

Welfare Plan Sponsors, Insurers and Other Service Providers Litigation

Our lawyers are experienced in litigating virtually every issue that may arise from the operation of a welfare plan, including benefits claim disputes, Employee Retirement Income Security Act (ERISA) preemption, and subrogation. In addition, we frequently represent managed care organizations facing claims arising from the services they provide. Examples of our litigation experience include:

- Obtained dismissal of a class action complaint challenging the amount of prescription drug co-payments on the grounds that the claims asserted against the defendant health insurance company were barred by the "filed rate" doctrine.
- Represented a health insurance company in class action multi-district litigation brought against it and six other health insurers alleging that the insurance companies had misrepresented the services they provided and the basis on which they decided claims.
- Successfully argued that a state law prohibiting health care subrogation claims was not saved from preemption under ERISA's insurance savings clause.
- Prepared the respondent's brief in *Sereboff v. Mid Atlantic Medical Services*, the Supreme Court's decision addressing subrogation and reimbursement rights.