



## Cody R. Ellwanger

ASSOCIATE

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### Practice Areas

Motor Vehicle - No-Fault

Motor Vehicle Negligence

### Clerkships

Hon. Kelley R. Kostin, 52nd District Court, 2nd Division, Clarkston, MI, Judicial Law Clerk

### Education

- Western Michigan University Thomas M. Cooley Law School, cum laude, J.D., 2021
- Northwood University, B.B.A., 2016

### Admissions

Michigan, 2021

Cody R. Ellwanger is a member of the firm's Transportation Law Practice Group where he focuses his practice primarily in the areas of motor vehicle negligence and No-Fault Law.

Mr. Ellwanger represents insurance companies, their agents and insured clients in Michigan No-Fault personal injury protection and bodily injury litigation. He also litigates high exposure claims involving fraud, breach of contract, failure to provide reasonable proof of loss, violations of insurance contracts, intentional torts, and uninsured and underinsured motorist benefits.

In addition to his transportation law background, Mr. Ellwanger has experience handling matters involving premise liability, medical malpractice, criminal enterprises and negligence law, as well as related litigation.

Mr. Ellwanger also has the distinction of serving as an attorney magistrate in the 52-1 District Court in Novi, Michigan, where he presides over small claims trials, landlord-tenant proceedings, informal hearings for traffic infractions, and criminal arraignments for defendants charged with misdemeanors and/or felonies in Oakland County, Michigan.

### Representative Client Work

- Developed a motion for summary disposition based on MCL 500.3107b that challenges the compensability of claims seeking reimbursement for physical therapy services rendered as a result of a prescription authorized by a nurse practitioner, which has resulted in the dismissal of nearly \$1 million in physical therapy bills sought

CODY R. ELLWANGER Cont.

by numerous providers

- Prevailed on summary disposition in a first-party No-Fault lawsuit, which resulted in the dismissal of \$460,000 in medical expenses, by establishing that the revocations of assignments produced by the plaintiff during litigation did not return timely claims for medical expenses back to the plaintiff as the claims had become barred by the one-year-back rule
- Successfully obtained summary disposition by establishing that the Centers for Medicare & Medicaid Services' rules regarding the bundling of Current Procedural Terminology (CPT) codes fall within the purview of the restrictions and limitations of the No-Fault fee schedule governed by MCL 500.3157, resulting in the dismissal of over \$100,000 in medical expenses sought by the plaintiff-provider
- Obtained summary disposition, dismissing a plaintiff-provider's claim for medical expenses against the insurer as the underlying claimant's policy of automobile insurance included a coordination of benefits clause, thereby establishing the claimant's health insurance carrier as the insurer in higher order of priority for payment

### **Professional Affiliations**

- State Bar of Michigan
- Michigan Defense Trial Counsel
- Michigan Association of District Court Magistrates
- Oakland County Bar Association