

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ELITE ANALYTICS GROUP INC.)

Plaintiff,)

v.)

Case No. CIV-21-1089-D

REVAN HEALTH, LLC, REVAN)
HEALTH, INC., REVAN INC. dba)
REVAN RX, REVAN ENTERPRISES)
INC., and JUSTIN EVANS)

Defendants.)

PLAINTIFF’S ORIGINAL COMPLAINT

Plaintiff Elite Analytics Group Inc. (“Plaintiff” or “Elite Analytics”) files this Original Complaint against Defendants Revan Health, LLC, Revan Health, Inc. (collectively, “Revan Health”), Revan Inc. dba Revan Rx (“Revan Rx”), Revan Enterprises Inc. (“Revan Enterprises”), and Justin Evans (“Evans”), and would respectfully show the Court as follows:

I. THE PARTIES

1. Plaintiff Elite Analytics Group Inc. is a Delaware corporation organized with a principal place of business located in Dallas County, Texas. For purposes of diversity jurisdiction, Elite Analytics is not a citizen of Oklahoma.

2. Defendant Revan Health, LLC is an Oklahoma limited liability company organized and existing under the laws of the State of Oklahoma with its principal place of

business located at 5601 NW 72nd Street, Suite 142, Warr Acres, Oklahoma 73132. According to filings made with the Oklahoma Secretary of State, Defendant may be served through its registered agent, Revan Enterprises Inc., which is located at the same address. Justin Evans is Revan Health, LLC's CEO and the Registered Agent for Revan Enterprises Inc.

3. Defendant Revan Health, Inc. is an un-registered Oklahoma corporation that acts as a representative of Revan Health, LLC. Defendant may be served at 5601 NW 72nd Street, Suite 142, Warr Acres, Oklahoma 73132. Justin Evans is Revan Health, Inc.'s CEO.

4. Defendant Revan Inc. dba Revan Rx is an Oklahoma corporation organized and existing under the laws of the State of Oklahoma with its principal place of business located at 5601 NW 72nd Street, Suite 242, Warr Acres, Oklahoma 73132. Defendant also may be served through its registered agent, Revan, Inc., which is located at 1706 Lionsgate Circle, Bethany, Oklahoma, 73008, which is the residence of Revan Rx's CEO, Justin Evans.

5. Defendant Revan Enterprises Inc. is an Oklahoma limited liability company organized and existing under the laws of the State of Oklahoma with its principal place of business located at 5601 NW 72nd Street, Suite 142, Warr Acres, Oklahoma 73132. Justin Evans is Defendant's Registered Agent.

6. Defendant Justin Evans is the CEO of Defendants Revan Health, LLC, Revan Health, Inc., Revan Rx. He is the registered agent for Revan Enterprises Inc. Defendant is a citizen of Oklahoma who may be served with process at his residence, which is located

at 1706 Lionsgate Circle, Bethany, Oklahoma, 73008. Defendant may also be served with process at the business address of 5601 NW 72nd Street, Warr Acres, Oklahoma 73132 in either Suite 142 or 242.

II. JURISDICTION AND VENUE

7. This Court has jurisdiction under 28 U.S.C. § 1332 as the action is between citizens of a State and a citizen or subject of a foreign state, and the amount in controversy in this action exclusive of interest and costs, exceeds the sum of \$75,000.00.

8. This Court further has supplemental or pendant jurisdiction over Elite Analytics' state law claims under 28 U.S.C. § 1367 because the claims form part of the same case or controversy.

9. This Court personal jurisdiction over each of the Defendants because they are each citizens of the State of Oklahoma and reside or do business within the district.

10. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(1) and (b)(2).

III. FACTUAL BACKGROUND

A. Background on the 340B Program for Covered Drugs.

11. Plaintiff Elite Analytics provides administration services to pharmacies and clinics that are approved to participate in the federal 340B Program. The 340B Program is a federally mandated program that requires drug manufacturers to offer significant discounts on eligible drugs ("Covered Drugs") to qualifying healthcare providers. The qualifying healthcare providers, known as "Covered Entities," generally include hospitals,

specialty clinics and their associated outpatient facilities that serve certain patient demographics such as HIV, STD and cancer patients, along with uninsured or under-insured patients eligible for assistance under the Health Resources and Services Administration (“HRSA”). The 340B Program requires the Covered Entities to contract with a qualifying pharmacy (the “Contract Pharmacy”), which receives and stores the Covered Drugs from the drug manufacture or wholesaler and dispenses the medications to eligible patients.

12. Thus, under the 340B Program, a Covered Entity purchases the Covered Drugs at a significant discount from a drug wholesaler, the Covered Drugs are shipped to the Contract Pharmacy for dispensing to eligible patients, and then the Contract Pharmacy bills the patients’ insurance companies for the full price of the Covered Drugs. Buying drugs at a discounted rate and billing the full price allows Covered Entities and Contract Pharmacies to generate revenue to serve their communities. The surplus funds, called “340 Revenue,” reduce the financial burden of medications or other medical care for uninsured, under-insured, and low-income patients.

13. One challenge to the 340B Program is establishing a tracking system suitable to prevent the diversion of Covered Drugs to individuals who are not eligible patients, or to ensure duplicate rebates and discounts through Medicaid are not received for the Covered Drugs. Keeping track of the volume of records and documentation required to administer the 340B Program can be complex and time consuming. Covered Entities and Contract Pharmacies that participate in the 340B program are subject to audit by both the U.S. Health Resources & Services Administration (“HRSA”) and by drug manufacturers.

14. Plaintiff Elite Analytics has knowledge and experience in the unique requirements of the 340B Program, and it provides Third Party Administrative (“TPA”) services to Covered Entities and Contract Pharmacies to ensure compliance with federal law and preparation for audits. Elite Analytics developed proprietary software that tracks drug inventory, drug orders, patient prescriptions, billing, and payments from insurance companies. This software is known as 340B Analytic Data Software. Elite Analytics collects an administrative fee from clients for its management services, which includes access to the data collected by its proprietary software.

15. Another challenge to the 340B Program is that often Covered Entities and Contract Pharmacies just starting up lack the financial resources to pay for the Covered Drugs. Elite Analytics eliminates this burden by pre-ordering inventory from drug wholesalers on the 340B account and advancing funds to pay for the Covered Drugs. Insurers send payment to the Contract Pharmacy at the full price for the Covered Drugs, the Contract Pharmacy deducts its dispensing fees, then it pays Elite Analytics, which sends the Covered Entity its portion of the 340B Revenue, less Elite Analytics’ administrative fees and the cost of the Covered Drugs.

C. The Agreement between Revan Health and Elite Analytics.

16. Defendant Justin Evans (“Evans”) is the CEO of Revan Health, which operates a clinic serving the LGBTQ community in Warr Acres, Oklahoma as a Covered Entity. On October 1, 2020, Evans signed the Master Administrative Services Agreement (“MASA”) with Elite Analytics on behalf of Revan Health.

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