

Circuit Court “Liens” in Favor of Winston Client NorthShore

OCTOBER 7, 2015

A Winston & Strawn team recently obtained a significant class action victory for client NorthShore University HealthSystem, securing the denial of class certification in a purported consumer class action pending in Cook County Circuit Court.

In April 2012, the plaintiff filed a purported class action against NorthShore alleging seven claims – including consumer fraud – that challenged NorthShore’s billing practices when patients fail to pay their hospital bills and are issued liens in an effort to secure payment. The plaintiff alleged that NorthShore had a policy of refusing to bill health insurance (which is a discounted rate), and that NorthShore instead files medical provider liens in an illegal effort to recover the full cost of hospital services.

After more than three years of protracted and contentious class discovery, on October 7, 2015, Judge Mary Lane Mikva ruled after a nearly three-hour oral argument that the case could not proceed as a class action, largely because numerous questions of fact would predominate over any common questions. Judge Mikva also found that the plaintiff had presented no credible evidence that NorthShore has a policy of refusing to bill health insurers and instead found that NorthShore has legally valid and justified reasons for issuing liens, and each lien is based on individual facts and circumstances that cannot form the basis of a class action.

The Winston team was led by a former partner, along with partner Matt Carter and associate Joelle Ross.

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