

Francis X. Manning

Partner

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Fran Manning represents businesses and their owners and executives in a wide range of commercial and regulatory matters. Fran is an advocate in courts, frequently handling private arbitration settlements and enforcement actions before state and federal agencies on behalf of health plans, insurers, financial services companies, manufacturers and retailers in health care and ERISA, products liability, lending and investments, employment discrimination and restrictive covenant agreement cases. He has tried more than 30 cases to verdict or award, and he has argued appeals in the U.S. Court of Appeals for the Third Circuit and in state appellate courts in New Jersey, Pennsylvania, New York and Ohio.

RESULTS

- secured injunctive relief in New Jersey state court for a national health care insurer against a New Jersey hospital, curtailing the hospital's efforts to collect in excess of \$200 million in allegedly past due bills directly from hundreds of patients
- led the defeat of an effort by commercial borrowers to have a bank's \$13 million claim dismissed for allegedly violating the New Jersey Banking Act by convincing the trial and appellate courts that the interstate aspects of the loan transactions fit within the Act's exemptions that permit foreign banks to secure loans with property located in New Jersey and then use New Jersey courts to enforce those obligations
- won the dismissal of all claims by a national pharmacy-benefit company against a former sales executive for allegedly violating a non-competition and confidentiality agreement after the executive joined a competitor
- convinced a New Jersey Chancery Court to reject an emergency application for temporary restraints brought by dozens of providers against a managed care organization seeking to enforce the terms of its provider contracts
- on summary judgment, defeated efforts by a state dental association and member dentists to have health insurers stop recovering benefit overpayments mistakenly paid to the dentists for services not covered by a patient's insurance plan
- obtained the dismissal by motion of all claims asserted against two medical directors employed by a health insurer in a wrongful death case

FOCUS

Health Care Litigation
Financial Services Litigation
Products Liability & Mass Tort Defense
Employment & Labor
Insurance Coverage Advisory & Litigation
Litigation
Special Situations

BAR ADMISSIONS

New Jersey
Pennsylvania
New York

COURTS

U.S. Court of Appeals for the Third Circuit
U.S. District Court for the District of New Jersey
U.S. District Court for the Eastern District of Pennsylvania
U.S. District Court for the Eastern District of New York
U.S. District Court for the Southern District of New York
New Jersey Supreme Court
Pennsylvania Supreme Court
New York Court of Appeals

EDUCATION

J.D., *cum laude*, George Washington University Law School
B.A., Dartmouth College

MEMBERSHIPS

Board of Directors and Executive Committee, Chamber of Commerce, Southern New Jersey
Virtua Foundation Board of Trustees



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- won injunctions and eventual judgments for a secured lender in the New Jersey and Maine federal courts against borrowers who had misrepresented the quality and source of collateral for millions of dollars in loans
- obtained the dismissal of all claims against a third-party health care administrator by an individual who claimed he was misled to retire and lost the benefit of a lifetime cap of \$2 million in health coverage
- won verdict and judgment for a bank on claims against a borrower and guarantor for entire amount of loan plus interest, costs and counsel fees
- at the trial court and appellate levels, defeated effort by former employee of asbestos manufacturer to maintain, under a duty to warn theory, a direct suit against the manufacturer's workers' compensation insurer that had performed industrial hygiene studies at the plant, thereby foreclosing dozens of similar lawsuits
- convinced the bankruptcy court handling the Enron matter to reject the claim by a former Enron executive against a successor corporation to an Enron affiliate for monies allegedly owed under an employment contract with the affiliate
- after trial, secured both declaratory judgment and restitution for purchaser of an HVAC company enforcing restrictive covenant against the seller and his new company
- defended a bank against a company's claim of breach of deposit agreement for allowing a co-defendant shareholder to split company deposits and receive cash back; after three-day trial, the jury entered verdict in favor of the plaintiff, but the court then entered judgment in favor of the bank and against the shareholder on the bank's cross claim
- defended a national retailer in a jury trial against a sub-contractor seeking to hold it liable, as the owner of the construction project, for payment under a state Prompt Pay Act; before closing arguments, the case settled with the co-defendant general contractor paying the majority
- defended, as co-trial counsel, a medical device manufacturer from product liability claims regarding a broken stent; case settled favorably after plaintiff presented his case
- defended, as co-trial counsel, a manufacturer of liquid oxygen system against product liability claims where plaintiff suffered significant burns from use of the product; case settled after opening arguments with client contributing a nominal amount

SPEAKING ENGAGEMENTS

- Moderator, "Innovate South Jersey: Manufacturing," Chamber of Commerce of Southern New Jersey
- Moderator, "Make New Jersey Competitive: Trends in the Food and Beverage Industries in New Jersey," Chamber of Commerce of Southern New Jersey



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- Moderator, “Make New Jersey Competitive: The Future of Health Care,” Chamber of Commerce of Southern New Jersey Health Care Event
- Moderator, “Make New Jersey Competitive: The Future of the ACA & Health Care,” Chamber of Commerce of Southern New Jersey Health Care Conference
- Presenter, “Managing the Challenging Employee: The Tales of the Office Bully, Paid Time Off Abuser, Smoking Man and Others,” Chamber of Commerce of Southern New Jersey Government Action Series
- Moderator, “Public Policy Update Series: Camden’s Comeback,” Chamber of Commerce of Southern New Jersey
- Moderator, “The Affordable Care Act: It’s Here – Now What?”
- Presenter, “Economic Development in South Jersey,” Chamber of Commerce of Southern New Jersey
- Presenter, “Getting There: Transportation in South Jersey,” Chamber Of Commerce of Southern New Jersey

RECOGNITION

- *ROI-NJ*, ROI Influencers: Law 2022
- *NJBIZ*, Manufacturing Power 50
- *New Jersey Super Lawyers*
- *South Jersey Biz Magazine*, “Executive of the Year”
- *South Jersey Biz Magazine*, Best Attorneys in Business
- *South Jersey Biz Magazine*, “Leading Business Attorneys”

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