

Jerry Flanagan



Jerry Flanagan is Counsel with Shernoff Bidart Echeverria LLP. Flanagan brings almost 30 years of experience working on behalf of insurance consumers, with a focus in health care policy, legislation and litigation. Flanagan has worked as a consumer advocate and lobbyist since 1995 and became a lawyer in 2010.

Whether representing individual clients or leading large-scale class action lawsuits, Flanagan's legal acumen and passion for justice have earned him a reputation as a fierce advocate.

Previously the Litigation Director for the non-profit Consumer Watchdog, Flanagan has championed a broad range of cutting-edge consumer and good-government litigation.

Flanagan led high profile litigation challenging limitations on care for those living with serious illnesses. In 2022, he represented plaintiffs living with HIV in a case before the United States Supreme Court in a suit against CVS for failure to provide medically appropriate dispensing of HIV medications.

While at Consumer Watchdog, Flanagan was co-counsel with Shernoff Bidart Echeverria, LLP on a series of health care class action lawsuits resulting in \$34.8 million in settlement funds over the "narrow network" epidemic – the practice of health insurers narrowing their networks of participating physicians and hospitals, leading to unexpected medical bills.

In the early 2000s Flanagan worked closely with founding partner William Shernoff to expose the illegal practice of health insurers retroactively canceling coverage. Flanagan authored a law journal article underscoring the need for reform in health insurance rescission law, *Healthy State of Mind: The Role of Intent in Health Plan Rescissions*, 43 Loy. L.A. L. Rev. 291 (2009). An "intentional misrepresentation" standard for coverage rescissions, advocated by the article, was adopted in the Affordable Care Act.

Flanagan is an adjunct professor at Loyola Law School of Los Angeles, where he has taught the class "Health Insurance Regulation: Law, Policy & Politics."

Prior to joining Consumer Watchdog, Flanagan drafted and won passage of one of the nation's strongest HMO accountability measures, which was signed into law in New Jersey in 2001.

Mr. Flanagan's other notable litigation accomplishments include:

- Settling a class action suit on behalf of individuals living with HIV against a public health agency and several health care organizations for unlawful disclosure of patients' protected medical information resulting in payments in excess of \$1,800 per class member, one of the highest HIV privacy breach awards. (*Doe v. Cal. Dept. of Pub. Health* (L.A. Cty. Super. Ct., June 24, 2024), No. 20STCV32364.)
- An action on behalf of Consumer Watchdog and the *The Los Angeles Times* that won disclosure of more than 1,400 pages of FBI warrants related to unethical and illegal activity at the Department of Water and Power. (*In re Application of Consumer Watchdog* (C.D. Cal., Apr. 11, 2024, No. 2:24-CV-01650-SB) 2024 WL 2104448.)
- Settling a privacy case against Zoom alleging the video conferencing platform misrepresented the level of security it offered users, which resulted in a \$200 payment per claimant. (*Consumer Watchdog v. Zoom Video Comms., Inc.* (D.D.C. July 30, 2021), No. 20-cv-02526.)
- Settling a class action suit against Anthem Blue Cross for canceling consumers' health insurance plans and automatically enrolling them in plans that eliminated coverage for out-of-network doctors. (*Simon v. Blue Cross of Cal.* (L.A. Cty. Super. Ct. Nov. 2, 2020), No. BC639205.)
- Settling six class action lawsuits against health insurers for illegally requiring HIV/AIDS patients to purchase their medications from a mail-order pharmacy, threatening their health and privacy. As a result of the settlements, members prescribed HIV/AIDS medications may purchase their medications at any network pharmacy and obtain reimbursement for out-of-pocket losses. (*Doe v. Blue Cross of Cal.* (S.D. Cty. Super. Ct. June 24, 2016), No. 37-2013-00031442; *Doe One v. Unitedhealthcare Ins. Co.* (C.D. Cal. July 31, 2014), No. SACV-13-00864, 2014 WL 3865847; *Doe v. Cigna Health & Life Ins. Co.*, (S.D. Fla. Oct. 6, 2015), No. 15-cv-60894; *Doe v. Anthem, Inc.* (settled informally); *Doe v. Coventry Health Care Inc.* (S.D. Fla. May 5, 2016), No. 15-CIV-62685; and *Doe v. Aetna, Inc.* (S.D. Cal. Mar. 15, 2016), No. 14CV2986-LAB (DHB), 2016 WL 1028363.)
- Settling a class action against Anthem Blue Cross for illegally making mid-year changes to annual deductibles, co-pays, and other out-of-pocket costs. As a result of the settlement, Anthem reimbursed consumers for out-of-pocket losses resulting



from the mid-year changes totaling \$8.3 million. (*Taub v. Blue Cross of Cal.* (L.A. Cnty. Super. Ct. Aug. 20, 2015) No. BC457809.)

- Settling a class action against Anthem Blue Cross for illegally closing insurance policies and using large rate hikes to force patients into lower-benefit and higher-deductible health coverage—a practice known as the “death spiral.” Relief obtained included a cap on future rate increases. (*Feller v. Blue Cross of Cal.* (Ventura Cnty. Super. Ct. Aug 26, 2011), No. 56-2010-00368587.)

Flanagan received a B.A. in Social/Cultural Anthropology and Rhetoric from the University of California, Berkeley and his law degree from Loyola Law School of Los Angeles. At Loyola Flanagan was a Note and Comment Editor on the Loyola Law Review, and he graduated Magna Cum Laude and is a member of the Order of the Coif, Sayre Macneil Scholars Program, St. Thomas More Law Honor Society, and Alpha Sigma Nu Honor Society.

Flanagan was admitted to the California Bar in 2010.