

EXHIBIT 1

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Attorneys for Plaintiff Gotham City Orthopedics, LLC

GOTHAM CITY ORTHOPEDICS,
LLC,

Plaintiff,

v.

OXFORD, OXFORD HEALTH
PLANS, INC., OXFORD HEALTH
PLANS, LLC, OXFORD HEALTH
PLANS (NJ), INC., OXFORD
HEALTH INSURANCE, NON-NEW
JERSEY OXFORD PLANS 1-10 and
JOHN DOES 1-10,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: PASSAIC COUNTY
DOCKET NO.: PAS-L-001296-21

Civil Action

SUMMONS

The State of New Jersey, to the Above Named Defendant:

OXFORD HEALTH PLANS INC. *C/O CT Corporation, PA*

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/pro_se/10153_deputyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment

is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/pro_se/10153_deputyclerklawref.pdf.

DATED: April 15, 2021

/s/ Michelle M. Smith
Michelle M. Smith

Name of Defendant to be served:

OXFORD HEALTH PLANS INC.

Address for Service:

c/o CT Corporation System
820 Bear Tavern Road
West Trenton, NJ 08628

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GOTHAM CITY ORTHOPEDICS, LLC,

Plaintiff,

v.

OXFORD, OXFORD HEALTH PLANS, INC.,
OXFORD HEALTH PLANS, LLC, OXFORD
HEALTH PLANS (NJ), INC., OXFORD
HEALTH INSURANCE, NON-NEW JERSEY
OXFORD PLANS 1-10 and JOHN DOES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
CIVIL DIVISION: PASSAIC COUNTY

DOCKET NO.:

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff, Gotham City Orthopedics (“Plaintiff”), by way of this Complaint against Defendants, Oxford, Oxford Health Plans, Inc., Oxford Health Plans, LLC, Oxford Health Plans (NJ), Inc., Oxford Health Insurance, Non-New Jersey Oxford Plans 1-10 (collectively “Oxford” or the “Oxford Defendants”), and John Does 1-10, alleges as follows:

PRELIMINARY STATEMENT

1. Plaintiff brings this action to redress Oxford’s repeated failure to process and make payment upon legitimate and proper claims for emergency medical services rendered to participants in health plans insured and/or administered by Oxford.

2. As a matter of law, Oxford’s members and beneficiaries are entitled to be covered for out-of-network emergency care at any hospital emergency room with their only responsibility being to pay the plan’s copayments, coinsurance and deductibles at an in-network level when emergency services are rendered.

3. Plaintiff is required by law to treat Oxford’s insureds for out-of-network emergency

health coverage. In each case described further below, Plaintiff rendered emergent, medically necessary surgical and medical services to the Oxford's insureds which are indisputably covered under Oxford's healthcare plan. In doing so, Plaintiff reasonably expected Oxford to properly compensate Plaintiff.

4. Oxford, however, has repeatedly underpaid Plaintiff for these emergency medical services provided to Oxford Insureds. For the patients listed below, Plaintiff has incurred \$476,525.31 in charges for which Oxford has only paid \$45,613.08— **a payment rate of less than 10% for services that are to be paid at 100% as a matter of law.** Accordingly, Plaintiff has incurred no less than **\$430,912.23** in unpaid services because of Oxford's baseless refusal to pay for the necessary, emergency surgical and medical services Plaintiff rendered to Oxford's insureds.

5. Detailed information is not set forth herein solely to protect the identity and Protected Health Information of the patients. Plaintiff will provide a list of Claims with complete identifying information, including patient names and Oxford identification numbers to the Oxford Defendants' counsel. In addition, Plaintiff has provided the Claims detail at issue, redacted for Personal Health Information, attached as "**Exhibit A.**"

6. In short, Plaintiff seeks a judgment in its favor for the relief requested below.

PARTIES

7. Plaintiff is a medical practice located at 50 Mount Prospect Avenue, Suite 104, Clifton, New Jersey 07013.

8. Defendant Oxford is, upon information and belief, a Connecticut Corporation or Corporations, with a headquarters at 48 Monroe Turnpike, Trumbull, Connecticut, and various offices in New Jersey. Founded in 1984, Oxford offers health plans to employer and individuals in New Jersey, New York and Connecticut. Oxford was acquired by United Healthcare in July

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