

## **Philadelphia Musician Facing Insurance Fraud, Theft and Perjury Charges**



Vincent Foschini was arrested in Philadelphia County on May 26, 2011, and charged with Insurance Fraud, Criminal Attempt/Theft by Deception, Perjury and Unsworn Falsification.

According to the Criminal Complaint, in September of 2008, professional musician Vincent Foschini was injured while performing in a rock band at a Philadelphia bar. A low-rise stage collapsed, causing Foschini to fall on top of a speaker. He was examined at an emergency room on the night of the incident and released with "bruising to the ribs." According to the Complaint, Foschini sued the bar, claiming that he was permanently incapacitated as a result of his injuries and could no longer engage in playing music, which had been his sole source of income before the accident.

During the ensuing civil litigation, Foschini testified at a deposition on July 13, 2009, that since he was injured he has been physically unable to perform as a musician or lift almost any object. Foschini specifically denied being able to drive any vehicle since the accident and testified that he could no longer walk without using a cane.

Prior to the deposition, investigators hired by the **Navigators Insurance Company** conducted surveillance of Foschini during two nights in January of 2009, and again in May of 2009. According to the Complaint, the investigators observed Foschini performing with a band at bars in Philadelphia, Maryland and New Jersey. Foschini was also observed loading guitars, speakers, drums, and other equipment into his van, setting up for the performances and driving the van to the bars. It is alleged that Foschini engaged in these activities without any apparent difficulty or discomfort.

During the discovery phase of the civil litigation, Foschini's attorney submitted to the insurer a report from an expert who opined that Foschini's lost income, medical expenses and other damages arising from his purported injuries warranted a recovery of more than \$2.4 million. However, the Complaint stated that once the insurer provided Foschini's attorney with the results of the surveillance, the attorney withdrew Foschini's permanent injury claims and only pursued claims for short term pain and suffering and out of pocket medical expenses.

Vincent Foschini has been charged with one count of Insurance Fraud (F3), one count of Criminal Attempt/Theft by Deception (F3), one count of Perjury (F3) and one count of Unsworn Falsification (M3).