

# Firm Recently Obtained Dismissal of a Closely Watched \$90+ Million Racketeering Influenced and Corrupt Organizations Action

November 20, 2019

Cullen and Dykman, LLP attorneys Christopher Buckey, Nicholas Faso and Ryan Soebke recently obtained dismissal of a closely watched \$90+ million Racketeering Influenced and Corrupt Organizations (RICO) action in the United States District Court, Northern District of New York brought against the firm's clients, one of the largest private nursing home networks in New York State and its principals. The plaintiff workers' compensation insurance carrier had asserted claims against the firm's clients under RICO, the Lanham Act and ERISA and asserted state statutory and common law claims. In its motion to dismiss, C&D's team argued that the federal and state claims must be dismissed because a forum selection clause contained in a prior settlement stipulation among the parties mandated litigation of the dispute in New York State Supreme Court. C&D's team further argued that, in any event, the federal claims were meritless and the Court should decline to exercise supplemental jurisdiction over the state claims. As set forth in the detailed thirty-six-page Decision and Order, the District Court first agreed with C&D's team that the forum selection clause governs the parties' relationship and, on that basis, the Court determined that the action must be dismissed. The District Court, however, went further and determined that the federal claims were meritless and declined to exercise supplemental jurisdiction over the state claims. The Court once again adopted C&D's arguments, including the team's thorough analysis of the three RICO causes of action.

To Read the Decision: [Click Here](#)

## Practices

- Commercial Litigation

## Attorneys

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