

their agents, servants, employees, insureds, or others through whom they acted, or others on whose behalf they acted. GENESIS performed medical laboratory testing for tests ordered by physician members of insurance companies, ordered by a non-member physician, or an insured/patient member of an insurance company.

2. The Defendant, Highmark West Virginia, Inc. d/b/a Highmark Blue Cross Blue Shield West Virginia (hereafter, "Highmark"), their agents, servants, employees, insureds, or others with or through whom they acted, or others on whose behalf they acted, including but not limited to their affiliates, the ABC companies 1-100, and John Does 1-100 (collectively with Highmark referred to as "Defendants"), ordered and/or authorized laboratory services including but not limited to COVID-19 tests to be performed by GENESIS.

3. Plaintiff, an authorized representative of the insured/claimants pursuant to 29 C.F.R. § 2650.503-1(b)(4), has the right to file appeals and take any necessary legal action to secure for the claimants the benefits already paid for under their insurance contract.

4. There is little dispute that services were rendered. There is a dispute by Defendants as to whether a few of the tests were already paid for, and the amount of the remaining balance. There is a dispute wherein Defendants sought additional records, which were supplied, but which did not result in payment.

Effectively, this was an appeal process culminating in the improper denial of payment for laboratory services rendered, and exhausting the available administrative remedy.

5. A January 16, 2024 a demand letter to Highmark BCBS West VI from attorney David Ghisalbert, Esq, (see copy attached hereto as "**EXHIBIT A**") clearly made demand for all unpaid claims (attached hereto as "**EXHIBIT B**" is a list of the claim numbers for those claims which a claim number was provided). Defendants have refused to make payment for services rendered.

II. PARTIES

6. Abira Medical Laboratories, LLC d/b/a Genesis Diagnostics is a domestic limited liability company organized under the laws of the State of New Jersey. Several of GENESIS' administrators and decision-makers live in New Jersey, work in New Jersey, and run GENESIS' affairs from New Jersey.

7. At all times relevant hereto, the principal medical testing laboratory was located at 900 Town Center Drive, Suite H50, Langhorne, Pennsylvania 19047.

8. Defendant, Highmark West Virginia, Inc. d/b/a Highmark Blue Cross Blue Shield West Virginia, provides health insurance services throughout the State of West Virginia, and has its principal place of business located at 614 Market Street, Parkersburg, West Virginia 26101, with registered agent being James L. Fawcett, P.O. Box 1948, Parkersburg, WV 26102.

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