



Cullen and Dykman Attorneys Crucial Preliminary Win in Defense of Federal RICO Action

November 28, 2018

A team of Cullen and Dykman, LLP attorneys—including Christopher Buckey, Nicholas Faso, Travis Powers, and Ryan Soebke—recently secured a critical, early victory in fending off a motion for expedited discovery in a complex, \$90+ million Racketeering Influenced and Corrupt Organizations (RICO) action in the United States District Court, Northern District of New York.

In this case, the plaintiff insurance carrier has alleged claims under RICO, the Lanham Act, ERISA, and state statutory and common law seeking treble damages and attorneys' fees against the firm's clients, one of the largest private nursing home networks in the state and its principals. In support of a motion to freeze assets of over \$30 million, the plaintiff sought expedited discovery of the clients' financial and banking records. Following oral arguments, the Court issued a lengthy, thirty-two page Decision and Order denying the motion and adopting the firm's legal arguments in their entirety. Overcoming a relaxed standard in favor of such discovery in federal actions, our team gained the upper hand by saving our clients from the expense and invasion of privacy that would have resulted from discovery at this early stage. The Court also granted our clients' motion to disqualify the plaintiff's lead trial counsel on the basis of a state agency determination currently on appeal before the Appellate Division, Fourth Department.

In praising the Court's decision, Albany litigation partner Christopher Buckey stated that "we are pleased with the Court's thorough and well-reasoned decision and that our clients were protected from invasive and disruptive discovery at this pivotal juncture in the litigation."

A copy of the Court's decision and order can be accessed [here](#).

Attorneys

- Christopher E. Buckey
- Nicholas J. Faso
- Ryan M. Soebke