



Andrew I. Hamelsky

Partner

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Andrew Hamelsky is well versed in advising clients on a wide array of matters involving healthcare, life and disability. Leveraging his unique and extensive history of representing diverse clientele, Andy has built a reputation as a lawyer who clients can rely on for his aggressive yet well-balanced approach to all manner of legal challenges. With a thorough understanding of the law and a strategic mindset, he is relentless in pursuing the best outcomes for his clients.

In addition to his legal practice, Andy is partner-in-charge of the firm's Newark office. He is a former co-chair of the firm's insurance and reinsurance practice.

Whether navigating complex insurance disputes or advocating for clients in high-stakes litigation, Andy's dedication, know-how and compassion are his hallmarks. His depth of knowledge extends to advising healthcare insurers on Employee Retirement Income Security Act (ERISA) and non-ERISA issues, Medicaid and Medicare Advantage matters, and value-based care programs. He also handles matters involving tiered and narrowed health plans, provider agreements, network agreements and out-of-network coverage disputes.

Andy also brings a wealth of experience to the complex world of life and disability insurance. He has developed a deep understanding and created case law in areas including first manifest, accident versus sickness claims and total disability or residual disability claims.

Andy's practice is steeped in the intricacies of complex commercial litigation. He leverages his unique background to represent a diverse clientele — insurance companies, banks, hotels, biotech companies and closely held companies — in a wide array of disputes. He has handled all aspects of insurance coverage, trade secrets, shareholder disputes, corporate defamation, Lanham Act violation, tortious interference with contract claims, and defense of personal and property damage claims.

Andy is also known as a fierce litigator who routinely handles antitrust actions, as well as civil Racketeer Influenced and Corrupt Organizations (RICO) Act, fraud and complex litigation claims

Featured Representative Matters

Services

- Litigation
- Insurance & Reinsurance
- Complex Commercial & Class Action Litigation
- ERISA & Employee Benefits
- Appellate
- Trial Practice

Education

- Western New England University School of Law (J.D.)
- Washington University in St. Louis (B.A.)

Admissions

- New Jersey
- New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the District of New Jersey

- Secured a significant win for TD Bank before the New Jersey Superior Court, Appellate Division, in which the court affirmed the trial court's grant of summary judgment in the client's favor, agreeing that New Jersey does not permit plaintiffs to use negligence as a lower-standard substitute for malicious prosecution.
- Secured summary judgment on behalf of a bank in the U.S. Court of Appeals for the Second Circuit in a complex case involving a multimillion-dollar burglary affecting a safe deposit box.
- Successfully represented Horizon Blue Cross Blue Shield of New Jersey in a historic appellate decision defending the reorganization of its corporate structure to a mutual insurance holding company.
- In a matter that grabbed media attention, achieved a dismissal for a financial institution where there was a burglary involving a safe deposit box and the theft of millions of dollars.
- Achieved a dismissal for ExamWorks LLC in a motion to dismiss granted by the Superior Court of New Jersey in which the judge found that the plaintiff could not provide proof of the allegations to support a civil RICO and conspiracy claim and thus dismissed the complaint with prejudice.
- Obtained a dismissal of claims brought by the Association of New Jersey Chiropractors alleging that a health coverage plan creates unfair business advantage against them (*Association of New Jersey Chiropractors v. Horizon Blue Cross Blue Shield*, SOM- L-1211-16) (affirmed upon appeal).
- In a case of first impression in New Jersey, dismissed a claim brought against a client for negligent misidentification (*Morris v. TD Bank*, UNN-L-796-15).
- Obtained a complete dismissal in an action seeking a return of over \$800,000 due to allegations of fraudulent conveyances and actual fraud. The court completely exonerated the clients and dismissed the action without leave to re-plead (*Geo-Group Communications v. Chand*, 1:15-cv-01756 (S.D.N.Y. July 27, 2016)).
- Obtained one of the largest FINRA arbitration recoveries of \$12 million on behalf of a wrongfully terminated employee.
- Obtained a published opinion from the New Jersey Appellate Division granting a protective order in a matter wherein several hospitals were seeking intrusive discovery concerning the creation and implementation of a health plan (*Capital Health System v. Horizon Healthcare Services*, NJ App. Div. A-2913-15 (June 23, 2016)).
- Handled complex premises liability matters, including labor law matters and wrongful detention matters, on behalf of numerous corporations.
- Defended a small corporation in an AAA arbitration concerning the termination of that company's chairman of the board of directors.
- Arbitrated a matter concerning construction issues regarding quality of workmanship for a national hotel chain.
- Achieved summary judgment on behalf of an animal healthcare pharmaceutical company concerning a breach of contract matter (*Phibro Animal Health U.S. v. Cornerstone AG Products*, 2006 WL 3733022 (DNJ 2006)).
- Established principle in New York law that in order to be totally disabled pursuant to an individual disability policy, the insured must be unable to perform all of the important duties of the "occupation" (*Simon v. Unum Group*, 2009 WL 857635 (SDNY 2009); *Hershman v. UnumProvident*, 660 F. Supp. 2d 527 (SDNY 2009)).
- Represented an insurance company in defending a disability action wherein the insured did not have an "occupation" under the policy (*Scherer v. The Equitable Life Assurance Society of the United States*, 2006 WL 1520212 (SDNY 2006)).
- Achieved summary judgment on behalf of an insurer in determining the applicable statute of limitations pursuant to a disability contract (*Hodge v. Unum Group*, 2010
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York

WL 1286257 (EDNY 2010)).

- Represented insurance companies in interpleader actions ranging from beneficiary disputes, slayer statutes and exhaustion of policy limits (*New York Life Insurance v. Aleandre*, 2014 WL 30508 (SDNY 2014)).

Community Impact

Andy is not just a dedicated lawyer, but deeply involved in his community. Whether he's providing pro bono representation to the Marlboro Township Ethics Board, advocating pro bono for the rights of a child with Down syndrome, or coaching a travel soccer team, Andy always leans in with the same dedication and passion he brings to his legal practice. His community involvement reflects his commitment to making a positive impact on the lives of those around him, demonstrating that his care for others extends far beyond the courtroom.

Memberships

- Member, Litigation Section, American Bar Association
- Member, Defense Research Institute

Recognitions

- *The Best Lawyers in America* (Commercial Litigation) (2022-26)
- Martindale Hubbell, AV Rated

Publications

- ERISA Survey of Federal Circuits, (2022 and 2024 Editions), Published by the ABA.

Publications

Using NY Lawsuit Loan Law, Ruling Against Shady Injury Suits

Law360

June 17, 2026

Handling Disability Claims for “Long Haul” COVID-19

Employee Benefit Plan Review

June 2, 2023

Experience

Stradley Ronon Secures Appellate Win for TD Bank on New Jersey Claims Arising from Law Enforcement Involvement

A Stradley Ronon has secured a significant win for TD Bank before the New Jersey Superior Court, Appellate Division, which affirmed the trial court's grant of summary judgment in the client's favor. In *Wimbish v. TD Bank*, the plaintiff sought to hold TD Bank liable under a negligence theory after criminal charges stemming from an attempted check transaction were later dismissed. The Appellate Division rejected that theory, agreeing that New Jersey does not permit plaintiffs to use negligence as a lower-standard substitute for malicious prosecution.

The decision builds on important New Jersey precedent, including *Morris v. TD Bank*, another prior TD Bank win, in which the Appellate Division declined to recognize negligence-based claims that would undermine the state's strong public policy encouraging cooperation with law enforcement. In *Wimbish*, the court reaffirmed that where a plaintiff's alleged harm flows from a criminal prosecution, the proper claim, if any, is malicious prosecution, a cause of action requiring a substantially higher showing, including malice and lack of probable cause.

The ruling is an important confirmation for financial institutions and other businesses that New Jersey courts will not expand negligence law to penalize citizens or businesses for contacting or assisting law enforcement. It also reinforces TD Bank's successful defense strategy in a line of cases addressing attempts to recast malicious-prosecution allegations as ordinary negligence claims.

Stradley Ronon Secures Summary Judgment Victory for Bank in Multimillion-Dollar Theft Case

After 10 years of litigation, a Stradley Ronon team has secured summary judgment on behalf of a bank in the U.S. Court of Appeals for the Second Circuit in a complex case involving a multimillion-dollar burglary affecting a safe deposit box.

The plaintiff, an LLC formed solely to pursue this lawsuit, filed suit over the theft. Central to the dispute was the ownership of the box's contents and whether the LLC had standing to bring the claim. During discovery, the individuals who rented the box admitted they did not own the items inside and instead asserted they were holding the items for an unidentified third party.

In response, the bank argued the renters lacked the authority to transfer ownership or title to the contents of the box. Furthermore, the bank contended that the assignment on which the lawsuit was based was invalid, as it failed to convey ownership or title of the stolen contents.

On summary judgment, the bank raised defenses for lack of standing and an invalid assignment. The plaintiff opposed the motion and also sought leave to amend its complaint in an attempt to cure the standing deficiencies. The U.S. District Court for the Eastern District of New York ruled in favor of the bank, dismissing the case for lack of standing and denying the plaintiff's request to amend as untimely, prejudicial and futile.

On appeal, the Second Circuit upheld the district court's dismissal, bringing this long-running litigation to a close. The victory reinforces the importance of legal precision and the critical need to assert jurisdictional defenses at the inception of any case.

Stradley Ronon Attorneys Victorious in Historic Appellate Decision Granting the Garden State's Largest and Oldest Health Insurer, Horizon, to Reorganize Corporate Structure

New Jersey's appellate court issued an opinion today, May 31, 2023, in a matter concerning a challenge to the reorganization of Horizon Blue Cross Blue Shield of New Jersey, deciding whether the almost a century-old health insurance carrier could reorganize its corporate structure to a mutual insurance holding company. The court unanimously upheld Stradley Ronon's arguments on behalf of Horizon to reorganize as a mutual holding company saying, "As Horizon correctly noted at oral argument, on the critical issue of membership in the new MHC, the statute controls. For these reasons, based on the facts presented, we are unconvinced the revelation of this

information at the public hearings would have led to a different result.”

Andrew I. Hamelsky, partner-in-charge of the firm’s Newark office and member of the firm’s healthcare litigation team, defended and argued on behalf of Horizon Healthcare Services, Inc. on May 1, 2023. The Stradley Ronon team also included Spencer R. Short and Deenah Sirota.

Stradley Ronon’s arguments focused on how the corporate reorganization will benefit the State, including creating a more modern structure that will allow Horizon to provide better services to their members by partnering with innovative healthcare companies.

Stradley Ronon worked closely with Horizon representatives, state agencies and partners on this landmark application.

Motion to Dismiss Granted to ExamWorks

Stradley Ronon client ExamWorks, LLC, a leading provider of independent medical examinations, peer reviews, bill reviews, Medicare compliance, case management, record retrieval, document management and related services, was granted a motion to dismiss by the Superior Court of New Jersey, Essex County. The plaintiff alleged that ExamWorks, Liberty Mutual Insurance Company and Dr. Robbins engaged in Civil RICO by operating an illegal ring of providing sham Independent Medical Examinations (IMEs) reports so that Liberty Mutual would not have to pay benefits. The Judge found that the plaintiff could not provide proof of the allegations to support a Civil RICO and conspiracy claim and thus dismissed the complaint with prejudice.