

## **Mark Bennett, D.D.S. v. Ohio National Life Assurance Corporation**

Year: 2023

Court: Court of Appeal of the State of California First Appellate District, Division III

Case Number: A166049

In its amicus curiae brief, United Policyholders supports an insured doctor in the context of disability insurance. Lifetime benefit cases are an increasingly important issue given that individuals who purchased such policies in the mid to late 90s are now often reaching age 65.

In this specific case, the insurance policies at issue provided lifetime benefits for disability due to accident, and benefits up to age 65 for disability due to sickness. In 2015, the insurance company advised the insured that the monthly benefits that it was paying at the time, would end three years later in 2018 when the insured reached the age of 65 because his disability was due to sickness. Later in 2019, after the insured filed suit for non-payment of benefits, the insurance company argued that there was no cause of action given that the statute of limitations had begun to run in 2015. In its amicus curiae brief, United Policyholders argues that the insurer should not be let off the hook on a technicality and that fairness and judicial economy support the insured's position that the statute of limitations should not have begun to run until the insurance company actually failed to pay the benefits it owed in 2018.

Glenn Kantor and Peter Sessions of Kantor & Kantor LLP