

## Nathan R. Marigoni

Counsel

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Nathan represents managed health care clients in provider- and member-facing disputes, with a focus on behavioral health and mental health parity, class actions defense, and appellate advocacy.

### OVERVIEW

Nathan is counsel in the Consumer Financial Services practice with a focus on managed health care litigation, including class action litigation and appeals. Nathan represents major national health plans and health insurers in state and federal courts, arbitrations, and administrative tribunals, including provider-payor disputes, member benefit and bad faith litigation, procurement disputes, and regulatory enforcement proceedings. Nathan has a particular emphasis on defense of payors against claims under the Employee Retirement Income Security Act of 1974 (ERISA) and the Mental Health Parity Addiction and Equity Act (MHPAEA) and advising clients with respect to compliance and best practices. Nathan counsel clients on strategies for the resolution of claims that focus on meeting the client's objectives through litigation or alternative dispute resolution.

Nathan has also represented financial services companies in litigation involving individual and class action claims under a full range of federal and state consumer protection statutes.

Nathan is licensed to practice law in Utah and represents clients in state and federal courts at both the trial and appellate levels across the U.S.

### REPRESENTATIVE MATTERS

- Currently manage active portfolios of ERISA behavioral health litigation matters on behalf of major managed health care payors in federal courts across the country, with dozens of cases in active litigation.
- Successfully argued for dismissal of ERISA benefit litigation based on contractual limitations period contained in health plan booklet, requiring claims to be brought within one year of final adverse benefit decision, resolving open question of enforceability of such limitation periods in the Tenth Circuit. Successfully defended judgment on appeal, establishing binding precedent for enforcing contractual periods of limitations in ERISA health plans in the Tenth Circuit, a hotbed of ERISA behavioral health litigation. *J.H. v. Anthem Blue Cross Life & Health Ins. Co.*, 137 F.4th 1147 (10th Cir. 2025); see also *H. v. Anthem Blue Cross*, No. 8:25-CV-647-TPB-LSG, 2026 WL 575161, at \*3 (M.D. Fla. Mar. 2, 2026) (following *J.H.* and dismissing ERISA benefit and Mental Health Parity claims).
- Obtained dismissal of ERISA claims including claims for benefits, alleged Mental Health Parity violations, and

breach of fiduciary duty claims in a variety of ERISA litigation settings across the country, narrowing discovery and exposure for payors faced with health-benefit litigation. *See, e.g., H. v. Anthem Blue Cross*, No. 8:25-CV-647-TPB-LSG, 2026 WL 575161 (M.D. Fla. Mar. 2, 2026) (dismissal of benefit and Parity Act claims against claims administrator and self-funded plan); *B.M. v. Anthem Blue Cross*, No. 1:22-CV-00098-JNP-JCB, 2024 WL 360830 (D. Utah Jan. 31, 2024) (dismissal of benefit claim against payor); *A.H. v. Healthkeepers, Inc.*, No. 2:22-CV-368 TS, 2023 WL 6276599, at \*1 (D. Utah Sept. 26, 2023) (dismissal of fiduciary duty claim against payor); *T.S. v. Anthem Blue Cross Blue Shield*, No. 1:23-CV-60-MOC, 2023 WL 5004499, at \*1 (W.D.N.C. Aug. 4, 2023) (dismissal of Parity Act claims against claims administrator and self-funded plan); *A.H. v. Anthem Blue Cross*, No. 22-CV-07660-HSG, 2023 WL 3819367, at \*4 (N.D. Cal. June 5, 2023) (dismissal of benefit claim against payor); *L.L. v. Anthem Blue Cross Life & Health Ins.*, 661 F. Supp. 3d 1106 (D. Utah 2023) (dismissal of Parity Act and ERISA statutory penalty claims against claims administrator and self-funded plan).

- Successfully defended grant of summary judgment to mortgage servicer on claims under Washington State Consumer Protection Act alleging servicer induced borrower to default. *El-Shawary v. U.S. Bank Nat'l Ass'n as Tr.*, No. 21-36011, 2022 WL 17689312 (9th Cir. Dec. 15, 2022).
- Successfully moved to preemptively deny class certification in putative TCPA class-action involving high-profile, repeat TCPA litigants seeking to certify three nationwide classes, with district court concluding Plaintiffs failed to meet their burden to establish commonality, typicality, and adequacy of representation. *Cunningham, et al v. Vivint, Inc., et al*, 2:19-cv-00568 (D. Utah 2022).
- Obtained affirmance on appeal of summary-judgment ruling dismissing plaintiffs' "true quiet title" and contract-based claims following dismissal, without appeal, of plaintiff's TILA claims arising from alleged fraud in the inducement of a home refinance transaction. *Lunt v. Nationstar Mortgage*, 800 F. App'x 627 (10th Cir. 2020).
- Successfully defended trial court judgment denying junior lienholder's claim for \$9.8 million in foreclosure sale proceeds based on lien subordination and circular-priority arguments. *Trapnell & Associates, LLC v. Legacy Resorts, LLC*, 2020 UT 44 (dismissal on jurisdictional grounds of principal appeal; conditional cross-appeal summarily dismissed on remand).
- Defended a state public-safety agency in procurement protest by aggrieved bidder involving administrative appeal, three district court actions, and motion practice before the Utah Court of Appeals and Utah Supreme Court. *Motorola Solutions, Inc. v. Utah Communications Authority*, 2019 UT 66.

## AWARDS

- *The Best Lawyers in America®: Ones to Watch* – Commercial Litigation (2021-2022, 2024-2025)

## TOP AREAS OF FOCUS

- [Appellate + Supreme Court](#)
- [Class Action](#)
- [Financial Services Litigation](#)
- [Managed Care Payor Disputes, Investigations + Regulatory Counseling](#)

## ALL AREAS OF FOCUS

- [Appellate + Supreme Court](#)
- [Business Litigation](#)
- [Class Action](#)
- [Consumer Financial Services](#)
- [Financial Services](#)
- [Financial Services Litigation](#)
- [Intellectual Property](#)

- Litigation + Trial
- Managed Care Payor Disputes, Investigations + Regulatory Counseling
- Military Lending
- Real Estate Litigation

## **PROFESSIONAL/COMMUNITY INVOLVEMENT**

- Member, David K. Watkiss – Sutherland II Inn of Court
- Executive Committee Member, Utah State Bar Appellate Practice Section

## **PROFESSIONAL EXPERIENCE**

- Intern, Hon. Jill Parrish, Utah Supreme Court, 2011

## **EDUCATION AND CERTIFICATIONS**

### **EDUCATION**

- The University of Utah, J.D., *Order of the Coif, with highest honors*, 2013, articles editor, *Utah Law Review*
- Weber State University, B.A., 2005

### **BAR ADMISSIONS**

- Utah

### **COURT ADMISSIONS**

- U.S. District Court, District of Utah
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Federal Circuit

### **CLERKSHIPS**

- Hon. Carolyn B. McHugh, U.S. Court of Appeals for the Tenth Circuit, 2015-2016
- Hon. Michele M. Christiansen, Utah Court of Appeals, 2013-2015

## **PUBLICATIONS**

- 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.
- Author, "Unrepresented and Untimely: The PCRA's Disservice to Indigent Prisoners," *Utah OnLaw 1*, 2013.