



# KHALED JOHN KLELE

## Practice Areas

Health Care Law

Litigation

Construction Law

Products Liability, Toxic Tort and Mass Tort

## Overview

Khaled has a detail-oriented approach and philosophy of fully understanding each matter to better advise his clients. He has been with Riker Danzig since securing a summer associate spot in 1999, joining the Firm as an attorney in 2000 after graduating law school. He is now a partner in the Firm's Health Care and Commercial Litigation Groups.

In terms of his health care practice, Khaled's detailed approach has assisted many of his clients, especially in regulatory compliance. He provides counsel to a variety of providers, including ambulatory surgery centers, hospitals, laboratories, imaging centers, addiction centers, skilled nursing facilities, urgent care centers and pharmacies. Khaled routinely services his health care provider and pharmacy clients in a variety of areas including:

- Negotiating provider agreements with payors, negotiating services/employment agreements or independent contractor agreements, and fair market value evaluations;
- State and federal healthcare regulatory compliance and other health care compliance issues such as telehealth and telemedicine;



### Partner

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- Medical billing audits, medical billing litigation, health care audits, hospital audits, payor audits, Medicare and/or Medicaid audits, Medicare appeals, and other health care reimbursement issues including ERISA and out of network claims and reimbursement;
- Representing physicians in medical board investigations, fair hearings, and disciplinary and licensure actions;
- Federal and State fraud and abuse issues including anti-kickback and Stark Law Compliance, self-referral issues, Federal False Claims Act, New Jersey Insurance Fraud Act claims, and health care qui tam actions;
- Mergers and purchases/sales of medical practices and facilities, including the purchase, sale, transfer or relocation of licensed facilities and forming multi-specialty groups;
- Pharmacy audits, PBM audits and terminations, pharmacy network access issues, pharmacy licensing and change of ownership issues, pharmacy coupons, copayment assistance programs, and pre-printed prescription pads;
- Pharmaceutical compliance issues such as FDA warning letters, Form 483, good manufacturing practices, off label promotion, and FDA enforcement actions;
- Fair audit laws and any willing provider laws;
- HIPAA compliance and HIPAA audits;
- Drafting policy and compliance manuals;
- Non-Compete Actions.

In terms of his health care related litigation, the below are some of his representative cases:

- Represented a leading provider of addiction services in connection with an investigation by the New Jersey Department of Health regarding an allegation of unnecessary lab testing. Khaled intervened on behalf of the provider and resolved the matter favorably.
- Defends skilled nursing homes in professional negligence matters throughout New York and New Jersey.
- Represented the Newark Public School District in dissolving a

temporary restraining order that prevented the School District from switching its prescription benefit provider. The switch was opposed by one of the unions, and the Fund that oversaw the prescription benefits was evenly deadlocked between School District and Union Trustees. After the restraining order was dissolved, Khaled successfully argued that the Fund, which was created approximately 40 years ago, was ultra vires and had to be dissolved. After the Court held that the Fund was ultra vires, the parties settled, the Fund was dissolved, and the School District switched prescription benefit providers.

- Defended a medical billing company in a professional negligence matter where an out-of-network provider alleged that the client failed to bill or inappropriately billed for medical services. After targeted discovery, Khaled successfully reduced the number of claims at issue from several hundred to less than 50 claims. The parties eventually settled favorably to the client.
- Successfully represented Hackensack University Medical Center in a matter seeking to enforce confidentiality provisions against two of its former executives. After winning several discovery motions, our adversary settled on terms favorable to the client, including an extension of the former employees' non-competes by another two years.

In terms of commercial litigation, Khaled has been involved in all phases of complex commercial litigation, successfully trying and arbitrating cases in state and federal courts, at both the trial and appellate levels. He has litigated cases in New Jersey, New York and Pennsylvania. He has broad experience in litigation and handles matters in various areas of the law including products liability, consumer fraud, construction, contract disputes, partnership disputes, and non-compete and trade secrets litigation. Some of his representative clients and cases are as follows:

- Represents Carfax in consumer fraud and other tort related cases. Khaled has successfully defended Carfax over the years in a number of these matters including Boos v. Carfax, Inc., 2013 WL 556694 (App. Div. 2013).

- Defends companies, including John Guest USA, Inc., in product liability matters.
- Represents Johnson & Johnson and a number of its affiliates in non-compete matters and has successfully obtained restraints against former employees and competitors. In one matter, Khaled succeeded in obtaining restraints against a former employee even though he did not have a non-compete agreement after conducting a forensic review of his computer and discovering that he transferred confidential information to his personal email days before he resigned. In another instance, Khaled succeeded in obtaining restraints against a competitor and several sales representatives who resigned at the same time based on raiding. Within days, Khaled had an application for temporary restraints filed with the Court after conducting an investigation and forensic review of the employees' computers and learning that one of the employees was working for the competitor while still employed by the J&J affiliate and was using his private and J&J work email accounts to solicit other J&J employees.
- Represented a regional bus company and its owner in an ownership dispute. The case broke in favor of Khaled's clients after he succeeded, over the objections of the adversary, in subpoenaing a third party for transcripts of tape recordings between the adversary and several third parties that revealed numerous admissions regarding the ownership issue. Thereafter, the matter settled favorably for his clients.
- Represented PSE&G in a construction dispute related to an approximately \$100 million dollar construction project regarding the addition of Selective Catalytic Reduction systems ("SCRs") to its coal fired plant. During the litigation, Khaled learned the technology associated with SCRs and was successful in getting the adversary's expert, who was the leading expert in the world regarding SCRs, to admit to a defect in the SCRs' duct burners. At the same time, Khaled successfully managed over 20 lien claim litigations that resulted from the project.

He created and is a frequent contributor to Riker Danzig's Health Care Law blog, "The Juris Doctor Report," and is the author of several articles in Riker Danzig's Health Care Alerts, including "The Interplay Between the Corporate Practice of Medicine and Management Services Organizations," August 12, 2019; "Supreme Court Rejects Health and Human Services' 2014 DSH Reimbursement Formula," June 4, 2019; and "New Jersey Legislature Passes 'Out-of-Network Consumer Protection, Transparency, Cost Containment and Accountability Act,'" April 19, 2018.

In November 2019, Khaled was a panelist where the featured topic was "How To Deal With Physician Fatigue." In December 2019, Khaled was a panelist at the American Bar Association's 17<sup>th</sup> Annual Washington DC Health Law Summit on "The Path to Successful Utilization of Alternative Payment Models" where he discussed the current status of the Medicare Shared Savings Program.

Khaled was selected as a "New Leader of the Bar" in 2012 by the *New Jersey Law Journal*. A high honor, the *Law Journal* selects for this recognition attorneys in their second decade of practice whose achievements in the workplace and public service involvement distinguish them from their peers. Khaled also served as a member of the Supreme Court District XB Ethics Committee. See [Awards and Honors Methodology](#).

*No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

## Education

University of Virginia School of Law, J.D., 2000

Rutgers University, B.S., Phi Beta Kappa, Highest Honors, 1996

## Bar Admissions

New Jersey

New York

United States District Court, District of New Jersey

United States District Court, Southern District of New York

United States Court of Appeals, Third Circuit

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399 Knollwood Road, Suite 201, White Plains, NY 10603 • t: 914.539.3360 f: 914.539.3361

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