

## insurance/ERISA

WHD successfully defended an insurer in federal court against an accidental death benefit claim. The Seventh Circuit Court of Appeals held that accidental death benefits were not payable. The court agreed with WHD's reasoning that a medical mishap during the course of recovery from an accidental injury was not a new "accident" under the common law understanding of the word. The court agreed that its prior decision in a case involving a medical mishap following an illness applied with equal force to a medical mishap during recovery from an accident. For more information, contact John B. Tuffnell at 414-978-5416 or [jtuffnell@whdlaw.com](mailto:jtuffnell@whdlaw.com).

WHD persuaded a state court to dismiss a lawsuit against a health insurer in which the policyholder's medical provider alleged that the insurer failed to pay benefits provided by its insurance plan. WHD moved to dismiss on the grounds that the patient's claim under the policy was not assignable to the provider and that the plaintiff failed to follow the grievance procedure required by the policy. For more information, contact Paul D. Cranley at 608-258-7124 or [pcranley@whdlaw.com](mailto:pcranley@whdlaw.com).



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