



## Thomas Kane

Shareholder

Princeton | 609.490.4843 | [tkane@bakerdonelson.com](mailto:tkane@bakerdonelson.com)

Thomas Kane represents clients in a broad range of complex litigation matters, with a focus on health care.

Thomas Kane is a shareholder in the Firm's Princeton office. He has extensive experience representing health care clients, including hospitals, physician groups, and individual providers in unfair competition, antitrust, contract, and reimbursement disputes. He also represents clients in the technology, finance, insurance, pharmaceutical, and retail services industries before federal and state courts at the trial and appellate levels, administrative bodies, and various arbitral forums.

Tom has extensive first- and second-chair trial experience in courts and arbitration proceedings throughout the country. He has particular experience in the development, trial preparation, trial presentation, and cross-examination of economic experts. He has utilized this experience on behalf of health care clients in a wide variety of provider-payor reimbursement, unfair competition, and breach of contract disputes.

Tom's recent practice highlights include second-chairing an arbitration proceeding that resulted in an award of over \$110 million (including attorneys' fees) in a provider-payor dispute, successfully representing two New Jersey hospitals in unfair competition disputes over inter-hospital referral arrangements, and defending a Silicon Valley hardware component manufacturer in an international theft-of-trade-secrets claim.

Prior to attending law school, Tom was a legislative assistant to U.S. Representative Robert E. Andrews of New Jersey. Following law school, Tom clerked for The Honorable Thomas N. O'Neill, Jr., of the U.S. District Court for the Eastern District of Pennsylvania.

## Representative Matters

*Results may vary depending on your particular facts and legal circumstances.*

- Served as second-chair trial counsel in obtaining an arbitration award of over \$110 million (including attorneys' fees) against a major payor on behalf of a national emergency care provider following a six-week arbitration hearing in Miami, Florida. The dispute concerned underpayments for medical services provided to payor's members in 2017 and 2018. Tom was responsible for the direct and cross-examinations of all expert witnesses and a number of key fact witnesses.
- Represented a national medical group in multiple litigations in the Southeast against a health insurer and certain of the insurer's affiliates seeking hundreds of millions of dollars in underpayments. The cases were settled on a confidential basis prior to trial.
- Represented a New Jersey hospital in a breach of contract and unfair competition action challenging a former affiliate's merger with a competing hospital system. The case settled on a confidential basis prior to trial.
- Served as second-chair trial counsel in the trial of the first post-COVID complex commercial jury trial in New Jersey on behalf of a cardiac, lung and vascular healthcare resource center against an academic non-profit health care system.
- Obtained the dismissal of RICO claims against a regional hospital and hospital CEO.
- Served as second-chair trial counsel for a Silicon Valley and Japanese hardware component manufacturer in an international theft-of-trade-secrets claim involving the design of microprocessors

arising in China. The case was settled on a confidential basis prior to trial in the U.S. District Court for the District of Delaware.

- Represented a supermarket company in federal antitrust litigation brought by a potential competitor.
- Represented a New Jersey hospital in a federal antitrust lawsuit against a Pennsylvania hospital system dealing with the outmigration of New Jersey patients to Pennsylvania.
- Defended a cellular phone insurance company in a nationwide consumer fraud class action.
- Defended the country's largest rent-to-own retailer in a New Jersey-based consumer fraud class action.
- Represented a New Jersey hospital in an internet defamation case.



## Professional Honors & Activities

*No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

- Listed in *The Legal 500 United States* for Healthcare: Service Providers (2017). *This award is conferred by The Legal 500. A description of the selection methodology is available [here](#).*
- Member – Association of the Federal Bar of New Jersey
- Member – New Jersey State Bar Association



## Publications

- "Employer Designates You as a Corporate Representative for Deposition: What to Do," *Corporate Governance Advisor* (November 2023)
- "Lessons from a Socially Distanced Trial," *New Jersey Law Journal* (December 2021)
- "Lessons from a Socially Distanced Trial," *New Jersey Law Journal* (December 2021)
- "Pressure Mounts for Federal Legislation Protecting Businesses from COVID-19 Lawsuits, but Don't Count on It," *New Jersey Law Journal* (May 2020)



## Education

- Rutgers University School of Law – Camden, J.D., 1999, high honors
  - Articles Editor, *Rutgers Law Journal*
- Georgetown University, B.A., 1992



## Admissions

- New Jersey, 2001
- Pennsylvania, 1999
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court, District of New Jersey