



Ronald K. Alberts

PARTNER

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RELATED SERVICES

- Insurance
- Healthcare
- Life, Health, Disability & ERISA
- Trial Practice

OFFICES

- Los Angeles

OVERVIEW

Ronald K. Alberts is a Partner in the GRSM Insurance & Coverage practice group. He is the leader of the firm's specialty practice group focused on ERISA law, and combines his comprehensive knowledge of ERISA substantive law and extensive experience in the state and federal trial and appellate courts to lead a team involved in litigating ERISA claims across the country.

Ronald's practice includes federal and state litigation of group and individual life, health and disability claims, employee benefit disputes and breach of fiduciary duty claims under ERISA as well as an extensive healthcare practice focusing on litigation involving claims between health plans and healthcare providers. In addition, in over 25 years of practice, he has handled numerous business litigation matters ranging from employment disputes to unfair competition claims for small and large businesses.

Prior to joining GRSM, Ronald was a principal at a California law firm, and a partner in a national law

firm. Before that, he worked in-house for a major oil company handling business litigation (franchise, unfair competition and trademark disputes), and was a partner in a boutique firm specializing in first-party insurance litigation.

He is a fluent speaker of French and Hebrew.

REPRESENTATIVE EXPERIENCE

Representative Trial Court Experience

- Ronald obtained a victory for an insurer client in a federal court trial involving a plaintiff's claim for accidental dismemberment benefits under ERISA. The plaintiff was as an employee at a theme park when he accidentally fell and injured his knee. The plaintiff ended up undergoing an above-the-knee amputation. However, the plaintiff had an extensive history of leg and knee injuries pre-dating his fall, which substantially contributed to, if not compelled his decision to amputate. The court, applying a *de novo* standard of review, affirmed the insurer's decision to deny the plaintiff's claim for dismemberment benefits under the terms of the theme park's employee group welfare benefit plan.
- Ronald represented a defendant health insurer in an ERISA action in federal court in which the plaintiff sought benefits for inpatient treatment he received for drug and alcohol abuse. The insurer denied coverage based on a finding that inpatient treatment was not the medically appropriate level of care. The U.S. District Court for the Central District of California ruled in favor of the insurer.
- Ronald obtained a judgment in favor of defendants Aetna Life Insurance Company and The American National Red Cross Long Term Disability Plan, in an ERISA disability benefits case that clarified the application of heightened scrutiny where a claim decision is reviewed under an abuse of discretion standard. This victory was also featured in the August 4, 2010 issue of *The Voice*, the weekly electronic newsletter from the Defense Research Institute.

Representative Appellate Experience

- Affirmance of denial of ERISA benefits because the claimant was not totally disabled from performing "any job" full time. (*Banacky v. Prudential Ins. Co. of N. Am.* (9th Cir. 2005) 126 Fed.Appx. 386)
- Following an earlier appeal in which the Ninth Circuit held that summary judgment was not appropriate for an ERISA case where the records contain disputed evidence, the district court conducted a trial on the record and the Ninth Circuit approved that a proper weighing was done when the court found for the insurer. (*Qidwai v. Prudential Ins. Co. of Am.* (2005) 143 Fed.Appx. 910)
- Client victory holding that the trial court did not err in finding the claimant not disabled for a period of time, then disabled, then again not disabled. (*Ofescu v. Prudential Ins. Co. of Am.* (9th Cir. 2004) 87 Fed.Appx. 625)
- Client victory in which the court approved the use of the plan language in effect as of the date of disability, which precluded coverage, even though a later amendment, post disability, may have favored the insured. (*Takhar v. Prudential Ins., Co. of Am.* (2004 9th Cir.) 85 Fed.Appx. 603)

- Client victory holding that the reduction in disability benefits to the policyholder was supported because the policy was not a Medicare supplement policy; and that this major medical policy had a reduction provision when the policyholder turned Medicare age. (*Nicholudis v. Prudential Ins. Co. of Am.* (9th Cir. 2001) 1 Fed.Appx. 682)
- Client victory holding that an insured could not argue that he was prejudiced by never having received a copy of a plan because he never requested a copy. (*Duncan v. Prudential Healthcare Plan* (9th Cir. 1998) 1998 U.S. App.LEXIS 337)

Representative Matters

- Breach of fiduciary duty claims against ERISA plan fiduciaries for alleged self dealing and violation of pension plan terms
- Defense of suits seeking disability benefits under employer sponsored plans, both insured and self-insured
- Disputes about the application of ERISA exemptions, e.g., government sponsored and church plans
- Medical insurance claims seeking benefits denied as not medically necessary or experimental
- Disputes over applicable plan regarding primary versus secondary status
- Representing individual life, health and disability insurance matters, long-term care insurance, as well as representing self-insured corporations and TPAs.
- Substantial number of appearances before the 9th Circuit Court of Appeal.
- Numerous federal court cases tried to verdict in California, Arizona and Nevada
- Defending high dollar insurance bad faith actions.
- Representing clients in ERISA claims, including the successful defense of cases involving experimental treatment exclusions for medical treatment.
- Defending commercial businesses in litigation in the area of employment law, such as wrongful discharge and harassment, and commercial landlord-tenant disputes.

PUBLICATIONS

- Quoted, “[LinkedIn Posts Help Defeat Stunt Woman’s Disability Claims](#)”, BNA Bloomberg, November 2016
- Co-author, [The Era of De Novo Review and the Future of ERISA Discovery Beyond the Administrative Record](#), *DRI ERISA Report*, January 2014

PRESENTATIONS

- Speaker, *Employee Benefit Litigation: What Claims Professionals Need to Know About ERISA Litigation and Why it is Important*, GRSM Legal Education Conference, Hartford, CT, May 2023
- Speaker, *Defending Actions Against Life, Health and Disability Plans*, Hartford, CT, May 2019

- Speaker, *Recent Events That Impact the Design, Operation and Administration of Employee Benefit Plans and the Litigation of Employee Benefit Claims*, GRSM Legal Education Conference, Hartford, May 2018

CREDENTIALS

Admissions

- California
- U.S. District Court, Central, Northern and Eastern Districts of California
- U.S. Court of Appeals, Ninth Circuit
- United States Supreme Court

Memberships

- State Bar of California
- Los Angeles County Bar Association
- DRI-The Voice of the Defense Bar
- Conference of Insurance Counsel
- American Bar Association, Tort Trial and Insurance Practice Section,
 - Vice-Chair, Health and Disability Law General Committee
 - Life, Health, Public Regulation of Insurance Law, and Employee Benefits Law Committees

Education

- J.D., University of California, Davis School of Law, 1981
 - Recipient, American Jurisprudence Award for Excellence in Torts
- A.B., *with honors*, University of California, Berkeley, 1978

Honors

- Top Rated Lawyer-AV® Preeminent™, Martindale-Hubbell
- *Best Lawyers in America*® distinction in Insurance Law (2019-2025)
- *Super Lawyers*® distinction in the fields of Employee Benefits/ERISA and Healthcare (2009-2020, *Law & Politics*)

Languages

- French
- Hebrew