

FILED

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SANJIV GOEL, M.D., INC., a California
corporaiton,

Plaintiff-Appellant,

v.

MOTION PICTURE INDUSTRY
PENSION AND HEALTH PLAN, a
California corporation,

Defendant-Appellee.

No. 15-56345

D.C. No.
2:14-cv-02056-PSG-CW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Philip S. Gutierrez, District Judge, Presiding

Submitted March 7, 2017**
Pasadena, California

Before: PAEZ, BERZON, and CHRISTEN, Circuit Judges.

Sanjiv Goel appeals the district court's ruling that the Motion Picture
Industry Pension and Health Plan did not abuse its discretion when it concluded

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

that the subject services he provided were not eligible for reimbursement as emergency room services.¹ We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

The Plan gives its directors discretion to decide eligibility for, and the extent of, benefits provided by the Plan. For billing purposes, the Plan distinguishes between “Emergency Room Services” and other services. The Plan reimburses for non-emergency room services at a different rate than emergency room services.

Here, the disputed services were not provided in the emergency room but in a separate location in the hospital, and were provided after the patient was admitted to the hospital via the cardiac catheterization lab. It was not an abuse of discretion for the plan administrators to conclude that the disputed services were not entitled to reimbursement at the emergency room services rate. *See Gatti v. Reliance Standard Life Ins. Co.*, 415 F.3d 978, 981 (9th Cir. 2005).

AFFIRMED.

¹ The parties are familiar with the facts so we do not repeat them here.