

No. 03-83

IN THE
Supreme Court of the United States

CIGNA HEALTHCARE OF TEXAS, INC.,
Petitioner,

v.

RUBY R. CALAD, *et al.*,
Respondents.

**On Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit**

**BRIEF FOR PETITIONER
CIGNA HEALTHCARE OF TEXAS, INC.**

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QUESTION PRESENTED

Whether § 502(a) of the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1132(a), completely preempts a state-law tort claim seeking damages for an allegedly erroneous determination of entitlement to a benefit under an ERISA-governed health benefit plan when the determination is based in part on the exercise of medical judgment.

PARTIES TO THE PROCEEDINGS BELOW

Petitioner CIGNA HealthCare of Texas, Inc., was defendant-appellee in appeal No. 01-10891 below. Respondent Ruby R. Calad was plaintiff-appellant-cross-appellee in No. 01-10891. The following individuals were parties to two other cases consolidated for argument with No. 01-10891 in the court of appeals. Aetna Health Inc., successor to Aetna U.S. Healthcare Inc. and Aetna U.S. Healthcare of North Texas Inc., defendants-appellees in No. 01-10905 and defendants-appellees-cross-appellants in No. 01-10891; Juan Davila, plaintiff-appellant in No. 10905; Walter Patrick Thorn, plaintiff-cross-appellee in No. 01-10891; Robert Roark and Robert Roark, on behalf of the estate of Gwen Roark, plaintiffs-appellants in No. 01-10831; Humana Inc., Humana Health Plan of Texas, Inc., and Humana HMO Texas, Inc., defendants-appellees in No. 01-10831.

RULE 29.6 DISCLOSURE

The parent of CIGNA HealthCare of Texas, Inc., is CIGNA Corporation, a publicly-traded company.

TABLE OF CONTENTS

	Page
QUESTION PRESENTED	i
PARTIES TO THE PROCEEDINGS BELOW.....	ii
RULE 29.6 DISCLOSURE.....	ii
TABLE OF AUTHORITIES	v
OPINIONS BELOW	1
JURISDICTION	1
CONSTITUTIONAL AND STATUTORY PRO- VISIONS INVOLVED	1
STATEMENT OF THE CASE.....	2
SUMMARY OF ARGUMENT	5
ARGUMENT.....	8
I. UNDER <i>PILOT LIFE</i> AND ITS PROGENY, STATE-LAW CONTRACT AND TORT CLAIMS ASSERTING IMPROPER DENIAL OF BENEFITS AND SEEKING NON-ERISA REMEDIES ARE COMPLETELY PRE- EMPTED.....	10
A. <i>Pilot Life</i> And <i>Taylor</i> Hold That ERISA § 502(a) Establishes The Exclusive Vehicle For Challenging Benefit Determinations And Preempts State Laws That Alter or Supplement Those Remedies.....	11
B. Subsequent Cases Have Confirmed And Re- inforced <i>Pilot Life</i> 's Categorical Preemption Rule.....	17
C. <i>Pilot Life</i> Preemption Is Not Limited To Contract Claims Or Claims That “Dupli- cate” ERISA’s Remedies.....	21

TABLE OF CONTENTS
(continued)

	Page
II. RESPONDENT’S THCLA CLAIM IS PRE-EMPTED BECAUSE IT SEEKS NON-ERISA REMEDIES FOR AN ASSERTEDLY IMPROPER BENEFIT DENIAL.....	24
A. Plan Decision Denying Coverage For Reasons Involving Medical Judgment Is Still A Plan Decision Denying Coverage.....	25
B. <i>Pegram v. Herdrich</i> Is Not To The Contrary.....	31
C. A State’s Interest In Regulating Health Care Does Not Justify The Establishment Of A Private State-Law Remedy For Allegedly Improper Benefit Denials Based On Medical Judgment.....	40
III. THERE IS NO SOUND POLICY REASON FOR OVERRULING OR MODIFYING <i>PILOT LIFE</i>	42
A. The Law Already Provides Numerous Protections For ERISA Plan Beneficiaries’ Rights.....	42
B. Employers Will Not Employ Benefit Review Mechanisms That Routinely Deny Benefits.....	44
C. Utilization Review Does Not Cause Adverse Outcomes Necessitating A Tort Remedy Against Managed Care Plan Administrators.....	46

