

Yale Graduate Takes On Alma Mater In Wellness Program Lawsuit

Yale University's wellness program is facing a class action claiming its \$1,300 annual fine for those who refuse to disclose their private medical and genetic information isn't legal. The lawsuit is being spearheaded by a Yale gradu

By [Robert Storage](/author/profile/Robert-Storage/) | July 17, 2019 at 10:00 PM



Joshua Goodbaum, an attorney with the New Haven-based Garrison, Levin-Epstein, Fitzgerald & Pirrotti. Courtesy photo

A New Haven attorney and [Yale University](https://www.yale.edu/) graduate has teamed up with the [AARP Foundation](https://www.aarp.org/aarp-foundation/) in filing a federal prospective class action against his alma mater alleging the school's wellness program is discriminatory,

The [lawsuit](https://drive.google.com/file/d/1cFwRR3SpGrpMGPe_z3ih510damq31T2/view?usp=sharing), spearheaded by [Joshua Goodbaum](https://garrisonlaw.com/about-the-firm/joshua-r-goodbaum/) and several attorneys with the litigation team at the AARP Foundation, contends Yale's wellness program, Health Expectations, requires about 5,400 current union employees and

Trending Stories

- [Conservative Lawyers' Group Condemns Trump's 'Ignorant Racist Nature'](https://www.law.com/ctlaw-lawyers-group-condemns-trumps-ignorant-racist-nature/)**
NATIONAL LAW JOURNAL (/NATIONALLAWJOURNAL/)
- [Former Texas Judge Denounces Trump for Racism Leaves Republican Party](https://www.law.com/texas-judge-denounces-trump-for-racism-leaves-republican-party/)**
TEXAS LAWYER (/TEXASLAWYER/)
- [Draining the Reservoir: The Steady Erosion of Credibility at the DOJ](https://www.law.com/national-law-journal-the-reservoir-the-steady-erosion-of-credibility-at-the-doj/)**
NATIONAL LAW JOURNAL (/NATIONALLAWJOURNAL/)
- [Landlords File Federal Lawsuit Challenging New York's Rent Control Laws](https://www.law.com/new-york-law-journal-landlords-file-federal-lawsuit-challenging-new-yorks-rent-control-laws/)**
NEW YORK LAW JOURNAL (/NEWYORKLAWJOURNAL/)

their spouses to submit to medical tests and allow release of their insurance claims data to multiple wellness vendors. Employees who refuse to disclose private medical and genetic information must pay a fine of \$1,300 a year.

Numerous union employees are quoted in the lawsuit, saying the fine is unfair, and plaintiffs claim the policy violates the American with Disabilities Act and the Genetic Information Nondiscrimination Act (GINA).

Goodbaum, an attorney with the New Haven-based **Garrison, Levin-Epstein** (<https://garrisonlaw.com/>), Fitzgerald & Pirrotti, said employees are entitled to compensation.

Kirkland's Push Into Contingency Fee Litigation Not Threatening, Firm Lead Say
(<https://www.law.com/amepush-into-contingency-fee-litigation-not-threatening-firm-leaders-say/>)

THE AMERICAN LAWYER
 (/AMERICANLAWYER/)

(<https://www.lawcatalog.com/ProductDetail/2002>)

Connecticut Appellate Practice & Procedure



(<https://www.lawcatalog.com/ProductDetail/2002>) BOOK

3rd edition integrates & updates all significant changes in statutes, case law, rules & procedure since the Connecticut appellate courts reviewed all appellate rules & adopted major revisions in 1996.

Get More Information (<https://www.lawcatalog.com/ProductDetail/2002>)

"We believe this program is illegal, but no court has yet said that," Goodbaum told the Connecticut Law Tribune Wednesday. "The main remedy we are seeking is an end to the program; to have a program that is voluntary; and compensatory and non-compensatory damages."

As of Wednesday afternoon, Yale had not assigned an attorney to the case. Karen Peart, Yale's director of external communications, did not respond to a request for comment Wednesday.

A Harvard Law School graduate who clerked for then-Tenth Circuit U.S. Court of Appeals Justice Neil Gorsuch in 2009-10, Goodbaum joined Garrison, Levin-Epstein, Fitzgerald & Pirrotti in 2011. He has interned at Gay & Lesbian Advocates & Defenders in Boston and worked for the San Francisco District Attorney's Office and the U.S. Department of Justice. He received his undergraduate degree in history from Yale, magna cum laude, Phi Beta Kappa.

Goodbaum, 36, said he holds Yale in high esteem, adding, "I am tremendously grateful for my time at Yale and the opportunity a Yale education has given me."

Goodbaum added that it is important to hold institutions like Yale accountable.

"I think caring about an institution means holding it to account," Goodbaum said. "There has to be someone who is standing up when there is injustice or unfairness and when workers rights are being violated. It's a tremendous privilege to represent employees and to stand up for them."

In a statement, William Rivera, senior vice president of the Litigation at AARP Foundation, said disclosing personal medical information to workplace wellness programs must be voluntary, according to U.S. law. "Workers should have the freedom to choose whether to divulge personal health information in the workplace, as Congress intended," he said.

The lawsuit, which seeks class certification, covers all current employees and former employees who have been union members since Jan. 1, 2017.

[f SHARE](#) [t SHARE](#)

Robert Storage

Robert Storage covers legal trends, lawsuits and analysis for the Connecticut Law Tribune. Follow him on Twitter @RobertSCTLaw or reach him at 203-437-5950.

[./author/profile/Robert-Storage/](/author/profile/Robert-Storage/)

More from this author → </author/profile/Robert-Storage/>

Dig Deeper

[Class Actions \(/topics/class-actions/\)](/topics/class-actions/)

[Contracts \(/topics/contracts/\)](/topics/contracts/)

[Damages \(/topics/damages/\)](/topics/damages/)

[Litigation \(/topics/litigation/\)](/topics/litigation/)

Law Firms Mentioned

[LEAN ADVISER LEGAL \(/LEAN-ADVISER/STATIC/LEAN-ADVISER/?CMP=LARMLDC\)](/lean-adviser/static/lean-adviser/?cmp=LARMLDC)

Think Lean Daily Message

" The new reality, for which law firms are scrambling to equip themselves, is of course that that law firms no longer define the legal service... "

[Learn More \(/lean-adviser/static/lean-adviser/?cmp=LARMLDC\)](/lean-adviser/static/lean-adviser/?cmp=LARMLDC)

Recommended Stories

[Waterbury Attorney Scoops Up Settlement for Danbury Man Who Fell on Accumulated Ice](https://www.law.com/ctlawtribune/2019/07/16/waterbury-attorney-scoops-up-settlement-for-danbury-man-who-fell-on-accumulated-ice/) **(<https://www.law.com/ctlawtribune/2019/07/16/waterbury-attorney-scoops-up-settlement-for-danbury-man-who-fell-on-accumulated-ice/>)**

ROBERT STORACE (/CTLAWTRIBUNE/AUTHOR/PROFILE/ROBERT-STORACE/) | JULY 16, 2019

The attorney for Danbury resident Andres Reyes secured a settlement for \$190,000 stemming from a fall on accumulated ice. Reyes suffered injuries to his eye socket and left shoulder.

[Lawsuit: Fired ECSU Professor Was Targeted by Her Supervisor](https://www.law.com/ctlawtribune/2019/01/31/lawsuit-fired-ecsu-professor-was-targeted-by-her-supervisor/) **(<https://www.law.com/ctlawtribune/2019/01/31/lawsuit-fired-ecsu-professor-was-targeted-by-her-supervisor/>)**

ROBERT STORACE (/CTLAWTRIBUNE/AUTHOR/PROFILE/ROBERT-STORACE/) | JANUARY 31, 2019

A lawsuit filed Thursday in state court alleges a supervisor at Eastern Connecticut State University made false statements and singled out a professor, whose contract the school later did not renew.

[Former Spouses' Fight Over Frozen Embryo Reaches Connecticut Supreme Court](https://www.law.com/ctlawtribune/2019/04/30/former-spouses-fight-over-frozen-embryo-reaches-connecticut-supreme-court/) **(<https://www.law.com/ctlawtribune/2019/04/30/former-spouses-fight-over-frozen-embryo-reaches-connecticut-supreme-court/>)**

ROBERT STORACE (/CTLAWTRIBUNE/AUTHOR/PROFILE/ROBERT-STORACE/) | APRIL 30, 2019

The Connecticut Supreme Court tackled the issue of frozen embryos and whether a divorced woman could discard one against her ex-husband's wishes.

Featured Firms

Law Offices of Mark E. Salomone

2 OLIVER ST #608
BOSTON, MA 02109
857-444-6468 www.marksalomone.com

Gary Martin Hays & Associates

235 PEACHTREE ST NE #400
ATLANTA, GA 30303
800-898-4297 www.garymartinhays.com

Smith & Hassler

225 N LOOP W #525
HOUSTON, TX 77008
(877) 777-1529 www.smithandhassler.com

Presented by Big

More from ALM

[CLE Center](#)
[Legal Compass](#)
[Events](#)
[Webcasts](#)
[Lawjobs](#)
[Professional Announcements](#)

Premium Subscription

With this subscription you will receive unlimited access to high quality, online, on-demand premium content from well-respected faculty in

Team Accounts

Our Team Account subscription service is for legal teams of four or more attorneys. Each attorney is granted unlimited access to high quality, on-

Bundle Subscriptions

Gain access to some of the most knowledgeable and experienced attorneys with our 2 bundle options! Our Compliance bundles are curated

the legal industry. This is perfect for attorneys licensed in multiple jurisdictions or for attorneys that have fulfilled their CLE requirement but need to access resourceful information for their practice areas.

demand premium content from well-respected faculty in the legal industry along with administrative access to easily manage CLE for the entire team.

CLE Counselors and include current legal topic and challenges within the industry. Our second option allows you to build your bundle and strategically select the content that pertains to your needs. Both options are priced the same.

[View Now \(http://clecenter.com/Program/Premium.aspx\)](http://clecenter.com/Program/Premium.aspx)

[View Now \(http://clecenter.com/CleForFirm/Default.aspx\)](http://clecenter.com/CleForFirm/Default.aspx)

[View Now \(http://clecenter.com/Default.aspx\)](http://clecenter.com/Default.aspx)

[CLE Center → \(http://clecenter.com\)](http://clecenter.com)

ALM Legal Publication Newsletters

Sign Up Today and Never Miss Another Story.

Subscribe Now

As part of your digital membership, you can sign up for an unlimited number of a wide range of complimentary newsletters. Visit your [My Account \(https://store.law.com/Registration/myAccount.aspx?promoCode=CT#/EmailPref\)](https://store.law.com/Registration/myAccount.aspx?promoCode=CT#/EmailPref) page to make your selections. Get the timely legal news and critical analysis you cannot afford to miss. Tailored just for you. In your inbox. Every day.

<https://store.law.com/Registration/promoCode=CT#/EmailPref>
[Privacy Policy \(https://www.alm.com/privacy-policy-new/\)](https://www.alm.com/privacy-policy-new/)

..()

FOLLOW US

<https://www.facebook.com/LawdotcomALM/>

<https://twitter.com/lawdotcom>

<https://www.linkedin.com/company/law-com/>

<http://feeds.feedblitz.com/law/legal-news/>

Publications

- [The American Lawyer \(/americanlawyer/\)](http://americanlawyer.com)
- [Corporate Counsel \(/corpcounsel/\)](http://corpcounsel.com)
- [National Law Journal \(/nationallawjournal/\)](http://nationallawjournal.com)
- [New York Law Journal \(/newyorklawjournal/\)](http://newyorklawjournal.com)
- [New Jersey Law Journal \(/njlawjournal/\)](http://njlawjournal.com)
- [The Recorder \(/therecorder/\)](http://therecorder.com)
- [More Publications > \(/publications/\)](#)

Law Topics

- [Litigation \(/topics/litigation/\)](http://topics/litigation/)
- [Deals and Transactions \(/topics/deals-and-transactions/\)](http://topics/deals-and-transactions/)
- [Law Firm Management \(/topics/law-firm-management/\)](http://topics/law-firm-management/)
- [Legal Practice Management \(/topics/legal-practice-management/\)](http://topics/legal-practice-management/)
- [Cybersecurity \(/topics/cybersecurity/\)](http://topics/cybersecurity/)
- [Intellectual Property \(/topics/intellectual-property/\)](http://topics/intellectual-property/)
- [More Law Topics > \(/topics/\)](#)

Rankings

- [Am Law 100 \(/americanlawyer/rankings/the-2019-am-law-100/\)](http://americanlawyer.com/rankings/the-2019-am-law-100/)
- [Am Law 200 \(/americanlawyer/rankings/the-2018-am-law-200-the-american-lawyer/\)](http://americanlawyer.com/rankings/the-2018-am-law-200-the-american-lawyer/)
- [Global 100 \(/americanlawyer/rankings/global-100/\)](http://americanlawyer.com/rankings/global-100/)
- [National Law Journal 500 \(/nationallawjournal/rankings/the-nj-500/\)](http://nationallawjournal.com/rankings/the-nj-500/)
- [Pro Bono Scorecard \(/americanlawyer/rankings/pro-bono/\)](http://americanlawyer.com/rankings/pro-bono/)
- [The A-List \(/americanlawyer/rankings/a-list/\)](http://americanlawyer.com/rankings/a-list/)
- [More Rankings > \(/rankings/\)](#)

More

- [Events \(/events/\)](http://events.com)
- [Legal Compass \(https://www.alm.com/intelligence/solutions-we-provide/business-of-law-solutions/legal-compass/\)](https://www.alm.com/intelligence/solutions-we-provide/business-of-law-solutions/legal-compass/)
- [Editorial Calendar \(/editorial-calendar/\)](http://editorial-calendar.com)
- [Briefings \(/static/briefings/\)](http://static/briefings.com)
- [Legal Dictionary \(https://dictionary.law.com/\)](https://dictionary.law.com/)
- [Lawjobs.com \(http://lawjobs.com/\)](http://lawjobs.com)
- [Law Firms \(/law-firms/\)](http://law-firms.com)
- [Law Schools \(/topics/legal-education/\)](http://topics/legal-education/)

Law.com

- [About Us \(/static/about\)](http://static/about)
- [Contact Us \(/static/contact\)](http://static/contact)
- [Site Map \(/sitemap.com\)](http://sitemap.com)
- [Advertise With Us \(/static/advertise-with-us/\)](http://static/advertise-with-us/)
- [Customer Support \(https://www.alm.com/customer-support\)](https://www.alm.com/customer-support)
- [Terms of Service \(https://www.alm.com/terms-of-service\)](https://www.alm.com/terms-of-service)
- [FAQ \(https://sites.almstaff.com/2017/10/20/faq-asked-questions/\)](https://sites.almstaff.com/2017/10/20/faq-asked-questions/)
- [Privacy Policy \(https://www.alm.com/privacy-policy-new/\)](https://www.alm.com/privacy-policy-new/)