



Sarvnaz (Miriam) Mackin
Partner

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Admissions

State Bar of California

Affiliations

Los Angeles County Bar Association

Women in Health Administration (WHA)
Sponsorship Co-Chair, Board of Directors

California Society of Healthcare Attorneys
(CSHA)
Publications Committee Member

Education

Chicago-Kent College of Law, J.D.
University of California, Los Angeles, B.A.,
Dean's List and Provost's Honors List

PROFILE

Experienced representing both plaintiffs and defendants in court, Sarvnaz "Miriam" Mackin brings a well-rounded perspective to her healthcare litigation practice. Miriam has served as counsel on civil matters including medical negligence, wrongful death, elder abuse, products liability and complex business torts.

Savvy Healthcare Litigator

Having spent nearly a decade practicing healthcare law, Miriam has a deep understanding of the complexities of litigation in the healthcare arena. She is adroit at navigating the court process, from drafting and opposing motions to trial preparation, mediation, negotiating settlement agreements and drawing up reports for clients and insurance carriers. Miriam skillfully drafts a diverse range of motions including motions for summary judgment, motions for judgment on pleadings, motions *in limine*, demurrers, motions to strike, and discovery motions.

Counsels a Variety of Healthcare Providers

Miriam's clients include skilled nursing facilities, residential care facilities, congregate living facilities, and medical care providers. Miriam defends these and other healthcare clients in state and federal court in litigation involving wrongful elder abuse, fraud, the False Claims Act, the Anti-Kickback Statute, the Medical Injury Compensation Reform Act (MICRA), Health Insurance Portability and Accountability Act (HIPAA), and wrongful death.

Understands Complex Regulatory Compliance Issues

During law school, Miriam worked in international finance and banking, drafting market riders for sovereign and general market risk provisions to ensure regulatory compliance as well as administration of capital market debt issues. Miriam brings this ease for complexity and compliance when advising her clients in the equally complex landscape of healthcare law.

Life Outside the Firm

When she is not in the courtroom, Miriam spends her time exploring new restaurants around Koreatown (LA's only 24-hour neighborhood), jogging and iPhone photography.

EXPERIENCE

- **Compliance** Prepared HIPAA compliance forms, insurance forms, and contracts for IVF treatment facility, covering pre- and post-partum care for surrogates. The forms and contracts were subsequently used in pre-litigation disputes with a medical provider who refused to reimburse IVF treatment facility for services provided to surrogate. The IVF treatment facility prevailed based on terms and provision provided in the forms and contracts.
- **Compliance Litigation** Obtained complete dismissal of abuse and neglect claims made against skilled nursing facility for failure to maintain the necessary nursing hours per patient day.
- **Contract Dispute Litigation** Obtained favorable settlement and dismissal for patent owner in breach of contract action filed against a large private national organization.
- **Employment Dispute** Settled a whistle-blower retaliation matter on behalf of an Orange County addiction treatment company for pennies on the dollar after a Nelson Hardiman investigation led to the discovery of employment information that substantially weakened the claimant's case.
- **Fraud** Represented a treatment facility in a post-judgment wage garnish issue, stemming

from alleged misappropriation of insurance funds by a patient's relative.

- **Land Use Litigation** Represented addiction treatment facility facing public nuisance action brought by city government that jeopardized the facility's ability to continue operating. Obtained full dismissal on behalf of addiction treatment facility, with prejudice, without any payment of money.
- **License Reinstatement with Medicare and Medi-Cal Programs** Represented physician seeking reinstatement into Medicare and Medi-Cal program after conviction relating to federal and state funded medical programs. Miriam successfully led efforts to remove physician from excluded/suspended lists and to allow the physician to treat Medicare and Medi-Cal patients again. The arduous process included communications and applications with the Office of Inspector General and Department of Health Care Services.
- **Pre-Trial Litigation** Prepare motions in limine and pre-trial motions in multi-million dollar breach of contract dispute between health care providers.
- **Post Judgment Collection of Fees** Successfully obtained a writ of execution following a contempt hearing, in which the court awarded attorney's fees. When no payment was made, Miriam levied accounts belonging to judgment debtor. Miriam then convinced the court to deny judgment debtor's claim for exemption and to release all levied accounts to her client.
- **Post Judgment Contempt Proceedings** Obtained dismissal of post-judgment contempt proceedings immediately prior to judgment creditor commencing quasi-criminal trial.
- **Regulatory Litigation** Obtained complete dismissal of nuisance charges filed against a treatment facility by a prominent Southern California city.
- **Hospital Operations** Helped California independent hospital system develop a toolkit to address various discharge challenges, including those involving unrepresented and homeless patients as well as payment for extended hospital stays.
- **University Healthcare System** Revised and redesigned medical staff bylaws, policies, procedures of several academic medical centers to comply with statutory requirements and best practices; reconstituted committees and accompanying policies for physician health and professional conduct committees of the medical staff