

Winston Obtains Dismissal of Déjà Vu Consumer Fraud Class Action

In 2016, Winston helped NorthShore University HealthSystem defeat a consumer class action, which the same plaintiffs' lawyers attempted to revive in 2019 with a different named plaintiff and a new theory of harm. The plaintiff filed a putative class action complaint in Cook County Circuit Court over NorthShore's billing practices, claiming it refused to bill Medicare for her hospital services following a traffic accident. The plaintiff alleged NorthShore unlawfully tried to recover the full, undiscounted value of its charges from her personal injury settlement with the other driver's insurer instead of the discounted rates NorthShore charges Medicare. The complaint asserted violation of the Illinois Consumer Fraud Act (ICFA), breach of contract, and other common law claims. The court granted NorthShore's motion to dismiss the complaint in its entirety with prejudice and found that NorthShore did bill Medicare for the plaintiff's services and only billed her directly after her claims were rejected. The judge found that NorthShore's alleged practices complied with Medicare regulations and the Illinois Healthcare Lien Act, exempting NorthShore from liability under the ICFA.

1 Min Read

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