

“New in Name Only: The Ninth Circuit Reaffirms Derivative Standing to Sue Under ERISA, While Relabeling It Derivate ‘Authority to Sue’” *Employee Relations Law Journal*

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In an article for the *Employee Relations Law Journal*, Partner Joe Torres, Special Counsel Jenny Beach, and Associate Jacob Wentzel discuss the implications of the recent ERISA decision by the Ninth Circuit in *South Coast Specialty Center, Inc. v. Blue Cross of California*. The court addressed whether and when a plan participant can assign a right to sue to a third-party medical provider.

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The decision means that insurance companies and ERISA plan entities “should continue to see a relatively large number of ERISA claims asserted by medical providers seeking payment for services provided to plan participants, especially with respect to reimbursement for out-of-network claims,” the authors observe. They also offer strategies for minimizing legal risk.

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