Chad R. Fuller

Partner

San Diego Orange County

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Chad is an accomplished trial attorney who helps clients resolve their complex disputes. With extensive trial to verdict experience throughout the U.S., clients trust him to create strategies that help to mitigate liability while serving their business goals.

OVERVIEW

Chad is a versatile litigator whose practice spans the managed care and financial services sectors, defending insurers, managed care organizations, and financial services clients in single-plaintiff and multidistrict matters. He serves as lead trial counsel in complex managed health care litigation involving a variety of claims, including bad faith, breach of contract, improper billing, the Mental Health Parity Act (MHPA), and out-of-network issues. Chad also defends financial services clients against claims involving the myriad federal consumer protection statutes, especially the Telephone Consumer Protection Act (TCPA) and the Fair Debt Collection Practices Act (FDCPA).

Chad's effective and systematic approach to high stakes litigation is drawn from his experience managing hundreds of TCPA cases and an in-depth understanding of managed care litigation. By anticipating likely roadblocks and scenarios, he is able to proactively position clients throughout the course of a case.

As one of the few attorneys in the U.S. that tries TCPA cases to verdict, Chad is go-to counsel for financial services clients facing major consumer class action litigation. He is also experienced in cases alleging false advertising and product defects, as well as cases alleging the inappropriate charging of fees and services by a variety of businesses such as software, telecommunications, home warranty, insurance brokerage, and auto finance companies. Additionally, Chad defends clients in privacy and security litigation and advises on associated regulatory issues.

REPRESENTATIVE MATTERS

Managed Care Representative Matters

- Successfully obtained dismissal with prejudice (at the pleadings stage) of a putative TCPA class action on behalf of a California-based medical group, in a matter in the Central District of California. The plaintiff alleged unlawful calls to her cellular phone, but the court granted the defendant's motion to dismiss, holding the communications fell within the FCC's "emergency purpose" exception because the calls were purposed to convey health- and safety-related information related to prior authorization requests from the intended recipients' physicians. The court confirmed the emergency purpose exception is broad and applies even when

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a call reaches a wrong number. The case was dismissed without leave to amend.

- ABC *Services Group, Inc. v. Health Net of California, Inc., et. al*., 8:19-cv-00243-DOC (C.D. Cal. June 13, 2022) – Obtained dismissal with prejudice of litigation against Anthem Blue Cross Life and Health Insurance Company, Anthem, Inc., Beacon Health Options, Inc., Beacon Health Strategies, LLC, ValueOptions Federal Services, Inc., and ValueOptions of California, Inc. The plaintiff sought to recover claims on behalf of a closed substance abuse treatment facility. The litigation was initially filed as individual lawsuits in state and federal court against 36 defendants, asserting state law and ERISA claims. The litigation was consolidated in the U.S. District Court for the Central District of California, which granted the defendants' motion to dismiss the plaintiff's first amended complaint. On appeal, the Ninth Circuit Court of Appeals affirmed the dismissal of the state law claims and remanded the ERISA claims to the district court, which dismissed the remaining ERISA claims for lack of standing and failure to cite specific plans and plan terms.
- Successfully represented Blue Cross Blue Shield of Georgia, Inc. (dba Anthem Blue Cross Blue Shield) in an ERISA § 1132(a) matter in the Central District of California. The plaintiff alleged Anthem improperly denied benefits relating to Proton Beam Radiation Therapy (PBRT) to treat his prostate cancer. The court confirmed that records evidenced Anthem's reasonable review and proper reliance on its medical policies, guidelines, and literature, as required by the health benefits plan at issue, in denying the benefits at issue. The court further held that Anthem's determination that the plaintiff's PBRT treatment was not covered by the plan was not an abuse of discretion. As such, the court entered judgment in Anthem's favor. *Loren Swearingen v. Westlake Health Care Plan, et. al.*, 2:20-cv-02052-MCS-JEM (C.D. Cal. August 24, 2021).
- Successfully represented Anthem, Inc. and Anthem UM Services, Inc. in an ERISA (§ § 1132(a)(1)(B) and 1132(a)(3)) putative class action matter in the Central District of California, and on the subsequent appeal to the Ninth Circuit, regarding denial of FDA-cleared, but investigational, peripheral nerve stimulation (PNS) treatment. The court held that plaintiff failed to adequately plead a provision of the plan that was breached, and importantly, that the medical policy was a part of the plan. *Marie Fortier v. Anthem, Inc. and Anthem UM Services, Inc.*, 2:20-cv-004952-MCS, (C.D. Cal. Dec. 12, 2020). The Ninth Circuit unanimously affirmed the District Court's decision. *Marie Fortier v. Anthem Inc. et al.*, No. 20-56361 (9th Cir. 2021).
- *United Air Ambulance, LLC. v. Healthkeepers, Inc.* – Served as lead trial counsel in a jury trial involving air ambulance transportation dispute and obtained a complete defense verdict for Anthem/Healthkeepers.
- *In re Anthem Data Breach Litigation* – Served as member of Anthem's litigation defense team and was involved in all aspects of the case from MDL assignment though settlement and final approval.
- Successfully represented Anthem, Inc. in a TCPA putative class action matter in the Northern District of Ohio regarding prerecorded message calls. Obtained summary judgment in this first-of-its-kind decision. *Adam Savett v. Anthem Inc.*, 1:18-cv-00274-PAB, 2019 US Dist. Lexis 190955, 2019 WL 5696973 (N.D. Ohio Nov. 4, 2019).
- *Reese v. Anthem, Inc., et al.*, No. 17-07940 (E.D. La. Mar. 12, 2018) – Motion to Dismiss granted with prejudice in a TCPA putative class action relating to informational health care-related text messages.
- Blue Cross of California Website Security Cases – Represented Blue Cross of California and its parent company and affiliates in a nationwide class action involving an alleged data security breach relating to an online application portal.
- *OCR/HHS v. WellPoint* – Represented WellPoint in an OCR/HHS investigation involving a data security incident.

TCPA Representative Matters

- *Hibler v. Santander Consumer USA Inc.* – Represented Santander in a nationwide TCPA class action in connection with consumer auto finance lending and debt collection.
- *Espejo v. Santander Consumer USA Inc.* – Represented Santander in a nationwide TCPA class action in connection with consumer auto finance lending and debt collection.

Commercial Class Action Litigation Representative Matters

- *Lindblom v. Santander Consumer USA Inc.*, No. 1:15-cv-00990 (E.D. Cal. January 26, 2018) – Defeated Motion for Class Certification in Rosenthal Act class action.

- *Kinder v. Microsoft* – Represented Microsoft in a California class action involving TCPA claims alleging improper use of predictive dialers. Case dismissed at pleading stage.
- *Cappicchioni v. AmeriCredit* – Represented AmeriCredit in California class action alleging violations of California wiretapping statute. Case dismissed at pleading stage.
- *Lemieux v. HSBC* – Represented HSBC in California class action alleging violation of TCPA involving collection activities. Case settled for nuisance value.
- *Mack/Newman v. GM Financial* – Represented GM Financial in a nationwide TCPA class action in connection with consumer auto finance lending and debt-collection.

Commercial and Financial Services Litigation Class Actions

- *Campion v. Old Republic Home Protection* – Represented Old Republic Home Protection in a nationwide class action involving home warranty plans.
- *Preziosi v. The Brunton Company* – Represented Brunton in a California class action involving allegations of defective camping stoves.
- *Davis v. Carbonite* – Represented Carbonite in California class action involving alleged data storage loss and violations of state and federal privacy laws.
- MDL Pet Food Litigation – Served as lead counsel in a nationwide multidistrict litigation (MDL) involving contaminated rice protein concentrate from China. Settled case on extremely favorable terms. Handled all aspects of claims management, including cy pres funds.
- *Saulic v. Symantec* – Represented Symantec in a nationwide class action involving credit card billing issues over the Internet. Defeated class certification and obtained complete dismissal.
- *Slocum v. State Farm* – Represented State Farm in a California class action involving installment payments of insurance premiums. Case dismissed on pleadings after three years of litigation.
- *Gregory v. Hewlett Packard* – Represented HP in a nationwide consumer class action alleging that HP's Pavilion laptop computers contained a defective motherboard that caused the computers to hang, freeze, and lock.
- *Gordon v. Bank of America* – Successfully defended Bank of America in class action alleging that bank practices with respect to loan payoff fees violated California Civil Code section 2943 and constituted an unfair and unlawful practice pursuant to California's Unfair Practices Act (Business and Professions Code § 17200).
- *Michaelson v. Bank of America* – Represented the bank in a California class action brought under Business and Professions Code § 17200 challenging practices regarding check hold periods. After filing a demurrer and highlighting the weaknesses of the plaintiff's claims, the case was voluntarily dismissed.
- *Washington Mutual v. Gan* – Represented Washington Mutual in a class action brought under the Real Estate Settlement Procedures Act, successfully resisting class certification and discovery efforts.
- *Dolfo v. Bank of America* – Represented Bank of America in a nationwide class action involving claims against the bank's implementation of HAMP loan modifications.

AWARDS

- Best Lawyers in America®: Commercial Litigation (2026-2027)

TOP AREAS OF FOCUS

- Auto Finance
- Financial Services Litigation
- Health Care + Life Sciences
- Managed Care Payor Disputes, Investigations + Regulatory Counseling
- Telephone Consumer Protection Act (TCPA)

ALL AREAS OF FOCUS

- Auto Finance
- Class Action
- Consumer Financial Services
- Consumer Law Compliance
- Fair Debt Collection Practices Act (FDCPA)
- Financial Services
- Financial Services Litigation
- Government + Regulatory
- Health Care + Life Sciences
- Litigation + Trial
- Managed Care Payor Disputes, Investigations + Regulatory Counseling
- Mortgage Lending + Servicing
- Privacy + Cyber
- Telephone Consumer Protection Act (TCPA)

PROFESSIONAL EXPERIENCE

- Judicial extern, Honorable Napoleon A. Jones, Jr., U.S. District Court for the Southern District of California
- From 1981-1989, Chad served in the U.S. Marine Corps and attained the rank of sergeant, meritoriously. As a sergeant, he was the honor graduate and first in his class at Non-Commissioned Officer Leadership Academy, Class 187.

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of San Diego School of Law, J.D., 1997
- University of California, San Diego, B.A., 1993

BAR ADMISSIONS

- California

COURT ADMISSIONS

- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Eastern District of Wisconsin
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Eastern District of Michigan

SPEAKING ENGAGEMENTS

- Speaker, “Settlement Structures,” Consumer Attorneys of California CLE, September 27, 2024.
- Speaker, “The Decline and Fall of the ‘Lead Generator Loophole’,” Blue Cross Blue Shield Association, February 26, 2024.
- Speaker, “A Higher Call: Understanding How the TRACED Act Rings in New TCPA Compliance Rules,” Blue Cross Blue Shield National Teleconference Series, February 17, 2021.
- Speaker, “Hot TCPA Topics for Calling in the Time of COVID-19,” Troutman Sanders Webinar, May 20, 2020.
- Speaker, “A Glimmer of Light: An Update on Key TCPA Developments,” Troutman Sanders Webinar, November 19, 2019.
- Co-presenter, “Cinema & Developing Key Litigation Strategies in ERISA Reimbursement Cases to Drive Early Resolutions and Manage Legal Spending,” 2019 Blue Cross Blue Shield National Summit, April 29, 2019.
- Speaker, “Consumer Financial Services Outlook 2019,” Troutman Sanders Webinar, February 12, 2019.
- Co-presenter, “A TCPA in Chaos: Navigating the Circuit and District Courts Splits on the Interpretation of the TCPA Since ACA International,” October 26, 2018.
- Speaker, “Did the D.C. Circuit Short- Circuit the TCPA? Life After ACA v. FCC,” Troutman Sanders Webinar, March 20, 2018.
- Speaker, “Game-Changers in Consumer Class Actions,” Troutman Sanders Webinar, April 17, 2018.
- Speaker, “Debt Collection Litigation Management Best Practices,” ACA International Annual Convention and Expo, Seattle, Washington, July 16-18, 2017.
- Panelist, “The Telephone Consumer Protection Act (TCPA): Continued Uptick in Litigation With No End in Sight and Strategies for Modifying Your Practices to Avoid Liability, New Plaintiff Theories, Emerging Defense Strategies, Class Action Certification Issues, and Staying Ahead of the Curve in the Face of Complex and Unclear Rules,” American Conference Institute’s Consumer Finance Class Actions & Litigation Conference, Miami, FL, January 24, 2017.
- Panelist, “I Love Lucy but I Don’t Love the TCPA: A Deeper Dive into the Details,” BlueCross BlueShield 2016 National Summit, Orlando, FL, May 16, 2016.
- Panelist, “A Year in Review – TCPA Developments Since the FCC’s Landmark Declaratory Ruling,” Troutman Sanders Consumer Financial Services Webinar Series, June 7, 2016.
- Panelist, “Responding to and Evaluating New Claims Involving the Telephone Consumer Protection Act (TCPA) and Related State Law Claims: Practicing in the Face of Complex and Unclear Rules and Legislative Activity, the Latest Plaintiff Theories and Emerging Defense Strategies, Settlement Trends and More,” American Conference Institute 25th National Forum on Consumer Finance Class Action & Litigation, Los Angeles, CA, April 7, 2016.
- Speaker, “The New Telephone Consumer Protection Act (TCPA) Rules: A Moving Target,” Blue National Summit, April 20, 2015.
- Speaker, “Keeping Up With TCPA: Avoid Liability With Mobile Marketing,” National Constitution Center Webinar, August 6, 2014.
- Speaker, “New Telephone Consumer Protection Act: Boon or Bane to Your Company?” The Knowledge Congress Webcast Series, March 12, 2014.
- Presenter, “Alternatives to Formal Arbitration – Mandatory Judicial Arbitration, Judicial Reference, and Agreements to Arbitrate only Particular Issues or Claims,” Bridgeport’s Consumer Class Actions in California Seminar, January 27, 2012.
- Presenter, “Alternatives to Formal Binding Arbitration,” Bridgeport’s All About Arbitration Seminar, January 13, 2012.

PUBLICATIONS

- Co-author, “DOL Final Rule Expands PBM Transparency for Self-Insured Health Plans,” *Consumer Financial Services Monitor*, November 2, 2026.
- Co-author, “Maryland Federal Court Denies TCPA Class Certification in Appointment Reminder Call Case,” *Consumer Financial Services Law Monitor*, October 7, 2026.
- Co-author, “DOL/EBSA Narrows Mental Health Parity Enforcement Focus to Three Priority Areas,” *Consumer Financial Services Law Monitor*, September 17, 2026.
- Co-author, “Reading the Tea Leaves: Text Messages May Not Be TCPA Calls in the Seventh Circuit,” *Troutman Pepper Locke*, May 22, 2026.
- Co-author, “Sixth Circuit Holds Tennessee PBM Network and Steering Rules Are ERISA?Preempted,” *Consumer Financial Services Law Monitor*, April 16, 2026.
- Co-author, “Fourth Circuit Blocks West Virginia’s 340B Contract Pharmacy Law as Likely Preempted,” *Consumer Financial Services Law Monitor*, April 3, 2026.
- Co-author, “FTC Launches Healthcare Task Force,” *Consumer Financial Services Law Monitor*, March 26, 2026.
- Podcast, “TCPA Risk Reloaded: Why DNC and Consent Issues Are Fueling the Next Wave of Litigation,” *The Consumer Finance Podcast*, March 26, 2026.
- Co-author, “Patient Champions or Profit Chasers? The Rise of Profit-Driven Patient Advocacy and Legal Implications for Managed Care Organizations,” *American Bar Association, Health Law Section*, March 19, 2026.
- Co-author, “Maine Court Enjoins HRSA’s 340B Rebate Pilot,” *Consumer Financial Services Law Monitor*, January 9, 2026.
- Co-author, “CY 2026 Medicare Physician Fee Schedule: What Payors and Insurers Need to Know,” *Consumer Financial Services Law Monitor*, November 12, 2025.
- Co-author, “California Expands Vaccine Coverage Requirements,” *Consumer Financial Services Law Monitor*, September 25, 2025.
- Co-author, “Litigation Heats Up Over Air Ambulance Billing Practices Under the No Surprises Act,” *Consumer Financial Services Law Monitor*, July 9, 2025.
- Co-author, “Why Does the TCPA Equal Chaos? The US Supreme Court Opens FCC Orders to New Challenges ,” *Troutman Pepper Locke*, July 1, 2025.
- Co-author, “Eleventh Circuit Re-Opens TCPA “Lead Generator Loophole” and Signals Further Erosion of Judicial Deference to Administrative Rules,” *Troutman Pepper Locke*, February 6, 2025.
- Co-author, “*McLaughlin Chiropractic Associates, Inc. v. McKesson Corp.*: An Early Look at the Waning Power of the Administrative State Post-Chevron,” *Consumer Litigation Newsletter*, American Bar Association, February 3, 2025.
- Podcast, “TCPA Trends: 2024 Year-in-Review and 2025 Predictions,” *The Consumer Finance Podcast*, January 23, 2025.
- Co-author, “9th Circ. Clarifies ERISA Preemption for Healthcare Industry,” *Law360*, June 12, 2024.
- Co-author, “Troutman Pepper Publishes *2023 Consumer Financial Services Year in Review and A Look Ahead* ,” *Troutman Pepper*, February 1, 2024.
- Co-author, “AAA Issues Amended Commercial Arbitration Rules,” *Troutman Pepper*, August 31, 2022.
- Co-author, “Eighth Circuit Holds Text System That Randomly Selects Phone Numbers From Database Does Not Qualify as ATDS,” *Troutman Pepper*, March 24, 2022.
- Co-author, “Ninth Circuit Reversal of Trial Court Order Equals Big Win for Payors,” *Troutman Pepper*, March 23, 2022.
- Mentioned, “Anthem May Escape Suit Over $415K Air Ambulance Ride,” *Law360*, March 17, 2022.
- Co-author, “2021 Consumer Financial Services Year in Review & A Look Ahead,” *Troutman Pepper*, January 28, 2022.
- Co-author, “TCPA: Ninth Circuit Rejects Duguid’s “Footnote Seven” Argument, Holding That Storage of a Pre-

Produced List Does Not Turn a System Into an ATDS," *Troutman Pepper*, January 20, 2022.

- Co-author, "Sixth Circuit Reverses Lindenbaum, Finds TCPA Government-Backed Debt Exemption Did Not Render Remainder of Statute Unconstitutional," *Troutman Pepper*, September 10, 2021.
- Co-author, "Northern District of California Rejects "Footnote Seven" Argument in TCPA Case," *Troutman Pepper*, September 2, 2021.
- Co-author, "4 Ways Courts Are Approaching High Court's TCPA Ruling," *Law360*, August 23, 2021.
- Co-author, "Life After *Facebook*: District of South Carolina Holds Predictive Dialer Is Not an ATDS," *Troutman Pepper*, June 17, 2021.
- Co-author, "A Chainsaw, Rather than a Scalpel: Supreme Court Holds Telephony Must Include Random or Sequential Number Generator to Qualify as ATDS under TCPA," *Troutman Pepper*, April 1, 2021.
- Co-author, "TCPA: U.S. Government Advocates for Strict Reading of the Statute, ATDS Should Include Random or Sequential Generation Requirement," *Troutman Pepper*, September 10, 2020.
- Co-author, "Northern District of California Denies Arbitration in TCPA Class Action, Citing Lack of Affirmative Assent to Arbitrate in Web Submissions," *Troutman Pepper*, September 8, 2020.
- Co-author, "Tenth Circuit Develops New ERISA Rule in *Ellis v. Liberty Assurance Company of Boston*," *Troutman Sanders*, May 18, 2020.
- Co-author, "6th Circ. Ruling Jeopardizes ERISA Exhaustion Defense," *Law360*, April 16, 2020.
- Co-author, "The COVID-19 Crisis and the Expansion of Telehealth Services," *Troutman Sanders*, April 3, 2020.
- Co-author, "2019 Consumer Financial Services Year in Review & A Look Ahead," *Troutman Sanders*, February 24, 2020.
- Co-author, "The Words Strike Back: The Empire of TCPA Litigation Suffers a Mighty Blow at the Hands of the Eleventh Circuit, Which Joins Third Circuit in Finding that an ATDS Requires Random or Sequential Number Generation," *Troutman Sanders*, January 28, 2020.
- Co-author, "The Top 10 TCPA Cases of 2019," *Law360*, January 2, 2020.
- Co-author, "2018 Consumer Financial Services Year in Review & A Look Ahead," *Troutman Sanders*, January 28, 2019.
- Co-author, "California Expands Auto Loan Protections for Servicemembers," *Auto Finance News*, December 12, 2018.
- Co-author, "ALERT for Ninth Circuit and TCPA: A System That Has the Capacity to Automatically Dial Stored Numbers Is an ATDS," *Troutman Sanders*, September 21, 2018.
- Co-author, "FTC Conducts First Compliance Sweep Since Amendment to Used Car Rule," *The Center for Auto Finance Excellence*, September 7, 2018.
- Co-author, "Marketing Add-on Warranty Products Draw FTC Scrutiny," *The Center for Auto Finance Excellence*, May 16, 2018.
- Co-author, "The Latest on TCPA Exemption for Health Care-Related Calls," *Law360*, February 7, 2018.
- Co-author, "2 Dish Network Defeats Suggest TCPA Is Not Dead Yet," *Law360*, June 9, 2017.
- Co-author, "TCPA Is Not Dead Yet – Court Trebles Eight Figure TCPA Award While World Awaits ACA Decision ," *Consumer Financial Services Law Monitor*, May 25, 2017.
- Co-author, "A Serious Circuit Split on Class Ascertainability," *Law360*, June 30, 2016.
- Co-author, "FCC Opinion on TCPA Consent Could Impact Debt Collectors," *Law360*, August 19, 2014.
- Co-author, "Pa. Ruling Supports Common-Sense Application of TCPA," *Law360*, May 13, 2014.
- Co-author, "Class Action Exposure Post Concepcion," *Technology Law360*, May 2011.
- Co-author, "Case Study: *Schnuerle v. Insight*," *Class Action Law360*, January 2011.
- Co-author, "Two Recent Class Action Decisions Further Develop Pleading Requirements Under California's Unfair Competition Law," *Antitrust & Trade Law Report*, August 2010.
- Co-author, "Potential New Life for Nationwide Class Actions," *Product Liability Law360*, April 2010.

MEDIA COMMENTARY

- Quoted, "New Legislation Seeks to Take Unwelcome Surprises Out of Patient Billing," *Healthcare Financial Management Association*, January 11, 2021.
- Quoted, "Lawsuits Following Unsolicited Marketing Texts Keeps Pressure on TCPA Compliance," *Legaltech news, Law.com*, February 26, 2020.
- Mentioned, "In Case You Missed It: Hottest Firms and Stories on *Law360*," *Law360*, January 10, 2020.
- Mentioned, "Law360's Weekly Verdict: Legal Lions & Lambs," *Law360*, November 7, 2019.
- Quoted, "High Court Punt Plunges TCPA Suits Into Greater Uncertainty," *Law360*, June 21, 2019.
- Quoted, "U.S. Supreme Court Punts on Whether FCC Rule Is Law," *Daily Journal*, June 21, 2019.
- Quoted, "TCPA 'Merely A Pawn' in High Court Deference Fight," *Law360*, March 22, 2019.
- Quoted, "Attorneys Weigh in on Kraninger Appointment, Impact on Auto Lenders," *Auto Finance News*, December 10, 2018.
- Quoted, "TCPA Defendants Down, But Not Out, With 'Pick-Off' Ruling," *Law360*, June 22, 2017.
- Quoted, "7th Circ. Robocall Ruling to Pad Already Swelling Docket," *Law360*, November 27, 2013.