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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION

MICHAEL GROSSMAN and, MICHAEL LUDIN,

in pro se Plaintiffs,

v.

TRUSTEES OF THE DGA PRODUCER HEALTH PLAN,

Defendant.

Case No.: EDCV 16-1840-GW-SPx

Honorable G.H. Wu,
PRESIDING JUDGE

JUDGMENT

Complaint Filed: Aug. 17, 2016
Fourth Amended Complaint
Filed: October 27, 2017

Discovery Deadline: January 31, 2019
Trial Date: N/A

1 Defendant Trustees of the Directors Guild of America-Producer Health Plan’s
2 (“Trustees” or “Defendant”) moved for Summary Judgment or, in the alternative, for
3 Summary Adjudication against Plaintiffs Michael Grossman and Michael Ludin
4 (“Plaintiffs”). Plaintiffs moved for Partial Summary Judgment on the Standard of Review
5 to be Used in Deciding the Case at Trial.

6 After full consideration of the evidence, the separate statements submitted by each
7 party, the authorities submitted by each party, as well as oral argument by counsel and
8 *pro se* plaintiffs made and heard on April 1, 2019 and June 10, 2019, June 27, 2019, ad
9 July 18, 2019, the issues having been duly heard and a decision duly rendered, the Court
10 orders as follows:

11 1. For the reasons stated in the Court’s April 1, 2019 Tentative Decision (Dkt.
12 No. 294), June 10, 2019 Tentative Decision (Dkt. No. 293), June 13, 2019 Final Decision
13 on Cross Motions for Summary Judgment (Dkt. No. 297), Plaintiffs’ Motion for Partial
14 Summary Judgment on the Standard of Review to be Used in Deciding the Case at Trial
15 is **denied**.

16 2. For the reasons stated in the Court’s April 1, 2019 Tentative Decision (Dkt.
17 No. 294), June 10, 2019 Tentative Decision (Dkt. No. 293), June 13, 2019 Final Decision
18 on Cross Motions for Summary Judgment (Dkt. No. 297), and August 9, 2019 Final
19 Order re: Cross Motions for Summary Judgment (Dkt. No. 308), Defendant’s Motion for
20 Summary Judgment or, in the alternative, for Summary Adjudication, is **granted** as to
21 Count I (breach of fiduciary duty under ERISA Section 502(a)(3), 29 U.S.C.
22 § 1132(a)(3)) and Count III (ERISA procedural violations under ERISA Section
23 502(a)(3), 29 U.S.C. § 1132(a)(3)). Counts I and III are hereby **dismissed with**
24 **prejudice**.

25 2. For the reasons stated in the Court’s April 1, 2019 Tentative Decision (Dkt.
26 No. 294), June 10, 2019 Tentative Decision (Dkt. No. 293), June 13, 2019 Final Decision
27 on Cross Motions for Summary Judgment (Dkt. No. 297), and August 9, 2019 Final
28 Order re: Cross Motions for Summary Judgment (Dkt. No. 308), Defendant’s Motion for

1 Summary Judgment or, in the alternative, for Summary Adjudication is **granted** as to the
2 following 89 of 92 separate claims for benefits included in Count II (ERISA Section
3 502(a)(1)(B), 29 U.S.C. § 1132(a)(1)(B)): 14220E7532; 14220E7603; 4243E3104;
4 14247E4951; 14233E5966; 14233E5922; 14233E6027; 14233E5897; 14243E3113;
5 4243E3112; 14236E8228; 14241E0800; 14241E0802; 14243E3091; 4255E0636;
6 14255E0411; 14255E0451; 14275E4116; 14275E4118; 14275E4499; 14275E4260;
7 14275E4500; 14275E4419; 14292E6181; 14275E4393; 14275E4487; 14275E4456;
8 14292E6113; 14306E6662; 14275E4370; 14275E4436; 14275E4183; 14275E4185;
9 14275E4159; 14275E4246; 14275E6145; 16128MJ195; 16128MJ196; 16128MJ197;
10 16236E4437; 16234E3799; 16236E4439; 17227ML079; 17227ML076; 1722ML077;
11 17277ML078; 16299CA8098; 16244BV9515; 16175BT4774; 16235BN3381;
12 16284BP1346; 17002BH7626; 16098BQ6670; 16350BX5187; 16314BV3181;
13 16291BV0752; 16277BR3000; 16270BR6450; 16175BT4773; 16175BT4776;
14 16166BS9129; 16166BS9130; 16124BY4356; 1612BY4359; 16124BY332;
15 16124BY4342; 16120JS170; 16127JS191 04/16/2014; 07/02/2014; 08/08/2014;
16 08/15/2014; 09/03/2014; 09/12/2014; 10/07/2014; 10/18/2014; 10/14/2014; 11/11/2014;
17 11/14/2016; 04/25/2017; 06/20/2017; 06/27/2017; 10/20/2014; 10/31/2014; 11/17/2014;
18 12/08/2014; 1/12/2015; 2/9/2015; and 9/17/2015. These 89 claims under Count II are
19 hereby **dismissed with prejudice**.

20 3. For the reasons stated in the Court's April 1, 2019 Tentative Decision (Dkt.
21 No. 294), June 10, 2019 Tentative Decision (Dkt. No. 293), June 13, 2019 Final Decision
22 on Cross Motions for Summary Judgment (Dkt. No. 297), and August 9, 2019 Final
23 Order re: Cross Motions for Summary Judgment (Dkt. No. 308), Defendant's Motion for
24 Summary Judgment or, in the alternative, for Summary Adjudication, is **granted in part**
25 **and denied in part** as to the following three claims under ERISA Section 502(a)(1)(B),
26 29 U.S.C. § 1132(a)(1)(B) -- Claim Nos. 16133JS231, 16133JS228, and 16133JS217.
27 The Court **grants** Defendant's Motion for Summary Judgment as to Defendant's decision
28 to deny the portions of these claims related to specific treatments, services, and medical

1 supplies. The Court **denies** Defendant's Motion for Summary Judgment as to
2 Defendant's decision to deny the portions of these claims related to office visits. As to the
3 portions of Claim Nos. 16133JS231, 16133JS228, and 16133JS217 related to specific
4 treatment, services, and medical supplies, they are **dismissed with prejudice**.

5 4. On June 26, 2019, Defendant voluntarily paid for the office visit portions of
6 claim numbers 16133JS231, 16133JS228, and 16133JS217. For the reasons stated in the
7 Court's August 9, 2019 Final Order re: Cross Motions for Summary Judgment (Dkt. No.
8 308), the Court: (1) **denies** Plaintiffs' request for "an accounting [on these claims] that
9 would indicate the treatment codes and source for determining reasonable and customary
10 charges that would be verified and agreed to by the Plaintiffs as correct"; and (2) **denies**
11 Plaintiffs' request for prejudgment interest on Claim Nos. 16133JS231, 16133JS228, and
12 16133JS217.

13 5. Because Defendant has paid Plaintiffs the full amount of benefits related to
14 the office visit portions of Claim Nos. 16133JS231, 16133JS228, and 16133JS217, these
15 claims are moot. Therefore, the Court **dismisses with prejudice** Claim Nos. 16133JS231,
16 16133JS228, and 16133JS217 related to office visits.

17 6. Judgment, in its entirety, is entered in favor of Defendant Trustees of the
18 Directors Guild of America-Producer Health Plan.

19 7. Neither party is entitled to fees or costs.

20 8. The case is now closed.

21
22 **IT IS ORDERED AND ADJUDGED.**

23
24 DATED: August 19, 2019



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26 Hon. George H. Wu
27 United States District Judge
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