

MARTIN B. GOLDBERG

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Overview

Martin Goldberg is a trial lawyer representing Fortune 100 and other clients in high stakes litigation and appeals in Florida and throughout the country.

Marty leads a wide array of representations, including complex civil litigation, government enforcement and criminal investigations, class action defense, sports and media, and employment disputes. A portion of his practice has long been dedicated to the healthcare industry, where he represents a host of healthcare companies in litigation, operational and regulatory matters.

Marty is among a small number of lawyers recognized by *Best Lawyers In America*® in three different categories - Commercial Litigation, Health Care Law and Criminal Defense: White Collar. He has also been selected as one of South Florida's "Most Effective Lawyers" by the *Daily Business Review* and his practice contributed to Lash & Goldberg LLP being selected in 2018 as one of *Law 360's* top-five healthcare practices in the United States. *Chambers USA* 2022 and 2021 ranked the firm and Marty in Florida, with clients reporting, "He is a former prosecutor and an aggressive trial lawyer who is as good as they come" and "He is very knowledgeable, fair and easy to work with."

In 2020, Marty received a number of additional recognitions:

**Law360* named Marty one of only five attorneys in the United States as an "MVP" for 2020 in Health Care. According to *Law360*, the award is provided to "an elite slate of attorneys that have distinguished themselves from their peers by securing hard-earned successes in high stakes litigation, complex global matters and record-breaking deals."

**Chambers USA 2020* ranked the firm and Marty individually in Florida, with clients reporting him to be “incredibly prepared and a very good strategist.”

* *The Daily Business Review* named Marty a 2020 “Distinguished Leader” for his practice and law firm leadership.

**The National Law Journal* named Marty a 2020 “Elite Boutique Trailblazer.” The Trailblazer honor spotlights “a handful of individuals that are truly agents of change.”

**Best Lawyers* recognized Marty as the 2020 “Lawyer of the Year” for his work in healthcare law in Miami.

Marty’s recent cases include arguing before the Florida Supreme Court, where he obtained a unanimous decision holding that State of Florida Healthcare Special Districts cannot operate medical facilities outside their legislatively demarcated boundaries. He also worked to secure victories before the federal District Court and Eleventh Circuit Court of Appeals in 2019 for a national healthcare company in a False Claims Act case which held that an FCA relator’s Stark Law and Anti-Kickback claims failed for reasons including the lack of a non-fair-market-value transaction. And, he was retained by over 35 private, public and academic hospitals across Florida to file amicus briefs before the Florida Supreme Court and the Florida Fourth District Court of Appeal in support of the doctrine of exhaustion of administrative remedies. Additional representations are included below and in the representative cases section.

A native of Washington, D.C., Marty graduated with honors with a degree in accounting from the University of Maryland, where he was selected as the University’s outstanding male undergraduate. After becoming a Certified Public Accountant, he graduated with honors from Georgetown University Law Center and then clerked for United States District Court Judge Sidney M. Aronovitz in the Southern District of Florida. Marty then served as an Assistant United States Attorney in the Southern District of Florida for seven years, focusing on economic and public corruption crimes. He prosecuted some of South Florida’s most high profile and complex criminal cases at the time and received the Department of Justice’s Director’s Award for superior performance as a trial attorney. Desiring to build a law firm, Marty left government service to join his now long-time law partner and friend, Alan Lash, to form Lash & Goldberg LLP.

A sampling of Marty’s additional experience includes representing:

- A healthcare company in obtaining summary judgment in a federal breach of contract case alleging damages in excess of \$450 million.

- A Hall of Fame golfer and his management company in various contractual, licensing and tort matters.
- The world's leading e-commerce company in defense of federal patent infringement lawsuits.
- A global leader in entertainment, sports and fashion management, and its clients in litigation and licensing matters.
- An international law firm and one of its solicitors in the defense of federal claims alleging civil fraud and conspiracy.
- 140 hospitals in a civil False Claims Act case alleging violations of the meaningful use regulations for Electronic Health Record systems.
- A State of Florida program to defend against a civil False Claims Act investigation and lawsuit alleging its failure to appropriately participate in the federal Medicaid program.
- A healthcare company to secure dismissal of a non-intervened qui tam alleging medically unnecessary inpatient admissions.
- A hospital company in defense of a putative class action regarding alleged improper billing.
- A Hall of Fame baseball player and his management company in various contractual and licensing matters and lawsuits.
- A leading worldwide strategy consulting firm regarding various governmental inquiries.
- A healthcare company in obtaining summary judgment and affirmance by the Eleventh Circuit Court of Appeals in a physician's federal discrimination lawsuit.
- A federal and state law enforcement agent at a federal criminal trial, resulting in a dismissal of all charges after a mistrial.
- A bank executive accused of bank fraud and other federal crimes.
- The former Chairman and Chief Executive Officer of an American entertainment and studio company in defense of defamation, tort and fraud claims.
- A hospital company to secure dismissal of a civil False Claims Act case alleging retaliation and Medicare/Medicaid fraud.
- A nationally known National Football League and sports broadcaster in the prosecution of a Lanham Act case in federal court involving the improper use of his name and likeness.
- Key executives employed by the largest financial institution in Canada in the defense of non-compete and tort claims.
- The former Miami Police Chief and Miami City Manager against federal criminal public corruption charges, and later representing his administrative interests before the Florida Supreme Court.
- A world leading multinational technology company regarding federal copyright claims.

- A healthcare company against allegations of wrongful termination arising from purported Stark Law violations.
- A national telecommunications provider regarding the provision of services to various governmental authorities.
- A Florida Governmental Healthcare District, its Commissioners, General Counsel, Chief Executive Officer and Chief Medical Officer in defense of statutory and civil claims arising from the reappointment of a physician's medical staff privileges.
- A hospital company securing summary judgment against a physician's unjust enrichment claims for the provision of on-call services.
- A national subspecialty medical group in the trial court and on appeal before the Florida First District Court of Appeal, compelling whistleblower and breach of contract claims into arbitration.
- A Florida Governmental Hospital District as an Independent Counsel to investigate alleged wrongdoing by a Commissioner with findings submitted to the Governor of Florida.
- A hospital company alleging federal trademark infringement against a competitor for the unlawful use of the company's mark.
- A healthcare company against a physician's claims of federal race discrimination and retaliation due to the loss of the physician's medical staff privileges.
- Several Florida hospitals at trial and on appeal concerning whether a hospital is a place of public accommodation within the meaning of the Florida Civil Rights Act.
- Numerous companies in federal court defending class and individual claims alleging that websites are inaccessible under the Americans with Disabilities Act.
- A hospital company in securing dismissal after an evidentiary hearing of a \$40 million claim alleging violations of the Emergency Medical Treatment and Active Labor Act.
- A hospital company on appeal to obtain reversal of a trial court's decision declining to compel arbitration of trade secret and tortious interference claims.
- Numerous clients in non-compete litigation in state and federal courts.
- A healthcare company to secure dismissal of a civil False Claims Act matter alleging performance of unnecessary testing in emergency rooms.

Principal Practice Areas:

- **Alternative Dispute Resolution**

- Appellate Advocacy
- Class Actions
- Complex Commercial Litigation
- Employment Litigation
- Government Investigations, False Claims Act and White Collar Criminal Defense
- Health Care Operations
- Health Care Litigation

Education:

- Georgetown University Law Center
 - Juris Doctor
 - Cum Laude
- University of Maryland
 - Bachelor of Science
 - Cum Laude
 - Selected as the University's Outstanding Male Undergraduate
 - Selected as the University's first ever Outstanding Young Alumnus

Admissions:

- Florida, Maryland and District of Columbia
- United States Supreme Court
- United States Court of Appeals, Eleventh Circuit
- United States District Court for the Southern, Middle and Northern Districts of Florida

Honors / Accreditations:

- Ranked by *Chambers USA 2022* in Florida
- Ranked by *Chambers USA 2021* for healthcare in Florida
- Ranked by *Chambers USA 2020* in Florida
- Named an "MVP" for 2020 in Health Care by Law 360, a designation given to only five attorneys in the United States
- Selected as a "Distinguished Leader" in 2020 by the *Daily Business Review*
- Recognized by *The Best Lawyers In America®* as 2020 "Lawyer of the Year" for Health Care Law in Miami
- Named a 2020 "Elite Boutique Trailblazer" by *The National Law Journal*
- Selected as one of South Florida's "Most Effective Lawyers" in 2012

by the *Daily Business Review*

- Recognized nationally by his peers for current inclusion in *The Best Lawyers In America*® in three different categories: Commercial Litigation, Health Care Law and Criminal Defense: White Collar
- Repeatedly recognized as one of the "Top Lawyers in South Florida" by the *South Florida Legal Guide*
- The law firm he co-founded has been named one of the country's "Best Law Firms" as reported in *U.S. News & World Report*
- Previously Board Certified in Criminal Law, Florida Bar
- Director's Award as an Assistant United States Attorney, for superior performance as a trial attorney.

Professional:

- Certified Public Accountant, 1989
- Law Clerk, Honorable Sidney M. Aronovitz, United States District Court for the Southern District of Florida.

Illustrative Recent Representations:

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