

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

MURPHY MEDICAL ASSOCIATES, LLC;
DIAGNOSTIC AND MEDICAL SPECIALISTS
OF GREENWICH, LLC; NORTH STAMFORD
MEDICAL ASSOCIATES, LLC; COASTAL
CONNECTICUT MEDICAL GROUP, LLC; and
STEVEN A.R. MURPHY, M.D.,

Plaintiffs,

vs.

CIGNA HEALTH AND LIFE INSURANCE
COMPANY and CONNECTICUT GENERAL
LIFE INSURANCE COMPANY,

Defendants.

Docket No. 20 Civ. 1675 (JBA)

AMENDED COMPLAINT

JURY TRIAL DEMANDED

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Plaintiffs, Murphy Medical Associates LLC; Diagnostic and Medical Specialists of
Greenwich, LLC; North Stamford Medical Associates, LLC; (collectively, “Murphy
Practice”); and Steven A.R. Murphy, M.D. (“Dr. Murphy”), by their attorneys, Garfunkel
Wild, P.C., for their Amended Complaint against the Defendants, CIGNA Health and Life
Insurance Company and Connecticut General Life Insurance Company (collectively,
Cigna), allege as follows:

INTRODUCTION

1. This case is brought because CIGNA, a Fortune 500 health insurance
company, is blatantly defying federal law by unjustifiably refusing to provide healthcare
coverage for public health measures – COVID-19 testing and related services - that
federal law requires CIGNA to cover. Since the onset of the COVID-19 pandemic Plaintiff
the Murphy Practice has provided CIGNA members and beneficiaries with thousands of

COVID-19 diagnostic tests, as well as related medically necessary testing and services. Congress has twice specifically passed statutes requiring all insurers, including CIGNA, to cover such tests and services, regardless of whether they are provided by in-network or out-of-network providers. Such coverage must be complete: copayments, deductibles, coinsurance and limits on coverage are not permitted.

2. Nevertheless, CIGNA has only reimbursed the Murphy Practice a fraction of the cost of the services provided to CIGNA beneficiaries. Instead, CIGNA has issued improper requests for medical records in every case, and, even after records have been provided, CIGNA has continued to refuse to pay for the services. At last count, CIGNA owed the Murphy Practice over \$6 million.

3. By this Action, the Murphy Practice seeks to hold CIGNA accountable for its illegal practices.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this dispute under 28 U.S.C. § 1331 because the Murphy Practice and Dr. Murphy assert federal claims against Cigna under the Families First Coronavirus Response Act, the CARES Act, and ERISA.

5. This Court also has supplemental jurisdiction over the Murphy Practice's and Dr. Murphy's state law claims against Cigna because these claims are so related to the Murphy Practice's and Dr. Murphy's federal claims that the state law claims form a part of the same case or controversy. This Court accordingly has supplemental jurisdiction over these claims pursuant to 28 U.S.C. § 1367(a).

6. This Court has personal jurisdiction over Cigna because Cigna carries on one or more businesses or business ventures in this judicial district; there is the requisite

nexus between the businesses and this action; and Cigna engages in substantial, and not isolated, activity within this judicial district.

7. Venue is proper in this District under 28 U.S.C. § 1391(b)(2), because a substantial portion of the events giving rise to this action arose in this District.

PARTIES

8. At all times relevant to this matter, Plaintiff Murphy Medical Associates LLC is a limited liability company organized under Connecticut law. Its principal place of business is located at One East Putnam Avenue, Greenwich, Connecticut 06830.

9. At all times relevant to this matter, Plaintiff Diagnostic and Medical Specialists of Greenwich, LLC is a limited liability company organized under Connecticut law. Its principal place of business is located at One East Putnam Avenue, Greenwich, Connecticut 06830.

10. At all times relevant to this matter, Plaintiff North Stamford Medical Associates, LLC is a limited liability company organized under Connecticut law. Its principal place of business is located at 30 Buxton Farms Road, Suite 220, Stamford, Connecticut 06605.

11. At all times relevant to this matter, Plaintiff Steven A.R. Murphy, M.D. is a physician licensed to practice medicine in Connecticut and New York. His principal place of practice is located at One East Putnam Avenue, Greenwich, Connecticut 06830

12. Upon information and belief, at all times relevant to this matter, Defendant Cigna Health and Life Insurance Company is a corporation organized under Connecticut law. Its principal place of business is located at 900 Cottage Grove Road, Bloomfield, Connecticut 06152.

13. Upon information and belief, at all times relevant to this matter, Defendant Connecticut General Life Insurance Company is a corporation organized under Connecticut Law. Its principal place of business is located at 900 Cottage Grove Road, Bloomfield, Connecticut 06152.

RELEVANT FACTS

14. At the start of the COVID-19 pandemic, the Murphy Practice – a cutting edge internal and preventative medical practice based in southwestern Connecticut – was one of the first (if not the first) to answer the call of towns and institutions throughout Fairfield and New Haven Counties, Connecticut, and Westchester County, New York about the desperate need for timely COVID-19 testing.

15. Formed by Dr. Murphy over a decade ago, the mission of the Murphy Practice is to provide high-quality preventive and general health services, as well as acute primary care, to men, women, and adolescents. Dr. Murphy, a board-certified internist, is the principal of the Murphy Practice.

16. The Murphy Practice accomplishes its mission by offering an array of preventive medical services, including diagnostic laboratory testing and imaging such as ultrasounds and echocardiograms.

17. Patients of the Murphy Practice can also receive care and consultations concerning a myriad of other services, including allergy testing, testosterone therapy, chronic disease management, gynecology, immigration physicals, medical marijuana, vitamin therapy, vein evaluation, urgent care and weight loss.

18. Dr. Murphy completed his internship in medical genetics and pediatrics at Mount Sinai Hospital in New York. He subsequently served as the chief resident in internal

medicine at Greenwich Hospital-Yale New Haven Health in Greenwich, Connecticut. Prior to entering private practice, Dr. Murphy also served as a clinical fellow in medical genetics at Yale Medical School in New Haven, Connecticut.

19. As a physician, Dr. Murphy specializes in general medical care, personalized medicine and genetics, weight loss medicine, adolescent care, and hereditary cancers. In addition, Dr. Murphy is an FAA Senior Aviation Medical Examiner, a United States Civil Surgeon, and an obesity medicine specialist.

20. Dr. Murphy serves as an assistant professor of medicine, cell biology, and anatomy at New York Medical College in Valhalla, New York.

21. Among its other services, the Murphy Practice operates a state-licensed physician office laboratory located at 30 Buxton Farms Road in Stamford, Connecticut. Dr. Murphy is the certified laboratory director for this laboratory under the federal Clinical Laboratory Improvement Amendments (“CLIA”) and Connecticut law.

The Murphy Practice’s COVID-19 Response

22. The Murphy Practice invested hundreds of thousands of dollars to transform its traditional medical practice to set up COVID-19 testing sites throughout southwestern Connecticut and the Hudson Valley. These sites – which were erected virtually overnight – were designed to provide efficient drive and/or walk-through COVID-19 testing to patients with symptoms or suspected exposure. These testing sites were unquestionably the first line of defense against the pandemic.

23. Ultimately, the Murphy Practice operated drive and/or walk-through COVID-19 testing sites in Greenwich, Stamford, New Canaan, Darien, Fairfield, Bridgeport, New Haven, West Haven, Stratford, and Ridgefield, Connecticut, and Bedford, Brooklyn, and Pound Ridge, New York.

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