



## **MERIDYTH M. ANDRESEN**

**Partner**

**Phoenix**

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### **BIOGRAPHY**

Meridyth serves as leader of the firm's Insurance Class Action Team and co-leader of the firm's Class Action Team. Meridyth's experience includes representing various commercial entities in complex civil litigation matters, including antitrust and class action suits addressing a variety of allegation and legal theories. Specifically, Meridyth has represented multi-line insurance companies, health insurance companies and product manufacturers in a variety of class and individual actions involving breach of contract and tort claims through various stages of litigation in numerous state and federal jurisdictions, including:

- Secured dismissal of various individual lawsuits against multiple Medicare Advantage health plans for negligent credentialing and negligent network management claims based upon Medicare's preemption of the underlying common law negligence claim. The dismissals were

upheld on appeal before the Nevada Supreme Court and resulted in the first published state supreme court decision of its kind.

- Represented truck rental company in multi-district action alleging price fixing conspiracy. Obtained dismissal of all claims, a decision which was later affirmed by the 11th Circuit.
- Represented medical device distributor in litigation and trial relating to claims of fraud, breach of contract, tortious interference, unfair competition and fraudulent conveyance. Obtained directed verdict on several claims, jury verdict on all of client's claims and also a jury verdict on opposing party's fraud claim.
- Represented luxury vehicle manufacturer in class action alleging claims for horizontal and vertical price fixing. Resulting in favorable settlement prior to trial.
- Defended multi-line insurance company in class action relating to allegations of improper application of an offset provision in the policyholder contracts. Helped develop cost-minimizing strategy on core legal issue prior to certification which ultimately resulted in resolving client's potential liability for limited monetary payments.
- Assisted in drafting an amicus brief to the United States Supreme Court on behalf of large American manufacturer client in the *Leegin Creative Leather Products, Inc. v. PSKS, Inc.* case. As a result, the Court issued a favorable landmark opinion on the ability to pursue resale price maintenance claims under federal Antitrust law in which the Court favorably cited to the client's amicus brief.
- Represented numerous health insurers in defense of individual lawsuits concerning claims for bad faith, negligent credentialing, failure to implement appropriate quality program, and improper implementation of contractual duties to third party self-funded employer plans.
- Represented prescription drug plans in contract disputes with various pharmaceutical companies regarding appropriate calculation of owed rebates; ultimately resulting in multimillion dollar payments to our client.
- Represented health insurer in class actions relating to claims for personal injury and medical monitoring relating to treatment at a facility on the health insurer's provider network.
- Represented multi-line insurer in bad faith litigation which, after targeted discovery and motion practice, ultimately concluded when plaintiff accepted our offer of judgment on the eve of trial which was valued at a fraction of plaintiff's prior settlement demand.
- Represented vehicle manufacturer in consolidated multi-state class actions involving consumer fraud, breach of warranty, unjust enrichment and common law fraud claims relating

to performance and safety of vehicles. Certification was ultimately denied and upheld on appeal.

- Represented insurer in multiple individual and class actions involving a wide variety of claims including bad faith, breach of contract, improper denial of benefits, improper application of offset clauses.
- Represented various title insurance companies in defending and pursuing actions regarding unfair competition claims relating to recruitment and retention of employees and clients.
- Provide antitrust advice to various national clients regarding state, federal and international antitrust and competition laws.

## **AREAS OF FOCUS**

- Insurance (Class Actions)

## **CIVIC INVOLVEMENT & HONORS**

*Best Lawyers in America, Commercial Litigation, 2024 - 2025*

## **COMMITTEE CONTENT**

- Recruiting Committee (Chair)

## **ADMISSIONS**

- Arizona, 2002
- United States District Court for the District of Arizona, 2003  
United States Court of Appeals, Ninth Circuit, 2007

## **EDUCATION**

University of Iowa, J.D., high distinction, Order of the Coif, 2002

University of Iowa, B.A., 1998

## **RELATED CAPABILITIES**

- Class Actions & Mass Torts
- Financial Services
- Energy Transition
- Litigation & Dispute Resolution
- Insurance (Class Actions)
- Consumer Fraud
- Pharmaceutical & Medical Devices (Class Actions)
- Class Actions
- Antitrust Class Actions
- Contract, Endorsement & Celebrity Representation
- Anti-Doping
- Sports & Event Venue Real Estate Infrastructure & Operation
- Naming Rights & Sponsorship
- Sports & Entertainment M&A
- Collegiate Sports
- Shareholder Securities and Mergers & Acquisitions
- Sports, Media & Entertainment
- Entertainment Industry
- Food, Ag & Nutrition (Class Actions)
- Employment Class & Collective Actions
- Sports (Class Actions)
- Data Privacy, Telecommunications & Collections
- Environmental and Toxic Tort
- Olympic & National Governing Bodies
- Professional Sports Team Representation
- Antitrust
- Investigations
- Regulation, Compliance & Advisory
- Sports, Media & Entertainment Litigation
- Sports & Event Financing
- Business & Commercial Disputes

## **RESOURCES**

## **PUBLICATIONS**

- "Using Arbitration Clauses to Reduce Class Action Exposure In Consumer Contracts After *DirecTV v. Imburgia*," *Bloomberg BNA, Class Action Litigation Report*, June 24, 2016
- Supreme Court Holds that Market Power Cannot Be Presumed From Fact That A Tying Product Is Patented in Recent *Illinois Tool Works Inc. v. Independent Ink Inc.* Opinion. Bryan Cave Client Alert, March 2006
- Supreme Court Overrules Longstanding Antitrust Precedent That Vertical Resale Price Maintenance is *Per Se* Unlawful in Recent *Leegin Creative Leather Products, Inc. v PSKS, Inc.* Opinion, Bryan Cave Client Alert, June 2007
- "Dodging the Question: The Supreme Court's Refusal to Commit to a Universal Interpretation of the Accrual of the Statute of Limitations for Civil RICO," *Journal of Corporation Law*, Volume 27-3, 2002

## SPEAKING ENGAGEMENTS

- "When State and Federal Health Care Laws Collide: Application of the Stark Law to Medicaid Claims and Advice on Protecting a State-Law Based Peer Review Privilege During a Federal Health Care Fraud Investigation," Presenter, WestLegalEd CLE Webinar, September 30, 2015
- "The Aftermath of the United States Supreme Court Opinion in *Leegin* (State Law Resale Price Maintenance Claims)", Arizona State Bar Conference, Antitrust Section, June 2009
- "Federal Antitrust Updates," Association of Corporate Counsel Meeting, May 2007

## RELATED INSIGHTS

Awards

Aug 17, 2023

**The Best Lawyers in America® 2024**

News

Jan 25, 2023

**BCLP Welcomes US Director of Inclusion & Diversity**

News

Nov 28, 2022

**BCLP represents NCAA in landmark CTE jury trial win**

Awards

Oct 21, 2022

**Firm earns 2022 Mansfield rule recognition**

Diversity

Mar 24, 2021

**Semiannual BCLP Diversity Report Now Available**

Insights

Apr 30, 2020

**U.S. - Coronavirus (Legal) Immunity – Protections for Nursing Homes**

Insights

Apr 28, 2020

**U.S. - Coronavirus (Legal) Immunity – The Risky Business of Re-Opening**