

ANTHONY M. DILEO
A PROFESSIONAL CORPORATION
ATTORNEY AND COUNSELOR AT LAW

ANTHONY M. DILEO
TONY@TONYDILEO.COM

909 POYDRAS STREET, SUITE 2350
NEW ORLEANS, LOUISIANA 70112
504.274.0087 tel • 504.617.6617 fax
WWW.TONYDILEO.COM

Anthony M. DiLeo
ARBITRATION RESUME

" 'Results-driven' sole practitioner Anthony DiLeo has a reputation as an excellent commercial arbitrator. He handles a variety of commercial matters for clients who appreciate his ability to solve disputes without litigation."

CHAMBERS USA, 2011
America's Leading Lawyers for Business

"Sole practitioner Anthony DiLeo splits his time between alternative dispute resolution, transactions in the healthcare sector and general corporate and business law. Known and respected by commentators as a 'conscientious, intelligent and detail-oriented professional' who has been a senior figure in the Louisiana legal community for decades, he is often called upon to proffer his sage advice on transactions of upwards of eight figures."

CHAMBERS USA, 2007
America's Leading Lawyers for Business

Work History Attorney, Self-employed, 2005-present; Member/Partner/Associate, Stone Pigman Walther Wittmann, LLC, 1973-2005; Law Clerk, Judge John Minor Wisdom, U.S. Court of Appeals, Fifth Circuit, 1973; Law Clerk, Judge Alvin B. Rubin, U.S. District Court, Eastern District of Louisiana, 1971-72.

Experience 40 years' experience. Listed in "Chambers USA: America's Leading Lawyers for Business, The Client's Guide." Practice has included corporate, business, and partnership agreements, transactions, and litigation, including tender offer, exchange offer, merger, and private placement of securities; antitrust, securities, shareholder, and tax litigation including U.S. Tax Court; banking and savings and loan restructuring for borrowers and lenders; income, estate, and gift tax planning; administrative law; and commercial litigation in all levels of state and federal courts. Appointed by federal trial judge to national steering committee for multi-district litigation proceeding involving consolidated class actions. Appointed as Hearing Officer for the Commercial Real Estate Property Tax Appeals, Board of Review, City of New Orleans, 2007. Appointed by Louisiana Supreme Court as State Bar Examiner in Corporations, Securities, and Negotiable Instruments, 1982-1984. Served on Louisiana Governor Jindal's Hurricane Recovery Transition Advisory Council. Member of the Board of Commissioners of the Ernest N. Morial New Orleans Exhibition Authority, a 2-million square foot convention center, 2008-2009.

Adjunct Professor of Law at Tulane Law School (Advanced American Arbitration Law, 2009 and 2010; Health Care Law Practice, 2000-2005).

Present practice is business, corporate, partnership, limited liability company, and shareholder planning and transactions, including contracts, employment, and healthcare; expert witness testimony in several contexts, including attorneys' fees, limited liability company agreements for members of a professional group, corporate governance, and standards for limited liability of a sole shareholder of a professional corporation; arbitration and mediation.

American Law Institute, Life Member. Martindale Hubbell AV Peer Review Rating, over 30 years. Louisiana State Law Institute, Alternative Dispute Resolution Committee; Recipient, first annual "Leadership in Law Award, New Orleans 50 Top Lawyers," City Business, 2005. Recognized by Best Lawyers in America in the areas of Corporate Law, Employment Law, and Health Care Law.

Alternative Dispute Resolution Experience Served as sole arbitrator, chair/member of arbitration panel in over 150 cases nationally with aggregate claims of over \$2 billion. Arbitrated large complex cases and intermediate-sized cases that included business and corporate issues (stockholder rights, manufacturing and distribution rights, minority shareholder redemption, buy-out provisions, ownership valuation, audit issues, going business concern status, bankruptcy, asset purchase agreement, book value, stock basis, surplus, dilution, tax sharing, tax losses, federal tax credits, offshore entities, reorganization, indemnification, choice of law, royalty claims, licensing agreements, marketing agreements, partnership withdrawal, liquidation of operating partnership, partnership obligations, construction, real estate transactions); banking and finance issues (investment banking fees, warrants, convertible securities, credit agreements); employment (compensation, constructive termination, recruiting, non-competition); insurance (property, health, excess insurer, reinsurance, self insurance trust); antitrust; fraud; defamation; intellectual property; assignment of patented and trademarked products; environmental cleanup and remediation; and healthcare (practice management, fraud and abuse, billing, coding, capitation).

Parties include life, property, health insurance companies; service providers (management and billing companies, software licensors); manufacturers; retailers; contractors; sales and marketing companies; technology vendors; family LLCs; employers; employees; law firms; healthcare providers; banks; federal agencies; investment banking firms; stockholders; public and private companies; non-profits.

Arbitrator in 9-figure dispute over federal antitrust claims of price fixing, conspiracy and injunctive relief; 9-figure tax advice dispute; 9-figure fraud and RICO claim dispute between HMO and IPA; 9-figure dispute involving a merger, acquisition, stock purchase, tax allocation, declaratory relief, stock basis, tax losses, reorganization and indemnification; 9-figure dispute over contractual interpretation of complex agreement between hospital system and national health insurance company; 9-figure dispute over 10-figure transactions involving transactions with multiple offshore entities; 9-figure dispute over ownership of a life insurance policy; 8-

figure claim involving international energy exploration company and assertion of indemnification for environmental damage arising from drilling operations; 8-figure dispute between a large employer and its former General Counsel arising out of employment agreement involving breach of contract, international factoring, loans, distributions, net earnings, profit sharing, partnership agreement, insurance and breach of fiduciary duty; 8-figure dispute involving regional energy company and consultant over fees for reduction of property tax assessments; 8-figure dispute involving alleged breach of exclusive agreement for research, license, assignment of patented and trademarked products; 8-figure dispute over alleged breach of non-competition agreement; 8-figure physician management services dispute; 8-figure business interruption and rent dispute between hotel purchaser and seller; 8-figure dispute over royalty claims of licensing agreements; 7-figure dispute regarding allocation of tax benefits arising out of merger agreement; 7-figure dispute between lender and borrower as to default of incomplete construction of maritime facility and foreclosure and lender liability counterclaim; 7-figure dispute involving asset purchase agreement and Employee Leasing Services Agreement; 7-figure dispute by cardiology limited liability company with regard to claims by several former members (cardiologists) as to rights to buy out equity interest, collateral, line of credit, letter of credit and redemption of ownership interest; 7-figure dispute over sale of assets and claim of lack of going business concern status; 7-figure dispute between public companies over investment banking fee for financing and equity investment; 7-figure dispute over dissolution of an operating company and minority stockholder buy-out; 7-figure dispute between law firms over legal fees arising from national products liability class action and disputes of legal ethics and duties in context of multi-district litigation; 7-figure dispute involving breach by company to redeem shares and issues of warrants, dilution, convertible securities, earnings, profits, book value and surplus; 7-figure dispute over national exclusive manufacturing and distribution agreement; 7-figure dispute between international luxury automobile manufacturer and supplier of logistics services for that manufacturer; 7-figure dispute involving claim of accounting malpractice arising from the failure to detect embezzlement by an employee; 7-figure dispute involving claims by land owners for damage to property and costs of remediation due to significant oil spill; 7-figure claim by teaching hospital network against TPA and PPO; 7-figure dispute involving logistics industrial manufacturing supply contract; dispute involving insurer and 8-figure contract with pharmacy benefits manager; 7-figure dispute over exclusive licensing contract in multiple cities for internet discount coupon sales via mass marketing email; 7-figure dispute between public company and CEO over employment contract, non-competition agreement, stock options and allegations of self dealing; 7-figure bank dispute as to Participation Agreement, Factoring Agreement and Factored Accounts; 7-figure dispute over damages arising out of vehicular death; breach of contract dispute arising out of termination of exclusive anesthesiology contract by hospital together with termination of privileges; dispute arising out of termination of physician recruiting agreement and alleged HIPPA violation; dispute involving provision of a boat, barges and equipment to offload material from barges to docking facilities with fees to be paid based upon ship tonnage; dispute between national data transmission company and multi-state radio station transmitting sports events via broadcast, radio transmitter, and ISDN lines; insurance marketing, underwriting and re-insurance contract dispute; business

dispute to enforce non-competition, choice of law provision and declaratory judgment; legal fee dispute arising out of federal antitrust litigation; exclusive sales and marketing contract dispute; billing and coding dispute arising out of Medicare overpayment; dispute involving claim against bank and bank president; contractual dispute over rescission of time share purchase; liquidation of LLC with seven figures in annual sales resulting from shareholders' dispute and assertion of breach of ethical duty; dispute involving claim for injunctive relief, Lanham Act, and breach of contract in 50 state contract for 11-figure payment over three years.

Mediator in over 250 other disputes. Past Member of the AAA Regional Advisory Committee for Commercial Disputes. Tulane Law School Adjunct Professor of Law, Advanced American Arbitration Practice.

Alternative Dispute Resolution Training Faculty, ACI's Annual Advanced Forum on Managed Care Disputes and Litigation - Managed Care Litigation Mock Arbitration Session, 2015; Practical Negotiation and Mediation Training by Master Negotiator and Mediator Eric Green, 2015; AAA Developments in Arbitration Law: Testing the Boundaries of Court Intervention, 2015; AAA Crossing the Line: New Developments in the Law of Arbitral Jurisdiction, 2015; College of Commercial Arbitrators Annual Meeting: Arbitration Compass Points: Collaborating on New Directions, 2014; AAA Principled Deliberations: Decision-making Skills for Arbitrators, 2014; Faculty, ABA Section of Dispute Resolution, Arbitration Training: What's Next for Healthcare Dispute Resolution, 2013; Faculty, American Health Lawyers Association and Hamline University School of Law Arbitration Training: Arbitrating a Health Law Case, 2012; Faculty, Spring Judges' Conference of the Louisiana Judicial College, The Bridge Between Judicial Management of Cases and the ADR World, 2012; Faculty, AAA Dealing with Delay Tactics in Arbitration, 2010; AAA Electronic Discovery in Arbitration: What You Need to Know, 2010; AAA Current Issues in Employment Arbitration: The Arbitration Fairness Act of 2009 Legislation and Recent Court Decisions, 2009; AAA and International Centre for Dispute Resolution (ICDR) Neutrals Conference, 2009; ALI-ABA, The Art and Science of Serving as a Special Master in Federal and State Courts, 2007; AAA Neutrals Conference, 2006 and 2004; Large Complex Construction Mediation: The Dynamics of the Negotiation Team, 2009; Electronic Discovery in Arbitration, 2009; Mediator Ethics: Objective Standards and Subjective Practices, 2009; Arbitrator Update: Topical Issues and Case Law Arbitration, 2009; Faculty, AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics, 2005; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2004; AAA Arbitrator Ethics and Disclosure, 2004; Arbitrator Update 2004, 2002; Faculty, AAA Ethics and Professionalism for Advocates in ADR, 2004; Faculty, AAA Ethics in Arbitration and Negotiation, 2003; AAA Commercial Arbitrator II: Advanced Case Management Issues, 2002; American Health Lawyers Association, Advanced Mediator Training Program, 2002; Faculty, AAA, The Non-Signor Cases: A Review of Jurisprudence in Which Parties Have Been Compelled to Arbitrate Even Though Not a Party to an Arbitration Agreement, 2002; AAA Commercial Arbitrator Training, 2000.

Professional Licenses Admitted to the Bar: Louisiana, 1970; District of Columbia, 1972; U.S. District Court, Eastern District of Louisiana; U.S. Court of Appeals, Fifth Circuit; U.S. Tax Court; U.S. Supreme Court.

Professional Associations American Law Institute, Life Member; Louisiana State Law Institute, Alternative Dispute Resolution Committee; Louisiana Bar Association (Ethics Advisory Service Committee, 2011-present; Louisiana Bar Journal Editorial Board, 2011-present; Business, Corporate and Securities Law Section, Past Chair; Section on Health Care Law, Past Chair; Council on Administrative Law; Examiner in Corporations, Securities, and Negotiable Instruments, Louisiana Supreme Court appointment (responsible for writing questions and grading State of Louisiana Bar Examination in Corporations, Securities, and Negotiable Instruments), 1982-1984); American Bar Association (Business and Transactions Healthcare, Health Law Section, Vice Chair; Healthcare Fraud and Compliance, Health Law Section, Past Chair); New Orleans Bar Association (Committee on Revision of Articles of Incorporation, Past Chair, Executive Committee); AAA New Orleans Regional Advisory Committee for Commercial Disputes (Past Member).

ADR Memberships and Affiliations American Arbitration Association (AAA) National Panel of Neutrals, serving on its Commercial Panel, Large Complex Case Panel, National Healthcare Panel, Healthcare Payor Provider Panel, and Panel of Mediators; International Centre for Dispute Resolution (ICDR); American Health Lawyers Association (AHLA) Arbitration and Mediation Panels; CPR Institute for Dispute Resolution; Financial Industry Regulatory Authority (FINRA) Mediation Panel; International Mediation Institute (IMI) Mediator Certified; London Court of International Arbitration (LCIA) Neutral; Fellow, College of Commercial Arbitrators (CCA); Louisiana State Law Institute, Alternative Dispute Resolution Committee.

Education Tulane University (BA-1968; JD-1970, Order of the Coif, Assistant Editor of Tulane Law Review); Harvard University (LL.M.-1971).

Publications and Speaking Engagements SAMPLE PUBLICATIONS: Binding Arbitration Clause in Lawyer-Client Retainer Agreement, LOUISIANA BAR JOURNAL, October/November 2014 by the Publications Subcommittee of the Louisiana State Bar Association's Ethics Advisory Committee (Committee Member); "Drafting Noncompetition Agreements For Statutory Compliance: Exceptions that Prove the Rule," LOUISIANA BAR JOURNAL, December 2011; "The Enforceability of Contractual Agreements to Arbitrate: A Survey of the Last Three Years of Jurisprudence," LOUISIANA BAR JOURNAL, October/November 2008 (cited by La. Appellate Court); "Enforceability Of Arbitration Agreements By and Against Non-Signatories," JOURNAL OF AMERICAN ARBITRATION, June 2003; "Attorney-Client Privilege, Self Evaluative Privilege and Legal Issues Related to Internal Investigations," American Academy of Healthcare Attorneys, 1996; "Ancillary Facilities for Physicians in the 1990's; Formation and Dissolution Issues," National Health Lawyers Association, Health Law CD-ROM, Clark Boardman Calaghan, 1995; "Planning For the Payment of Federal Estate Tax After the Tax Reform Act of 1976," published in the Louisiana Revised Statutes, 1978 Louisiana Code of Civil Procedure, pocket part (West Publishing Company); LAW CLERK HANDBOOK: A HANDBOOK FOR FEDERAL

DISTRICT AND APPELLATE COURT LAW CLERKS, co-author with Judge Alvin B. Rubin, Federal Judicial Center, 1977. "One on One with Louisiana Supreme Court Associate Justice John L. Weimer," Louisiana Bar Journal, August/September 2015; "Judge Alvin Rubin: Lessons in Ethics and Professionalism," Around the Bar, A publication of the Baton Rouge Bar Association, June 2011; "Paul O.H. Pigman, 1922-2002: An Exemplary Professional," Briefly Speaking, New Orleans Bar Association, Winter 2002. Interviewed and quoted in national publications on subjects including arbitration, physician compensation, managed care, ERISA, fraud and abuse, and employment law.

SAMPLE SPEAKING ENGAGEMENTS: ACI's Annual Advanced Forum on Managed Care Disputes and Litigation - Managed Care Litigation Mock Arbitration Session, Chicago, May 2015; How to Best Advocate for Your Client in Arbitration and Mediation, New Orleans Bar Association, December 2014; Arbitrating Cultural and Heritage Disputes as to the unique nature of arbitration of title, ownership, and possession of rare and highly valuable artworks, AAA Webinar, December 2013; What's Next for Healthcare Dispute Resolution, 15th Annual ABA Section of Dispute Resolution Spring Conference, Chicago, April 2013; Trainer, 2-day Arbitration Training: Arbitrating a Health Law Case, American Health Lawyers Association and Hamline University School of Law, Minneapolis, October 2012; "The Bridge Between Judicial Management of Cases and the ADR World," 2012 Spring Judges' Conference of the Louisiana Judicial College, Lafayette, March 2012; "The Arbitration Process," The American College of Legal Medicine, New Orleans, February 2012; "Practical Tools to Maximize Arbitration for your Client," Louisiana Bar Association, New Orleans, February 2012; "Best Practices to Effectively Represent Your Client in Arbitration (And in Drafting the Arbitration Agreement)," New Orleans Bar Association, New Orleans, December 2011; "The 10 Most Important Issues in Professional Contracts," LSU School of Dentistry, New Orleans, December 2010; "Judge Alvin B. Rubin: A Life of Ethics and Professionalism," 18th Annual Judge Alvin B. Rubin Symposium, Federal Bar Association, New Orleans Chapter, May 2010; "Dealing with Delay Tactics in Arbitration," American Arbitration Association, New Orleans, March 2010; "The Science and Psychology of Professionalism," Louisiana State Bar Association Tax Section, March 2009; "The Enforceability of Contractual Agreements to Arbitrate: A Survey of the Last Three Years of Jurisprudence," New Orleans Bar Association Procrastinators' Program, New Orleans, December 2008; "Recent Developments in the Law of Arbitration," LSU Law School Recent Developments in Legislation and Jurisprudence program, New Orleans, Nov. and Dec. 2008; "Effective Arbitration of Health Care Disputes," National Teleconference sponsored by the ABA Health Law Section and ABA Center for Continuing Legal Education, June 2008; "Arbitration Basics," Chartered Financial Analysts Society of New Orleans, 2007; "Professionalism in Tax Practice," Tulane Tax Institute, New Orleans, 2006; "Tax, Limited Liability, and Management Issues in New Entity Formation: Comparison of LLCs, Partnerships, and Corporations," LSU Masters of Public Health Program, New Orleans, 2003; "The Science and Psychology of Professionalism," Louisiana Association of Criminal Defense Lawyers, New Orleans, 2003; "The Basics of Compliance, Fraud and Abuse," ABA Annual Meeting, San Francisco, 2003; "Ethical Duties of Lawyers and Arbitrators During Negotiations and Alternative Dispute Resolutions," Physician and Physician Organizations Law

Institute, New Orleans, 2002; "Professionalism in Litigation and Advocacy," Academy of Trial Lawyers, New Orleans, 2002; "Professionalism: Effective Style and Tactics in Negotiations," New Orleans Bar Association, 2001; "Doing the eHealth Deal: A Primer for Best Practices for Drafting and Negotiating," ABA Conference on eHealth Law, Chicago, 2000; "Organization, Operation, Sale or Dissolution of Ancillary Facilities," National Health Lawyers Association, Atlanta, 1996; "Dealing with Liabilities of Professionals in the Context of Limited Liability Companies and Limited Liability Partnerships, City Club of Baton Rouge Seminar, 1992; "Executive Tax Planning," Tax Executives Institute, New Orleans Chapter, 1986.