

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS, CORPUS CHRISTI DIVISION**

**DIAGNOSTIC AFFILIATES OF
NORTHEAST HOU, LLC D/B/A
24 HOUR COVIDRT-PCR
LABORATORY**

vs.

**UNITED HEALTH GROUP, INC.;
UNITED HEALTHCARE SERVICES,
INC.;
UNITED HEALTHCARE BENEFITS
OF TEXAS, INC.;
UNITED HEALTHCARE OF TEXAS,
INC.;
UMR, INC.;
OPTUMHEALTH CARE SOLUTIONS,
INC.;
AMERICAN INTERNATIONAL
GROUP, INC. MEDICAL PLAN;
ANADARKO PETROLEUM CORP.
HEALTH BENEFIT PLAN;
APPLE INC. HEALTH AND WELFARE
BENEFIT PLAN;
GROUP HEALTH AND WELFARE
PLANS(ARAMARK UNIFROM SERVICES);
AT&T UMBRELLA BENEFIT
PLAN NO. 1;
AT&T UMBRELLA BENEFIT
PLAN NO. 3;
BAKER HUGHES, A GE COMPANY
WELFARE BENEFITS PLAN;
BAYLOR COLLEGE OF MEDICINE
HEALTH AND WELFARE BENEFITS
PLAN;
BROOKDALE SENIOR LIVING, INC.
WELFARE PLAN;
C.H ROBINSON COMPANY GROUP
HEALTH MAJOR MEDICAL PLAN;
CALPINE CORPORATION
EMPLOYEE BENEFIT PLAN;
CATERPILLAR INC. GROUP
INSURANCE MASTER TRUST;**

CIVIL ACTION NUMBER

2:21-cv-131

CELANESE HEALTH AND WELFARE §
 BENEFITS PROGRAM; §
 CENTERPOINT ENERGY GROUP §
 WELFARE BENEFITS PLAN FOR §
 RETIREES; §
 CITGO PETROLEUM CORPORATION §
 DEFINED CONTRIBUTION §
 MASTER TRUST; §
 DELTA ACCOUNT BASED §
 HEALTHCARE PLAN; §
 ENVISION HEALTHCARE §
 CORPORATION WELFARE §
 BENEFITS PLAN; §
 H&E EQUIPMENT SERVICES INC. §
 BENEFIT PLAN; §
 FLOUR EMPLOYEE BENEFIT §
 TRUST PLAN; §
 FRESenius MEDICAL CARE §
 TRAVELLING NURSES HEALTH AND §
 WELFARE BENEFITS PLAN; §
 GEICO CORP. CONSOLIDATED §
 WELFARE BENEFITS PROGRAM; §
 GEOSPACE TECHNOLOGIES §
 WELFARE BENEFIT PLAN; §
 HUDSON GROUP (HG) INC. §
 EMPLOYEE BENEFITS PLAN; §
 IQOR HEALTH AND §
 WELFARE PLAN; §
 JONES LANG LASALLE GROUP §
 BENEFITS PLAN; §
 KELLOGG BROWN & ROOT, INC, §
 WELFARE BENEFITS PLAN; §
 KINDER MORGAN, INC. MASTER §
 EMPLOYEE WELFARE PLAN; §
 LEXICON PHARMACEUTICALS INC. §
 COMPREHENSIVE WELFARE §
 BENEFITS PLAN; §
 LINEAGE LOGISTICS LLC §
 BENEFITS PLAN; §
 LOCKTON, INC. WELFARE §
 BENEFITS PLAN; §
 M/I HOMES, INC. HEALTH, LIFE AND §
 DENTAL WELFARE PLAN; §
 MAERSK INC. ACTIVE NONUNION §
 HEALTH AND WELFARE PLAN; §
 THE MALLINCKRODT §

PHARMACEUTICALS WELFARE §
 BENEFIT PLAN; §
 MOTIVA ENTERPRISES LLC §
 HEALTHAND WELLNESS BENEFIT §
 PLAN; §
 NOVO NORDISK INC. WELFARE §
 BENEFIT PLAN; §
 PETSMART SMARTCHOICES §
 BENEFIT PLAN; §
 PROCTER AND GAMBLE RETIREE §
 WELFARE BENEFITS PLAN; §
 RAILROAD EMPLOYEES NATIONAL §
 HEALTH FLEXIBLE SPENDING §
 ACCOUNT PLAN; §
 RAISING CANES USA HEALTH AND §
 WELFARE BENEFITS WRAP PLAN; §
 REPUBLIC SERVICES INC. §
 EMPLOYEE BENEFIT PLAN; §
 REPUBLIC NATIONAL DISTRIBUTING §
 COMPANY, LLC WELFARE §
 BENEFITS PLAN; §
 SAIA MOTOR FREIGHT LINE LLC §
 EMPLOYEE PREFERRED §
 PROVIDER PLAN; §
 SIEMENS CORPORATION GROUP §
 INSURANCE AND FLEXIBLE §
 BENEFITS PROGRAM; §
 SKADDEN, ARPS, SLATE, MEAGHER §
 & FLOM PARTNERS' WELFARE §
 BENEFITS PLAN; §
 SKYWEST INC. CAFETERIA PLAN; §
 SOUTHWEST AIRLINES CO. §
 WELFARE BENEFIT PLAN; §
 SPIRIT AIRLINES INC. HEALTH §
 AND WELFARE BENEFITS PLAN; §
 SWISSPORT NORTH AMERICA §
 HOLDINGS, INC. HEALTH & §
 WELFARE PLAN; §
 TARGA RESOURCES LLC WELFARE §
 BENEFITS PLAN; §
 TEXAS CAPITAL BANCSHARES §
 INC. EMPLOYEE BENEFIT PLAN; §
 TEXTRON NON-BARGAINED §
 WELFARE BENEFITS PLAN; §
 ADECCO, INC WELFARE §
 BENEFITS PLAN; §

T-MOBILE USA, INC. EMPLOYEE	§
BENEFIT PLAN;	§
TRANSOCEAN GROUP WELFARE	§
BENEFIT PLAN;	§
UHS WELFARE BENEFITS PLAN;	§
UNITEDHEALTH GROUP	§
VENTURES, LLC HEALTH AND	§
WELFARE BENEFIT PLAN;	§
VALERO ENERGY CORPORATION	§
RETIREE BENEFITS PLAN;	§
VALMONT INDUSTRIES INC.	§
WELFARE BENEFIT PLAN;	§
WALGREENS HEALTH AND	§
WELFARE PLAN;	§
WCA MANAGEMENT COMPANY,	§
LP WELFARE BENEFIT PLAN;	§
WEBBER, LLC WELFARE	§
BENEFIT PLAN;	§
WINSTEAD PC FLEXIBLE	§
BENEFIT PLAN;	§
GROUP BENEFITS PLAN FOR	§
EMPLOYEES OF WORLEYPARSONS	§
CORPORATION	§

ORIGINAL COMPLAINT AND JURY DEMAND

Plaintiff Diagnostic Affiliates of Northeast Hou, LLC d/b/a 24 Hour Covid RT-PCR Laboratory (“24 Hour Covid” or “Plaintiff”), by and through its attorneys, bring its Original Complaint against United¹ and the Employer Plans², and allege as follows:

INTRODUCTION

1. Plaintiff brings this action against United and the Employer Plans that United administers because United has unjustifiably engaged in unconscionable and fraudulent conduct during the COVID-19 public health emergency period in order to evade and circumvent its obligations to fully cover all United Plan and Employer Plan members’ COVID-19 diagnostic

¹ “**United**” refers to United Health Group, Inc., United Healthcare Services, Inc., United Healthcare Benefits of Texas, Inc., United Healthcare of Texas, Inc., UMR, Inc., United Healthcare Services, Inc., OptumHealth Care Solutions, Inc.

² “**Employer Plans**” refer to American International Group, Inc. Medical Plan; Anadarko Petroleum Corp. Health Benefit Plan; Apple Inc. Health And Welfare Benefit Plan; Group Health And Welfare Plans (Aramark Uniform Services); AT&T Umbrella Benefit Plan No. 1; AT&T Umbrella Benefit Plan No. 3; Baker Hughes, A GE Company Welfare Benefits Plan; Baylor College Of Medicine Health And Welfare Benefits Plan; Brookdale Senior Living, Inc. Welfare Plan; C.H Robinson Company Group Health Major Medical Plan; Calpine Corporation Employee Benefit Plan; Caterpillar Inc. Group Insurance Master Trust; Celanese Health And Welfare Benefits Program; Centerpoint Energy Group Welfare Benefits Plan For Retirees; Citgo Petroleum Corporation Defined Contribution Master Trust; Delta Account Based Healthcare Plan; Envision Healthcare Corporation Welfare Benefits Plan; H&E Equipment Services Inc. Benefit Plan; Flour Employee Benefit Trust Plan; Fresenius Medical Care Travelling Nurses Health And Welfare Benefits Plan; Geico Corp. Consolidated Welfare Benefits Program; Geospace Technologies Welfare Benefit Plan; Hudson Group (HG) Inc. Employee Benefits Plan; IQOR Health And Welfare Plan; Jones Lang Lasalle Group Benefits Plan; Kellogg Brown & Root, Inc. Welfare Benefits Plan; Kinder Morgan, Inc. Master Employee Welfare Plan; Lexicon Pharmaceuticals Inc. Comprehensive Welfare Benefits Plan; Lineage Logistics LLC Benefits Plan; Lockton, Inc. Welfare Benefits Plan; M/I Homes, Inc. Health, Life And Dental Welfare Plan; Maersk Inc. Active Nonunion Health And Welfare Plan; The Mallinckrodt Pharmaceuticals Welfare Benefit Plan; Motiva Enterprises LLC Health and Wellness Benefit Plan; Novo Nordisk Inc. Welfare Benefit Plan Petsmart Smartchoices Benefit Plan; Procter And Gamble Retiree Welfare Benefits Plan; Railroad Employees National Health Flexible Spending Account Plan; Raising Canes USA Health And Welfare Benefits Wrap Plan; Republic Services Inc. Employee Benefit Plan; Republic National Distributing Company, LLC Welfare Benefits Plan; Saia Motor Freight Line LLC Employee Preferred Provider Plan; Siemens Corporation Group Insurance And Flexible Benefits Program; Skadden, Arps, Slate, Meagher & Flom Partners’ Welfare Benefits Plan; Skywest Inc. Cafeteria Plan; Southwest Airlines Co. Welfare Benefit Plan; Spirit Airlines Inc. Health And Welfare Benefits Plan; Swissport North America Holdings, Inc. Health & Welfare Plan; Targa Resources LLC Welfare Benefits Plan; Texas Capital Bancshares Inc. Employee Benefit Plan; Textron Non-Bargained Welfare Benefits Plan; Adecco, Inc Welfare Benefits Plan; T-Mobile USA, Inc. Employee Benefit Plan; Transocean Group Welfare Benefit Plan; UHS Welfare Benefits Plan; UnitedHealth Group Ventures, LLC Health And Welfare Benefit Plan; Valero Energy Corporation Retiree Benefits Plan; Valmont Industries Inc. Welfare Benefit Plan; Walgreens Health And Welfare Plan; WCA Management Company, LP Welfare Benefit Plan; Webber, LLC Welfare Benefit Plan; Winstead PC Flexible Benefit Plan; Group Benefits Plan For Employees Of Worleyparsons Corporation.

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