



Nell Zora Peyser

Partner

Tel: 212.897.3436
Fax: 212.704.4256
npeyser@zuckerman.com

Practice Focus

- Business Litigation
- Commercial Health Insurance Disputes
- Health Care
- Insurance
- Plaintiffs and Class Actions
- Sports

Education

- Cornell Law School, J.D., 2015
 - Articles Editor, *Cornell Journal of Law and Public Policy*
 - President, National Lawyers' Guild
- Oberlin College, B.A., 2011

Nell Zora Peyser's practice focuses on health insurance litigation and civil litigation.

In her health insurance practice, she represents patients and health care providers against health insurers in suits to ensure that patients receive the health plan benefits to which they are entitled. Nell's experience includes representing plaintiffs in ERISA class-action litigation related to denials and improper reductions in reimbursement of mental health/substance abuse treatment benefits, improper charging of subcontractors' administrative fees under the guise that they are medical expenses, and violations by health insurers of the Mental Health Parity and Addiction Equity Act.

In her civil litigation practice, she represents individuals and companies in business and employment disputes. Nell's experience includes securing favorable settlements for various high-profile clients such as financial institutions, executives, and athletes.

Prior to joining the firm, Nell was an associate at Brewer, Attorneys & Counselors, where she represented clients in disputes with their employers, including in Delaware bankruptcy court and in arbitration.

Nell received her law degree from Cornell Law School in 2015 and worked at the Children's Law Center in Brooklyn before going into private practice.

Experience

- Represented a putative class of patients in an action against a major insurance company for allegedly discriminating against out-of-network psychologists and other mental health providers for mental health services. Plaintiffs alleged that the insurer's policy of reimbursing mental health providers less than non-mental health specialists for providing the same services violated the Mental Health Parity and Addiction Equity Act and ERISA.
- Represented a putative class of patients in litigation against a major insurance company for allegedly violating ERISA and the Mental Health Parity and Addiction Equity Act by denying coverage for nutritional counseling for patients suffering from eating disorders.
- Represented patients and providers in litigation brought against a third-party administrator challenging the use of plan assets and health spending accounts to pay administrative fees and expenses.
- Represented a putative class of patients in an action against multiple insurance companies alleging that the companies improperly limited and denied mental health coverage by utilizing proprietary internal guidelines that intentionally restricted coverage for residential and intensive mental health and substance abuse treatment.
- Represented a putative class of providers in litigation against multiple insurance companies alleging that the companies improperly limited coverage for chiropractic services based on restrictive internal utilization review. The court issued a precedent-setting decision holding that a provider has the right to assert ERISA claims with an "assignment of benefits" from patients.
- Represented a class of patients in an action against a major insurance company alleging that it violated ERISA by utilizing manipulative payment practices, including the use of "dummy codes" to disguise third party administrators' administrative charges as medical expenses.
- Represented a class of patients in litigation against a major insurance company for allegedly violating ERISA by using an improper methodology to calculate out-of-network reimbursement rates in violation of plan terms.
- Represented a financial institution in an action in the Eastern District of New York involving claims of employment retaliation.
- Represented the President and CEO of an aviation company in an action in the Southern District of New York involving claims of breach of contract, fraud, assault, and battery.
- Represented an MLB player in federal civil litigation related to defending against allegations of sexual assault and pursuing claims of defamation.

Bar Admissions

- New York

Court admissions

- U.S. District Court, Eastern District of New York
- U.S. District Court, Northern District of New York
- U.S. District Court, Southern District of New York

Recognitions

- Super Lawyers (New York)