

# D. BRIAN HUFFORD

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## EDUCATION

**THE YALE LAW SCHOOL**, New Haven, CT, J.D. 1985

**WICHITA STATE UNIVERSITY**, Wichita, KS, B.A. 1980 (*summa cum laude*), Masters of Urban Affairs 1982

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## PROFESSIONAL EXPERIENCE

**HUFFORD LAW FIRM**, Rye, NY – consulting services/advocacy in health insurance industry **July 1, 2025 – Present**

- Consultant for the National Appeals Team of People's Action (peoplesction.org)
- Senior Legal Advisor for Claimable Inc. (using AI to pursue health insurance appeals) (getclaimable.com)
- Member of the Board and Executive Committee of the Psychotherapy Action Network (psian.org)
- Member of the First Coverage Advisory Council for Inseparable (inseparable.us)

**ZUCKERMAN SPAEDER LLP**, New York, NY

**2014 – June 30, 2025**

Founded and co-led firm's nationally renowned health insurance disputes practice, which set numerous precedents supporting the rights of patients and clinicians in challenging health insurance abuses

**POMERANTZ GROSSMAN HUFFORD DAHLSTROM & GROSS LLP**, New York, NY

**1992 – 2013**

Name partner in plaintiffs' class action firm (now Pomerantz LLP); developed health insurance practice

**DAVIS POLK & WARDWELL LLP**, New York, NY and Wash. D.C., Litigation Associate

**1987 – 1992**

**U.S. DEPT. OF THE TREASURY, GENERAL COUNSEL'S OFFICE**, Wash. DC., Honor's Attorney

**1985 – 1987**

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## AWARDS/ACTIVITIES

- 2021-2025 CHAMBERS USA, Band 1 – Nationwide ERISA Litigation (individual and practice group) ("Brian is a tremendous resource"; "a consumer rights thought leader"; "very sophisticated"; "simply incredible")
- 2026 *Best Lawyers in America*, Litigation – ERISA; multiple recognitions in *Benchmark/SuperLawyers*
- 2022 Insurance Litigation Department of the Year, *The New York Law Journal*
- 2021 *Rona and Ken Purdy Award to End Discrimination*, awarded by the National Alliance of Mental Illness ("NAMI") to honor significant work in raising public awareness about mental illness
- 2021, 2017 Plaintiffs' Lawyers "Trailblazer," *The National Law Journal*
- 2024, 2021, 2019 "Benefits MVP," *LAW360*; 2021, 2019 "Benefits Group of the Year," *LAW360*
- 2018, 2017, 2016, 2015 "Health MVP," *LAW 360*; 2017 "Health Group of the Year," *LAW360*
- Fellow of the American Bar Foundation

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## ARTICLES/PUBLICATIONS

- Author, *Repurposing ERISA as the Protector of Health Insurance Beneficiaries*, J. Health Care L. & Pol'y Online Issue (University of Maryland Francis King Carey School of Law) (forthcoming Spring 2026).
- Co-Author, "Restriction of Access to Deep Brain Stimulation for Refractory OCD: Failure to Apply the Federal Parity Act," *Frontiers in Psychiatry*, 12:706181 (Aug. 12, 2021)
- "What To Do When An Insurance Company Denies Your Mental Health Claim: An Interview With D. Brian Hufford," Mountainside Treatment Center Blog (May 7, 2021)
- "Eye on ERISA: Q&A with Zuckerman Spaeder Partners," *Law360* (by Emily Brill; Mar. 15, 2021)
- "The Long Road to a Class Action Win Over UnitedHealth," *Law360Pulse* (by R. Rippotoe, Jan. 28, 2021)
- "Zuckerman Star Teams with Lawyer/Psychotherapist to Take Down UnitedHealthcare in SF Trial" *The AmLaw Litigation Daily* (by Jenna Greene, Mar. 16, 2019) ("the duo . . . may single-handedly have done more to force insurers to comply with . . . coverage obligations than anyone else in the country.")
- Author, "The Insurance Industry's Secret Fight Against Mental Health Equality," *Morning Consult* (Aug. 3, 2018)
- Author, "Commentary: Diluting Timothy's Law," *Albany Times Union* (May 12, 2018)
- Author, "Insurers Have to Pay for Addiction Treatment; Trump Just Has to Enforce the Law" *The Washington Post*, Perspective (Nov. 8, 2017 – Sunday Edition)
- Author, "Every Attempt at Health-Care Reform Will Fail Until We Face This One Undeniable Reality" *CNBC.com* (Sept. 25, 2017)
- Author, "Fighting Back Against Repayment Demands and Offsets," *NY Law Journal* (December 1, 2014)
- Author, "A Long Struggle for Mental Health Parity," *The National Law Journal* (March 10, 2014)

## PRESENTATIONS

- Various presentations and Webinars before the American Medical Association, the American Society of Medical Association Counsel, the American Hospital Association, Mental Health America, PsiAN, the Residential Eating Disorder Consortium, the National Association for Alcoholism and Drug Abuse Counselors, and the American Chiropractic Association, among many others (2010 – 2025)
- “*Wit v. UBH* and Mental Health Parity,” presentation to 2023 Spring National Meeting of the National Association of Insurance Commissioners, Mental Health Parity Working Group.
- “Triple Threat: How Lawsuits, the Government, and You Can Combat Insurance Discrimination,” National Association for Alcoholism and Drug Abuse Counselors, Annual Conference (Oct. 9, 2022)
- Department of Labor MHPAEA Roundtable Discussion, Invited Guest Sept. 23, 2022 (and 2019)
- “Insurance Coverage Denials: How to Fight Back and Advance Behavioral Health Parity,” National Association for Alcoholism and Drug Abuse Counselors, Annual Conference (Oct. 30, 2021)
- “Game Changer: Implications of the *Wit v. United Behavioral Health* Ruling” *Kennedy Forum* Webinar (Nov. 23, 2020)
- “Leveraging the Oft-Ignored Power of Federal Law to Ensure Fair Insurance Coverage” *American Hospital Association* Webinar (Sept. 9, 2020)
- “*Wit v. United Behavioral Health* and Other Pending Parity Litigation: What it Will Mean for People with Behavioral Health Needs” *Mental Health America* Webinar (Nov. 20, 2019)
- “Increasing ASC Reimbursement, Accurately Projecting Revenue and Avoiding Liability to Payors: New Strategies and Issues You May Not Have Considered (But Should)” *Becker’s ASC Conference* (Oct. 18, 2018)
- Health Insurance/Mental Health Coverage Panel *National Summer Meeting of the National Association of Attorneys General* (June 23, 2016)
- “Medical Provider Litigation: Standing by Healthcare Providers to Sue, Patient Assignment of Rights and More,” *American Conference Institute’s 12th National Forum on ERISA* (June 27, 2016)
- Mental Health Parity Panel, *Testimony before the Behavioral Health Subcommittee of the Legislative Health and Human Services Committee of the State of New Mexico Legislature* (Oct. 8, 2014)

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## KEY COURT DECISIONS

- *Collins v. Anthem, Inc.*, announced \$12.9 million settlement of nationwide class of mental health insureds whose claims were denied based on overly restrictive guidelines (July 1, 2025); 2024 WL 1172697 (E.D.N.Y. Mar. 19, 2024) (nationwide certified class for ERISA/parity violations)
- *Jones v. United Behavioral Health*, 19-cv-06999-RS (N.D. Cal. April 14, 2025) (nationwide certified class for alleged ERISA violations for denying behavioral health claims based on overly restrictive guidelines)
- *Peters v. Aetna, Inc.*, \$8.35 million class settlement preliminarily approved on Mar. 18, 2025; 2023 WL 3829407 (W.D.N.C. June 5, 2023) (multistate certified class for ERISA violations); 2 F.4<sup>th</sup> 199 (4<sup>th</sup> Cir. 2021) (Aetna’s practice of hiding administrative fees as medical expenses violated ERISA)
- *Wit v. United Behavioral Health*, 79 F.4<sup>th</sup> 1068 (9<sup>th</sup> Cir. 2023) (upholding fiduciary duty class and key trial findings in 2020 WL 6479273 (N.D. Cal. Nov. 3, 2020) (remedies opinion)); 2019 WL 1033730 (N.D. Cal. Mar. 5, 2019) (trial verdict for class of 60,000 insureds whose behavioral health claims were denied)
- *Doe v. Oxford Health Ins., Inc.*, 1:17-CV-04160 (E.D.N.Y. Jan. 9, 2022) (final approval of \$13.35 million class settlement to address mental health parity violations); parallel settlement of Department of Labor (“DOL”) and New York Attorney General (“NYAG”) investigations
- *Lutz Surgical Partners PLLC v. Aetna, Inc.*, 2021 WL 2549343 (D.N.J. June 21, 2021) (summary judgment granted against Aetna, holding that cross-plan offsets to recover alleged overpayments violated ERISA)
- *Doe v. United Behavioral Health*, 2021 WL 842577 (N.D. Cal. Mar. 5, 2021) (won summary judgment against UBH for violating Federal Parity Act by excluding coverage for ABA therapy to treat autism)
- *Integrated Orthopedics, Inc. v. UnitedHealth Group*, No. 11-cv-425 (D.N.J. Mar. 4, 2021) (final approval of class settlement for nationwide class of out-of-network providers subjected to repayment demands, with substantial injunctive relief granting ERISA rights to class members); 2014 WL 7073439 (D.N.J. Dec. 15, 2014) (successfully argued for and obtained certification of nationwide class)

- *Peterson v. UnitedHealth Group, Inc.*, 913 F.3d 769 (8th Cir. 2019) (precedent-setting ruling that UnitedHealth violated ERISA by recouping purported overpayments to providers through cross-plan offsets); supporting *amicus* brief by the DOL
- *In re Cigna-American Specialty Health Administration Fee Litig.*, Case No. 2:16-cv-03967 (E.D. PA Aug. 29, 2019) (granting final approval of \$8.25 million settlement to reimburse class of insureds who had been overcharged for administrative fees under ERISA health insurance plans)
- *Meidl v. Aetna, Inc.*, 2017 WL 1831916 (D. Conn. May 4, 2017) (certifying class of insureds challenging exclusion for TMS to treat depression; final approval granted on July 16, 2019 for settlement requiring elimination of TMS exclusion and payment of \$6.2 million common fund)
- *Weil v. Cigna Health and Life Ins. Co.*, Case 2:15-cv-07074 (C.D. Cal. Aug. 28, 2017) (final approval granted of class settlement eliminating TMS exclusion, with \$2.75 million common fund)
- *Des Roches v. Cal. Physicians' Service*, 320 F.R.D. 486 (N.D. Cal. 2017) (certifying patient class denied coverage for behavioral health services; \$7 million common fund settlement approved on July 5, 2018)
- *DeMaria v. Horizon Healthcare Servs., Inc.*, 2016 WL 7427114 (D.N.J. Oct. 18, 2016) (final approval granted for \$33 million settlement for certified class of ERISA and non-ERISA chiropractors challenging policy of bundling claims for ancillary health care services with spinal manipulation)
- *N. Jersey Brain & Spine Ctr. v. Aetna, Inc.*, 2015 WL 5295125 (3d Cir. Sept. 11, 2015) (successfully argued *amicus* on behalf of the AMA and the Medical Association of New Jersey, leading to precedent-setting decision upholding right of providers with assignments to sue under ERISA)
- *Am. Chiropractic Ass'n v. Am. Specialty Health Inc.*, 2015 WL 5313631 (3d Cir. Sept. 11, 2015) (successfully argued on behalf of provider and insured to reinstate ERISA claims challenging benefit denials; final approval of \$11.75 million common fund settlement granted on Aug. 29, 2019)
- *New York State Psychiatric Ass'n, Inc. v. UnitedHealth Grp.*, 798 F.3d 125 (2d Cir. 2015) (successfully argued for right to sue claims administrator for self-funded plans under ERISA and the Federal Parity Act); *amicus* briefs filed in support by the DOL, the AMA and the American Psychiatric Association; called a "landmark ruling" by the Health Affairs Journal that was "praised by patients and advocates," the APA said it "gives us hope that the federal parity act will now be enforced"
- *Tri3 Enterprises, LLC v. Aetna, Inc.*, 535 F. App'x 192, 196 (3d Cir. 2013) (successfully argued on behalf of providers to reinstate ERISA challenge against insurer's repayment demands); *amicus* brief from the DOL
- *Blue Cross & Blue Shield of Rhode Island v. Korsen*, 945 F. Supp. 2d 268, 271 (D.R.I. 2013) (lead attorney in successful ERISA trial, reversing repayment demand against providers, with defendant enjoined from pursuing further repayments and ordered to return to providers all recouped funds, plus interest)
- *Access Mediquip L.L.C. v. UnitedHealthcare Ins. Co.*, 662 F.3d 376, 385-86 (5th Cir. 2011), *op. reinstated on reh'g en banc*, 698 F.3d 229 (5th Cir. 2012) (successfully argued before original and then *en banc* panels in finding providers could sue insurers directly for misrepresentations; *amicus* brief from the DOL)
- *AMA v. United Healthcare Corp.*, No. 00 Civ. 2800 (LMM) (S.D.N.Y. 2010) (lead attorney in largest settlement of ERISA benefit class action in history (\$350 million), serving as catalyst for NYAG investigation and leading to industry-wide resolution relating to calculating out-of-network benefits); *The New York Times* reported on Oct. 27, 2010 that "a breakthrough came when lawyers for the attorney general's office consulted" with Mr. Hufford, leading to a "collaboration" that "brought results"
- *In re Aetna UCR Litigation*, MDL No. 2020 (D.N.J. July 31, 2009) (in appointing Mr. Hufford Chair of Plaintiffs' Executive Committee, Court wrote that it "found D. Brian Hufford, Esq. to be the attorney most capable of presenting Plaintiffs' position in a clear and concise manner")
- *McCoy v. Health Net, Inc.*, 569 F. Supp. 2d 448 (D.N.J. 2008) (lead attorney suing Health Net for its use of Ingenix database to pay for out-of-network services, with court certifying a nationwide class of subscribers under ERISA and RICO, and approving a settlement valued at \$249 million)

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### PERSONAL INFORMATION

Born in Kansas City, KS and raised in Dodge City, KS

Resided with parents and siblings at campus of Methodist Youthville, a Residential Treatment Facility for adolescent boys; Father – Executive Director; Mother – Director of Education

Married to Wendy L. Hufford (Yale Law School, J.D. 1986)

Parent of eight children, ages 34 to 20 (Ashley, Austen, Axel, Alec, Allison, Andrew, Amber and Ayden)