

EXHIBIT “A”

SUMMONS

Attorney(s) Lawall & Mitchell, LLC

Office Address 55 Madison Avenue

Town, State, Zip Code Morristown, New Jersey 07960

Telephone Number 973-285-3280

Attorney(s) for Plaintiff _____

EDISON SPINE CENTER

Plaintiff(s)

vs.

AETNA, INC., JOHN DOES 1-10, JANE DOES

1-10, AND ABC CORPORATIONS 1-10.

Defendant(s)

**Superior Court of
New Jersey**

Middlesex County

Civil Division

Docket No: MID-L-002942-21

**CIVIL ACTION
SUMMONS**

From The State of New Jersey To The Defendant(s) Named Above:

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.njcourts.gov/forms/10153_deptyclerklawref.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 \$175.00 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.njcourts.gov/forms/10153_deptyclerklawref.pdf.

/s/ Michelle M. Smith

Clerk of the Superior Court

DATED: May 18, 2021

Name of Defendant to Be Served: Aetna, Inc.

Address of Defendant to Be Served: 151 Farmington Avenue, Hartford, Connecticut 06156

MIDDLESEX VICINAGE CIVIL DIVISION
P O BOX 2633
56 PATERSON STREET
NEW BRUNSWICK NJ 08903-2633

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 645-4300
COURT HOURS 8:30 AM - 4:30 PM

DATE: MAY 14, 2021
RE: EDISON SPINE CENTER VS AETNA, INC.
DOCKET: MID L -002942 21

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON DENNIS NIEVES

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003
AT: (732) 645-4300 EXT 88371.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: AARON A. MITCHELL
LAWALL & MITCHELL
55 MADISON AVE
STE 400
MORRISTOWN NJ 07960

ECOURTS

Lawall & Mitchell, LLC
Dara J. Lawall, Esquire (I.D. #028332008)
55 Madison Avenue
Morristown, New Jersey 07960
Attorneys for Plaintiff
973-285-3280

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EDISON SPINE CENTER,	:	
	:	SUPERIOR COURT OF NEW JERSEY
Plaintiff,	:	LAW DIVISION: MIDDLESEX COUNTY
	:	
vs.	:	DOCKET NO.:
	:	
	:	<u>CIVIL ACTION</u>
AETNA, INC., JOHN DOES 1-10, JANE	:	
DOES 1-10, AND ABC CORPORATIONS 1-	:	<u>COMPLAINT, JURY DEMAND AND</u>
10,	:	<u>DESIGNATION OF TRIAL COUNSEL</u>
	:	
Defendants.	:	
	:	
-----	X	

Plaintiff Edison Spine Center, by and through its attorneys, Lawall and Mitchell, LLC and as and for its Complaint against Defendants Aetna, Inc., John Does 1-10, Jane Does 1-10, and ABC Corporations 1-10, says:

THE PARTIES

1. Plaintiff Edison Spine Center (hereinafter referred to as "ESC "and "Plaintiff") with a business address of 10 Parsonage Road, Suite 500, City of Edison, County of Middlesex, and State of New Jersey, is now and was at all times relevant to this action, a company organized and operating under the Law of the State of New Jersey, providing healthcare services.

2. Upon information and belief, at all relevant times, Defendant Aetna, Inc. (hereinafter referred to as "Aetna") was a corporation whose headquarters are located at 151

Farmington Avenue, Hartford, Connecticut, which conducted and continues to conduct significant business in the State of New Jersey.

3. At all times relevant, upon information and belief, fictitious Defendants John Does 1-10, Jane Does 1-10 and ABC Corporations 1 - 10, are yet to be identified entities who directly and proximately caused damages to Plaintiff.

JURISDICTION AND VENUE

4. Plaintiff's office is located in Middlesex County, New Jersey, and all medical services which are the subject matter of this action were rendered in Middlesex County, New Jersey.

5. Patient, "JF" herein identified only by Aetna Identification Number W21325477302 (hereinafter referred to as the "Patient") received medical benefits through defendant Aetna.

6. At all relevant times, the Patient lived in Monmouth County, New Jersey.

7. Plaintiff is proceeding on its own individual claims concerning medical services provided to the Patient.

8. This matter is properly venued in State Court. None of Plaintiff's claims, as detailed infra, are governed by federal law, including the Employee Retirement Income Security Act ("ERISA"). See, Pascack Valley Hosp. v. Local 464A UFCW Welfare Reimbursement Plan, 388 F. 3d 393, 403-4 (3d Cir. 2004). (medical provider's claims not preempted by ERISA where (1) the medical provider's claims arose from a contract independent of the ERISA plan; (2) the patients were not parties to the contract between the provider and insurer; and (3) the dispute was limited to the amount of the payment, not the right to be paid.)

9. The amount in controversy is at least \$185,455.37.

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