

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

METROPOLITAN TRANSPORTATION
AUTHORITY, NEW YORK CITY TRANSIT
AUTHORITY, MANHATTAN AND BRONX
SURFACE TRANSIT OPERATING AUTHORITY,
TRIBOROUGH BRIDGE AND TUNNEL
AUTHORITY, THE LONG ISLAND RAIL ROAD
COMPANY, METRO-NORTH COMMUTER
RAILROAD COMPANY, MTA BUS COMPANY,
MTA CONSTRUCTION AND DEVELOPMENT
COMPANY, STATEN ISLAND RAPID TRANSIT
OPERATING AUTHORITY,

Plaintiffs,

v.

BLUE CROSS AND BLUE SHIELD OF
ALABAMA; PREMIER and PREMIER BLUE
CROSS, also d/b/a PREMIER BLUE CROSS BLUE
SHIELD OF ALASKA; BLUE CROSS AND BLUE
SHIELD OF ARIZONA, INC.; USABLE MUTUAL
INSURANCE COMPANY d/b/a ARKANSAS BLUE
CROSS AND BLUE SHIELD; ANTHEM, INC. f/k/a
WELLPOINT, INC. d/b/a ANTHEM BLUE CROSS
LIFE AND HEALTH INSURANCE COMPANY,
BLUE CROSS OF CALIFORNIA, BLUE CROSS OF
SOUTHERN CALIFORNIA, BLUE CROSS OF
NORTHERN CALIFORNIA, and BLUE CROSS
BLUE SHIELD OF GEORGIA, and also doing
business through its subsidiaries or divisions,
including, ANTHEM HEALTH PLANS, INC. d/b/a
ANTHEM BLUE CROSS BLUE SHIELD OF
CONNECTICUT, ROCKY MOUNTAIN HOSPITAL
& MEDICAL SERVICE INC. d/b/a ANTHEM BLUE
CROSS BLUE SHIELD OF COLORADO and
ANTHEM BLUE CROSS BLUE SHIELD OF
NEVADA, ANTHEM INSURANCE COMPANIES,
INC. d/b/a ANTHEM BLUE CROSS BLUE SHIELD
OF INDIANA, ANTHEM HEALTH PLANS OF
KENTUCKY, INC. d/b/a ANTHEM BLUE CROSS
BLUE SHIELD OF KENTUCKY, ANTHEM
HEALTH PLANS OF MAINE, INC. d/b/a ANTHEM

COMPLAINT

JURY TRIAL DEMANDED

BLUE CROSS BLUE SHIELD OF MAINE, ANTHEM BLUE CROSS BLUE SHIELD OF MISSOURI, RIGHTCHOICE MANAGED CARE, INC., HEALTHY ALLIANCE LIFE INSURANCE COMPANY, HMO MISSOURI INC., ANTHEM HEALTH PLANS OF NEW HAMPSHIRE, INC. d/b/a ANTHEM BLUE CROSS BLUE SHIELD OF NEW HAMPSHIRE, EMPIRE HEALTHCHOICE ASSURANCE, INC. d/b/a EMPIRE BLUE CROSS BLUE SHIELD, COMMUNITY INSURANCE COMPANY d/b/a ANTHEM BLUE CROSS BLUE SHIELD OF OHIO, ANTHEM HEALTH PLANS OF VIRGINIA, INC., d/b/a ANTHEM BLUE CROSS AND BLUE SHIELD OF VIRGINIA, ANTHEM BLUE CROSS BLUE SHIELD OF WISCONSIN, and COMPCARE HEALTH SERVICES INSURANCE CORPORATION; CALIFORNIA PHYSICIANS' SERVICE d/b/a BLUE SHIELD OF CALIFORNIA; HIGHMARK HEALTH, and HIGHMARK INC. d/b/a HIGHMARK BLUE SHIELD and HIGHMARK BLUE CROSS BLUE SHIELD and including HIGHMARK INC. predecessor HOSPITAL SERVICE ASSOCIATION OF NORTHEASTERN PENNSYLVANIA f/d/b/a BLUE CROSS OF NORTHEASTERN PENNSYLVANIA ("BC-NORTHEASTERN PA") (together, "HIGHMARK BCBS"); HIGHMARK BLUE CROSS BLUE SHIELD DELAWARE INC. d/b/a HIGHMARK BLUE CROSS BLUE SHIELD DELAWARE; HIGHMARK WEST VIRGINIA INC. d/b/a HIGHMARK BLUE CROSS BLUE SHIELD WEST VIRGINIA; CAREFIRST, INC. and its subsidiaries or affiliates GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC., CAREFIRST OF MARYLAND, INC., and CAREFIRST BLUECHOICE, INC., which collectively d/b/a CAREFIRST BLUECROSS BLUESHIELD; GUIDEWELL MUTUAL HOLDING CORPORATION; BLUE CROSS AND BLUE SHIELD OF FLORIDA, INC.; HAWAII MEDICAL SERVICE ASSOCIATION d/b/a BLUE CROSS AND BLUE SHIELD OF HAWAII; REGENCE BLUESHIELD OF IDAHO and BLUE CROSS OF IDAHO HEALTH SERVICE, INC. d/b/a BLUE CROSS OF IDAHO; CAMBIA HEALTH SOLUTIONS, INC. d/b/a REGENCE BLUESHIELD

OF IDAHO, REGENCE BLUE CROSS BLUE SHIELD OF OREGON, REGENCE BLUE CROSS BLUE SHIELD OF UTAH, and REGENCE BLUE SHIELD (WASHINGTON); HEALTH CARE SERVICE CORPORATION, A MUTUAL LEGAL RESERVE COMPANY, d/b/a BLUE CROSS AND BLUE SHIELD OF ILLINOIS, BLUE CROSS AND BLUE SHIELD OF MONTANA, including its predecessor, CARING FOR MONTANANS, INC., BLUE CROSS AND BLUE SHIELD OF NEW MEXICO, BLUE CROSS AND BLUE SHIELD OF OKLAHOMA, and BLUE CROSS AND BLUE SHIELD OF TEXAS; WELLMARK, INC., including its subsidiaries and/or divisions, WELLMARK BLUE CROSS AND BLUE SHIELD OF IOWA, WELLMARK OF SOUTH DAKOTA, INC. d/b/a WELLMARK BLUE CROSS AND BLUE SHIELD OF SOUTH DAKOTA; BLUE CROSS AND BLUE SHIELD OF KANSAS, INC.; LOUISIANA HEALTH SERVICE & INDEMNITY COMPANY d/b/a BLUE CROSS AND BLUE SHIELD OF LOUISIANA; BLUE CROSS AND BLUE SHIELD OF MASSACHUSETTS, INC.; BLUE CROSS BLUE SHIELD OF MICHIGAN MUTUAL INSURANCE COMPANY; AWARE INTEGRATED, INC. and BCBSM, INC. d/b/a BLUE CROSS AND BLUE SHIELD OF MINNESOTA; BLUE CROSS & BLUE SHIELD OF MISSISSIPPI, A MUTUAL INSURANCE COMPANY; BLUE CROSS AND BLUE SHIELD OF KANSAS CITY; GOODLIFE PARTNERS, INC.; BLUE CROSS AND BLUE SHIELD OF NEBRASKA; HORIZON HEALTHCARE SERVICES, INC. d/b/a HORIZON BLUE CROSS BLUE SHIELD OF NEW JERSEY; HEALTHNOW SYSTEMS, INC.; HEALTHNOW NEW YORK, INC. d/b/a BLUECROSS BLUESHIELD OF WESTERN NEW YORK and BLUESHIELD OF NORTHEASTERN NEW YORK; LIFETIME HEALTHCARE, INC. and EXCELLUS HEALTH PLAN, INC. d/b/a EXCELLUS BLUECROSS BLUESHIELD; BLUE CROSS AND BLUE SHIELD OF NORTH CAROLINA; NORIDIAN MUTUAL INSURANCE COMPANY and HEALTHYDAKOTA MUTUAL HOLDINGS d/b/a BLUE CROSS BLUE SHIELD OF NORTH DAKOTA; CAPITAL BLUE CROSS;

INDEPENDENCE HEALTH GROUP, INC. and
INDEPENDENCE HOSPITAL INDEMNITY PLAN,
INC. f/k/a INDEPENDENCE BLUE CROSS;
TRIPLE- S MANAGEMENT CORPORATION and
TRIPLE S-SALUD, INC.; BLUE CROSS & BLUE
SHIELD OF RHODE ISLAND; BLUE CROSS AND
BLUE SHIELD OF SOUTH CAROLINA;
BLUECROSS BLUESHIELD OF TENNESSEE,
INC.; BLUE CROSS AND BLUE SHIELD OF
VERMONT; BLUE CROSS AND BLUE SHIELD
OF WYOMING; and THE BLUE CROSS AND
BLUE SHIELD ASSOCIATION,

Defendants.

I. INTRODUCTION

1. Plaintiffs, Metropolitan Transportation Authority (the “MTA”) a public benefit corporation created pursuant to Article 5 of Title II of the Public Authorities Law of the State of New York, on behalf of its subsidiaries and affiliates, including: New York City Transit Authority (“NYCTA”) and its subsidiary Manhattan and Bronx Surface Transit Operating Authority (“MaBSTOA”); Triborough Bridge and Tunnel Authority (“MTA Bridges and Tunnels”); The Long Island Rail Road Company (“LIRR”); Metro-North Commuter Railroad Company (“Metro-North”); MTA Bus Company (“MTA Bus”); MTA Construction and Development Company (“MTA Construction and Development”); and Staten Island Rapid Transit Operating Authority (“SIRTOA”) (collectively, “Plaintiffs”), bring this action (the “Action”) against Defendants Blue Cross and Blue Shield of Alabama (“BCBS-AL”); PREMERA and Premera Blue Cross (“BC-WA”), which also does business as Premera Blue Cross Blue Shield of Alaska (“BCBS-AK”); Blue Cross and Blue Shield of Arizona, Inc. (“BCBS-AZ”); USABLE Mutual Insurance Company d/b/a Arkansas Blue Cross and Blue Shield (“BCBS-AR”); Anthem, Inc., f/k/a WellPoint, Inc. d/b/a Anthem Blue Cross Life and Health Insurance Company, Blue Cross of California, Blue

Cross of Southern California, Blue Cross of Northern California (Blue Cross of California, Blue Cross of Southern California and Blue Cross of Northern California are referred to herein, together, as “BC-CA”), and Blue Cross Blue Shield of Georgia (“BCBS-GA”), and also does business through its subsidiaries or divisions, including, Anthem Health Plans, Inc. d/b/a Anthem Blue Cross Blue Shield of Connecticut (“BCBS-CT”), Rocky Mountain Hospital & Medical Service, Inc. d/b/a Anthem Blue Cross Blue Shield of Colorado (“BCBS-CO”) and Anthem Blue Cross Blue Shield of Nevada (“BCBS-NV”), Anthem Insurance Companies, Inc. d/b/a Anthem Blue Cross Blue Shield of Indiana (“BCBS-IN”), Anthem Health Plans of Kentucky, Inc. d/b/a Anthem Blue Cross Blue Shield of Kentucky (“BCBS-KY”), Anthem Health Plans of Maine, Inc. d/b/a Anthem Blue Cross Blue Shield of Maine (“BCBS-ME”), Anthem Blue Cross Blue Shield of Missouri, RightCHOICE Managed Care, Inc., Healthy Alliance Life Insurance Company; HMO Missouri Inc. (together, “BCBS-MO”), Anthem Health Plans of New Hampshire, Inc. d/b/a Anthem Blue Cross Blue Shield of New Hampshire (“BCBS-NH”), Empire HealthChoice Assurance, Inc. d/b/a Empire Blue Cross Blue Shield (“Empire BCBS”), Community Insurance Company d/b/a Anthem Blue Cross Blue Shield of Ohio (“BCBS-OH”), Anthem Health Plans of Virginia, Inc. d/b/a Anthem Blue Cross and Blue Shield of Virginia, (“BCBS-VA”), Anthem Blue Cross Blue Shield of Wisconsin, and CompCare Health Services Insurance Corporation (together, “BCBS-WI”); California Physicians’ Service, d/b/a Blue Shield of California (“BS-CA”); Highmark Health, and Highmark Inc. d/b/a Highmark Blue Shield and Highmark Blue Cross Blue Shield and including Highmark Inc. predecessor Hospital Service Association of Northeastern Pennsylvania f/d/b/a Blue Cross of Northeastern Pennsylvania (“BC-Northeastern PA”) (together, “Highmark BCBS”); Highmark Blue Cross Blue Shield Delaware Inc. d/b/a Highmark Blue Cross Blue Shield Delaware (“BCBS-DE”), Highmark West Virginia Inc. d/b/a Highmark Blue Cross

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