

Chad D. Hansen

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Services

Class Action Defense

Complex Commercial Litigation

ERISA Litigation

Litigation

Industries

Health & Life Sciences

Retail & Consumer Goods



Chad is co-leader of the firm's Healthcare Payer Practice and a member of the firm's ERISA Litigation and Class Action teams. He represents plaintiffs and defendants in health care, ERISA, and complex commercial litigation matters in state and federal courts in North Carolina and across the United States, as well as before international and domestic arbitration panels. He has tried jury and non-jury cases, including ERISA, health care, and property use matters, and has advanced and defended class actions through all stages of litigation.

Chad's health care practice includes transactional and litigation matters representing payors, providers, intermediaries, and vendors in the industry. He has represented clients in payor-provider payment disputes, coordination of benefits disputes, credentialing, provider and vendor contracting, benefits matters, and regulatory compliance.

He has represented ERISA plans and plan sponsors, administrators, and other fiduciaries in litigation in the employee benefits and health care contexts. Chad has litigated a variety of claims, including those for denial of benefits, breach of fiduciary duty, appropriate equitable relief, and co-fiduciary liability.

Chad also counsels clients on business torts, breaches of contract and warranty, unfair trade practices and other statutory causes of action, trade secrets, intellectual property, and defamation.

Prior to rejoining the firm, Chad was in-house counsel for Blue Cross Blue Shield of North Carolina where he managed a wide variety of legal issues, including supporting the Network Management and Provider Credentialing teams. His work included regulatory compliance, provider, intermediary, and vendor contracting, dispute avoidance and resolution, and counseling on strategic initiatives such as new product and programs

development.

Chad was recognized in 2019 and 2020 by *The Best Lawyers in America*[®] for Commercial Litigation. He was named a "Legal Elite" in 2020 by *Business North Carolina* magazine. Chad was recognized as a North Carolina "Super Lawyer" in 2014, 2015 and 2016 and a North Carolina "Rising Star" in 2013 and the three years immediately preceding for Business Litigation by *Super Lawyers* magazine. He was named an Emerging Legal Leader by *North Carolina Lawyers Weekly* in 2011. Chad was also recognized as a Triad "Mover & Shaker" by *Business Leader* magazine in 2011 and as one of *Triad Business Journal's* "40 Leaders Under Forty" in 2010. He is peer rated by Martindale Hubbell as AV[®] Preeminent[™], the highest rating in ethical standards and legal ability.*

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Experience

Representative Health Care matters:

Represented Blue Cross and Blue Shield of North Carolina in the North Carolina Business Court in a putative class action brought by chiropractors against Blue Cross NC and other health care payors alleging antitrust, unfair and deceptive trade practice, breach of fiduciary duty, and declaratory judgment claims arising out of payors' relationship with an intermediary managing their chiropractic provider networks. Obtained Rule 12(b)(6) dismissal; matter affirmed on appeal. *Sykes d/b/a Advanced Chiropractic and Health Center, et al. v. Blue Cross and Blue Shield of North Carolina, et al.*, Case No. 15-CVS-3136 (Forsyth Cty. Superior Ct. / N.C. Bus. Ct.).

Representing Blue Cross and Blue Shield of North Carolina in lawsuit brought by specialty pharmacy asserting claims for violation of the North Carolina Pharmacy of Choice statute and related common law claims over exclusion from specialty pharmacy network due to pharmacy's failure to satisfy network participation requirements. *Senderra RX Partners, LLC v. Blue Cross and Blue Shield of North Carolina*, Case No. 1:18-cv-871 (M.D.N.C.).

Representing Blue Cross and Blue Shield of North Carolina in lawsuit with North Carolina rural hospital alleging hospital's wrongful and fraudulent submission of more than \$76 million in urine drug screening lab tests. Matter is ongoing. *LifeBrite Hospital Group of Stokes, LLC v. Blue Cross and Blue Shield of North Carolina*, Case No. 18-293 (M.D.N.C.).

Representing third party administrator MedCost, LLC in lawsuit brought by assignee of out-of-network surgical center alleging breach of contract and promissory estoppel arising out of disagreement over calculation of UCR



and application of payment exclusions. Matter is ongoing. *Healthcare Ally Management of California, LLC v. MedCost*, Case No. 20STCV07880 (Los Angeles Cty. Superior Ct.).

Represented third party administrators MedCost and MedCost Benefit Services in lawsuit brought against them, municipal-sponsored group health plan, and municipality by a municipal employee enrollee of the plan challenging the application of certain plan exclusions for “illegal acts” arising out of an alcohol-related auto accident. Matter successfully resolved. *Hall v. City of Lexington, et al.*, Case No. 14-CVS-294 (Davidson Cty. Superior Ct.).

Represented North Carolina health insurer in Medicare primacy dispute with hospital system and employer sponsor of group health plan resulting from employer's failure to disenroll employee at time of retirement. Matter successfully resolved. *Kindred Hospitals East, LLC d/b/a Kindred Hospital Greensboro v. Blue Cross and Blue Shield of North Carolina*, Case No. 14-CVS-1506 (Guilford Cty. Superior Ct.).

Represented North Carolina health insurer in suit against health care provider over fraud, waste, and abuse arising from overbilling for diluted allergen shots. Obtained successful result during jury trial. *Blue Cross and Blue Shield of North Carolina, et al. v. Anita L. Jackson, M.D., et al.*, Case No. 05-CVS-584 (Orange Ct. Superior Ct.).

Representative ERISA matters:

Representing third party administrator of health benefits in lawsuit brought by health benefit plan and plan sponsor over alleged failure to comply with regulations related to the claims procedure under Section 502 of ERISA. Matter is ongoing. *Technibit, et. al. v. Blue Cross and Blue Shield of North Carolina*, 5:19-cv-79 (W.D.N.C.).

Represented R.J. Reynolds Tobacco Company in longstanding ERISA class action alleging breach of fiduciary duty related to RJRT's 401K plan. Obtained successful defense verdict after bench trial. *Tatum v. R.J. Reynolds Tobacco Company, et al.*, Case No. 1:02-CV-373 (M.D.N.C.).

Represented pension plan administrator and plan sponsor in suit involving ERISA claims for benefits, breach of fiduciary duty, and equitable estoppel. Matter successfully resolved. *Morganstern v. Plan Administrator of Nidera US, LLC Employee Pension Plan, et al.*, Case No. 2:17-CV-03687 (D.N.J.).

Represented Blue Cross and Blue Shield of North Carolina in lawsuit brought by health care provider asserting ERISA and common law claims arising out of unpaid medical benefits. Obtained Rule 12(b)(6) dismissal. *Kearney v. Blue Cross and Blue Shield of North Carolina*, Case No. 1:16-CV-191 (M.D.N.C.).

Represented employer sponsor of group health plan and third party administrator of health benefits in lawsuit



brought by an employee enrollee asserting ERISA claims resulting from denial of health benefits to minor infant for cochlear implants based on application of corporate medical policy. Matter successfully resolved. *Patterson v. BB&T Corporation Health Care Plan, et al.*, Case No. 1:14-CV-641 (M.D.N.C.).

Represented beneficiaries in dispute with plan administrator of ERISA retirement plan over claim for benefits under contested beneficiary designation forms. Matter successfully resolved.

Represented health benefits plan administrator and plan sponsor in dispute with health care provider over alleged assigned benefits arising out of dialysis treatments. Matter successfully resolved.

Representative Class Action matters:

Representing Blue Cross and Blue Shield plan in purported class action brought by health care providers and subscribers on behalf of a nationwide and a state class alleging in antitrust claims that the Blue Cross and Blue Shield Association, 37 BCBS independent licensees, and related entities across the country unlawfully agreed not to compete with one another. Matter is ongoing. *In Re Blue Cross Blue Shield Antitrust Litigation MDL 2406 Order*, Case No. 2:13-cv-20000-RDP (N.D. Ala.).

Representing third party administrator of health benefits in purported class action brought by participants of an employer sponsored health benefit plan alleging ERISA breach of fiduciary, denial of benefits, and equitable relief and under COBRA arising out of plan sponsor's bankruptcy and termination of the plan. Matter is ongoing. *Velvie Gray, et. al. v. Blue Cross and Blue Shield of North Carolina, et. al.*, 1:19-cv-01234 (M.D.N.C.)

Represented Volvo Penta of the Americas, a global supplier of engines and power solutions for marine and industrial applications, in a nationwide putative class action asserting claims for product liability/breach of warranty, quantum meruit/unjust enrichment, and conversion arising out of allegedly defective marine propulsion products. Matter successfully resolved after class certification denied. *Drummond, et al. v. Volvo Penta of The Americas LLC*, Case No. 2:14-CV-3460 (D.S.C.).

Represented Volvo Group North America, one of the nation's leading manufacturers of Class 8 trucks, in a nationwide putative class action asserting claims for breach of implied and express warranty, breach of contract, and related claims arising out of allegedly defective diesel engines. Matter successfully resolved after class certification denied. *Cochran, et al. v. Volvo Group North America, LLC*, Case No. 1:11-CV-00927 (M.D.N.C.).

Represented federal employees in a class action in the U.S. Court of Federal Claims and the Federal Circuit against the United States asserting breach of contract and related claims arising out of the government's violation of the terms of a prior settlement agreement with a class of federal employees who worked in the

“non-foreign” or “COLA” areas of the United States, which includes Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, Hawaii, and Alaska, by, among other things, eliminating COLA payments to class members. Matter resolved after appeal. *Caraballo, et al. v. The United States*, Case No. 15-223 (Fed. Cl.).

Represented federal employees in a class action in the U.S. District Court for the District of Puerto Rico and the First Circuit against the United States seeking to correct and obtain appropriate remedies for the discriminatory and unlawful practice of paying lower retirement annuities to federal employees who work in the “non-foreign” or “COLA” areas of the United States, which includes Puerto Rico, the U.S. Virgin Islands, Guam, the Northern Mariana Islands, Hawaii, and Alaska. Matter resolved after appeal. *Rodriguez, et al. v. United States of America*, Case No. 3:14-CV-1193 (D.P.R.).

Representative Complex Commercial Litigation matters:

Represents the developer of large LED advertising sign in Times Square, New York, in lawsuit against solutions company and technology integrator, architectural and engineering firms, and survey companies for breach of contract and warranty, misrepresentation, negligence, and other claims arising out of project delays and low-quality and defect-riddled sign. Matter is ongoing. *Media Glow Digital, LLC, et al. v. Panasonic Corporation of North America, et al.*, Case No. 1:16-CV-7907 (S.D.N.Y.).

Representing subsidiary of global metals service company in lawsuit with process and mechanical contractor over contractor’s failure to pay for steel products supplied for and incorporated into microsystems plan in China. Matter is ongoing. *Valex Corp. v. Kinetics Systems Malaysia SDN, BHD*, Case No. 56-209-00527645 (CA Sup. Ct., Ventura Cty.).

Represented developer of wood pellet facility in contested case before the NC Office of Administrative Hearings brought by environment group against the North Carolina Department of Environmental Quality challenging certain air quality permits granted to the developer. Obtained Rule 12(b)(6) dismissal. *Concerned Citizens of Richmond County v. NC Dep’t Env’tl. Quality, Division of Air Quality*, 17-EHR-3071 (NC OAH).

Represented credit union property owner in lawsuit against aircraft maintenance company owning adjacent land asserting claims under the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), violations of the North Carolina Oil Pollution and Hazardous Substances Control Act, private nuisance, trespass, negligence, and contribution arising out of migration of environmental contamination onto clients property. Matter successfully resolved. *Piedmont Advantage Credit Union v. Piedmont Hawthorne Aviation, LLC d/b/a Landmark Aviation*, Case No. 1:16-CV-13 (M.D.N.C.).

Represented a North Carolina environmental and industrial resources company in an action against a facility from which it purchased soil for use as clean backfill at a site undergoing environmental remediation under the



North Carolina Dry-Cleaning Solvent Cleanup Act (DSCA) Program. The soil was contaminated with petroleum, necessitating immediate removal, cleanup, and further involvement by state regulators. Matter successfully resolved. *Evo Corp. v. Fogleman & Fogleman Soils, Inc.*, Case No. 13-CVS-4564 (Forsyth Cty. Superior Ct.).

Represented land owner in case brought against adjacent land owner asserting claims for nuisance, trespass, riparian rights, negligence, and violation of certain environmental and dam safety statutes arising out of neighbor's construction of an upstream dam and irrigation pond that cut off and contaminated downstream water supply. Achieved successful jury verdict. *Whitaker v. Doub*, Case No. 11-CVS-203 (Yadkin Cty. Superior Ct.).

Represented R.J. Reynolds Tobacco Company in North Carolina Business Court litigation with competitor over the use of the word "pleasure" in tobacco advertising arising out of the parties' settlement of trademark disputes. Matter successfully resolved. *Lorillard Tobacco Co., et al. v. R.J. Reynolds Tobacco Co.*, Case No. 10-CVS-11471 (Guilford Cty. Superior Ct. / N.C. Bus. Ct.).

Education

University of North Carolina School of Law, J.D. (2004) *with honors*

University of Alaska, Anchorage, B.A., History (2001)

Admissions

North Carolina (2004)

Court Admissions

U.S. District Court for the Middle District of North Carolina (2005)

U.S. District Court for the Western District of North Carolina (2005)

U.S. District Court for the Eastern District of North Carolina (2005)

U.S. Court of Appeals for the Fourth Circuit (2012)

U.S. Court of Appeals for the Federal Circuit (2015)

U.S. Court of Federal Claims (2014)

Clerkships

U.S. District Court for the Middle District of North Carolina - Honorable William L. Osteen (Aug 2004-Aug 2005)

Professional & Community Activities

Professional Activities

Wake Forest University School of Law, Adjunct Professor



Paying for Health Care (2018-Present)
Native American Law (2008-2011)

21st Judicial District Bar, Member

Forsyth County Bar Association, Member

North Carolina Bar Association, Litigation Section, Member; Health Law Section, Member

Federal Bar Association, Middle District of North Carolina Chapter, Member

American Health Lawyers Association, Member

Chief Justice Joseph Branch Inn of Court, Member (2007-2009, 2019-Present)

North Carolina Journal of International Law & Commercial Regulation, Articles Editor (2003-2004) and Staff Member (2002-2003)

UNC Trial Law Academy, Executive Committee Member (2003-2004)

TYLA National Trial Competition, National Semi-Finalist (2003)

UNC Broun National Trial Team, Member (2002-2004)

Community Activities

NC Triad Fusion, Inc., Board of Directors (2018-present)

Twin City Youth Soccer Association, President (2016-2018), Vice President (2014-2016), Board of Directors (2013-present)

Salem Chapel, Elder (2020-Present)

Habitat for Humanity of Forsyth County, Board of Directors (2014-2016)

The Forsyth Promise, Executive Team Member (2015-2016)

Community Chair, Forsyth County/Winston-Salem Forsyth County Schools School Funding Work Group (2010-2011)

Family Promise of Forsyth County, Board of Directors (2009-2013)

Leadership Winston-Salem, Graduate (2008-2009)

Insights

[News Releases](#)

36 Kilpatrick Townsend Attorneys Named to the 2019 North Carolina Pro Bono Honor Society
May 28, 2020

[Alerts](#)

Impact of the COVID-19 Pandemic on Impossibility, Impracticability, and Frustration of Purpose Contract Defenses under North Carolina Law

April 24, 2020



Alerts

Impact of the COVID-19 Pandemic on Force Majeure Defenses Under North Carolina Law

April 13, 2020

News Releases

Record-Breaking Recognition for Kilpatrick Townsend in *The Best Lawyers in America*® 2020

August 15, 2019

In The News

35 Kilpatrick Townsend Attorneys Named to the North Carolina Pro Bono Honor Society

May 24, 2019

In The News

Record-Breaking Recognition for Kilpatrick Townsend in The Best Lawyers in America® 2019

August 20, 2018

Publications

Communicating with Putative Class Members Prior to Class Certification: Important Reminders (or New Lessons) for Federal Court Practice

December 22, 2017

Publications

Filing An Early Motion To Strike Class Allegations

August 23, 2017

Publications

The Seventh Circuit Forecloses One “Pick Off” Method Under Rule 67, But Leaves A Trail Of Crumbs For Both The Plaintiffs’ And Defense Bar

July 3, 2017

News Releases

Partner Chad Hansen Rejoins Kilpatrick Townsend’s Litigation Department in Winston-Salem

March 29, 2017

Alerts

Persistence Pays Off in R.J. Reynolds ERISA Defense



February 29, 2016

[In The News](#)

Kilpatrick Townsend's Media Report February 17-25, 2016

February 26, 2016

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2016 North Carolina Super Lawyers

January 15, 2016

[In The News](#)

Kilpatrick Townsend's Media Report February 27-March 5, 2015

March 6, 2015

[News Releases](#)

Kilpatrick Townsend Attorneys Named 2015 North Carolina Super Lawyers

January 28, 2015