

**PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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Nos. 23-1378, 23-2019 & 23-2053

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GOVERNMENT EMPLOYEES INSURANCE CO.; GEICO  
INDEMNITY CO.; GEICO GENERAL INSURANCE  
COMPANY; GEICO CASUALTY CO.

v.

MOUNT PROSPECT CHIROPRACTIC CENTER, P.A.,  
d/b/a Mount Prospect Health Center; TERRY  
MCSWEENEY, D.C.; HASSAN MEDICAL PAIN RELIEF  
AND WELLNESS CENTER LLC, d/b/a Hassan Spine and  
Sports Medicine; SHADY HASSAN, M.D.

HASSAN MEDICAL PAIN RELIEF AND WELLNESS  
CENTER LLC, d/b/a Hassan Spine and Sports Medicine;  
SHADY HASSAN, M.D.,

Appellants in No. 23-1378

GOVERNMENT EMPLOYEES INSURANCE CO; GEICO  
INDEMNITY CO; GEICO GENERAL INSURANCE CO;  
GEICO CASUALTY CO

v.

CARING PAIN MANAGEMENT PC, AKA Caring Pain  
Management; JINGHUI XIE, MD; FIRST CARE  
CHIROPRACTIC CENTER LLC; KONSTANTINE  
FOTIOU, D.C.

CARING PAIN MANAGEMENT PC, AKA Caring Pain  
Management; JINGHUI XIE, MD,

Appellants in No. 23-2019

GOVERNMENT EMPLOYEES INSURANCE CO; GEICO  
INDEMNITY CO; GEICO GENERAL INSURANCE CO;  
GEICO CASUALTY CO

v.

Wael Elkholy, MD; Precision Pain & Spine  
Institute LLC; Precision Spine & Sports  
Medicine of New Jersey LLC; Precision  
Anesthesia Associates PC; Ashraf Sakr, MD;  
Fouad Karam, D.C.; Luis Ramirez-Pacheco, MD;  
Lydia Shajenko, MD; Stuart Atkin, MD;  
Mehrddad Langroudi, MD; Chang Lee, MD;  
Khaled Morsi, MD; Monica Johnson, N.P.,

Appellants in No. 23-2053

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Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action Nos. 2-22-cv-00737, 2-22-cv-05017, and  
3-21-cv-16255)  
District Judges: Honorable John M. Vazquez, Honorable  
Brian R. Martinotti, and Honorable Michael A. Shipp

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Argued on January 18, 2024

Before: JORDAN, BIBAS, and AMBRO, Circuit Judges

(Opinion filed: April 15, 2024)

Brian Block  
Andrew Gimigliano [**Argued**]  
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23-2019 & 23-2053

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23-1378

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Max S. Gershenoff [**Argued**]  
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23-2019 & 23-2053

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Counsel for Appellees in Case No. 23-1378

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## OPINION OF THE COURT

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**AMBRO**, Circuit Judge

These consolidated appeals ask if claims under New Jersey’s Insurance Fraud Prevention Act (“IFPA”), N.J. Stat. Ann. §§ 17:33A-1 to 30, are arbitrable. They are, so we reverse and compel arbitration.

### Background

Before us are three strikingly similar cases. Plaintiff-appellee Government Employees Insurance Company and certain affiliates (collectively, “GEICO”) sued defendants-appellants (collectively, the “Practices”<sup>1</sup>) in separate actions in the District of New Jersey, alleging they defrauded GEICO of more than \$10 million by abusing the personal injury protection (“PIP”) benefits offered by its auto policies. It alleges the Practices filed exaggerated claims for medical services (sometimes for treatments that were never provided), billed medically unnecessary care, and engaged in illegal kickback schemes. GEICO’s suits against the Practices each included a claim under the IFPA, which gives insurers a fraud-

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<sup>1</sup> For simplicity, we refer to each case by a medical practice defendant – Precision Pain and Spine Institute, L.L.C. (“Precision Spine”), Mount Prospect Chiropractic Center, P.A. (“Mount Prospect”), and Caring Pain Management P.C. (“Caring Pain”).

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