice Group of the Louisiana Association of Defense Counsel
- Member of the Civil Justice Reform Council of the Louisiana Association of Business and Industry (LABI)

### Honors and Awards

- AV<sup>®</sup> Preeminent<sup>™</sup> Peer Review Rated.
- Selected by his peers for inclusion in The Best Lawyers in America<sup>®</sup> since 2017
- Listed in **Louisiana Super Lawyers** in the area of Personal Injury - Medical Malpractice, since 2012
- Named "Lawyer of the Year" by Best Lawyers in Insurance Law, Baton Rouge (2022) and in Medical Malpractice Law (2023)

### Publications

- Admissibility of ED Recordings Depends on Multiple Factors (9/6/22)

### Presentations

- *He is a frequent lecturer/writer on topics including insurance coverage, medical malpractice defense and common carrier issues.*



### PRACTICE AREAS

Healthcare  
Transportation  
Medical Malpractice  
Casualty Litigation

### EDUCATION

Paul M. Hebert Law Center, Louisiana State University, J.D., 1983

Louisiana State University, 1980

### ADMISSIONS

Admitted to practice before the U.S. Supreme Court and in all State and Federal Courts in the State of Louisiana