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2025 CONSTRUCTION LAW SEMINAR

JULY 23-25, 2025 | RANCHO BERNARDO INN | SAN DIEGO, CALIFORNIA

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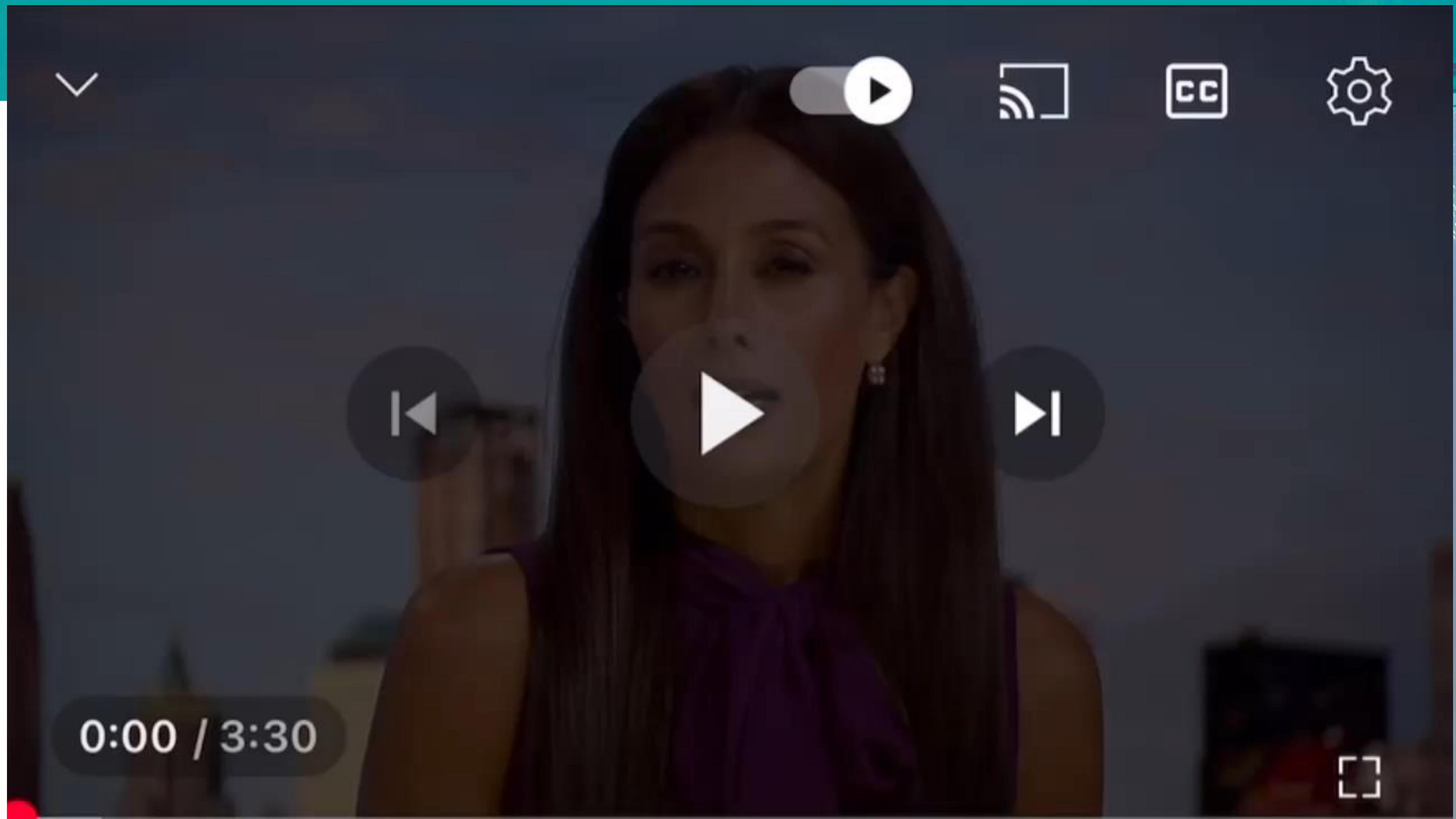
ALFA International
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2025 CONSTRUCTION LAW SEMINAR



Surfing the rough waters presented by Waste, Fraud and Abuse in Construction Claims



Watch for plaintiff's signatures on authorizations, Power of Attorney, intake and Workers' Compensation forms

Forgeries?: Plaintiff signatures not matching on various claim, Workers' Compensation and other public documents. This includes CTCAs with bogus formatting and what looks like bogus signatures. E.g., *Dario A. Cardenas Lema vs. L&M Builders Group LLC., et al., Bronx Co.* Index No.: 805646/2023E. Everyone needs to pay attention and make signature comparison (and sometimes the retention of signature experts) a default "best practice".





Improve Your Accident Investigation Process



Who

Determine Who's Responsible

Every member of the organization should know what to do and who to go to in the event that someone gets hurt.



Kit

Create an Accident Investigation Kit

Include the materials you need to gather information about the incident, along with clear instructions for steps to take.



Root Cause

Evaluate the Root Cause

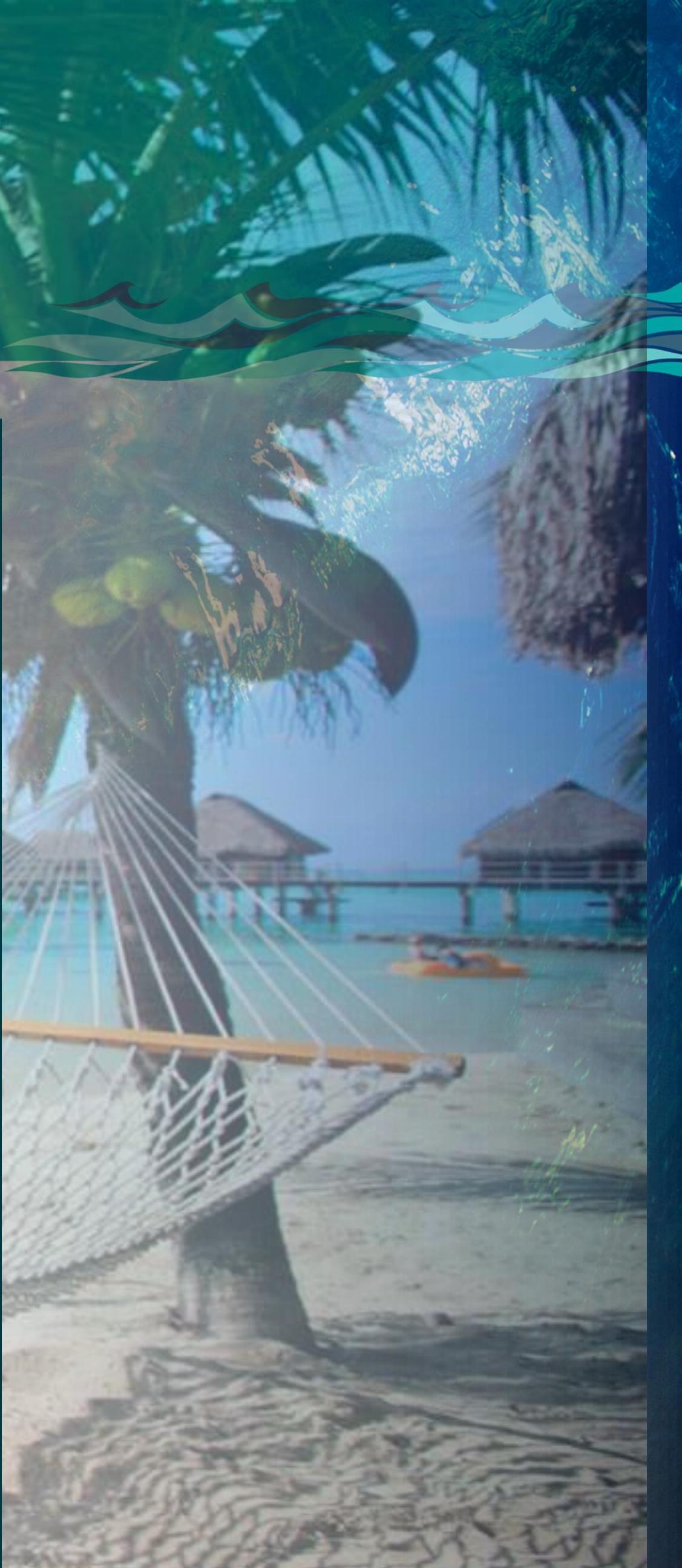
This isn't about determining fault, but about understanding why what happened, happened.

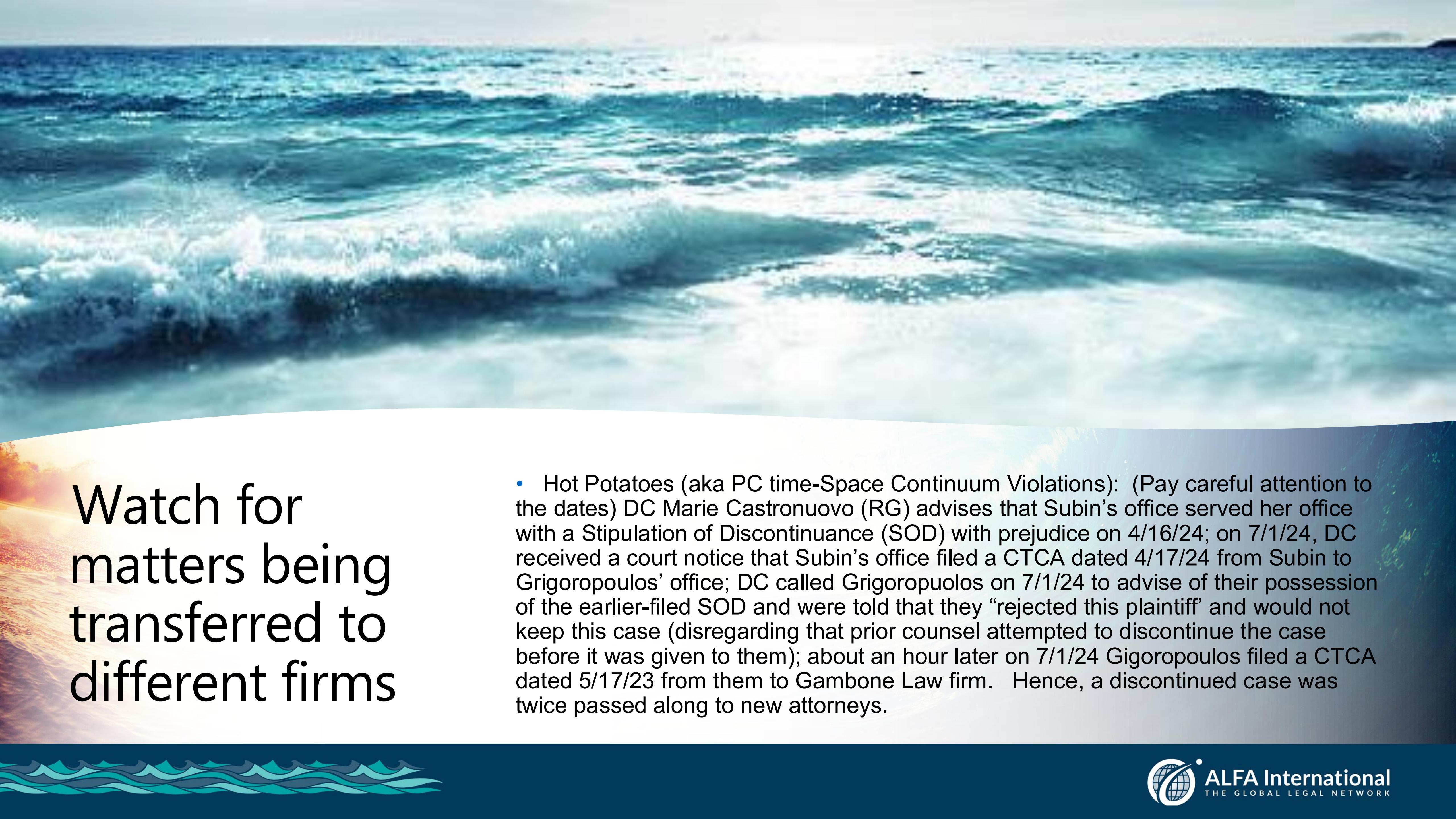


Change

Make Necessary Changes

What changes need to be made to prevent a similar accident in the future.





Watch for matters being transferred to different firms

- Hot Potatoes (aka PC time-Space Continuum Violations): (Pay careful attention to the dates) DC Marie Castronuovo (RG) advises that Subin's office served her office with a Stipulation of Discontinuance (SOD) with prejudice on 4/16/24; on 7/1/24, DC received a court notice that Subin's office filed a CTCA dated 4/17/24 from Subin to Grigoropoulos' office; DC called Grigoropoulos on 7/1/24 to advise of their possession of the earlier-filed SOD and were told that they "rejected this plaintiff" and would not keep this case (disregarding that prior counsel attempted to discontinue the case before it was given to them); about an hour later on 7/1/24 Grigoropoulos filed a CTCA dated 5/17/23 from them to Gambone Law firm. Hence, a discontinued case was twice passed along to new attorneys.



WHAT IS METADATA?

EXPERIENCE

Web Page
Content
Images
Mobile App

..... PEOPLE

Team
Channel
Group
Business Unit
Agency
Region

..... CREATIVE

ID
Name
Size
Tags

..... PRODUCT

SKU
Name
Category

USES FOR METADATA:

Digital footprint as
to name of device
used (i.e.
camera/computer)

Digital footprint as
to date data was
created

May show location
of image/document
where it was
created

Objective

MUNOZ, BONADIO
45-15 JUNCTION BV
CORONA
NY 11368

DOB: 05/14/1988 SEX: M

COUNTY: UNK
MI #: M21540 86474 573432-88

TO
3 JUNCTION BV
CORONA
NY 11368

CLIENT ID#: 421785135
DOB: 05/14/1988 SEX: M
COUNTY: UNK
MI #: M21540 86474 573432-88

- **Use DMV records as a resource in your toolbox:**

SUSP/REV SUMMARY: TOTAL 1 (SCOFFS 0 ON 0 DATES) JUDGEMENT 0

SUSPENSIONS/REVOCATIONS
SUSPENSION: 06/01/2021 FLD PAY DRIV ASSESS ORDER #: A2105020000

SUSPENSION: 10/20/2020 FLD ANSWER SUMMONS ORDER #: J900183
LOCATION: QUEENS COUNTY, QUEENS NORTH ADM. ADJ.

CLEAR ON: 03/16/2021 SCOFLAW ANSWERED
SUSPENSION: 09/19/2017 FAILURE TO PAY FINE ORDER #: K622476
LOCATION: QUEENS COUNTY, QUEENS NORTH ADM. ADJ.
CLEAR ON: 03/17/2021 SCOFLAW PAID

SUSPENSION: 07/11/2017 FLD ANSWER SUMMONS ORDER #: J622476
LOCATION: QUEENS COUNTY, QUEENS NORTH ADM. ADJ.
CLEAR ON: 03/17/2021 SCOFLAW ANSWERED

SUSPENSION: 06/13/2017 FAILURE TO PAY FINE ORDER #: K622465
LOCATION: QUEENS COUNTY, QUEENS NORTH ADM. ADJ.

CLEAR ON: 03/17/2021 SCOFLAW PAID

SUSPENSION: 12/17/2019 FAILURE TO PAY FINE ORDER #: K850494
LOCATION: QUEENS COUNTY, QUEENS NORTH ADM. ADJ.
CLEAR ON: 03/17/2021 SCOFLAW PAID

SUSPENSION: 10/16/2019 FLD ANSWER SUMMONS ORDER #: J850483
LOCATION: QUEENS COUNTY, QUEENS NORTH ADM. ADJ.
CLEAR ON: 03/16/2021 SCOFLAW ANSWERED

DATE: 10/16/2019 FLD ANSWER SUMMONS ORDER #: J850494
LOCATION: QUEENS COUNTY, QUEENS NORTH ADM. ADJ.
CLEAR ON: 03/17/2021 SCOFLAW ANSWERED

DATE: 05/25/2019 FLD ANSWER SUMMONS ORDER #: TBF4407432
LOCATION: ASSAU COUNTY, CITY OF GLEN COVE
CLEAR ON: 03/17/2021 SCOFLAW ANSWERED

DATE: 07/22/2018 FLD ANSWER SUMMONS ORDER #: TBF4407421
LOCATION: NASSAU COUNTY, CITY OF GLEN COVE
CLEAR ON: 03/14/2021 SCOFLAW ANSWERED

DATE: 09/19/2017 FAILURE TO PAY FINE ORDER #: K622476
LOCATION: QUEENS COUNTY, QUEENS NORTH ADM. ADJ.
CLEAR ON: 03/17/2021 SCOFLAW PAID

DATE: 07/11/2017 FLD ANSWER SUMMONS ORDER #: J622476
LOCATION: QUEENS COUNTY, QUEENS NORTH ADM. ADJ.
CLEAR ON: 03/17/2021 SCOFLAW ANSWERED

DATE: 06/13/2017 FAILURE TO PAY FINE ORDER #: K622465
LOCATION: QUEENS COUNTY, QUEENS NORTH ADM. ADJ.
CLEAR ON: 03/17/2021 SCOFLAW PAID

DATE: 03/14/2017 FLD ANSWER SUMMONS ORDER #: J622465
LOCATION: QUEENS COUNTY, QUEENS NORTH ADM. ADJ.
CLEAR ON: 03/17/2021 SCOFLAW ANSWERED

CONTINUED PAGE 3

I certify that this document is a true and complete copy of an electronic record on file in the New York State Department of Motor Vehicles, Albany, New York. The record was made in regular course of New York State Department of Motor Vehicles daily business. It is the business of the New York State Department of Motor Vehicles to create and maintain the records of drivers in the State of New York. Entries in this document are made at the time the recorded transactions or events took place or within a reasonable time thereafter. The person who reports the information is under a business duty to do so accurately.

Mark J.F. Schroeder

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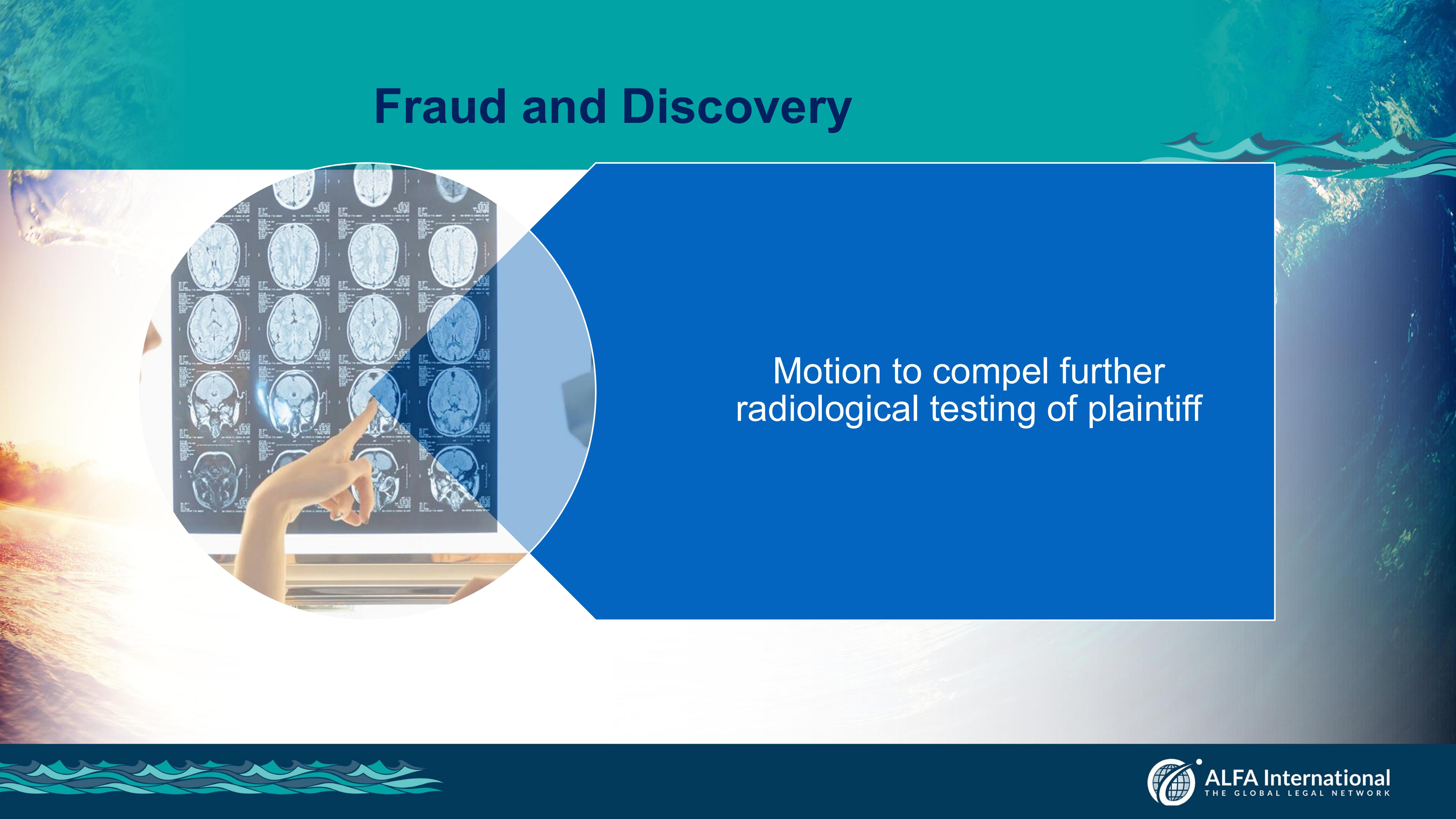
COMMISSIONER OF MOTOR VEHICLES

Best Practices for Investigating Fraud During Litigation – Subpoena Power

CPLR § 3120(2), which requires subpoenas to specify with “reasonable particularity” the documents sought and to provide at least 20 days’ notice.

CPLR § 3101(a)(4), a subpoena to a non-party must state the circumstances or reasons why the information sought is necessary

Fraud and Discovery



Motion to compel further
radiological testing of plaintiff

PRESS RELEASE

U.S. Attorney Announces The Arrest Of 13 Individuals For \$100 Million Healthcare Fraud, Money Laundering, And Bribery Scheme

Wednesday, January 12, 2022

Share >

For Immediate Release

U.S. Attorney's Office, Southern District of New York

Two Indictments Charge the Defendants, Including an NYPD Police Officer, Doctors, an Attorney, and Others, With Healthcare Fraud, Money Laundering, Bribery, and Other Offenses in One of the Largest No-Fault Automobile Insurance Fraud Takedowns in History

Damian Williams, the United States Attorney for the Southern District of New York, Michael J. Driscoll, Assistant Director-in-Charge of the New York Office of the Federal Bureau of Investigation (“FBI”), Miriam E. Rocah, the Westchester County District Attorney, Kevin P. Bruen, Superintendent of the New York State Police (“NYSP”), and Keechant Sewell, Commissioner of the New York City Police Department (“NYPD”), announced the unsealing of two indictments charging 13 individuals – including an NYPD police officer, licensed physicians, an attorney, and others – in connection with a \$100 million automobile insurance fraud scheme.

Of the 13 defendants, eight are charged in an indictment detailing conspiracies to commit healthcare fraud, money laundering, bribery, and obstruction, making false statements to federal authorities, and aggravated identity theft. The charges are set forth in *United States v. Alexander Gulkarov, et al.* 22 Cr. 20 (the “Gulkarov Indictment”), which has been assigned to U.S. District Judge



Case Details - Summary



CASE INFORMATION

Court: **New York Supreme Criminal Court**
Case #: **IND-72572-25/001**
Defendant: **Schnellbacher-Sendor Group LLC,**

[Add Case to eTrack](#)

Index

- [1. Defendant](#)
- [2. Incident and Arrest](#)
- [3. Attorney Information](#)
- [4. Next Appearance](#)

Defendant

Name: **Schnellbacher-Sendor Group LLC,**
Birth Year:

[Back to Index](#)

Incident and Arrest

Incident

Date: **August 22, 2016**
CJTN:

Arrest

No Arrest Information on File

Officer

Agency: **New York City Police Department**
Command:

[Back to Index](#)

Attorney Information

Defense Attorney

No Defense Attorney Information on File

Assistant District Attorney

Name: **New York County District Attorney**

[Back to Index](#)

Next Appearance

Date: **September 19, 2025**
Time: **09:00 AM**
Court: **New York Supreme Criminal Court**
111 Centre Street
Judge: **Lantry, Brendan T.**
Part: **99**

[Back to Index](#)

Criminal indictments are frequent. Case in point, the Schnellbacher-Sendon Group and its principals were indicted for allegedly to have engaged in widespread conspiracy to defraud the Workers' Compensation system.



National Health Care Fraud Takedown Results in 324 Defendants Charged in Connection with Over \$14.6 Billion in Alleged Fraud

Monday, June 30, 2025

Share >

For Immediate Release

Office of Public Affairs

Largest Justice Department Health Care Fraud Takedown in History More than Doubles Prior Record of \$6 Billion



The Justice Department today announced the results of its 2025 National Health Care Fraud Takedown, which resulted in criminal charges against 324 defendants, including 96 doctors, nurse practitioners, pharmacists, and other licensed medical professionals, in 50 federal districts and 12 State Attorneys General's Offices across the United States, for their alleged participation in various health care fraud schemes involving over \$14.6 billion in intended loss. The Takedown involved federal and state law enforcement agencies across the country and represents an unprecedented effort to combat health care fraud schemes that exploit patients and taxpayers.

Demonstrating the significant return on investment that results from health care fraud enforcement efforts, the government seized over \$245 million in cash, luxury vehicles, cryptocurrency, and other assets as part of the coordinated enforcement efforts. As part of the whole-of-government approach to combating health care fraud announced today, the Centers for Medicare and Medicaid Services (CMS) also announced that it successfully prevented over \$4 billion from being paid in response to false and fraudulent claims and that it suspended or revoked the billing privileges of 205 providers in the months leading up to the Takedown. Civil charges against 20 defendants for \$14.2 million in alleged fraud, as well as civil settlements with 106 defendants totaling \$34.3 million, were also announced as part of the Takedown.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS, PART 73

-----X
HELIO ARAUJO,

Plaintiff,

-against-

MONADNOCK CONSTRUCTION, INC., DUNN CO
SAFETY, LLC and EAST HARLEM MEC PARCEL B
WEST, LLC,

Defendants.

-----X
MONADNOCK CONSTRUCTION, INC., and EAST
HARLEM MEC PARCEL B WEST, LLC,

Third-Party Plaintiffs,

-against-

ANDREW MEROLA, MD, FAAOS,

Third-Party Defendant.

-----X

The following papers, which are e-filed with NYCEF as Document Numbers 263-271,
273-275, 279, 287-300, 304, 307-314 were read on this motion and cross-motion:

In this action to recover damages for personal injuries arising out of an alleged worksite accident, in Motion Sequence No. 12, the third-party defendant, ANDREW MEROLA, MD, FAAOS ("Dr. Merola"), moves for an Order dismissing the third-party complaint on several grounds, including on the ground that it fails to state a cause of action sounding in fraud. In Motion Sequence No. 14, defendants/third-party plaintiffs, MONADNOCK CONSTRUCTION, INC. ("Monadnock") and EAST HARLEM MEC PARCEL B WEST, LLC (collectively "third-party plaintiffs") cross-move for an Order, pursuant to § 3025(b), granting them leave to amend their Third-Party Complaint. The motion and cross-motion are consolidated for disposition.

The Court will first address Motion Sequence No. 14. In the proposed amended third-party complaint, third-party plaintiffs allege several causes of action against Dr. Merola, all of which are premised on essentially the same allegations of fraud. Third-party plaintiffs allege that Dr. Merola submitted two bills to Helmsman Management Services ("Helmsman"), the company that administered Monadnock's workers' compensation program, for surgical procedures that he

Index No.: 527715/2019
Motion Date: 5-15-25
Mot. Seq. No.: 12, 14



DECISION/ORDER

In Araujo vs. Monadnock Construction (S/Kings: 527715/2019), it is alleged that the two surgeries performed by Dr. Andrew Merola were never conducted (however bills submitted for those services). Dr. Merola moved to have the case dismissed, Hon. Peter Sweeney denied his motion.

Supreme Court of the State of New York

Appellate Division, First Judicial Department

Moulton, J.P., Kapnick, Scarpulla, Rodriguez, Higgitt, JJ.

4363 ELVIN FRANCO,
Plaintiff-Appellant,Index No. 24580/19
Case No. 2024-06656

-against-

800 E 173 LLC,
Defendant-Respondent.

Pollack Pollack Isaac & DeCicco, LLP, New York (Brain J. Issac of counsel), for appellant.

Resnick & Louis, P.C., Tarrytown (Kelly Griffin-Fromm of counsel), for respondent.

Order, Supreme Court, Bronx County (Laura G. Douglas, J.), entered October 31, 2024, which granted defendant's motion to compel plaintiff to submit to a further deposition, unanimously affirmed, without costs.

Supreme Court providently exercised its discretion in granting defendant's motion to compel a further deposition of plaintiff (CPLR 3101[a]; see *Allen v Crowell-Collier Publ. Co.*, 21 NY2d 403, 406 [1968]). Defendant's motion was based on civil Racketeer Influenced and Corrupt Organizations (RICO) actions commenced in the Eastern District of New York against plaintiff's attorney of record and medical providers, alleging that plaintiff's counsel and medical providers conspired to obtain

millions of dollars through fraudulent claims based on nonexistent injuries and illegitimate medical treatments.¹

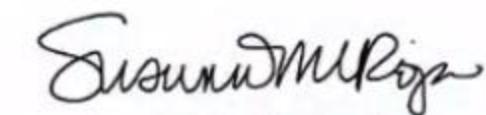
Defendant seeks to further depose plaintiff to determine whether defendant has been misled about plaintiff's accident or the medical treatment he allegedly received for the injuries he sustained as a result of his slip and fall on defendant's stairs. Defendant demonstrated a substantial likelihood that plaintiff possesses information relevant to these issues. Moreover, defendant showed that this potential evidence is material and necessary because it is sought "in good faith for possible use as evidence-in-chief or in rebuttal or for cross-examination" (*Allen*, 21 NY2d at 407 [internal citation omitted]). Even if the RICO actions do not specifically involve the subject accident and have not yet been adjudicated, that does not undermine defendant's basis for a further deposition of plaintiff.

At the continued deposition, defendant may ask plaintiff questions about the existence and content of nonprivileged communications concerning his accident, and the scope of the medical treatment for his alleged injuries. Defendant may also pose

questions to plaintiff concerning whether he was aware that any of his medical treatment may have been exaggerated or unnecessary.

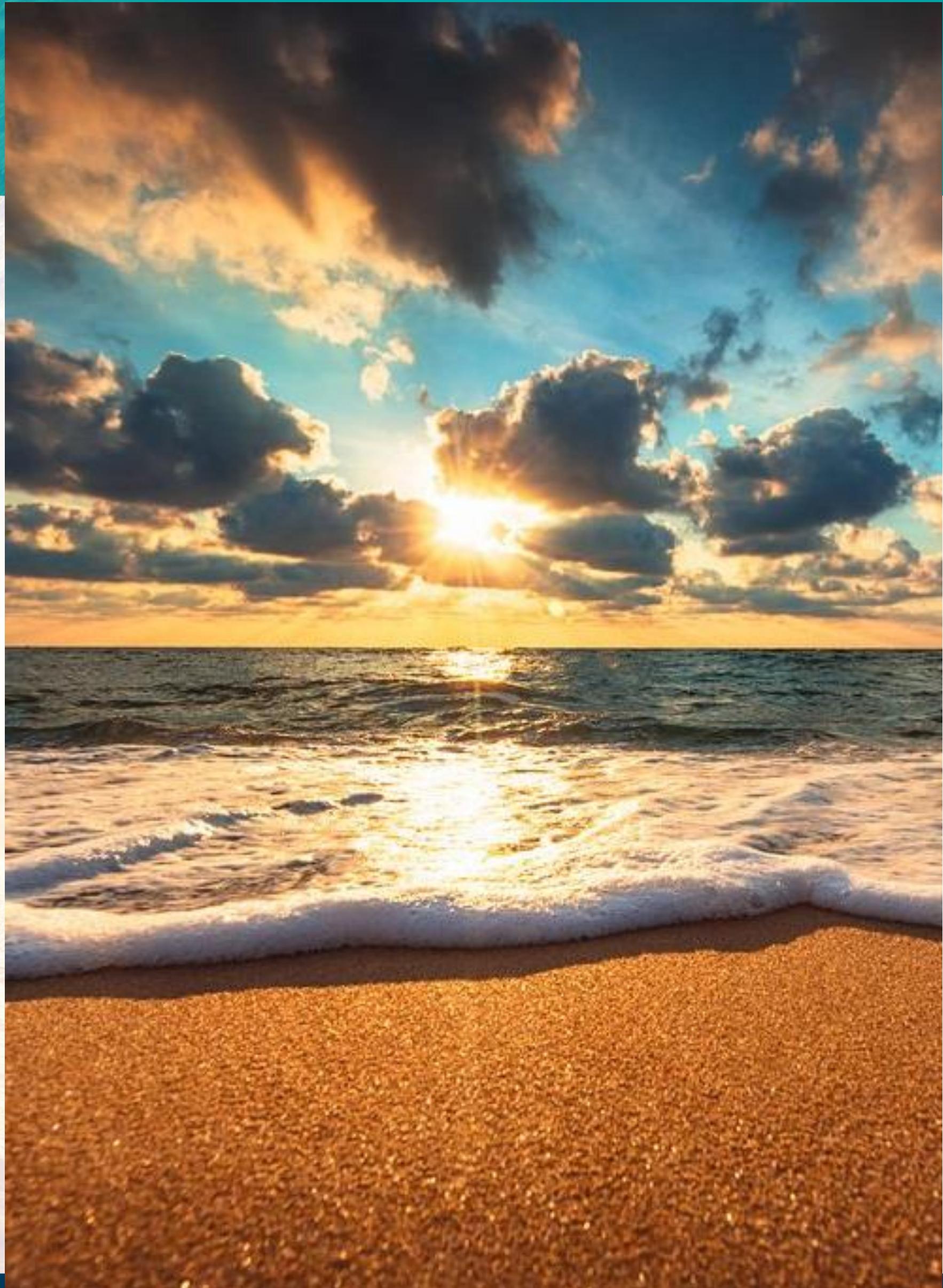
THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: July 17, 2025



Susanna Molina Rojas
Clerk of the Court

On 7/17/2025 the Appellate Division 1st Dept., issued an order on Elvin Franco vs. 800 E 173 LLC allowing defendant to further depose plaintiff and "pose question to plaintiff concerning whether he was aware that any of his medical treatment may have been exaggerated or unnecessary." As many of his medical providers are involved in RICO actions.



FACTUAL ALLEGATIONS

A. On or about April 5, 2023, in the United States District Court for the Southern District of New York, Respondent pled guilty to two counts of conspiracy to commit wire fraud in violation of 18 U.S.C. § 371. Respondent was sentenced and convicted to 36 months in prison and three years' probation if he remained in the United States. Respondent was required to pay restitution in the amount of \$3,808,133.60 and forfeit \$513,005.60.

New York Doctor Who Performed Unnecessary Back Surgeries As Part Of Trip-And-Fall Fraud Scheme Sentenced To 36 Months In Prison

Damian Williams, the United States Attorney for the Southern District of New York, announced that SADY RIBEIRO, a New York-licensed pain management doctor, was sentenced today to 36 months in prison for his participation in a scheme to obtain fraudulent insurance reimbursements and other compensation from fraudulent trip-and-fall accidents. U.S. District

MS-13, Russian mobsters use migrants in elaborate injury scam — even getting spinal surgery to pull it off: sources

By Brad Hamilton and Georgia Worrell

Published June 16, 2024 | Updated June 16, 2024, 10:48 a.m. ET

NEW YORK POST

is the melting pot of all scams.

Russian gangsters, MS-13 members, and a cadre of corrupt surgeons, lawyers and lenders are pulling off the latest big con in the city: bogus personal-injury lawsuits where immigrants go under the knife to help their twisted ruse.

private investigator said an MS-13 informant at a construction company revealed plans for a worker to fall off a ladder — and it happened just as the tipster said it would, said the sleuth, who declined to say where or when the fraud occurred to protect the identity of his source.

etting up fake falls is “so successful for MS-13,” he said. “Rival gangs are now trying it.”

it MS-13 leaders are not experienced in white collar crime and don't know how to pull off phony injury fraud, according to gang expert Lou Savelli, who founded the NYPD gang unit and now consults for police and other law enforcement agencies. "That's where the Russians come in," he said. "They have the lawyers."

PD investigators found one integrated Russian-led operation — with doctors, lawyers, lenders and physical therapists all in the same office building, said a former police supervisor who declined to give further details. “It was one-stop shopping. Everyone was in the same place,” he said, adding that authorities were unable to build a case against the group.

The Russian-MS-13 partnership "is a perfect marriage for them," said a second ex-NYPD source.

urance insiders claim losses have tripled since the pandemic, with payouts so massive they're driving the cost of living for all New Yorkers.

The insurer, Tradesman Program Managers insurance firm of Poughkeepsie, a carrier covering contractors and construction companies in the city, says it forked over \$142 million in 2022, three times the \$36 million it paid out in 2018. It claims it has been hit with 650 allegedly fraudulent suits over the last four years.

"We're talking billions collectively across the city," said an insurance executive who asked not to be identified.

adesman and the Roosevelt Road insurance carrier sued eight doctors and two law firms — Gorayeb & Associates and Fogelgaren, Forman & Bergman — along with 36 lawyers, healthcare providers and companies in Brooklyn Federal Court in March, citing RICO conspiracy laws used to prosecute Mafia bosses, in its civil action.

“They train the migrants how to act at some of these staged accidents,” Tradesman lawyer Kirk Willis told ABC 7. “And then when the people are hurt — allegedly hurt — they go to the lawyer first, not the doctor, and the lawyer then starts a course that sets up these fraudulent lawsuits.”

- **Michelle Rafel, executive director of the Coalition Against Insurance Fraud:**
 - **“While I can’t comment on specific cases, what I can tell you is that when you are seeing large numbers of individuals living in the same area and living in the same building all having a claim that sends up a very big red flag.**
 - **Not only is it a red flag for insurance fraud but is a red flag for organized crime.”**

NEW YORK CITY (WABC) -- An Eyewitness News investigation has found dozens of construction injury lawsuits from people living in the same homes in New York City, which builders and contractors say is evidence of the extensive insurance fraud in the New York construction industry.

When someone files a lawsuit, they list on the lawsuit their home address.

Eyewitness News analyzed hundreds of construction site injury lawsuits in the New York State public court filing database and found that many of them came from people living in the same apartment building or home.

At an apartment building on Ellis Avenue in the Bronx, we found 30 construction injury claims tied to people who live or lived there.

At a two-story home directly across the street - also on Ellis Avenue - we found 21 people who claimed they were injured on construction sites. A few blocks away, on Haviland Avenue, we found 12 people who lived in a home who filed injury lawsuits.



- Holton vs. NYCTA (S/Queens: 710736/19)
- The Court: “We are going to stop hiding behind legalities and fictions. I am going to unravel him at this trial. I just want you
- To be aware. I am going to be very hard on him because I am
- Sick and tired of certain medical people who come in here and
- Who with unclean hands, mind you, and try to pull off what he
- Is trying to do here. I’m insulted by it. He is insulted by
- Something; I am insulted by Dr. Gerling. And we’ll see how it
- Goes. I’m going to be very fair to all of you, but I am not going
- To let him off the hook because he doesn’t deserve to be let
- Off the hook and to be presented to this jury like he’s some
- Kind of an expert medical person, because to me he is
- Bordering on criminality.”

presented to this jury like he's some kind of an expert medical person, because to me he is bordering on criminality.

MR. KIM: But, your Honor --

THE COURT: Your Honor, nothing. You know how I feel about it.

MR. KIM: I understand, your Honor.

THE COURT: If you don't like it, settle the case. He is going to be cross examined to the "T." And I am going to allow it.

I might even ask him some questions myself to expose his true background, if Mr. Sobel doesn't do it.

MR. KIM: But, your Honor, now we are refocusing the case from the trial of my client over to Dr. Gerling?

I mean, that's clearly --

THE COURT: No. We are talking about Dr. Gerling's credibility. And, you know what, he doesn't have much credibility in my opinion, but that's for Mr. Sobel and for Mr. Kritzer to reveal.

MR. KIM: But, your Honor, you just said on the record that you are going to expose the truth about Dr. Gerling?

THE COURT: Yes. Through the cross examination of defense counsel about what he does, and the bad acts he has committed.

THE COURT: And that's a construction you wish to place upon him. A bell ringing, we are going to unring it at the trial.

Quite frankly, just among us, I am very much anticipating his testimony because what I know about his background is disgraceful.

Disgraceful.

And I am going to give them a lot of leeway so that the jury understands the truth, which is what the trial is designed to reveal.

The truth.

MR. KIM: But, your Honor --

THE COURT: We are going to stop hiding behind legalities and fictions. I am going to unravel him at this trial.

I just want you to be aware.

I am going to be very hard on him because I am sick and tired of certain medical people who come in here and who with unclean hands, mind you, and try to pull off what he is trying to do here.

I'm insulted by it. He is insulted by something; I am insulted by Dr. Gerling. And we'll see how it goes. I'm going to be very fair to all of you, but I am not going to let him off the hook because he doesn't deserve to be let off the hook and to be



An exterior image of the federal courthouse in Brooklyn. Credit: John Roca

By **Robert Brodsky** robert.brodsky@newsday.com [@BrodskyRobert](#) Updated May 12, 2025
4:22 pm

Share

A group of Long Island residents, many related or living in the same Freeport apartment complex, are ensnared in a federal lawsuit that alleges they conspired with a Manhattan law firm and a vast network of medical providers to collect millions of dollars in insurance payouts for bogus accident claims.



Surfing the rough waters presented by Waste, Fraud and Abuse in Construction Claims



Alfredo J. Alvarado
Lester Schwab Katz & Dwyer
E: aalvarado@lskdnylaw.com
T: (212) 341-4232



Derrick Mullen
Seneca Insurance Company
E: dmullen@senecainsurance.com
T: (212) 277-3523



Lori-Ann Russo-Green
Nautilus Insurance Group
E: lrussogreen@nautilus-ins.com
T: (704) 496-5257



Everett A. Kendall II
Murphy Grantland
E: rkendall@murphygrantland.com
T: (803) 454-1232