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<b>DISTRICT COURT, COUNTY OF DENVER, STATE OF COLORADO</b> 1437 Bannock Street, Room 256 Denver, Colorado 80202	<input type="checkbox"/> COURT USE ONLY <input type="checkbox"/>  <hr/> Case No.:  Div:
<b>Plaintiff: JANET ROUCIS</b>  v.  <b>Defendants: CIGNA HEALTH MANAGEMENT, INC. and CIGNA HEALTH AND LIFE INSURANCE COMPANY</b>	
Attorneys for Plaintiff:  Elizabeth Hart, CO Reg. #46041 Melissa A. Hailey, CO Reg. #42836 Hailey   Hart PLLC 383 Corona Street, Suite 319 Denver, CO 80218 Telephone: 720-400-7970 liz@haileyhartlaw.com melissa@haileyhartlaw.com	
<b>COMPLAINT AND JURY DEMAND</b>	

This is an action for breach of contract, first-party bad faith, and violation of C.R.S. §§ 10-3-1115 and -1116 arising from Defendants' unreasonable refusal to cover the cost of Plaintiff's medically necessary brain surgery. The insured, Plaintiff Janet Roucis ("Roucis"), by and through her attorneys, Hailey | Hart PLLC, hereby submits her Complaint and Jury Demand against the insurers, Defendant CIGNA Health Management, Inc. and Defendant CIGNA Health and Life Insurance Company (collectively, "Cigna") as follows:

**PARTIES, JURISDICTION & VENUE**

1. Roucis is an individual who, at all times relevant, resided in the State of Colorado.

2. Defendant CIGNA Health Management, Inc. is a foreign corporation with its principal place of business at 1601 Chestnut Street, Philadelphia, Pennsylvania 19192. CIGNA Health Management, Inc. is authorized to conduct business in the State of Colorado and did, at all times relevant, engage in the business of insurance in the State of Colorado. Upon information and belief, one or more employees of CIGNA Health Management, Inc. handled the claim for health insurance benefits relevant to the allegations in this Complaint.

3. Defendant CIGNA Health and Life Insurance Company is a foreign corporation with its principal place of business at 900 Cottage Grove Road, Hartford, Connecticut 06152. CIGNA Health and Life Insurance Company is authorized to conduct business in the State of Colorado and did, at all times relevant, engage in the business of insurance in the State of Colorado. Upon information and belief, CIGNA Health and Life Insurance Company wrote the policy for health insurance relevant to the allegations in this Complaint. Upon information and belief, one or more employees of CIGNA Health and Life Insurance Company handled the claim for health insurance benefits relevant to the allegations in this Complaint.

4. This Court has subject matter jurisdiction over this action.

5. Venue is proper in the County of Denver pursuant C.R.C.P. 98(c).

#### **GENERAL ALLEGATIONS**

6. In approximately November 2019, Roucis utilized the services of an insurance broker to apply for health insurance coverage with Cigna.

7. Cigna approved Roucis' application and thereafter issued to her an enforceable policy of individual health insurance ("the Policy").

8. The Policy is not governed by the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. 1001, *et seq.*

9. Subject to relevant terms and conditions, the Policy obligates Cigna to cover services and supplies that are “medically necessary.”

10. Upon information and belief, “medically necessary” services are those that are:

- a. appropriate and necessary for the symptoms, diagnosis, or treatment of the medical or dental condition;
- b. clinically appropriate in terms of type, frequency, extent, site, and duration;
- c. provided for the diagnosis or direct care and treatment of the medical or dental condition;
- d. within generally accepted standards of good medical practice within the community of qualified professionals;
- e. not primarily for the convenience of any Insured Person, Physician, or another Provider;
- f. rendered in the least intensive setting that is appropriate for the delivery of the services and supplies; and
- g. the most appropriate procedure, supply, equipment, or service, which can be safely provided and that satisfies the following the requirements:
  - i. must have been proven by scientific studies published in peer-reviewed medical literature to be associated with beneficial health outcomes, demonstrating that the expected health benefits are clinically significant and produce a greater likelihood of benefits,

without a disproportionately greater risk of harm or complications, for the patient with the particular medical condition being treated than other possible alternatives; and

- ii. generally accepted forms of treatment that are less invasive have been tried and found to be ineffective or otherwise unsuitable; and
- iii. for Hospital stays, acute care as an inpatient is necessary due to the kind of services the patient is receiving or the severity of the medical condition, and that safe and adequate care cannot be received as an outpatient or in a less intensified medical setting.

11. According to Cigna’s policies and guidelines, stent placement for idiopathic intracranial hypertension (“IIH”) may be considered medically necessary.

12. At all times relevant, Roucis paid all monthly premiums to Cigna and/or otherwise materially complied with her obligations under the Policy.

13. On August 22, 2020, Roucis experienced a medical event in her inner ear, which caused immediate bilateral ear pain, sudden hearing loss, and a severe decline in her quality of life.

14. Following this medical event, Roucis experienced waves of excruciating and debilitating head and jaw pain due to intercranial pressure and tinnitus.

15. Roucis was referred to Ian Kaminsky, M.D. (“Kaminsky”) for medical treatment.

16. Kaminsky is a neurointerventional surgeon practicing at RIA Neurovascular in Englewood, Colorado, board-certified in both diagnostic radiology and neuroradiology.

17. On December 18, 2020, Kaminsky performed a diagnostic cerebral angiogram, including a four-vessel diagnostic angiogram and venography with pressure measurements. As a

result of this diagnostic procedure, Kaminsky diagnosed Roucis with idiopathic intracranial hypertension, secondary to right transverse sinus stenosis. As a result of this diagnostic procedure, Kaminsky concluded the transcatheter placement of an intravascular stent (“the Surgery”) was both urgent and necessary to address Roucis’ condition and alleviate Roucis’ associated symptoms.

18. Upon information and belief, the Policy required that Roucis obtain pre-authorization for the Surgery to secure coverage and receive associated health insurance benefits.

19. Roucis sought pre-authorization for the Surgery from Cigna.

20. On December 24, 2020, Cigna denied Roucis’ request for pre-authorization, stating the Surgery was not “medically necessary,” and thus not covered by the Policy.

21. Roucis disagreed with Cigna’s decision and requested an expedited appeal due to the severity of her symptoms her urgent need for treatment.

22. In support of Roucis’ appeal, Kaminsky sent to Cigna a detailed report regarding the medical necessity of the Surgery. Such report included a description of Roucis’ relevant medical history and diagnosis, as well as Kaminsky’s treatment rationale. Such report was accompanied by medical literature supporting the medical necessity of the Surgery. Such report put Cigna on notice that Roucis was in excruciating pain, had suffered a precipitous decline in her quality of life, and was contemplating suicide due to the severity of her symptoms.

23. On January 2, 2021, Cigna notified Roucis it would not expedite her appeal.

24. On January 4, 2021, Cigna notified Roucis that an Appeals Committee would review her case on January 27, 2021 at 11:00 AM.

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