

Dunsizer Quoted in Law360 Story Titled “4 Argument Sessions Benefits Attys Should Watch In March”

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Jen Dunsizer, a partner in the Vorys Columbus office and a member of the firm's labor and employment group, was quoted in a Law360 story about appellate arguments that benefits attorneys should pay attention to in March 2024. The article summarized four cases and included comments from Dunsizer on two.

One case the story highlights is *Braidwood Management Inc. et al. v. Xavier Becerra*. In that portion of the story, it states:

“The case involves central questions about agency deference that the U.S. Supreme Court could soon reinterpret in the 40-year-old Chevron doctrine requiring judicial deference to regulators in disputes over ambiguous statutes.

Still, some employer-side benefits attorneys said they think the impact of the appeal has been overblown, including Jennifer Dunsizer, an employee benefits partner at Vorys, Sater, Seymour and Pease LLP.

‘Most plans have continued (and I think will continue) to cover the full list of preventive care,’ Dunsizer said, adding she's interested to see the Fifth Circuit's decision in the case.”

Another case the story highlighted is *Smith et al. v. UnitedHealth Group Inc.* In that portion of the story, it states:

“The Eighth Circuit previously took up the issue of cross-plan offsetting in a suit led by medical providers suing on behalf of their patients who participated in ERISA plans, which led to a three-judge panel's decision in 2019 affirming a partial summary judgment win for providers in the case. UnitedHealth ended up petitioning the Supreme Court for review of the case, but the appeal was later dropped.

Dunsizer, at Vorys, said she's closely watching the appeal given the 'significant long-term potential implications for plan designs.’

Dunsizer said she was skeptical of the patients' standing arguments in the case coming up for argument before the Eighth Circuit, particularly given the lack of action by providers in the case.

'This case is about whether anyone could challenge cross-plan offsets, if the providers aren't actually trying to collect the intercepted payments back from anybody,' Dunsizer said."

Read the entire story on the [Law360 website](#). (Subscription may be required)