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LIFE, HEALTH, DISABILITY, AND ERISA

At Goldberg Segalla, we aggressively defend insurers and plan administrators in state and federal courts throughout the United States. As part of our Best Practices philosophy our attorneys maintain comprehensive knowledge of the complexities that frequently arise in life, health and disability benefits litigation. We understand that decisions in one jurisdiction or Federal Circuit are likely to have a spillover effect into other venues. Staying abreast allows us to offer critical guidance for plan and claim administrators with multiple similar claims in different jurisdictions.

Life insurance

Our attorneys have experience with all life insurance issues. Some recent claims include:

- Whether a death was “accidental”
- Contestability, fraud and material misrepresentation (including foreign death schemes)
- Policy cancellation issues
- Unique beneficiary issues

Health insurance

In order to help clients achieve the best possible outcome, we focus on the details of each case while also keeping an eye on the big picture. Recently, we have successfully handled health insurance matters including:

- Disputes over payor submissions deadlines and third-party billing
- Health insurance and provider audits
- HIPAA compliance issues and litigation
- Healthcare subrogation and third-party lien disputes
- Billing agent errors and omissions
- Mandatory insurance reporting to CMS

Disability

We know that results matter. Our recent achievements include:

- Successfully defeating challenges to discretionary clause language
- A determination that benefits are limited to an “own occupation” period as opposed to “any occupation”
- Resolving disputes among overlapping disability policies
- Litigation over a plan conflict of interest affecting the standard of review
- Limiting discovery to the administrative record

Employee Retirement and Income Security Act (ERISA)

Our attorneys have a heightened appreciation of the nuances associated with defending employee benefits claims under ERISA, and are adept at counseling clients on issues arising from overlay of this Act. At Goldberg Segalla, we focus on:

- Proactive and prompt removal of ERISA cases to the federal courts
- Evolving issues concerning ERISA preemption, including preventing claims of estoppel, waiver, bad faith, fraud, etc.
- Ensuring the proper confines of discovery, including limitation to the administrative record

and limitation of discovery against an insurer or carrier regarding its claims process

- Aggressive motion practice to dismiss common law claims and preclude experts