



Peter E. Pederson

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Peter Pederson has extensive experience resolving disputes arising from health benefit programs and other employee benefit plans (ERISA and non-ERISA). His practice encompasses the defense of insurers, third-party administrators, and plan fiduciaries in actions alleging improper benefit denials and improper plan administration. He represents claims administrators and fiduciaries for health plans in disputes with medical providers, members, and plan sponsors, and he counsels clients regarding compliance with ERISA and state laws applicable to health plans.

Pete's practice also extends to commercial disputes arising from insurance policies, administrative services agreements, network contracts, vendor contracts, partnership and shareholder agreements, and employment agreements. He has represented business owners in drafting operating and employment agreements and successfully resolved the full gamut of claims asserted in commercial disputes, from breach-of-contract and misrepresentation claims to statutory claims under RICO and prompt pay legislation. His practice also includes the defense and resolution of class action litigation filed under ERISA, the Telephone Consumer Protection Act (TCPA), the Biometric Information Privacy Act (BIPA), and consumer protection laws.

Pete has practiced before courts across the country and handled appeals in the First and Seventh Circuits and state courts in Illinois and California. His practice has resulted in reported case law regarding, among other things, the scope of discovery under ERISA, the disclosure obligations of plan fiduciaries, and the formation of insurance policies and reinsurance treaties.

After graduating law school, Pete obtained an LL.M. in tax, with an emphasis on employee benefits regulation, at the University of Washington. He joined Hinshaw in 1999.

Professional Affiliations

- American Health Law Association
- Defense Research Institute
- American Bar Association

Practices

Biometric Information Privacy Act
Commercial Litigation
Consumer and Class Action Defense
Labor & Employment
Life, Health, Disability & ERISA Litigation
The Telephone Consumer Protection Act

Industries

Health Care
Insurance & Reinsurance

Education

J.D., *cum laude*, Boston University School of Law, 1999

B.A., *cum laude*, Economics, University of Illinois at Urbana-Champaign, 1996

Admissions

Illinois
Washington
U.S. Supreme Court
U.S. Court of Appeals for the First Circuit
U.S. Court of Appeals for the Seventh Circuit
U.S. District Courts for the Central, Northern, and Southern Districts of Illinois
U.S. District Court for the Southern District of Indiana
U.S. District Court for the District of North Dakota
U.S. District Court for the Western District of Texas
U.S. District Court for the Western District of Washington
U.S. District Court for the Eastern District of Wisconsin



Representative Matters

The following cases are representative of the ERISA and health plan-related matters Pete has handled.

- **Dispute over Compensation Under ASO Agreement.** Pete's advocacy resulted in an arbitration award finding that a claims administrator had properly calculated, and was entitled to retain, deferred service fees under an administrative services agreement with an employer that sponsored a self-funded health benefit plan.
- **Abusive/Fraudulent Billing by Out-of-Network Providers.** Pete obtained summary judgment for a health plan administrator in a dispute with an out-of-network medical provider that sought millions of dollars in damages based on claims for promissory estoppel, common-law fraud, consumer fraud, and violations of the prompt-pay statute.
- **Action to Enforce Reinsurance Treaty.** The firm's client, a small health insurer, sought to show that a life insurance company was obligated to reinsure medical insurance policies written by the client. However, the life insurer had not signed the reinsurance treaty. During the bench trial, Pete cross-examined the life insurer's senior-most financial executives and obtained admissions that the life insurer had made entries in its books and regulatory filings indicating that the treaty was in force and that it had accepted over \$600,000 in premiums remitted by the client. After the trial, the court granted the client's request for declaratory relief, holding that the treaty was enforceable.
- **Denial of Long-Term Disability Benefits.** Pete obtained judgment on the record under Federal Rule 52 in a dispute over LTD benefits sought by a systems administrator employed by a Fortune 500 company.

The business disputes that Pete has handled include the following:

- **Misrepresentation Claims Arising from Failed Implementation of Cloud Payroll System.** Pete obtained rulings upholding a PEO's misrepresentation claims in a complex fraud case against a software implementer. The court agreed that the alleged misrepresentations were actionable and that the reasonableness of our client's reliance on those misrepresentations could not be decided on the pleadings despite the underlying agreements disclaimers, merger clause, and damages limitations.
- **Action to Enforce Buy-Sell Agreement Between Shareholders of a Privately Held Corporation.** The client, who held one-third of the company's stock, sued the other two shareholders to compel them to purchase his shares under the buy-sell agreement. The Circuit Court of Cook County entered partial summary judgment in favor of the client, holding that the agreement required the defendants to purchase his stock. Afterward, the client obtained a favorable cash settlement.
- **Numerous disputes arising from health plan administrators' agreements with participating medical providers and plan sponsors.**

The class actions that Pete has defended include the following:

- **TCPA Action Arising from Wrong-Number Calls.** Pete obtained a dismissal for lack of specific personal jurisdiction because the alleged TCPA violations arose from calls to an area code outside the forum state.
- **ERISA Action Involving Unfunded Benefit Plan.** Plaintiffs filed a class action arising from a plan sponsor's insolvency and resulting failure to fund its health benefits plan. We obtained the dismissal of many claims at the pleadings stage and then secured a favorable class settlement.
- **BIPA Action Involving Timeclocks with Finger Scanners.** We succeeded in compelling individual arbitration of an employee's putative class action claims under the Biometric Information Privacy Act.

Presentations

- "Evidence of Insurability Under Group Insurance Policies – Legal and Regulatory Update," Eastern Claims Conference, Boston, Massachusetts, March 11, 2024
- "Biometric Privacy: Litigation Trends and Defenses," February 12, 2019
- "LTD Overpayment Claims After Montanile: Are They Still Viable?," Definitive Disability Conference, Boston, Massachusetts, October 13, 2017



- "Pitfalls for Health Care Plan Administrators and Suggestions for Avoiding Them," DRI Life, Health, Disability and ERISA Claims Seminar, April 2014
- "Requests for the Administrative Record and Update on Litigation Involving Health Benefit Plans," Client Presentation, April 2013
- "Litigating Disability Benefit Claims Involving Subjective Complaints and Comorbidity," DRI Life, Health, Disability and ERISA Claims Seminar, April 2012

Publications

- "Does *Great-West v. Knudson* Extend Seventh Amendment Right to Jury Trial to Claims for ERISA Benefits?" *DRI ERISA Report*, Winter 2011 and *dritoday*, May 2012
- "U.S. Supreme Court to Decide Whether There Is Federal Question Jurisdiction Over Private TCPA Actions," *MAPbulletin*, November 2011
- "Recent Trends in Claims Against Self-Insured Health Plan Administrators," co-author of presentation given at 30th Annual SIAA National Educational Conference & Expo, October 2010
- "Regulatory Developments under the Community Reinvestment Act," *Annual Review of Banking Law*, 1998

Personal

Pete supports the Chicago Symphony Orchestra, 98.7 WFMT, and PAWS Chicago. He lives with his wife, three children, and a border collie rescue in Chicago's Lincoln Square neighborhood. His avocational interests include literature, history, and fitness.