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## Attorneys Dell & Schaefer Discover Undisclosed Disability Appeal Procedures and Files Class Action Law Suit Against Prudential

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TRADER DESK

NEW YORK--(BUSINESS WIRE)-- On February 18, 2010, Attorneys Dell & Schaefer and lead trial attorney Gregory Dell filed a nationwide class action lawsuit against Prudential Insurance Company of America ("PRUDENTIAL, NYSE:PRU"), in the Eastern District of New York Federal Court. This lawsuit was filed to protect the potentially thousands of long-term disability claimants that filed a second/voluntary appeal after November 14, 2005 in which their second/voluntary appeal was denied by the same Prudential employee that denied the claimant's first appeal. Dell & Schaefer is seeking to stop Prudential from conducting unlawful voluntary appeal reviews which violate ERISA. Additionally, the class action seeks an order requiring Prudential to re-evaluate thousands of voluntary appeals which were denied by Prudential after November 14, 2005.

The class is currently represented by four individuals that have each had their voluntary appeals denied by the same person that denied their first appeal. The Employee Retirement Income Security Act "ERISA" requires that the decision maker on a second appeal must be an independent person who was not involved with any previous denial of a disability claim. Unbeknownst to the Plaintiffs, Prudential had instituted an undisclosed cost-saving method of appeals review that blatantly violates federal ERISA law.

"This process is manifestly unfair, and we contend, not legal," said attorney Gregory Dell. "The whole point of the ERISA-governed appeals process is to substantially reduce lawsuit expenses and create an environment where claim denials will be objectively evaluated. Prudential's actions are a breach of their fiduciary duty to all disability claimants," he said.

"Through the nationwide representation of multiple claimants with Prudential long-term disability claim denials, our law firm obtained internal email communications which confirms Prudential's unilateral decision to cut administrative cost by not providing a 'full and fair review' of all voluntary appeals," said Dell.

The reassessment of denied claims could result in millions of dollars of past due benefits. Prudential is one of the country's largest group long-term disability insurers, with coverage in force for more than two million individuals.

For additional information visit [diAttorney.com](http://diAttorney.com) or [PrudentialClassAction.com](http://PrudentialClassAction.com).

### About Attorneys Dell & Schaefer

Since 1979, Attorneys Dell & Schaefer ([diAttorney.com](http://diAttorney.com)) has represented thousands of clients with their claims against insurance companies. The disability income division of Dell & Schaefer, led by Gregory Michael Dell, focuses exclusively on the representation of disability insurance claimants in both private policy and group disability (ERISA) claims. The firm represents individuals at all stages of a claim for disability income benefits, which includes the application for benefits process, denial of benefits, lawsuits