

## Pillsbury & Levinson's Battles to Get Boy Lifesaving Treatment

In 2004, P&L was retained by its youngest client. [Jack Zombsch](#) was a four year old boy struggling with an extremely rare form of dwarfism called Metatropic Dwarfism. Although a happy, active, intelligent child full of the spunk of a four year old, Jack's spine grew in a way that threatened to collapse on his heart, lungs and other vital organs, placing his very life at risk. Because Metatropic Dwarfism is so rare, there is only one recognized expert in the country, Dr. William McKenzie, at the Alfred I. Dupont Medical Center in Wilmington Delaware. Only Dr. McKenzie has the experience and training necessary to treat children with Jack's condition including in the potentially life-saving surgery Jack would inevitably need. Even though Jack's family had health insurance from Health Net which assured them of a covered referral to an appropriate expert, Health Net denied coverage for treatment by Dr. McKenzie.

P&L came to the aid of Jack and his parents, suing Health Net on the grounds that it had no right to refuse Jack's treatment, and that such a refusal literally put young Jack's life at risk. P&L sought both a complete referral to Dr. Mackenzie and monetary compensation for placing the very life of their son at risk. The public and the media were outraged at the allegations against Health Net, and the case generated extensive media attention worldwide.

Rather than provide a referral to Dr. Mackenzie, in response to the public outcry, Health Net continued to refuse to provide the care and treatment their own contract promised. Instead, it attempted to appease the media by providing Jack with a "consultation" with Dr. MacKenzie. It continued to refuse to permit Dr. Mackenzie to perform any actual treatment of Jack without its prior consent, including diagnostic tests, x-rays, medications or – perhaps most importantly -- surgery.

It took four years of litigation and negotiation, but Pillsbury & Levinson obtained a settlement that satisfied both Jack and his family. He will be undergoing extensive surgery with Dr. McKenzie in the summer of 2009. P&L solutes Jack for his courage and great spirit and wishes him a fast recovery next summer so he can return to going to school and playing soccer with his friends.