Press Release

WASHINGTON LEGAL FOUNDATION
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WLF Asks Eighth Circuit to Affirm Dismissal of Speculative ERISA Drug-Pricing Claims

(*Navarro v. Wells Fargo & Co.*)

"Participants who received every promised benefit suffered no injury Article III recognizes."

— Cory Andrews, WLF General Counsel & Vice President of Litigation

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Court of Appeals for the Eighth Circuit to affirm the district court's dismissal of an ERISA class action. In its amicus brief, WLF contends that plan participants who received every promised benefit at the prices their plan set suffered no concrete injury under Article III.

The case stems from a lawsuit by five former Wells Fargo employees against the company's self-funded health plan. They allege that the plan's pharmacy benefit manager charged excessive prices for generic drugs and fees, which supposedly raised their premiums and out-of-pocket costs. The District of Minnesota dismissed the complaint twice, holding that the alleged harm was speculative and not redressable.

Urging affirmance, WLF argues that an overpayment claim is measured against the bargain received, not against external benchmarks. These plaintiffs received all the coverage they were promised, and Wells Fargo's sole discretion to set contribution rates severs any causal link to participants' pockets and leaves any judgment non-redressable. The plaintiffs' theory, if embraced on appeal, would turn every formulary into a nationwide class action and discourage the employers ERISA seeks to encourage.

Celebrating its 49th year, WLF is America's premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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