



## Andrew P. Nitkewicz

### Partner

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Andrew P. Nitkewicz is head of the firm's Trusts and Estates Department. He is a seasoned litigator who focuses his practice on estate, trust, and commercial matters. Andrew represents higher education institutions and not-for-profit and religious organizations in connection with estate litigation matters relating to charitable bequests. Andrew also regularly litigates medical, psychiatric and dental malpractice matters, and he serves as general and litigation counsel to litigation funding companies, doctors, dentists, oral surgeons, chiropractors, nurses, pharmacists, and other medical professionals and medical service providers. Andrew litigates cases in Surrogate's Court as well as federal and state courts throughout New York, and he has extensive experience counseling medical practitioners with regard to HIPAA, Stark Law, and Anti-Kickback Statute compliance. As a result of decades of experience representing clients in connection with matters with multi-jurisdictional components, Andrew maintains working relationships with local counsel in a myriad of jurisdictions throughout the United States.

#### **Areas of Concentration:**

- Contested probate proceedings
- Contested fiduciary accounting proceedings
- Business litigation
- Healthcare law
- Medical/dental malpractice and risk management
- HIPAA, Stark Law and Anti-Kickback Statute compliance

## Practices

- Trusts and Estates

- Commercial Litigation
- Wills, Trusts and Estate Litigation
- Trust and Estate Administration
- Health Care
- Estate Planning
- Higher Education
- Not-for-Profit and Religious Organizations

## Industries

- Insurance
- Higher Education
- Not-for-Profit and Religious Organizations

## Bar Admissions

- New York
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

## Education

- J.D., Touro Law Center, 1998
- B.B.A., Hofstra University, 1994

## Representative Experience

- *Estate of Jane Doe* (contested accounting, turnover, and revocation proceeding before the Suffolk County Surrogate).
- *Doe v. Doe* (prosecution of action to enforce rights of the beneficiary against the trustee of a decades-old, deep-rooted family trust).
- *Estate of Roe* (defense of estate in claims of undue influence and lack of capacity in contested probate proceeding before the Kings County Surrogate).
- *Asta Funding v. Pegasus Legal Funding* (defense of lawsuit funding company in contentious litigation and arbitration surrounding joint venture).
- *Sky Medical v. Patient Focus* (defense of medical doctor and medical practice in the United States District Court for the Eastern District of New York against claims by prosthesis supplier).
- *Doe v. XYZ Oral and Maxillofacial Surgery* (defense of dental malpractice against informed consent claims resulting in dismissal of action).

- *Jones v. Acme LLC* (prosecution of an action in the United States District Court for the Southern District of New York and Delaware Court of Chancery (*pro hoc vice*) on behalf of stakeholders against a managing partner of a limited liability company with holdings across the United States).
- *Matter of Doe, D.D.S.* (successful defense of an oral surgeon against claims by a former patient before the New York Office of Professional Discipline).

## Professional and Community Activities

- Member, Nassau County Bar Association, 2004—Present
- Member, Estate Planning Council of Nassau County, 2016—Present
- Member, Federal Bar Council, 2013—Present
- Member, Million Dollar Advocates Forum, 2004—Present

## Honors and Awards

- Top New York Verdicts, Verdict Search, 2010
- Super Lawyers, 2015—2017
- LIBN's Who's Who 2022 - Healthcare Professionals and Healthcare Law

## Publications

- Author, "Estate Litigation: All Hope Is Not Lost – Probating a Lost Will Pursuant to SCPA §1407" (Nassau County Bar Journal, 2020)
- Author, "Estate Litigation: Deposing the Objectant in a Contested Will Proceeding" (Nassau County Bar Journal, 2019)
- Author, "HIPAA Violations as a Basis for Private Causes of Action" (Nassau County Bar Journal, 2018)
- Author, "HHS Announces Second Phase of HIPAA Audits – Dentists, Don't Say You Weren't Warned" (Nassau County Dental Society Bulletin, Summer 2016)
- Author, "Are Undocumented Aliens Barred from Collecting Lost Wages In Personal Injury Suits?" (Nassau County Bar Journal, 2004)
- Author, "The Scope of Expert Disclosure in Medical Malpractice Actions: The Impact of Electronic Search Programs and The Internet" (1996)