

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW JERSEY**

JNL MANAGEMENT, LLC and JONATHAN  
LASKO,

Plaintiffs,

vs.

HACKENSACK UNIVERSITY MEDICAL  
CENTER, CARRIER CLINIC, INC.,  
DRINKER BIDDLE & REATH LLP, and  
ANTONIO M. POZOS,

Defendants.

Case No.:2:18-cv-5221

Hon. Esther Salas, U.S.D.J.

Hon. Steven C. Mannion, U.S.M.J.

**CERTIFICATION OF ANTONIO M.  
POZOS, ESQ.**

Antonio M. Pozos, pursuant to 28 U.S.C. § 1746 hereby certifies as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this certification. The information set out in this certification is based on my personal knowledge.

2. I am an attorney licensed to practice law in the states of Pennsylvania, California and the District of Columbia, and am a partner of the law firm Drinker Biddle & Reath LLP (“Drinker”). I have been named as a defendant in the above-captioned case along with Drinker.

3. I make this certification in support of Defendants’ Application for an Order: 1) protecting privileged information covered by the common interest doctrine from disclosure, and 2) barring Plaintiffs from relying upon privileged information of the Defendants.

4. Prior to joining Drinker in January 2018, I worked as a federal prosecutor with the Criminal Fraud Section of the U.S. Department of Justice (DOJ). During my tenure at the DOJ, I worked with the Corporate Strike Force and the Medicare Fraud Strike Force. I investigated and prosecuted cases involving hospital operators, home health care agency owners, doctors, and other health care industry executives and medical professionals throughout the United States. I also prosecuted matters involving federal law enforcement corruption in Louisiana, on a recusal basis.

5. In early February 2018, my partner, George Kendall, Esq., asked me to assist on a matter for Drinker's client, Carrier Clinic, Inc. ("Carrier"), involving a proposed joint venture with Hackensack University Medical Center ("HUMC") and JNL Management, LLC ("JNL").

6. I was tasked with reviewing a 201-page due diligence report prepared by Marathon Strategies (the "Marathon Report"), which contained information detailing the personal and business relationship between JNL's principal, Jonathan Lasko, and Philip Esformes ("Esformes"), an individual who is currently under federal indictment and awaiting trial for orchestrating a \$1 billion Medicare fraud.

7. The Esformes criminal case is well-known to federal prosecutors and defense attorneys in the healthcare field, and has received widespread national news attention.

8. While I was aware of the Esformes criminal case, I did not work directly on the Esformes indictment while at the DOJ. Nor did I ever contact anyone at the DOJ following my departure to discuss the Marathon Report or the Esformes matter.

9. Mr. Kendall indicated that Carrier requested my advice concerning the information contained in the Marathon Report and the legal risks that Carrier and HUMC faced in pursuing the joint venture with Mr. Lasko. Mr. Kendall arranged a conference call with representatives from Carrier and HUMC to discuss these.

10. On February 14, 2018, I participated on a conference call with Mr. Kendall, Carrier's representatives, Donald Parker and Randy Jacobsen, and HUMC's representatives, Mark Sparta, James Blazar, and Audrey Murphy.

11. During the call, I provided confidential legal advice concerning the information contained in the Marathon Report and its exhibits, public records relating to the Esformes criminal case and JNL's corporate registration, and the potential risks to Carrier, HUMC, and the proposed joint venture based upon this information.

12. No one from HUMC ever contacted me to request authorization from Carrier for HUMC to disclose the confidential communications that were shared on the February 14th call.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 10/9/2018

By:   
Antonio M. Pozos, Esq.

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