

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, OHIO

SABINA R. KOEHLER
444 Heather Lane
Powell, Ohio 43065

Plaintiff,

vs.

THE ANTHEM COMPANIES, INC.
8940 Lyra Drive, Suite 300
Columbus, Ohio 43240
and
c/o CT Corp. System - Registered Agent
4400 Easton Commons Way, Suite 125
Columbus, Ohio 43219

Defendant.

22 - CV H - 020053
CASE NO. _____

JUDGE David M. Gormley

JURY DEMAND ENDORSED
HEREON

COMPLAINT

Now comes Plaintiff, Sabina R. Koehler, who hereby alleges and asserts against Defendant, The Anthem Companies, Inc., as follows:

I. PARTIES

1. Plaintiff, Sabina R. Koehler ("Koehler"), is an individual residing at 444 Heather Lane, Powell, Ohio 43065.

2. Defendant, The Anthem Companies, Inc. ("Anthem"), is an Indiana for-profit corporation doing business in the State of Ohio, with its principal place of business located at 8940 Lyra Drive, Suite 300, Columbus, Ohio 43230.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter as the relevant agreements entered into by the parties herein and the events relevant to this action occurred in Delaware County, Ohio.

4. For the reason described above, venue is proper in Delaware County, Ohio pursuant to Rule 3 of the Ohio Rules of Civil Procedure.

III. FACTS COMMON TO ALL CLAIMS

5. Plaintiff realleges and incorporates all the allegations contained in above paragraphs as if fully rewritten herein.

6. Koehler is a former employee of Anthem.

7. Koehler first started working at Anthem as a Customer Service Representative in 2008.

8. Over the next 12 years, Koehler would distinguish herself at Anthem through her hard work and dedication with the hopes of making a career at Anthem until she was ready to retire.

9. Koehler's employment record at Anthem was unblemished, and she was being groomed for advancement.

10. Koehler received glowing reviews from her direct supervisors and/or managers and was regularly promoted into managerial positions.

11. In 2017, Koehler received a promotion to serve as a Customer Service Manager Level 2 managing over 400 vendor representatives and agents covering three different lines of business.

12. In June or July 2020, Koehler received what she believed to be an internal Anthem survey inquiring about an Anthem software platform and/or application called Sailpoint.

13. Sailpoint allows managers to review each representative or agent under their supervision and ensure each one has the appropriate security access to applications necessary for them to do their job.

14. Sailpoint is intended to ensure Anthem protects its customer's protected health information ("PHI"), personally identifiable information ("PII"), Non-public information ("NPI"), and data privacy in compliance with state and federal laws, rules, and regulations.

15. Managers are required to review Sailpoint quarterly and validate that each representative or agent has the appropriate clearance for the security access applications assigned to them.

16. The survey instructed Koehler to provide an accurate assessment and evaluation of Anthem's operations and the use of the Sailpoint in order to identify issues and improve operations.

17. Koehler responded to the survey by providing a detailed and accurate assessment of the Sailpoint application and identifying several problem areas with its use.

18. Specifically, Koehler pointed out that the validation process was flawed because it was impossible for Anthem managers like herself, managing a large number of vendor representatives and agents over multiple lines of business, to review each representative or agent under their supervision regarding security access due to the sheer number of representatives/agents, lines of business, and applications that required regular review and certification.

19. Koehler also indicated that Anthem failed to provide any training on the Sailpoint application or the validation process.

20. As a result of issues with the SailPoint system and the lack of training, Koehler indicated that Anthem may be failing to adequately protect consumer data, PHI, PII, and NPI, and may be in violation of relevant state and federal laws.

21. Koehler felt obligated to honestly and accurately respond to the survey and provide as much information as possible to improve the Sailpoint application and Anthem operations for several reasons:

- a. to comply with the survey's instructions;
- b. to be true to her nature to act with honesty, integrity, and actively improve the company she had dedicated herself to for the past 12-years; and
- c. to meet the expectations of Anthem's culture change and leadership initiatives, in which Anthem's leadership repeatedly emphasized to its employees, via video recordings, manager meetings, training sessions, and townhall meetings, the need to actively and honestly speak up to help identify and solve problems in order to improve Anthem.

22. In August 2020, Koehler learned that the Sailpoint survey had not been an internal Anthem survey, but was part of an independent external compliance audit.

23. Apparently, Koehler's honest and truthful appraisal of Sailpoint and its validation process unwittingly exposed gaps in Anthem's training, operations, and compliance programs, and resulted in a negative audit finding against Anthem.

24. Soon thereafter, Koehler spoke at length with an Anthem representative investigating the Sailpoint issues raised by Koehler's survey response.

25. The Anthem representative agreed that Koehler did nothing wrong by answering the survey truthfully and honestly, that senior leadership did not fully understand the issue, that the survey was deceptive as to its purpose and point of origin, and that he understood her intention was merely to respond honestly to improve the validation process.

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