

## White and Williams Delivers Trial Victory for Horizon Healthcare Services, Inc.

6.5.19

White and Williams recently secured an affirmed dismissal on behalf of Horizon Healthcare Services, Inc. In *Ass'n of NJ Chiropractors v. Horizon Healthcare Services, Inc.*, a trade association and a chiropractor sued our client on claims that that our client's tiering decision in its Omnia healthcare plan violated the state [Healthcare Quality Act, N.J.S.A. § 17B:27-51.1](#) and that the state's opioid crises required the court to create a private right of action to challenge Horizon's tiering decisions.

Following extensive briefing and oral argument, the Superior Court of New Jersey, Appellate Division affirmed the lower court's previous dismissal of the suit, finding that none of the cited statutes or regulations created a private a right of action because the laws were intended to protect consumers, not chiropractors. The court found that the plaintiffs' argument concerning New Jersey's opioid crises was waived because it was presented for the first time on appeal.

Since 2016, our client has faced numerous legal challenges concerning its health plans and this case represents another in a series of victories for the White and Williams' litigation team. The team working this case included Andy Hamelsky, Ed Koch, Luke Repici, Mark Paladino, Zaara Nazir, Mike Jervis and Josh Gajer.