



Portfolio Media, Inc. | 111 West 19th Street, 5th floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Cigna, Viant Want Out Of Behavioral Health Care Suit

By **Emily Brill**

Law360 (June 5, 2020, 5:09 PM EDT) -- Cigna Behavioral Health Inc. and Viant Inc. are trying to shoot down a proposed class action in California federal court that accuses them of conspiring to cheat Cigna customers and health care providers out of full payment for out-of-network mental health and addiction treatment.

Cigna Behavioral Health, a Cigna Corp. unit that processes the insurer's mental health and addiction treatment claims, told U.S. District Judge Edward J. Davila on Thursday that it never promised to fully fund out-of-network treatment.

And Viant Inc., a cost-containment company, said Friday that the proposed class action's claims under the Employee Retirement Income Security Act and Racketeer Influenced and Corrupt Organizations Act were "too vague" to withstand scrutiny.

CBH's motion to dismiss characterized the proposed class action, filed by a woman who says the company stuck her with steep bills for her son's behavioral health treatment, as groundless.

"All of plaintiff's claims should be dismissed because they are predicated on a mistaken assumption: that under the terms of her ERISA plan, Cigna was obligated to pay 100% of billed charges for services that her son received from an out-of-network healthcare provider," CBH wrote.

Viant's motion to dismiss claimed the proposed class action takes a "vague approach to pleading" that fails to establish any misconduct on Viant's part.

"While plaintiff's complaint contains more than 300 paragraphs of allegations, none of those allegations sets forth any specific conduct on the part of Viant that ... [is] grounded in fraud," Viant wrote. "Plaintiff's complaint is also devoid of sufficient facts to establish the essential elements of her RICO claim or demonstrate her entitlement to equitable relief under ERISA."

The proposed class action was filed in April alongside three similar class actions targeting Viant, CBH and United Behavioral Health.

The lawsuits center on claims that CBH and United Behavioral Health worked with fellow defendant Viant to short payments for claims related to substance use and mental health treatment. A group of patients brought two of the suits, while a group of behavioral health providers launched the other two.

Counsel for Viant declined to comment Friday. Counsel for CBH and the proposed class and representatives of CBH and Viant did not immediately respond to requests for comment Friday.

The proposed class is represented by Matthew M. Lavin and Wendy A. Mitchell of Napoli Shkolnik PLLC.

Cigna Behavioral Health Inc. is represented by William P. Donovan Jr., Joshua B. Simon, Warren Haskel and Dmitriy Tishyevich of McDermott Will & Emery LLP.

Viant Inc. is represented by Errol J. King of Phelps Dunbar LLP and David Dworsky and Moe Keshavarzi of Sheppard Mullin Richter & Hampton LLP.

The case is RJ et al. v. Cigna Behavioral Health Inc. et al., case number 5:20-cv-02255, in the U.S. District Court for the Northern District of California.

--Editing by Abbie Sarfo.

All Content © 2003-2020, Portfolio Media, Inc.