

No. 20-378

In the Supreme Court of the United States

NORTH CYPRESS MEDICAL CENTER
OPERATING COMPANY, LTD., et al.,

Petitioners,

v.

CIGNA HEALTHCARE, et al.,

Respondents.

**On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the Fifth Circuit**

BRIEF IN OPPOSITION

JOSHUA B. SIMON
WARREN HASKEL
DMITRIY TISHYEVICH
*McDermott Will
& Emery LLP*
340 Madison Ave.
New York, NY 10173
(212) 547-5500

MICHAEL B. KIMBERLY
Counsel of Record
PAUL W. HUGHES
MATTHEW A. WARING
*McDermott Will
& Emery LLP*
500 North Capitol St. NW
Washington, DC 20001
(202) 756-8000
mkimberly@mwe.com

Counsel for Respondents

QUESTION PRESENTED

Whether the Fifth Circuit correctly held that Cigna acted reasonably in adopting a particular interpretation of plan language under the totality of the circumstances, including the fact that Cigna's interpretation was supported by longstanding and directly on-point judicial precedent.

RULE 29.6 STATEMENT

Cigna Healthcare of Texas, Inc. is a wholly-owned subsidiary of HealthSource, Inc., which is a wholly-owned subsidiary of Cigna Health Corporation.

Cigna Health Corporation is a wholly-owned subsidiary of Connecticut General Corporation.

Connecticut General Corporation is a wholly owned subsidiary of Cigna Holdings Inc., which is a wholly owned subsidiary of Cigna Holding Company, which is a wholly owned subsidiary of Cigna Corporation, which is publicly traded.

No parent company and no publicly-traded company owns more than 10 percent of Cigna Corporation's stock.

TABLE OF CONTENTS

Question Presented i
Rule 29.6 Statement..... ii
Table of Authorities.....iv
Introduction.....1
Statement2
 A. Factual background2
 B. Procedural background.....5
Reasons for Denying the Petition8
 A. There is no conflict among the circuits8
 1. The decision below does not establish
 a categorical rule9
 2. No other case cited in the petition
 involved an administrator’s reliance
 on directly relevant judicial precedent11
 B. The district court’s alternative holding
 makes this a poor vehicle14
 C. The decision below is plainly correct.....16
Conclusion19

TABLE OF AUTHORITIES

Cases

<i>Colby v. Union Security Insurance</i> , 705 F.3d 58 (1st Cir. 2013)	11, 12
<i>Conkright v. Frommert</i> , 559 U.S. 506 (2010).....	18
<i>Connecticut General Life Insurance v. Humble Surgical Hospital</i> , 878 F.3d 478 (5th Cir. 2017).....	<i>passim</i>
<i>Darvell v. Life Insurance</i> , 597 F.3d 929 (8th Cir. 2010).....	12
<i>Davis v. United States</i> , 564 U.S. 229 (2011).....	17
<i>Ehrensafft v. Dimension Works</i> , 33 F. App'x 908 (9th Cir. 2002)	13
<i>Firestone Tire & Rubber Co. v. Bruch</i> , 489 U.S. 101 (1989).....	17
<i>Fort Halifax Packing Co. v. Coyne</i> , 482 U.S. 1 (1987).....	18
<i>Friends for Am. Free Enter. Ass'n v. Wal-Mart Stores, Inc.</i> , 284 F.3d 575 (5th Cir. 2002).....	17
<i>Gallo v. Madera</i> , 136 F.3d 326 (2d Cir. 1998)	13
<i>Higgins v. Apfel</i> , 222 F.3d 504 (8th Cir. 2000).....	17
<i>Hinkle v. Assurant, Inc.</i> , 390 F. App'x 105 (3d Cir. 2010).....	13
<i>Jenkins v. Chrysler Motors Corp.</i> , 316 F.3d 663 (7th Cir. 2002).....	17
<i>Kennedy v. Connecticut General Life Ins.</i> , 924 F.2d 698 (7th Cir. 1991).....	<i>passim</i>

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.