

Won a Montana Supreme Court victory for a health system in a putative consumer class action that challenged its policy of issuing refunds in the form of pre-paid debit cards. The victory affirmed our prior summary judgment win and defeated the plaintiff's new claims on appeal.

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WTO won an opinion in the Montana Supreme Court for a health system in a putative consumer class action that challenged whether the health system's policy of issuing refunds in the form of pre-paid debit cards was a valid form of repayment. The victory affirmed WTO's prior summary judgment win for the client, and also struck the plaintiff's appeal that using the debit cards to provide refunds violated a Montana statute.

After the court granted summary judgment for WTO's client on all claims, the plaintiff appealed to the Montana Supreme Court. However, instead of arguing that by issuing a debit card the health system essentially failed to refund her money, as she had at summary judgment, the plaintiff shifted claims to assert that WTO's client violated a Montana contractual obligation when it asked a third-party bank to issue the debit card.

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Ultimately, the Montana Supreme Court found that the health system did not violate the statute by contracting with the bank, holding that the form of payment is not the payment obligation itself. The court also confirmed the prior summary judgment win, finding that the refund cards were a valid form of payment and that the plaintiff suffered no injury.

This result affirms the validity of using pre-paid debit cards as refunds, and may be used to defend such practices in the future if necessary.



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