For Immediate Release
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Defamation Lawsuit Filed Against Aetna CEO Richard Hubber
Suit Arises From Remarks Made Following $120.5 Million Verdict Against HMO

Shernoff, Bidart, Darras & Dillon filed a defamation lawsuit today against the CEO of Aetna, Inc., charging the head of the nation's largest HMO with making false, malicious and vindictive statements about attorney Michael J. Bidart following a landmark $120.5 million verdict rendered against its subsidiary HMO. The verdict, handed down by a San Bernardino County jury in January, is the largest verdict ever recorded against a health maintenance organization.

The suit, filed in Los Angeles Superior Court Central District, arises from comments made by Aetna CEO Richard Huber and published in The Hartford Courant and elsewhere following the nationally publicized victory against Aetna for its refusal to pay for cancer treatment recommended by the health plan's own physicians. The suit also names Aetna, Inc. and Aetna U.S. Healthcare of California, Inc. as defendants [Bidart v. Richard Huber et al., L.A. Superior Court, Case No.BC213957].

Co-counsel Anthony Michael Glassman of Glassman, Browning & Saltsman, Inc said following the filing of the lawsuit,

"We filed a defamation claim against Aetna and its CEO Richard Huber because we feel strongly the statements he made were false and accused Mr. Bidart of conduct that was not only unethical but criminal. The statement is defamatory on its face."

Bidart also is being represented by William M. Shernoff of Shernoff, Bidart, Darras & Dillon, Thomas V. Girardi of Girardi & Keese, and Eve F. Sheedy of. Glassman, Browning & Saltsman, Inc.

According to the suit, Aetna CEO Huber willfully and maliciously made the following false and defamatory remarks following the January 20 verdict: You had a skillful ambulance-chasing lawyer, a politically motivated judge and a weeping widow. That's no way to get justice and certainly no way to manage a trillion-dollar industry. Huber's comments were published in The Hartford Courant on January 22 and subsequently re-published throughout the nation, including in the Los Angeles Times, The Los Angeles Daily Journal, and over the Internet.

Bidart, a finalist for the Trial Lawyers for Public Justice 1999 Trial Lawyer of the Year award, alleges Huber's statements were false and defamatory on their face and attempted to portray him in the most unlawful, unethical and unflattering light in order to destroy his reputation in the legal community. The plaintiff seeks unspecified general and specific damages resulting from loss of reputation and punitive damages to punish the defendants and to deter future similar conduct.

David Goodrich, a deputy district attorney, died from a rare form of stomach cancer after a 2 ¨ö year ordeal trying to get Aetna to approve cancer treatment recommended by his Aetna doctors. His widow, Teresa, sued Aetna in March 1996 for breach of contract and breach of the duty of good faith and fair dealing. After a two-and-a-half month trial ending in January 1999, the jury found Aetna's conduct had substantially shortened the life of David Goodrich and awarded Teresa Goodrich $4.5 million in actual damages and $116 million in punitive damages. The jury also found Aetna acted with malice, fraud, and oppression against the plaintiffs. Aetna has since appealed the verdict.

The Goodrich case was one of the lucky few cases to escape the federal Employee Retirement Income Security Act of 1974 and mandatory arbitration provisions that usually prevent damage suits against HMOs. Under ERISA, more than 125 million Americans with private-sector employer-paid insurance can recoup only the cost of the benefit denied. In light of the Justice Department's recent approval of Aetna's merger with Prudential, Aetna will provide health care to almost one in 10 Americans, leaving consumers with fewer choices and control over which doctors they may see and what treatment they may undergo .

Click HERE to read the brief.