



Eleventh Circuit Once Again Rules in Favor of MSP Recovery, This Time Against Metropolitan General Insurance Company and Affiliates

July 19, 2022 1:01 PM EDT

Adding Additional Case Law References

CORAL GABLES, Fla., July 19, 2022 (GLOBE NEWSWIRE) -- MSP Recovery, Inc. (NASDAQ: MSPR) today announced that in an important new decision issued on Monday, the U.S. Circuit Court of Appeals for the Eleventh Circuit in [MSP Recovery Claims, Series LLC, et al. v. Metropolitan General Insurance Company, et al.](#), Case No. 21-11547 (11th Cir. July 18, 2022) overruled a Southern District Court Judge, finding that MSP Recovery properly alleged that Metropolitan General Insurance ("Metropolitan") had a "demonstrated responsibility" to pay claims brought under the private cause of action provided for by the Medicare Secondary Payer Act.

The statutory framework of the Medicare Secondary Payer Act recognizes that when liability insurers such as Metropolitan (i.e., a primary plan) fail to pay for items or services under an automobile or liability insurance policy or under no-fault insurance, Medicare and Medicare Advantage Plans such as MSP Recovery's assignors are forced to make a conditional payment. When that happens, the primary plan must reimburse the secondary payer for these conditional payments "if it is demonstrated that such primary plan has or had a responsibility to make payment with respect to such item or service." See 42 U.S.C. § 1395y(b)(2)(B)(ii). The law recognizes this mandate as the "demonstrated responsibility requirement."

As set forth in the opinion, the Eleventh Circuit held that MSP Recovery's lawsuit properly alleged that Metropolitan had a "demonstrated responsibility" to pay the claims brought by MSP Recovery on behalf of various assignors under the private cause of action provided for by the Medicare Secondary Payer Act.

In rendering its decision, the Eleventh Circuit relied on three preceding opinions that it issued in favor of MSP Recovery overturning twelve (12) prior improper dismissals by Southern District of Florida judges: (1) [MSP Recovery, LLC v. Allstate Ins. Co.](#), 835 F.3d 1351 (11th Cir. 2016); (2) [MSPA Claims 1, LLC v. Kingsway Amigo Ins. Co.](#), 950 F.3d 764, 771 (11th Cir. 2020); and (3) [MSP Recovery Claims, Series LLC v. ACE Am. Ins. Co.](#), 974 F.3d 1305, 1308 (11th Cir. 2020), *cert. denied*, 141 S. Ct. 2758 (2021) ("We agree with Plaintiffs on all issues.").

MSP Recovery believes that the decision rendered by the Eleventh Circuit in [Metropolitan](#) has broader implications because several other Southern District Court judges have dismissed, or partially dismissed, claims asserted by MSP Recovery in several *other pending* lawsuits that remain on file. MSP Recovery believes that this latest ruling from the Eleventh Circuit will likely impact the scope of the claims being litigated in those actions.

"This is yet another example of MSP Recovery overcoming obstacles," said Chief Legal Officer Frank C. Quesada. "The original dismissal of this case did not deter us from pushing forward and once again reversing a lower court decision. Case by case, we continue to establish and solidify the law relating to reimbursements under the Medicare Secondary Payer Act. We will continue to disrupt the antiquated healthcare reimbursement system with data-driven solutions for all Americans."

MSP Recovery was represented in this appeal by Francesco Zincone and Alfredo Armas of the Armas Bertran Zincone Law Firm, and Frank C. Quesada, Michael O. Mena, Charles Whorton, Gino Moreno, and Arlenys Perdomo of the MSP Recovery Law Firm. Metropolitan was represented by Steven M. Levy, Angel A. Cortiñas, and Jonathan H. Kaskel of the Dentons Law Firm.

Zincone, who argued the appeal before the Eleventh Circuit, also previously handled the oral arguments before the Eleventh Circuit in the *Kingsway* and *Ace American* appeals.

"I am proud of our team," said MSP Recovery Founder and CEO, [John H. Ruiz](#). "We know that we are on the right side of the law and we will continue to relentlessly pursue reimbursements on behalf of our assignors and for the betterment of the Medicare system."

About MSP Recovery

Founded in 2014, MSP Recovery has become a Medicare, Medicaid, commercial, and secondary payer reimbursement recovery leader, disrupting the antiquated healthcare reimbursement system with data-driven solutions to secure recoveries against responsible parties. MSP Recovery provides the healthcare industry with comprehensive compliance solutions, while innovating technologies to help save lives. For more information, visit: www.msprecovery.com

Forward Looking Statements

This press release contains forward-looking statements within the meaning of the federal securities laws. Forward-looking statements may generally be identified by the use of words such as "anticipate," "believe," "expect," "intend," "plan" and "will" or, in each case, their negative, or other variations or comparable terminology. These forward-looking statements include all matters that are not historical facts. By their nature, forward-looking statements involve risks and uncertainties because they relate to events and depend on circumstances that may or may not occur in the future. As a result, these statements are not guarantees of future performance and actual events may differ materially from those expressed in or suggested by the forward-looking statements. Any forward-looking statement made by MSP Recovery ("MSPR") in this press release, its reports filed with the Securities and Exchange Commission (the "SEC") and other public statements made from time-to-time speak only as of the date made. New risks and uncertainties come up from time to time, and it is impossible for MSPR to predict or identify all such events or how they may affect it. MSPR has no obligation, and does not intend, to update any forward-looking statements after the date hereof, except as required by federal securities laws. Factors that could cause these differences include, but are not limited to, MSPR's ability to capitalize on its assignment agreements and recover monies that were paid by the assignors; litigation results; the validity of the assignments of claims to MSPR; the ability to successfully expand the scope of MSPR's claims or obtain new data and claims from MSPR's existing assignor base or otherwise; MSPR's ability to innovate and develop new solutions, and whether those solutions will be adopted by MSPR's existing and potential assignors; negative publicity concerning healthcare data analytics and payment accuracy; and those other factors included in MSPR's Annual reports on Form 10-K, Quarterly Reports on Form 10-Q and other reports filed

by it with the SEC. These statements constitute the Company's cautionary statements under the Private Securities Litigation Reform Act of 1995.

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Source: MSP Recovery, LLC