

DO&CB Recovery & Fraud Litigation

Here is who we represent and what we do...

- Recover monies erroneously paid by governmental agencies in connection with property damage claims filed after a natural disaster.
- We are national coordinating counsel for a leading life insurer's recovery program relating to erroneously paid governmental life insurance benefits
- Recover monies erroneously paid by health insurers as a result of fraud or error.
- Enforce the subrogation rights of ERISA and self-funded insurance plans to recover eligible medical expenses paid on behalf of personal injury and workers' compensation plaintiffs. Recover monies erroneously paid by health insurers as a result of fraud or error.

...and here are some of DO&CB's successes:

- Mediated and/or negotiated advantageous settlements on behalf of health insurers in several actions involving provider fraud litigations.
- Negotiated advantageous settlements on behalf of life insurers regarding life insurance overpayments.
- Litigated recovery of overpaid funds based on misuse of government awards for property damage claims filed after a natural disaster
- Obtained a favorable arbitration decision and award holding that facility fees for office-based surgeries are not a covered benefit, and awarding the insurer amounts it had previously paid based on the provider's misrepresentation of the site of service.
- Represented health insurers in obtaining temporary restraining orders enjoining providers and billing companies from balance billing plan members pursuant to a scheme to coerce egregious overpayments from insurer.
- Successfully opposed provider's multiple motions in New Jersey Superior Court to dismiss counterclaims for fraud stemming from provider's failure to collect co-insurance and deductibles.
- Obtained summary judgment holding that provider's failure to collect co-insurance and deductibles entitled insurer to recovery.



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About d’Arcambal, Ousley & Cuyler Burk LLP

For over twenty years, d’Arcambal Ousley & Cuyler Burk LLP (“DO&CB”) has provided exceptional legal counsel to Fortune 500 companies and large financial institutions. For each client engagement, DO&CB emphasizes cost-effective approaches, early case assessments, and strategic planning and expertise. Our lawyers previously practiced in corporate legal departments and large law firms, so we understand the voice of the customer and its business and legal objectives. DO&CB is women-owned with offices in New York City, New Jersey and Philadelphia.

Featured Partners and Associates Handling Recovery & Fraud Litigation

Michelle J. d’Arcambal (Partner)

Ms. d’Arcambal has handled many and varied matters relating to life, health, and disability litigation, including ERISA, since 1994. Ms. d’Arcambal has represented health insurers and recovered erroneously paid monies through litigating against providers both affirmatively and in counterclaims, including AAA arbitrations and mediations and in State and Federal Court. In particular, Ms. d’Arcambal has been on the cutting edge of health fraud matters involving waiver of co-insurance, investigational or experimental treatments, pain management claims and office-based surgery facility billing.



Jodie L. Ousley (Partner)

Ms. Ousley has significant experience with fraud investigations. Ms. Ousley was instrumental in the litigation of egregious billing, unbundling, and upcoding matters. She began her legal career in New York City as an examining attorney for the Public Assistance and Grants Unit of the New York City Department of Investigation (DOI). While with DOI, Ms. Ousley investigated and referred for prosecution cases of fraud, corruption, and unethical conduct.



Kimberly A. O’Toole (Partner)

Ms. O’Toole manages litigation for the State of New York’s Housing Trust Fund Corporation to recover government funds paid to ineligible applicants who applied for benefits after natural disasters.



Aimee L. Creed (Senior Associate)

Ms. Creed is an experienced litigator who manages the firm’s health benefits subrogation matters to recover monies for ERISA and large group health plans.



Vedant Gokhale (Associate)

Mr. Gokhale works on the State of New York’s program to recover government funds erroneously paid to ineligible applicants who applied for benefits after natural disasters.

