

Andrew I. Hamelsky

**Chair, Insurance Practice Group
Partner-in-Charge, Newark**

Newark, NJ

New York, NY

862.682.7246

ahamelsky@stradley.com



Andy focuses his practice on life, health disability and Employee Retirement Income Security Act (ERISA) matters as well as complex commercial litigation. He is well-versed in representing health care insurers in ERISA and non-ERISA issues, Medicaid and Medicare Advantage matters, value-based care programs, and a wide array of matters involving tiered and narrowed health plans; out-of-network coverage disputes; antitrust actions; and civil RICO, fraud and abuse claims. Andy handles health care-related contractual claims stemming from provider agreements, network agreements and value-based plan agreements, as well as complex strategic health care contracts. He also represents insurance companies, banks, hotels, biotech companies and closely held companies in a variety of insurance and commercial disputes regarding insurance coverage, trade secrets, shareholder disputes, corporate defamations, the Lanham Act, tortious interference with contract claims, and defense of personal and property damage claims.

Andy earned his J.D. from Western New England University School of Law and his B.A. from Washington University in St. Louis.

RESULTS

Andrew's experience includes having:*

- skillfully represented Horizon Blue Cross Blue Shield of New Jersey in defending the reorganization of its corporate structure to a mutual insurance holding company before New Jersey's appellate division
- successfully represented **ExamWorks LLC** in a motion to dismiss granted by the Superior Court of New Jersey, in which the judge found that the plaintiff could not provide proof of the allegations to support a civil RICO and conspiracy claim and thus dismissed the complaint with prejudice
- obtained a dismissal of claims brought by the Association of New Jersey Chiropractors alleging that a health coverage plan creates unfair business advantage against them (*Association of NJ Chiropractors v. Horizon Blue Cross Blue Shield*, SOM- L-1211-16) (affirmed upon appeal)
- In a case of first impression in New Jersey, successfully dismissed a claim of first impressions brought against a client for negligent misidentification (*Dwight Morris v. TD Bank*, UNN-L-796-15)

FOCUS

Litigation
Insurance Coverage Advisory & Litigation
Complex Commercial & Class
Action Litigation
Employee Benefits
Appellate

BAR ADMISSIONS

New Jersey
New York

COURT ADMISSIONS

U.S. Court of Appeals for the
Second Circuit
U.S. Court of Appeals for the
Third Circuit
U.S. District Court for the District of
New Jersey
U.S. District Court for the Eastern
District of New York
U.S. District Court for the Northern
District of New York
U.S. District Court for the Southern
District of New York
U.S. District Court for the Western
District of New York

EDUCATION

J.D., Western New England University
School of Law
B.A., Washington University in St. Louis

MEMBERSHIPS

Litigation Section, American
Bar Association
Defense Research Institute



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- obtained a complete dismissal in an action seeking a return of over \$800,000 due to allegations of fraudulent conveyances and actual fraud. The court completely exonerated the clients and dismissed the action without leave to re-plead (*Geo-Group Communications v. Chand*, 1:15-cv-01756 (S.D.N.Y July 27, 2016))
- obtained one of the largest FINRA arbitration recoveries of \$12 million on behalf of a wrongfully terminated employee.
- obtained a published opinion from the New Jersey Appellate Division granting a protective order in a matter wherein several hospitals were seeking intrusive discovery concerning the creation and implementation of a health plan (*Capital Health System v. Horizon Healthcare Services*, NJ App. Div. A-2913-15 (June 23, 2016))
- handled complex premises liability matters, including labor law matters and wrongful detention matters on behalf of numerous corporations
- successfully defended a small corporation in an AAA arbitration, concerning the termination of that company's chairman of the board of directors
- successfully arbitrated a matter concerning construction issues regarding quality of workmanship for a national hotel chain
- achieved summary judgment on behalf of an animal health care pharmaceutical company concerning a breach of contract matter (*Phibro Animal Health U.S. v. Cornerstone AG Products*, 2006 WL 3733022 (DNJ 2006))
- established principle in New York law that in order to be totally disabled pursuant to an individual disability policy, the insured must be unable to perform all of the important duties of the "occupation" (*Simon v. Unum Group*, 2009 WL 857635 (SDNY 2009); *Hershman v. UnumProvident*, 660 F. Supp. 2d 527 (SDNY 2009))
- successfully represented an insurance company in defending a disability action wherein insured did not have an "occupation" under the policy (*Scherer v. The Equitable Life Assurance Society of the United States*, 2006 WL 1520212 (SDNY 2006))
- achieved summary judgment on behalf of an insurer in determining the applicable statute of limitations pursuant to a disability contract (*Hodge v. Unum Group*, 2010 WL 1286257 (EDNY 2010))
- represented insurance carriers on rescission actions, including rescissions for fraudulent misrepresentations
- worked with the New York Insurance Department and Attorney General's Office concerning fraudulent insurance claims on behalf of insurance carriers
- represented insurance companies in interpleader actions ranging from beneficiary disputes, slayer statutes and exhaustion of policy limits. (*New York Life Insurance v. Aleandre*, 2014 WL 30508 (SDNY 2014))
- litigated hundreds of actions on behalf of insurers concerning the denial of benefits under both individual and group insurance plans



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PUBLICATIONS

- Co-author, “Long Haul COVID-19,” *Employee Benefit Plan Review*
- Co-author, ABA Healthcare Litigation, Second Circuit chapter in “ERISA Survey of Federal Circuits” 2022 and 2024 editions

RECOGNITIONS

- *The Best Lawyers in America*
- *A.M. Best Lawyers*
- *New York Super Lawyers*
- *201 Magazine*, Top Lawyer
- *Martindale Hubbell*, AV Rated

*Includes representations prior to joining Stradley Ronon.

