

Michael C. Diksa
Associate, Dallas, Texas

Commercial Litigation
 Product Liability
 Catastrophic Injury and Wrongful Death
 Managed Care
 ERISA Litigation
 Insurance Practices
 Insurance Coverage & Bad Faith Litigation
 Transportation



Current Scope of Practice

Mr. Diksa's practice includes handling diverse litigation matters before state and federal courts, administrative agencies and arbitration panels in Texas and other jurisdictions around the country. Mr. Diksa represents health, life and disability insurers, health plans and managed care organizations in complex commercial litigation, insurance coverage disputes, extra-contractual claims and managed care liability litigation, including ERISA.

Mr. Diksa's litigation experience also includes the representation of clients in product liability litigation and transportation litigation.

Litigation Matters

- Obtained dismissal with prejudice of health insurer in an arbitration proceeding in which a health care provider alleged wrongful termination of the parties' contract. Successfully argued that the motion to dismiss should be heard prior to the commencement of discovery. (2011).
- Obtained dismissal of health maintenance organization in a medical negligence lawsuit filed in Oklahoma state district court alleging that a capitated fee arrangement created a financial incentive to deny necessary medical care. (2009)
- Obtained dismissal at the motion to dismiss stage in favor of a Medicare Advantage plan in a bad faith lawsuit filed in the Southern District of Texas-Houston Division. The dismissal was upheld by the Fifth Circuit. (2009)
- Obtained dismissal with prejudice of utilization review company in a workers' compensation bad faith lawsuit filed in Harris County district court. The district court granted the company's special exceptions on the ground that Plaintiff's claims were not recognized under Texas law. (2008)

- Obtained summary judgment in favor of insurer in breach of contract/bad faith lawsuit filed in the Western District of Texas–Midland/Odessa Division arising out of underinsured motorist claim made under a commercial garage policy. (2008)

Presentations & Publications

- “Windstorm Deductible Endorsement Does Not Expand Coverage for Hurricane Katrina Loss,” Sedgwick’s *Insurance Law Update* (August 2010).
- “Recent Developments: Anti-Indemnity, Graves Amendment and Owner-Operator v. Employee Issues,” Chartis Transportation Board Meeting, Dallas, Texas (May 17, 2010).
- “Texas Court of Appeals Limits Discovery of Insurer’s Claim Files,” Sedgwick’s *Insurance Law Update* (June 2009).
- “Texas Supreme Court Again Refuses to Consider Extrinsic Evidence in Evaluating a Carrier’s Duty to Defend,” co-authored, Sedgwick’s *Insurance Law Flash* (February 2009).
- “Texas Court Holds Hospitals Can Bypass Medicare Appeals Step in Reimbursement Claims,” Sedgwick’s *Healthcare Law Newsletter* (Winter 2007).
- “Humana Liable for Negligent Case Management,” Sedgwick’s *Healthcare Law Newsletter* (Fall 2005).

Affiliations, Activities and Accomplishments

Mr. Diksa is a member of the American Bar Association – Health Law and Trial Tort and Insurance Sections, Defense Research Institute, Dallas Bar Association – Health Law and Tort and Insurance Practices Sections, and the State Bar of Texas – Health, Insurance, Litigation and Workers Compensation Sections.

Mr. Diksa has also participated in the Lawyers on Loan Program with the Dallas County District Attorney’s office, prosecuting DWI, family violence and other misdemeanors. While serving as an Assistant District Attorney, Mr. Diksa was lead prosecutor in numerous jury trials and trials before the court.

Mr. Diksa is admitted to practice in Texas (1999) and the U.S. District Court for the Northern, Southern, Eastern and Western District of Texas as well as the 5th U.S. Circuit Court of Appeals.

Education

Mr. Diksa received his B.A. (1996), *magna cum laude*, while studying at George Washington University. He earned his J.D. (1999) from The University of Texas School of Law.