



# Robert V. Dell'Osa

## Member

### Philadelphia, Cherry Hill

rdellosa@cozen.com | (215) 665-2745

Robert represents plaintiffs and defendants in commercial litigation matters, with emphasis on RICO, health care law, securities fraud, shareholder and partnership disputes, real estate litigation, and construction litigation.

Robert received his Bachelor of Science in accounting, *summa cum laude*, from St. Joseph's University in 1982, and earned his law degree, *cum laude*, from the University of Pennsylvania Law School in 1985.

## Experience

### Representative RICO Engagements

- Defended former County Commissioners and Retirement Fund board members in action claiming that they violated RICO by engaging in a purported pay-to-play scheme involving the award of contracts to investment advisors and investment managers in exchange for political contributions.
- Defended a publicly traded REIT and four of its Trustees against allegations by the former president of the company that defendants were engaged in a scheme to commit securities fraud and self-dealing in violation of RICO.
- Defended attorneys in an action claiming that they and their clients violated RICO by participating in a purported scheme to deprive plaintiff of his alleged ownership interest in certain patented technology.
- Represented investors in an action alleging that defendants violated RICO by engaging in an elaborate financial scheme designed to defraud creditors.
- Defended a bank against claims by a financial services company that multiple defendants violated RICO by engaging in a purported scheme to defraud it into making substantial loans.
- Defended an attorney in an action alleging that he committed fraud and violated RICO in the course of representing a Sewer Authority in eminent domain proceedings.
- Represented a provider of medical services in a RICO action against its former president who, while still a trusted employee, secretly established a company providing the same services and diverted business to the new company.
- Defended an industrial painting contractor against claims that multiple defendants were part of a scheme in which managerial employees of plaintiff awarded maintenance and repair contracts in exchange for kickbacks in violation of RICO.
- Defended an accountant in an action in which an automobile dealership alleged that multiple defendants violated RICO by committing extortion and bribery in connection with plaintiff's attempts to acquire a Honda auto dealership.
- Defended a distributor of furniture hardware against RICO claims arising out of an agreement to manufacture and distribute plaintiff's merchandise.
- Defended 50% shareholders of a shopping center against allegations by other 50% shareholder that defendants engaged in self-dealing, embezzlement, and violations of the New Jersey RICO statute while managing the corporation.

### Practice Areas

- Commercial Litigation
- Construction Law
- Class Actions
- Distressed Real Estate

### Industry Sectors

- Real Estate & Construction

### Education

- University of Pennsylvania Law School, J.D., *cum laude*, 1985
- St. Joseph's University, B.S., *summa cum laude*, 1982

### Bar Admissions

- New Jersey
- Pennsylvania

### Court Admissions

- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Federal Claims
- U.S. District Court -- Eastern District of Pennsylvania
- U.S. District Court -- Middle District of Pennsylvania
- U.S. District Court -- New Jersey
- U.S. Court of Appeals for the Second Circuit

### Affiliations

- American Bar Association
- Camden County (NJ) Bar Association
- New Jersey State Bar Association
- Pennsylvania Bar Association
- Philadelphia Bar Association

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### **Representative Construction Litigation Engagements**

In the specialized field of construction litigation, Robert Dell'Osa has represented owners, contractors, subcontractors, and design professionals in cases involving the full range of issues that arise in construction disputes — delay claims, change order claims, liability for errors or omissions, contract abandonment and termination claims, defective work claims, and mechanics' lien claims. Specific representations include:

- Representing a construction manager in the litigation arising out of the construction of office buildings, parking garages, and other components of a corporate office park.
- Representing a general contractor in litigation arising out of the construction of a chapel and group residence.
- Representing a site work contractor in litigation arising out of the construction of a public park.
- Defending the owner of a high-rise apartment building against claims by a terminated site work contractor.
- Defending an industrial painting subcontractor against claims by the general contractor for, inter alia, defective work, delays, and costs of completion.
- Defending the owner/developer of an Atlantic City shopping center in litigation brought by the project's construction manager.
- Representing a general contractor in litigation against New Jersey's Division of Business and Construction arising out of a public contract for construction of a vehicle repair garage.
- Defending a general contractor in a suit by a floor leveling subcontractor for termination and nonpayment.
- Representing a wood casework contractor in a bid dispute with a school district in New Jersey.
- Defending a major engineering firm in a suit alleging errors and omissions in the design of a chemical plant.
- Defending a regional transportation authority against a lawsuit by the general contractor on a multi-prime project alleging delayed completion, unpaid change orders, and other contract breaches.

### **Representative Health Industry Litigation Engagements**

- Defended pharmacy benefits manager in lawsuit brought by health insurer claiming damages of \$180 million for alleged tortious interference with existing contracts, fraud, and civil conspiracy arising out of contract involving the supply and pricing of pharmaceutical products.
- Represented purchaser of pharmaceutical products in business dispute with supplier of those products.
- Represented plaintiff hospital in action seeking, inter alia, injunction prohibiting defendant health insurer from using hospital's name in marketing materials and a declaration that the hospital was entitled to be paid full charges for services rendered after expiration of network contract with the health insurer.
- Defended pharmacy benefit management company against claims for tortious interference with contract, conversion, and breach of contract arising out of a pharmacy provider agreement.
- Defended physician practice group against claims that the group and two hospital systems violated the antitrust laws and engaged in unfair competition, interference with prospective economic advantage, business disparagement, and conspiracy by purportedly participating in an alleged plan to divert business from plaintiff hospital.
- Defended hospitals in putative class action alleging that they billed unreasonable prices to uninsured patients.
- Defended pharmacy benefits manager in several class action suits alleging breach of contract and consumer fraud.

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- Represented plaintiff hospitals in action alleging that defendant health insurer systematically underpaid, or failed to pay, for services rendered, in violation of contract as well as federal and state law.
- Represented plaintiff hospital system in action to recover payments due for medical care provided to subscribers of health insurer's managed care plan.
- Represented plaintiff health insurer in action to recover alleged overpayments under a service agreement for radiology services.
- Represented plaintiff hospitals in action claiming that in absence of a contract providing for discounted rates, defendant HMO must pay hospitals' full-billed-charges for services rendered to Medicaid recipients.

### **Representative Real Estate Litigation Engagements**

- Represented commercial property owner in dispute with adjacent property owner over an easement access road.
- Advised clients purchasing mortgages and/or real estate-backed loans on issues with respect to loan defaults and mortgage foreclosures to assist in evaluating and structuring the transactions.
- Represented commercial property owners in disputes with their tenants, and commercial property tenants in disputes with their landlords.
- Represented lenders in mortgage foreclosure actions and/or actions on promissory notes.
- Defended borrowers against mortgage foreclosure actions and/or actions under promissory notes.
- Represented purchaser of commercial property in a claim against a surveyor for alleged survey errors resulting in overpayment for the property.
- Represented partners/shareholders/members of entities owning commercial real estate in disputes with their fellow partners/shareholders/members.
- Defended seller of property against claims of misrepresentation and nondisclosure with respect to condition of the property.
- Represented property owners in quiet title actions.

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