

## NICHOLAS A. ORTIZ

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Office Location: Miami



### Overview

Nicholas A. Ortiz is an associate at Lash & Goldberg LLP and is resident in the Firm's Miami office. Nicholas's practice focuses on complex commercial litigation, health care litigation and employment litigation. He also has substantial experience with antitrust litigation, class actions, and Department of Justice criminal investigations.

Prior to joining the Firm, Nicholas practiced in a large international law firm in Washington, DC, where his practice concentrated on antitrust class action litigation and complex commercial disputes. Following law school, Nicholas served as a law clerk to United States Magistrate Judge Gabriel W. Gorenstein of the United States District Court for the Southern District of New York. During law school, he served as a judicial extern to the Hon. Robert D. Sack of the United States Court of Appeals for the Second Circuit and as a law clerk with the Federal Trade Commission.

Nicholas received a law degree from Columbia Law School, where he was a Harlan Fiske Stone Scholar and an Articles Editor of the *Columbia Business Law Review*. He received an A.B. from Dartmouth College in Economics and History. Nicholas has published articles on issues in consumer protection and employment law.

Nicholas is a member of the Bars of Florida, New York and the District of Columbia.

### Principal Practice Areas:

- Complex Business Litigation
- Class Action Litigation
- Employment, Disability & Discrimination Litigation

- Health Care Litigation

## Education:

- Columbia University School of Law
  - Juris Doctor
  - Harlan Fiske Stone Scholar
- Dartmouth College
  - Bachelor of Arts in Economics and History

## Admissions:

- Florida
- New York
- District of Columbia
- United States Court of Appeals, Eleventh Circuit
- United States District Courts for the Northern, Middle and Southern Districts of Florida
- United States District Court for the Southern District of New York

## Honors / Accreditations:

- Harlan Fiske Stone Scholar - Columbia Law School
- Articles Editor, *Columbia Business Law Review*
- Law clerk to the Hon. Gabriel W. Gorenstein of the U.S. District Court for the Southern District of New York
- Judicial extern to the Hon. Robert D. Sack of the U.S. Court of Appeals for the Second Circuit

## Publications:

- *A Victory for Employers in New York's Acts to Strengthen Employees' Remedies for Wage Violations*, 39 *Emp. Rel. L. J.* 41 (2013)
- *Consumer Speech and the Constitutional Limits of FTC Regulations of New Media*, 2010 *Colum. Bus. L. Rev.* 936 (2011)
- Prepared non-partisan congressional redistricting plan of Florida and memorandum of law in support thereof following 2010 census; submitted plan to Florida Legislature, which was the first public submission and was partially incorporated into early drafts of the Legislature's redistricting plan

## Illustrative Recent Representations:

Among other notable cases, Nicholas has recently:

- Participated in the representation of numerous hospitals in an arbitration against a Medicaid managed care organization, obtaining ruling from a former federal judge that the MCO's policies for adjudicating certain types of claims violated federal law
- Participated in the representation of two hospitals in an arbitration against a Medicaid MCO, obtaining ruling that the MCO's policies for adjudicating certain types of claims breached the hospitals' contracts with the MCO
- Participated in the representation of two medical facilities and their physician owners in connection with a DOJ investigation into alleged AKS and FCA violations, resulting in a favorable settlement for the facilities and no individual liability to the physician owners
- Participated in the representation of multiple antitrust whistleblowers, resulting in clients' obtaining immunity from prosecution from the DOJ
- Participated in the defense of a Japanese automotive parts manufacturer in a criminal investigation by the DOJ Antitrust Division, which resulted in a favorable plea agreement and fine
- Participated in the defense of a multi-national shipping company in a federal antitrust class action involving price-fixing claims in excess of one billion dollars
- Defended hospital in arbitration involving allegations of unlawful termination by a former employee, obtaining early summary disposition from the arbitrator in favor of the hospital
- Defended hospital in case involving allegations of breach of contract and tortious interference against the hospital by a former lessee of hospital property, resulting in a settlement under which the hospital paid no damages to the plaintiff after the court granted the hospital's motion to dismiss and motion to stay