

Life, Health, Disability and ERISA Litigation

Chairs & Contacts

John C. Sullivan
215-587-1487
jsullivan@postschell.com

Steven Schildt
215-587-1089
sschildt@postschell.com

Overview

Claims under life, health and disability policies in group plans are often complex, and require a comprehensive knowledge and understanding of numerous federal and state statutes and regulations, including the Employee Retirement Income Security Act of 1974 (ERISA). The attorneys of our Insurance Law Department have decades of experience working with insurers, employers, brokers, third-party administrators, and ERISA plans, and bring this significant experience to bear in advising clients with regard to insurance coverage issues related to such policies. Our group has assisted clients in investigating claims under life, health, and disability policies, and they frequently provide advisory opinions for clients throughout the United States on the interpretation and applicability of such policies.

The Department's attorneys are also seasoned litigators, and they have significant experience defending their clients in life, health, and disability insurance coverage litigation. Our attorneys have advised and defended their clients at all stages of insurance coverage and extracontractual litigation, from the initial pleadings through trial and appeal. Our group has obtained favorable verdicts for their clients in complex litigation involving such issues as group eligibility, contestability, fraud/rescission, residual disability, policy lapse, and beneficiary disputes. Our attorneys also have significant experience litigating claims subject to ERISA, and clients rely on them to help navigate the complex series of regulations and statutes that govern employee life, health, and disability plans. Experience in this area includes consistently obtaining the dismissal of state law tort, contract, and statutory claims against clients by securing a judgment that ERISA applies to the life, health, or disability policy at issue.

Representative Matters & Results

- Obtained judgment barring recovery under a disability policy based on the fortuity/known loss doctrine, where the policy was incontestable and lacked first manifest language.
- Obtained judgment following trial and successful appeal in favor of insurer under an ERISA disability plan, where the insured—a healthcare professional—claimed total disability based upon addiction to controlled substances.
- Secured summary judgment in favor of life insurance company in bad faith litigation relating to policy termination and failure to make premium payments.
- Obtained judgment rescinding disability policy based on insured's misrepresentation on policy application and the known loss doctrine.
- Obtained summary judgment in favor of medical health plan based upon exclusion for coverage under plan language.
- Successfully established that ERISA governmental plan exception did not apply to medical health plan affiliated with state university.
- Secured dismissal of state law contract and bad faith claims based on applicability of ERISA to employee's policy.