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Top Boutiques IN CALIFORNIA 2019

PLAINTIFFS' SIDE ERISA

Kantor & Kantor LLP

NORTHRIDGE

In 1986, newly-minted attorney Glenn R. Kantor found himself in a job he hated: defending health, life and disability insurance companies against policyholders suing over denied claims.

"This is evil," he recalls thinking. "My boss said defend them or quit."

In a career about-face, Kantor did exit that job and eventually, with wife Lisa S. Kantor, came to represent exclusively individuals who have had claims denied.

The firm now has 18 lawyers in four offices around the state. One partner, Michelle L. Roberts of the Alameda shop, publishes ERISA Watch, summarizing recent cases involving the Employee Retirement Income Security Act, the federal law governing worker benefit plans.

"We look around the country for bad ERISA decisions," Glenn Kantor said. "Employers so often screw up their obligation to inform workers of their rights."

One case originated when Roberts saw an outcome in a Virginia case in which a federal judge denied benefits to the widow of a life insurance plan participant whose employer did not inform him that he lost eligibility for the insurance when he switched to part-time work—even though the employer continued to accept his premium payments. When the man died in 2016, the company promised his widow that it would pay the life benefits, then retracted the promise. The judge dismissed the widow's breach of fiduciary duty claim, holding that the em-



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From left, Brent Dorian Brehm, Corinne Chandler, Glenn R. Kantor, Lisa S. Kantor and Alan E. Kassan of Kantor & Kantor LLP

ployer was not a fiduciary.

"That was a horrible decision," Glenn Kantor said. "We reached out to the plaintiff's lawyer and we took the appeal on contingency."

At the 4th U.S. Circuit Court of Appeals, a unanimous panel reversed, ruling in July 2019 that the employer, National Counseling Group Inc., was in fact a fiduciary with an obligation under ERISA. Kantor & Kantor partner Elizabeth Hopkins argued before the panel. *Dawson-Murdock v. National Counseling Group Inc.*, 18-cv-1989 (E.D. Va., filed Jan. 8, 2018).

The opinion will have a significant impact on plan participants who are misled about their benefits coverage, Glenn Kantor said.

"After we got the decision, we got a very favorable settlement on the policy," he added. "Our goal always is to make sure our clients are 100 percent made whole."

In a major patient-dumping case, Lisa Kantor represented a class of Kaiser Foundation Health Plan Inc. members with mental disabilities who faced a common scenario: after a severe psychiatric episode, Kaiser placed each in a conservatorship, dis-enrolled him or her from Kaiser coverage and enrolled each in Medi-Cal. Each of the 124 class members

was then transferred to a county-funded mental institution—transferring all costs from Kaiser to taxpayers.

"Kaiser forced taxpayers to pay for these people," Lisa Kantor said. "When we filed this case and informed the Los Angeles county counsel about the issue, she was shocked because she had no idea of the back-story here. She fully supported our case."

The complaint presented questions of first impression under the California Mental Health Parity Act and a similar federal law. It was the only known class action by psychiatric conservatees. The settlement Kantor & Kantor achieved in December 2018 required Kaiser to cease disenrolling such patients and to allow each class member to re-enroll in a Kaiser policy and provide residential services valued at more than \$10 million. *Kerr v. Kaiser Foundation Health Plan Inc.*, BC556863 (L.A. Super. Ct., filed Sept. 9, 2014).

"Our two class reps got treatment and are doing fairly well now," Lisa Kantor said. "They are able to heal and function. It feels fabulous to effect change that will bring them a better life."

Firm partner Corinne Chandler, who has been with Kantor & Kantor since it formed in 2004, said she and



Zoya Yarnykh

Michelle Roberts, a partner in Kantor & Kantor LLP's Alameda office

Glenn Kantor were at one point opposing counsel as she represented an insurance carrier.

"We respected each other's work," Chandler said. "He asked me if I'd ever thought about jumping the fence. I'm so glad I did."

— John Roemer