

## Valerie Sirota

Partner

New York

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Valerie represents insurers and other clients in ERISA litigation and a wide variety of commercial and business disputes.

### OVERVIEW

Valerie defends insurers, plan and claims administrators, employers, plan fiduciaries, and managed care organizations against claims asserted under ERISA and other federal and state laws, from inception through trial and appeal in federal and state courts in New York and New Jersey, and in mediations and arbitrations. Valerie's experience also includes managing administrative claims and appeals, and responding to government investigations and subpoenas.

Valerie also represents and advises regional, national, and international corporations and individuals in complex business disputes in the areas of financial services, tax disputes, regulatory investigations, employment, products liability, and commercial real estate in various industries. Valerie is experienced in advising and defending clients in matters involving enforcement of restrictive covenants and confidentiality provisions.

### REPRESENTATIVE MATTERS

- Obtained dismissal of numerous actions filed by medical providers against Anthem, Inc., Empire HealthChoice Assurance, Inc. and other related entities alleging violations of ERISA and various state-law claims. Representative cases include *Park Avenue Aesthetic Surgery, P.C. v. Empire Blue Cross Blue Shield, et al.*, Case No. 19-cv-9761 (S.D.N.Y. February 19, 2021); *New York Group for Plastic Surgery LLP v. Anthem Blue Cross and Anthem, Inc.*, Case No. 1:20-cv-04234 (S.D.N.Y. Jan. 29, 2021); *Arash Emami as Edward N's Attorney-in-Fact v. Empire HealthChoice Assurance, Inc., et al.*, Case No. 2:18-cv-00679 (D.N.J., Aug. 17, 2020); *Shuriz Hishmeh, M.D. PLLC, v. Empire HealthChoice Assurance, Inc., d/b/a Empire Blue Cross Blue Shield*, Case No. 2:19-cv-03144 (E.D.N.Y., Aug. 4, 2020); *Shuriz Hishmeh, M.D., PLLC v. Verizon Communications Inc., et al.*, Case No. 2:19-CV-03082 (DRH)(AKT) (E.D.N.Y. July 30, 2020); *Somerset Orthopedic Associates, P.A., et al., v. Horizon HealthCare Services, Inc. d/b/a Horizon Blue Cross Blue Shield of New Jersey, et al.*, Case No. 2:19-cv-08783 (D.N.J. April 27, 2020).
- In a case of first impression, obtained dismissal on behalf of Anthem Blue Cross of an action filed by a medical provider seeking recovery of benefits under ERISA § 502(a)(1)(B) following post-mastectomy breast reconstruction surgery. In granting the motion to dismiss, the court held that plaintiff failed to adequately plead a provision of the plan that was breached, and importantly, that nothing in the Women's Health and Cancer Rights Act (WHCRA) required Anthem to pay additional amounts. *Prestige Institute for Plastic Surgery, P.C., et*

*al., v. KeyStone HealthPlan East, et al.*, Case No. 2:20-cv-00496 (D.N.J. Nov. 30, 2020).

- Defended major auction house in connection with a dispute concerning the enforcement of restrictive covenants including a non-compete provision.
- Represented well-known clothing retailer in defeating an attempt by mall owner to prevent the shutdown of retailer stores in malls throughout the U.S., despite the existence of a “continuous operation” provision in the relevant leases.
- Obtained a jury verdict on behalf of a foreign corporation in the Southern District of New York in a breach of fiduciary duty case against a former director.

## **AWARDS**

- *Best Lawyers in America®: Ones to Watch: Commercial Litigation* (2024-2025)

## **TOP AREAS OF FOCUS**

- Business Litigation
- Consumer Financial Services

## **ALL AREAS OF FOCUS**

- Business Litigation
- Consumer Financial Services
- Litigation + Trial
- Managed Care Payor Disputes, Investigations + Regulatory Counseling

## **PROFESSIONAL/COMMUNITY INVOLVEMENT**

- New York City Bar Association, Litigation Committee member

## **EDUCATION AND CERTIFICATIONS**

### **EDUCATION**

- St. John's University School of Law, J.D., 2010
- Pace University, B.B.A., 2007, finance

### **BAR ADMISSIONS**

- New York
- New Jersey

### **COURT ADMISSIONS**

- U.S. District Court, Southern District of New York
- U.S. District Court, Eastern District of New York
- U.S. District Court, District of New Jersey
- U.S. Court of Appeals, Second Circuit

- U.S. Court of Appeals, Third Circuit