

## Medora A. Marisseau



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### ATTORNEY PROFILE

Medora Marisseau provides employment, ERISA, and employee benefits advice and litigation services to large and small companies throughout the Pacific Northwest, Alaska and Pennsylvania. Ms. Marisseau has more than 20 years of experience assisting clients with investigating and defending claims for discrimination, civil rights, wage and hour violations, disability accommodation, retaliation, and wrongful discharge, and assisting clients with non-compete agreements and trade secret violation litigation. She counsels employers on all aspects of policies, procedures and training, offering creative and practical business solutions for avoiding disputes and claims by employees.

Ms. Marisseau represents employers, plan administrators, insurers, and other plan fiduciaries to ensure their compliance with ERISA, HIPAA, and COBRA. A substantial portion of her practice is devoted to assisting clients with ERISA benefit and fiduciary liability issues, including in class action litigation, and has defended health, life and disability benefit claims for many of the nation's largest insurers. She also has significant experience in assisting clients with structured annuity transfer issues and serves as national coordinating counsel for a major life insurance company.

### MAJOR AREAS OF PRACTICE

Employment Counseling & Litigation, ERISA/Employee Benefits

### EDUCATION

Northwestern School of Law, Lewis & Clark College –  
J.D., *magna cum laude*  
University of Massachusetts – M.S.P.A.  
University of Massachusetts – B.A., *summa cum laude*

### ADMITTED TO PRACTICE

U.S. Court of Appeals for the 9<sup>th</sup> Circuit  
U.S. District Court, District of Oregon  
U.S. District Court, Eastern District of Washington  
U.S. District Court, Western District of Washington  
Alaska State Bar  
Oregon State Bar  
Pennsylvania State Bar  
Washington State Bar

### REPRESENTATIVE LITIGATION

- *Morton v. Group Health Cooperative; Krieger v. Regence; Miller v. Regence* (defending health carriers in multiple class actions in state court re: coverage for hepatitis C drug)
- *K.M. v. Regence; J.T. v. Regence* (represented defendant in multi-million dollar ERISA class action litigation in federal court)
- *P.S. v. State of Oregon and PEBB* (defended state of Oregon and PEBB in class action lawsuit in Marion County state court re: denial of autism coverage)
- *Fernandez et al. v. Bremerton Housing Authority* (obtained summary judgment for Housing Authority on plaintiff's age, race and disability discrimination claims and claims of retaliation)
- *Birge et al. v. Volt Information Services, Inc.* (King County arbitration by multiple employees for racial discrimination and retaliation claims)
- *K.M. et al. v. Regence BlueShield* (obtained federal court class action settlement of ERISA benefit and fiduciary breach claims based on mental health parity)
- *Baxter v. MBA Group Ins. Health & Welfare Trust*, 958 F. Supp. 2d 1223 (W.D. Wash. 2013) (obtained summary judgment in ERISA benefits case involving proton beam radiation therapy)
- *Hall v. Salvation Army* (obtained dismissal of Seattle Office of Civil Rights discrimination claims based on sexual orientation and retaliation)
- *White et al. v. Salvation Army*, 118 Wn. App. 272 (2003) (established employer complies with meal and rest break rules through unscheduled, intermittent rest breaks and meal periods)
- *Harris v. City of Seattle, et al.*, 302 F. Supp.2d 1200 (W.D. Wash. 2004) (established statutory immunity applied to human resources investigator's good faith communications to agency)
- *Rapid Settlements, Ltd. v. Symetra Life Insurance Company*, 134 Wn. App. 329 (2006) (established the availability of attorneys' fees and costs for insurer under the Washington Structured Settlement Protection Act)
- *Rapid Settlements Ltd.'s Application for Approval of Structured Settlement Payment Rights v. Symetra*

*Assigned Benefits Service Co.*, 133 Wn. App. 350 (2006) (established that anti-assignment clauses in structured settlement agreements enforceable by annuity campaign)

- *Jack v. Paul Revere Life Insurance Company*, 97 Wn. App. 314 (1999) (established insurer's right to rely on "first manifest" provision, in spite of incontestability clauses of disability policy)
- United States District Court, summary judgment for employer in medical marijuana disability accommodation case.
- United States District Court, summary judgment for employer and administrator establishing short term disability payroll practice plan was not a contract and dismissing ERISA interference claims and ADA and other claims.
- King County Superior Court. Recovered over \$80,000 on behalf of carrier in agent malfeasance case.
- King County Superior Court. Summary judgment for carrier in multi-million dollar agent commission case.

#### PROFESSIONAL AND CIVIC INVOLVEMENT

- Recognized by *Super Lawyers* magazine as a "Super Lawyer" 2011-2017
  - Top 50 Women Washington Lawyers, 2014-2017
- *Best Lawyers in America*®, Employee Benefits (ERISA) Law, 2018
- AV®, Peer Review Rated by Martindale-Hubbell
- American Bar Association (Tort and Insurance Practice Section – Employee Benefits and Employer-Employee Relations Committees)
- Washington State Bar Association (Employment and Health Law Sections)
- King County Bar Association (Employment Law Committee)
- Defense Research Institute (Employment Law Committee)

#### ARTICLES & PRESENTATIONS

- Speaker, "Demystifying ERISA" (2015)
- Speaker, "Demystifying ERISA and the Employment Practices Liability Claims Process" (2014)
- Panelist, "Primary Market Panel," National Association of Settlement Purchasers ("NASP") (2014)
- Speaker, "The Affordable Care Act: Overview of Essentials for Employers" (2013)
- Article, "Beyond Parity — Pushing the Limits of Mental Health Mandated Benefits" (2012)
- Article, "Washington State Supreme Court holds interstate drivers entitled to overtime compensation" (2007)
- Article, "How will same-gender marriage law impact insurers and benefit plans?" (2005)
- Author, "Anatomy of a Lawsuit: Viatical Settlements," *The Brief*, American Bar Association, Tort and Insurance Practice Section (2002)
- Speaker, "Developing the Disability Claim During Investigation," International Claims Association (2002)
- Co-Author, "Recent ADA Decisions: Is the Court Tinkering or Retrenching?," *For the Defense* (2002)
- Speaker, "Viatical Settlement Practices," American Bar Association, Tort and Insurance Practice Section (2001)
- Speaker, "Employment Practices/Liability Insurance," *PIAW/A* (2000)
- Speaker, "Top Ten Ways to Avoid Employment Litigation," Seattle, Washington (2000)
- Co-Author, "1995 Life/Health Compendium of Cases," *Tort & Insurance Law Journal* (1995)
- Author, "Conflict of Interest: The Key to Winning Your ERISA Motion for Summary Judgment" (1994)
- Author, "Oregon State Bar Health Law Manual," Chapter 4 Update, Oregon (1992)