

Doctors Prevail Against Insurer

Neubert, Pepe & Monteith, P.C. recently obtained summary judgment for a surgery practice in a case which turned on a recent Supreme Court decision (Montanile v. Board of Trustees of Nat. Elevator Industry Health Benefit Plan). An employee benefits plan sought to recoup alleged overpayments made through an assignment of benefits to a surgery practice. The claim, however, had already been resolved by settlement and the funds were not traceable nor subject to an equitable lien under the language of the plan.

After initially denying summary judgment, the District Court for the Eastern District of New York granted Neubert, Pepe & Monteith's motion for reconsideration in light of the Montanile decision and entered summary judgment in favor of the surgery practice. The law under ERISA now requires that to maintain a claim for equitable relief for return of overpaid benefits, a plaintiff must show that the funds are traceable and that the language of the plan document affirmatively creates an equitable lien.

Contact Us

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