

E-FILED 2022 JUN 07 2:19 PM POLK - CLERK OF DISTRICT COURT

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>CLAIMDOC, LLC,</p> <p>Plaintiff,</p> <p>vs.</p> <p>ATHENA HEALTHCARE ASSOCIATES, INC.; INNOVATIVE HEALTH PLAN, LLC; IDEAL HEALTH INDEMNITY PLAN, LLC; HEALTH INFORMATION SERVICES, LLC; MARSH MCLENNAN AGENCY; S&amp;S HEALTHCARE; MEDXOOM, LLC; and ALLEN JACKSON</p> <p>Defendants.</p>	<p>No. _____</p> <p><b>PETITION IN EQUITY</b></p>
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Plaintiff ClaimDOC, LLC (“ClaimDOC”) as former co-fiduciary of the Athena Health Plan (the “Plan”) asserts this Petition against Defendants Athena Healthcare Associates, Inc.; Innovative Health Plan, LLC; Ideal Health Indemnity Plan, LLC; Healthcare Information Services, LLC; Marsh McClennen Agency; S&S Healthcare; Medxoom, LLC; and Allen Jackson and states as follows:

**SUMMARY OF THE ACTION**

1. ClaimDOC brings this action in response to Defendants’ conspiratorial actions denying ClaimDOC the benefits of its services agreement (the “Agreement”). Athena Healthcare Associates, Inc. (“Athena”) is named both in its corporate capacity and as plan sponsor. Athena has conspired with other Defendants to engage in the unlawful activity in this petition. Athena is a self-insured employer and is a fiduciary of the Plan. ClaimDOC entered into the Agreement with Athena to obtain increased value for the services provided to Athena’s employees. As a

**EXHIBIT**

**A**

result, ClaimDOC became a co-fiduciary to the Plan. As an ERISA co-fiduciary, ClaimDOC took very seriously its obligation to keep the interest of the hardworking beneficiaries of the Plan in mind. However, after entering a contractual relationship with Athena, ClaimDOC discovered that Athena is an entity which makes contributions to its employee benefit plan only when it is convenient or beneficial to Athena. This is evidenced, in part, by the Department of Labor's (the "DOL's") ongoing investigation of Athena, which has spanned years, and Athena's willingness to take full advantage of the DOL's process at the expense of the beneficiaries despite its ongoing assertions of being "financially strong." When ClaimDOC finally decided it could no longer be associated with Athena and its owner, Lawrence Santilli, ClaimDOC terminated its contract, concluding its status as an ERISA fiduciary with respect to the Plan. At that time, there was over \$9 million dollars in claims that Athena refused to fund. In addition, Athena owed ClaimDOC nearly \$2 million in fees. Shortly thereafter, Allen Jackson appeared with a number of shell companies, which served as vehicles to interfere with ClaimDOC's rights. Allen Jackson, Athena, and their co-conspirators devised a plan whereby they would avoid paying the arrears healthcare funds by telling all healthcare providers they had to "resubmit" their claims. This was in conflict with the directive of the DOL to pay oldest health claims first as required by ERISA. In the process of violating its ERISA duties, Athena also breached its contractual duties to ClaimDOC by refusing to pay the nearly \$2 million in outstanding fees to ClaimDOC.

### **THE PARTIES**

2. ClaimDOC, LLC is an Iowa limited liability company with headquarters in West Des Moines, Iowa.
3. Athena Healthcare Associates, Inc. is a Connecticut for-profit Corporation based

in Farmington, Connecticut with locations in Rhode Island, Massachusetts, and Connecticut.

4. Athena is a skilled nursing, short-term and post-hospital care rehabilitation facility provider.

5. Innovative Health Plan, LLC is a Connecticut-based limited liability company owned and operated by Allen Jackson.

6. Ideal Health Indemnity Plan, LLC is a Connecticut-based limited liability company owned and operated by Allen Jackson.

7. Healthcare Information Services, LLC is a Connecticut-based limited liability company owned and operated by Allen Jackson.

8. Marsh McLennan Agency, LLC is a Delaware limited liability company with headquarters in New York.

9. S&S Healthcare Ohio LLC is an Ohio limited liability company with headquarters in Cincinnati, Ohio, with a registered tradename of S&S Healthcare Strategies, LTD.

10. Medxoom, LLC is a Delaware limited liability company with its principal place of business in Georgia.

### **JURISDICTION AND VENUE**

11. This court has subject matter jurisdiction over Plaintiff's claims as the contract in question was, in part, performed in Polk County, Iowa and the tortious conduct was directed at ClaimDOC in Polk County.

12. Venue is proper as ClaimDOC is located in Polk County, Iowa.

### **FACTUAL ALLEGATIONS**

13. Plaintiff ClaimDOC, LLC is an Iowa limited liability company that services self-funded health plans nationwide.

14. Specifically, ClaimDOC provides claim auditing and member advocacy services designed to achieve health benefits that are sustainable.

15. ClaimDOC's approach is member-focused and builds partnerships with members and healthcare providers to reduce overall spending, creating more affordable healthcare to employers and employees, while managing risk as a co-fiduciary.

16. Athena is a for-profit skilled nursing, short-term, and post-hospital care rehabilitation facility provider.

17. Athena sponsors the Plan for its employees and dependents.

18. The Plan is "self-insured" and therefore governed by ERISA.

19. The Plan is regulated by the DOL.

20. ClaimDOC accepted Athena as a client in 2018.

21. ClaimDOC provided claim review services to Athena pursuant to the Agreement attached as Exhibit A.

22. Athena and ClaimDOC executed the Agreement, making both the Plan and Athena responsible for ClaimDOC's fees. Schedule A of the Agreement provides that Athena is obligated to pay said fees in the event the Plan fails to make such payment.

23. ClaimDOC and Athena served as ERISA co-fiduciaries to the Plan.

24. As a co-fiduciary of the Plan, ClaimDOC's goal was to provide reasonable and necessary healthcare benefits to the hardworking healthcare professionals who work for Athena

by ensuring Athena and its beneficiaries paid an accurate, consistent, and fair price for their healthcare needs.

25. Innovative Health Plan, LLC is a Connecticut LLC that, together with Ideal Health Indemnity Plan, LLC and Healthcare Information Services, LLC, is owned and operated by Allen Jackson (“Jackson”).

26. Jackson is known in the industry as an unscrupulous and aggressive competitor and marketer.

27. In this case, Jackson saw an opportunity to make a quick profit.

28. Jackson teamed up with Athena-owner Lawrence Santilli in an effort to deny Athena beneficiaries over \$9 million dollars in healthcare benefits and to avoid nearly \$2 million dollars in contractual obligations to ClaimDOC.

29. Marsh McLennen Agency (“Marsh”) is an international insurance sales related services company.

30. Marsh assisted, aided, abetted, and took part in the breach of fiduciary duty and the interference with the ClaimDOC contract with Athena.

31. Marsh’s primary actors in this case were Lawrence Cass, Jason Daniewicz, and William Dardani, all having been willing participants in this conspiracy.

32. Medxoom provides a computer-based application for the beneficiaries who are the victims of Athena’s conspiracy.

33. Medxoom, upon information and belief, either negligently or intentionally participated in the conspiracy.

34. A recurring theme in this conspiracy is Jackson’s involvement.

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