Caroline Turner English

PARTNER

Caroline is a nationally recognized litigator primarily representing health care providers, with a focus on managed care litigation involving insurers, plans, networks, and repricers. She is known for her exceptional client service, innovative strategies, and strong trial skills.



Industries

Health Care
— Provider-Payor, Health Plan & Managed Care Disputes

Practices

Complex Litigation
— Class Actions
— ERISA Litigation
Labor, Employment & OSHA

Education

The George Washington University Law School, JD, high honors, Order of the Coif, 1996

Denison University, BA, magna cum laude, 1992

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Caroline leads ArentFox Schiff's ERISA and Managed Care Litigation practice, a team of approximately 20 attorneys representing health care providers in disputes with insurers, plans, networks, and repricers.

A nationally recognized litigator, Caroline maintains a broad commercial litigation practice in addition to her deep experience in managed care disputes, handling complex, multi-party matters and class actions across industries.

With nearly 30 years of experience, she regularly appears before state and federal courts nationwide in trial and appellate matters, as well as innumerable arbitrations. Clients value her courtroom presence and trial skills in high-stakes disputes against well-resourced insurers, as well as her ability to offer creative solutions and provide exceptional client service.

Caroline was named a *BTI Consulting Group* "Client Service All-Star 2024," a client-driven ranking that assesses novelty of ideas, responsiveness, and the ability to anticipate clients' needs. Her oral advocacy has been widely praised, with one judge describing her courtroom performance as "magnificent." She has been consistently recognized by *Chambers USA*, *Legal 500 US*, and *The Best Lawyers in America* for ERISA litigation, and is part of a team ranked by *U.S. News* as among the best in the country.

Caroline serves as a member of ArentFox Schiff's Executive Committee.

Client Work

Managed Care Litigation for Health Care Providers

Most of her practice involves the representation of health care providers in managed care and commercial payer disputes with insurers, plans, networks, and repricers, where she handles matters worth hundreds of millions of dollars in the aggregate. Caroline advises on and litigates issues arising under ERISA, the ACA, COBRA, FEHB, the No Surprises Act, the Medicare Secondary Payer Act, and various state laws. The commercial payer issues she has handled run the gamut, including

disputes involving out of network and UCR reimbursement, contract breaches and tortious contract interference, network obligations, adverse benefit determinations, value based care, and many others. Among her many successes, Caroline has obtained numerous litigation victories and favorable settlements against most of the country's major health insurers and secured two summary judgment liability rulings against MultiPlan. Caroline's team has a national reputation in the representation of health care providers in this niche managed care space, with a breadth and depth that is unrivaled by other law firms.

ERISA Pensions and Benefits Litigation

Caroline also represents employers and fiduciaries in traditional ERISA fiduciary and benefits litigation concerning pension plans. Cases that she has handled range from defending challenges to cash balance plans to "stock drop" cases and other claims for breach of fiduciary duty concerning 401(k) plans and ESOPs. Caroline's work has also extended to include DOL investigations and handling inquiries from the IRS.

Bankruptcy Litigation

Caroline represented a nationally renowned company in connection with Detroit's $18 billion Chapter 9 bankruptcy — the largest municipal bankruptcy in history. Her trial work on behalf of the company, which had insured hundreds of millions of dollars of Detroit's municipal bonds, was featured in national publications including *CNN*, *The Wall Street Journal*, and *The New York Times*. Caroline's bankruptcy litigation work has also included representation of the Official Committee of Retired Employees in the *Kodak* bankruptcy, auto dealerships in the *Chrysler* bankruptcy, and an indenture trustee and majority bondholder in the *United Air Lines* bankruptcy. She has litigated numerous adversary proceedings in bankruptcy court, including challenges to pre-petition liens, preference actions, executory contract rejection, assumption, and assignment, asset sales, and challenges to debtor-in-possession financing. Caroline also has a unique familiarity with the overlap of benefits issues and bankruptcy law.

Additional Experience and Pro Bono

Caroline's experience extends beyond the substantive legal areas and clientele described above. She has litigated on behalf of large and small businesses, as well as individuals. In addition, she has provided pro bono representation of indigent clients and nonprofit entities in a plethora of cases, including two death penalty cases.

Reported Decisions

Representative reported cases on which Caroline has worked over her nearly 30 years as a litigator include:

Affordable Care Act

- *Fresenius Medical Care Midwest Dialysis LLC v. Humana Insurance Company*, 2017 WL 3887899 (E.D.Wis.)

Bankruptcy

- *In re UAL Corp.*, 346 B.R. 456 (Bankr. N.D.Ill.)
- *In re Chrysler LLC*, 405 B.R. 84 (Bankr. S.D.N.Y. 2009)
- *In re City of Detroit, Michigan*

ERISA

- *Wright v. Harrison*, 2013 WL 12116326 (W.D.Tex.)
- *Fisher v. JP Morgan Chase & Co*., 469 Fed.Appx. 57 (C.A.2 (N.Y.))
- *Mugnai v. Kirk Corp.*, 843 F.Supp.2d 858 (N.D.Ill.)
- *Gearren v. The McGraw-Hill Companies, Inc.*, 660 F.3d 605 (C.A.2 (N.Y.))
- *In re Kirk Corp.*, 2010 WL 3523079 (Bankr. N.D.Ill.)
- *Walker v. Monsanto Co. Pension Plan*, 636 F.Supp.2d 774; 252 F.R.D. 450; 2007 WL 2710481; 2007 WL 2481179; 472 F.Supp.2d 1053; 2006 WL 2802051 (S.D.Ill.)
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Bunch v. W.R. Grace & Co., 555 F.3d 1 (C.A.1 (Mass.)); 532 F.Supp.2d 283 (D.Mass.)

- *Evans v. Akers,* 534 F.3d 65 (C.A.1 (Mass.)); 466 F.Supp.2d 371 (D.Mass.)

Insurance

- *Farkas v. National Union Fire Ins. Co. of Pittsburgh, PA,* 518 Fed.Appx. 178 (C.A.4 (Va.))
- *Seabulk Offshore, Ltd. v. American Home Assur. Co.,* 377 F.3d 408 (C.A.4 (Va.))

Managed Care

- *KDCO, Inc. v. Healthlink, Inc.,* 2016 WL 6995873 (E.D.Mo.)
- *Liberty Dialysis-Hawaii LLC v. Health Management Network, Inc.* , 2023 WL 11196975; 2023 WL 11196976; 2024 WL 1829400 (Haw. Cir. Ct.)
- *RAI Care Centers of Maryland I, LLC v. Office of Personnel Management* , 459 F. Supp. 3d 124 (D.D.C.)
- *FMS Nephrology Partners North Central Indiana Dialysis Centers v. Meritain Health, Inc.* , 144 N.E.3d 692 (Ind. 2020)
- *RAI Care Centers of Michigan I, LLC v. Administrative Systems Research Corporation International*, 2019 WL 4932599 (W.D.Mich.)
- *Bio-Medical Applications of Illinois, Inc. v. City of West Frankfort* , 2022 WL 2064690 (S.D.Ill.)

Medicare Secondary Payer Act

- *U.S. v. Stricker*, 524 Fed.Appx. 500 (C.A.11 (Ala.)
- *Renal Care Group Indiana, LLC v. City of Fort Wayne,* 2017 WL 4990618 (N.D.Ind.)

Municipal Law

- *Shook v. District of Columbia Financial Responsibility and Management Assistance Authority,* 964 F.Supp. 416 (D.D.C.)

RICO, Health

- *Pravak v. Meyer Eye Group, PLC,* 2009 WL 10664851; 2008 WL 11320042; 2008 WL 4372914; 2008 WL 11320041; 2008 WL 2951101 (W.D.Tenn.)

Professional Activities

Caroline has taught legal writing as an adjunct professor at George Washington University.

Bar Admissions

District of Columbia
Virginia

Court Admissions

US Court of Federal Claims
US Court of Appeals, 1st Circuit
US Court of Appeals, 4th Circuit
US District Court, District of Columbia
US District Court, Eastern District of Michigan