

RECENT MSSNY LITIGATION ACTIVITIES

Action	Brief Synopsis	Type of Involvement
<i>MSSNY et al. v. United</i>	United's failure to pay facility fees to out-of-network office-based surgery providers is contrary to the terms of United's health benefits plans and the requirements of ERISA	MSSNY is the class action plaintiff (Southern District of NY)
<i>Texas Medical Association v. HHS</i> <i>American Medical Association v. HHS</i>	HHS overstepping its authority by ignoring Congressional intent in the No Surprises Act, and setting forth in regulation that the insurer's self-determined Qualifying Payment Amount (QPA) be the dominant data point in federal IDR	MSSNY joined the Physicians Advocacy Institute in an amicus brief in support of the TMA and AMA actions. (Eastern District of Texas and District Court, District of Columbia)
<i>VaelIntini v. Group Health Incorporated</i>	Patient suit against Emblem and Evicore for health consequences of failing to approve an MRI	MSSNY joined an amicus brief with AMA for the plaintiff (Southern District of New York)
<i>Terehoff v. Frankel</i>	Medical Malpractice suit against physician that inappropriately permits expert opinion arguing that premature birth is "associated" with autism, not "causes" autism	MSSNY and MLMIC have requested AMA Litigation Center file an amicus brief on behalf of the defendant (Kings County Supreme Court)
<i>Redish v. Adler</i>	Medical Malpractice suit where defendants challenge inappropriate trial lawyers' tactic of "anchoring" to exponentially drive up jury awards.	At MSSNY and MLMIC request, AMA Litigation Center submitted an amicus brief together with MSSNY (Appellate Division, 1 st Department)
<i>Jacobson v. Bassett</i> <i>Roberts v. Bassett</i>	In multiple actions, plaintiffs challenging DOH guidance for allocation of	MSSNY joined an amicus brief with AMA in support of the Department of

	monoclonal antibody treatment that include "non-white race" or Latinx ethnicity as a risk factor	Health (Northern and Eastern Districts of New York)
<i>Leroy v. Hume Solomon Martinez</i>	In multiple actions, plaintiffs challenging federal and state laws that provided important liability protections for physicians and hospitals for care to patients with Covid (or were limited from providing care due to Covid rules) during the height of the pandemic	MSSNY and MLMIC working with AMA to submit amicus brief to support the important protections against liability (2d Circuit Federal Appeal court)
<i>NYS Rifle & Pistol Association v. Bruen</i>	Plaintiffs challenging century old state law that gives the state power to limit who can have a concealed carry permit	At AMA request, MSSNY joined an amicus brief in support of New York State (US Supreme Court)
<i>F.F. v. New York</i>	Plaintiffs challenging state law that medical contraindications are only acceptable exemption to state vaccination requirements	AMA Litigation Center and MSSNY joined a lawsuit in support of New York State. (Third District, New York)
<i>Roman Catholic Diocese of Brooklyn v. Cuomo</i>	Plaintiffs challenging state Executive Actions that protected against spread of Covid by limiting numbers of persons who could be together during the pandemic	AMA Litigation Center and MSSNY joined a lawsuit in support of New York State (US Supreme Court)