

## Roberts Obtains Favorable Decision on Behalf of ASC vs. CIGNA Insurance

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Healthcare Law Member and Litigation Co-Chair [Keith J. Roberts](#) achieved a victory in court on behalf of client and plaintiff Metropolitan Surgical Institute against CIGNA Insurance. Metropolitan Surgical Institute, an ASC, brought suit against CIGNA for their failure to pay on insurance claims. Susan Frankel, an Associate in the Brach Eichler Healthcare Law Practice, was on the brief in this important decision.

Roberts successfully defeated CIGNA's motion to dismiss the case asserting that the out-of-network claims could not be prosecuted against the carrier because the assignment of benefits was invalid. The court specifically upheld the assignment, and opened the door for the facility to sue for payment of the denied claims for which CIGNA had been avoiding payment for years.

What makes this opinion so significant is that Roberts was able to successfully clear every technical hurdle presented by CIGNA—which happens very infrequently in these types of cases— in order to achieve a favorable outcome for his ASC client.