

# Wiley Rein & Fielding Files Supreme Court *Amicus* Brief on Behalf of the Self-Insurance Institute of America

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April 4, 2006

Washington, DC - Wiley Rein & Fielding has filed an *amicus curiae* brief with the Supreme Court of the United States in *Sereboff v. Mid Atlantic Medical Services, Inc.* (MAMSI). The brief was filed on behalf of the Self-Insurance Institute of America (SIIA), a non-profit organization serving tens of millions of health plan beneficiaries that provides information and recommendations on self-insurance, including relevant provisions of the Employee Retirement Income Security Act of 1974 (ERISA).

The lower court had concluded that MAMSI was entitled to equitable restitution from the Sereboffs, whom, after receiving coverage for medical expenses of about \$75,000 following an accident, settled a personal injury lawsuit against a third party involved in the accident for \$750,000. Though the Sereboffs' insurance plan contained a standard subrogation provision requiring them to reimburse MAMSI should they recover payment from a third party, they refused to do so, resulting in MAMSI invoking its subrogation-based right to reimbursement.

WRF's *amicus* brief focused on the role of subrogation as an equitable remedy that is necessary to the successful functioning of the insurance industry in general and self-funded plans in particular. The brief noted SIIA's interest in preserving its members' rights to reimbursement to ensure the solvency of their services, but also addressed the impact of the case on the broader purposes of ERISA and the impact of recovery rules across the insurance industry.

## Practice Areas

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- Insurance
- Insurance Appellate
- Issues and Appeals
- Litigation

The WRF brief was submitted by partners Lawrence H. Mirel, Thomas W. Brunner and John E. Barry and associate William S. Consovoy.