FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SEP - 8 2000
DAVID J. MALAND, CLERK
BY
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

NATHAN L. JACKSON, Individually and on behalf of a putative class of similarly situated individuals,	§	
Plaintiff,	§	
v.	§	
EAST TEXAS MEDICAL CENTER, ATHENS, ET AL,	§	CIVIL ACTION NO. 6:00-CV442-WMS
Defendants and Third-Party Plaintiffs,	§	
v.	§	
AETNA HEALTH AND LIFE INSURANCE COMPANY, ET AL,	§	
Third-Party Defendants.	§	

AETNA HEALTH AND LIFE INSURANCE COMPANY,
AETNA INSURANCE COMPANY OF AMERICA
AND PRUDENTIAL HEALTHCARE PLAN, INC.'S
ORIGINAL ANSWER

Third-Party Defendants Aetna Health and Life Insurance Company ("AHLIC"), Aetna Insurance Company of America ("AICA") and Prudential Healthcare Plan, Inc. ("PHP") file their Original Answer to the Third-Party Complaint (the "Third-Party Complaint") filed against them by Defendants/Third-Party Plaintiffs East Texas Medical Center Athens, East Texas Medical Center Regional Healthcare System, East Texas Medical Center, East Texas Medical Center Pittsburgh, East Texas Medical Center Fairfield, East Texas Medical Center Rusk, East Texas Medical Center Crockett, East Texas Medical Center Jacksonville, East Texas Medical Center Clarksville, East Texas Medical Center Trinity, East Texas Medical Center Carthage, East Texas Medical Center

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Quitman, East Texas Medical Center Mount Vernon, and East Texas Medical Center Grand Saline (collectively referred to as "Third-Party Plaintiffs"), and in support thereof, respectfully show the Court as follows:

1. No response is required to the introductory paragraph of the Third-Party Complaint.

I.

2. With respect to the allegations contained in Section I of the Third-Party Complaint, AHLIC, AICA, and PHP admit that they have been served with the Third-Party Complaint in the above-captioned lawsuit. AHLIC, AICA, and PHP are otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Section I of the Third-Party Complaint, and therefore deny those allegations.

II.

3. With respect to the allegations contained in Section II of the Third-Party Complaint, AHLIC, AICA and PHP admit that Plaintiff Nathan Jackson filed an Original Petition making a number of allegations and asserting various claims against Defendants/Third-Party Plaintiffs. AHLIC, AICA and PHP further admit that Defendants/Third-Party Plaintiffs have denied all allegations of Plaintiff. AHLIC, AICA and PHP otherwise deny the allegations contained in Section II of the Third-Party Complaint, and deny the allegations contained in the Plaintiff's Original Petition as referenced in the Third-Party Complaint, to the extent the allegations in either pleading are directed toward or refer to AHLIC, AICA and PHP. AHLIC, AICA and PHP are otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Section II of the Third-Party Complaint, and therefore deny those allegations.

III.

4. With respect to the allegations contained in Section III of the Third-Party Complaint, AHLIC, AICA and PHP deny that they made payments for medical care provided to Nathan Jackson or received refunds due to credit balances on such patient's accounts. AHLIC, AICA and PHP are otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Section III of the Third-Party Complaint.

IV.

5. With respect to the allegations contained in Section IV of the Third-Party Complaint, AHLIC, AICA and PHP are without knowledge or information sufficient to form a belief as to whether Third-Party Plaintiffs are liable for any damages to Plaintiff. AHLIC, AICA and PHP deny that Third-Party Plaintiffs are entitled to contribution or indemnity from AHLIC, AICA and PHP or that Third-Party Plaintiffs are entitled to recover from AHLIC, AICA and PHP on any other legal theory.

V.

6. AHLIC, AICA and PHP are without knowledge or information sufficient to form a belief as to the truth of the factual allegations contained in Section V of the Third-Party Complaint. No response is required to the legal assertions contained in Section V of the Third-Party Complaint.

7. AHLIC, AICA and PHP deny that Third-Party Plaintiffs are entitled to any relief from AHLIC, AICA and PHP as requested in the prayer of the Complaint.

8. All allegations contained in the Third-Party Complaint not specifically admitted are denied.

AFFIRMATIVE DEFENSES

9. Third-Party Plaintiffs' claims against AHLIC, AICA and PHP fail as a matter of law because AHLIC, AICA and PHP did not provide health benefits or coverage to Nathan Jackson.

10. Third-Party Plaintiffs' Complaint seeks benefits pursuant to employee benefit plans under ERISA. As such, any state law claims asserted by Third-Party Plaintiffs relate to the Plan and are preempted by ERISA. Accordingly, to the extent Third-Party Plaintiffs' Complaint is based on state law claims, the Complaint fails to state any claim upon which relief can be granted.

11. To the extent Plaintiff's Complaint and the Third-Party Plaintiffs' Complaint seek benefits pursuant to an employee benefit plan under ERISA, any state law claims asserted by Plaintiff and Third-Party Plaintiffs relate to the Plan and are preempted by ERISA.

12. Any decisions regarding Plaintiff's or Third-Party Plaintiffs' claim for benefits were not an abuse of discretion.

13. Any decisions regarding Plaintiff's or Third-Party Plaintiffs' claim for benefits was not arbitrary and capricious.

14. Any benefit determinations, and any alleged reimbursements, with respect to Plaintiff's or Third-Party Plaintiffs' claims for benefits were proper and correct under the terms of the Plan or Plans under which benefits were paid, if any.

15. Any damages allegedly sustained by Third-Party Plaintiffs, if any be proved, were caused in whole or in part by the culpable conduct of Plaintiff, Third-Party Plaintiffs, or other third parties or instrumentalities over whom AHLIC, AICA and PHP had no right of control and, therefore, the amount of any damages otherwise recoverable against AHLIC, AICA and PHP should be extinguished or reduced in comparative proportion to the culpable conduct of Plaintiff, Third-Party Plaintiffs or any other third parties.

16. AHLIC, AICA and PHP are informed and believe and on that basis allege that Third-Party Plaintiffs' Complaint, and each cause of action therein, is barred by reason of Article VI of the United States Constitution.

17. Third-Party Plaintiffs' damages, if any be proved, should be reduced by the amount attributable to Third-Party Plaintiffs' failure to mitigate damages.

18. On information and belief, Third-Party Plaintiffs' claims against AHLIC, AICA and PHP are barred by the doctrines of estoppel, waiver, laches and unclean hands.

19. Third-Party Plaintiffs failed to perform all conditions necessary to recover from AHLIC, AICA and PHP in this lawsuit.

20. Based on information and belief, Third Party Plaintiffs' claims are barred because the administrative remedies provided for in the Plan or Plans at issue in this case were not exhausted.

WHEREFORE, PREMISES CONSIDERED, Defendants AHLIC, AICA and PHP pray that upon final trial of this cause, they be granted judgment, that Third-Party Plaintiffs take nothing and that AHLIC, AICA and PHP recover their fees, costs of court and be awarded such other and further relief to which they may be justly entitled.

Respectfully submitted,

By: _____
JOHN B. SHELY
State Bar No. 18215300
600 Travis, Suite 4200
Houston, Texas 77002
(713) 220-4105
FAX (713) 220-4285

ATTORNEY-IN-CHARGE FOR THIRD-PARTY DEFENDANTS AETNA HEALTH AND LIFE INSURANCE COMPANY, AETNA INSURANCE COMPANY OF AMERICA AND PRUDENTIAL HEALTHCARE PLAN, INC.

OF COUNSEL:
ANDREWS & KURTH L.L.P.
AND
DIMITRI ZGOURIDES
State Bar No. 00785309

CERTIFICATE OF SERVICE

I, Dimitri Zgourides, hereby certify that a true and correct copy of the foregoing document was served upon counsel of record by certified mail, return receipt requested, on this 7th day of September, 2000, addressed as follows:

All counsel of record are listed on attached Service List.

_____
Dimitri Zgourides

SERVICE LIST:

D. Brent Lemon
Shaw & Lemon
2723 Fairmount
Dallas Texas 75201
(CM/RRR No. 7099 3220 0008 8797 4827)

Charles H. Clark
Clark, Lea, Rutter & Logson
604 Woldert
Tyler, Texas 75702
(CM/RRR No. 7099 3220 0008 8797 4834)

Michael E. Jones
Jay N. Green
E. Glenn Thames, Jr.
Potter Minton Roberts Davis & Jones P.C.
P. O. Box 359
Tyler, Texas 75710
(CM/RRR No. 7099 3220 0008 8797 4841)

Joseph Russo
Scott D. Daniel
Greer, Herz & Adams, L.L.P.
One Moody Plaza, 18th Floor
Galveston, Texas 77550-7998
(CM/RRR No. 7099 3220 0008 8797 4858)

David H. Martin
Malesovas, Martin & Tekell, L.L.P.
425 Austin Avenue, 10th Floor
P.O. Box 1709
Waco, Texas 76703-1709
(CM/RRR No. 7099 3220 0008 8800 9443)

Michael T. Crawford
Ramey & Flock, P.C.
500 First Place
P. O. Box 629 (75710)
Tyler, Texas 75702
(CM/RRR No. 7099 3220 0008 8800 9450)

Judith A. Schening
Fulbright & Jaworski L.L.P.
2200 Ross Avenue , Suite 2800
Dallas, Texas 75201-2784
(CM/RRR No. 7099 3220 0008 8800 9467)

Andrew G. Jubinsky
Timothy A. Daniels
Bill E. Davidoff
Figari Davenport & Graves, L.L.P.
901 Main Street, LB 125
4800 Bank of America Plaza
Dallas, Texas 75202-3796
(CM/RRR No. 7099 3220 0008 8800 9474)

Doug K. Butler
Dennis Lynch
Figari Davenport & Graves, L.L.P.
901 Main Street, LB 125
4800 Bank of America Plaza
Dallas, Texas 75202-3796
(CM/RRR No. 7099 3220 0008 8800 9481)

John W. Ferguson, Jr.
Ramey & Flock, P.C.
500 First Place
P. O. Box 629
Tyler, Texas 75710
(CM/RRR No. 7099 3220 0008 8800 9498)

Ron Vickery
Ramey & Flock, P.C.
500 First Place
P. O. Box 629
Tyler, Texas 75710
(CM/RRR No. 7099 3220 0008 8800 9504)

William S. Hommel, Jr.
McGee, Hommel & Starr, P.C.
3304 S. Broadway, Suite 202
Tyler, Texas 75701
(CM/RRR No. 7099 3220 0008 8800 9511)

SERVICE LIST:

James L. Jackson, Jr.
Law Offices of Patrick H. O'Neill
110 West 7th Street, Suite 1100
Fort Worth, Texas 76102
(CM/RRR No. 7099 3220 0008 8800 9528)

Robert L. Harris
The Law Offices of Robert L. Harris, Esq.
First State Bank of Texas
1919 S. Shiloh, Suite 200
Lock Box 25
Garland, Texas 75040
(CM/RRR No. 7099 3220 0008 8800 9535)

James A. McCorquodale
Vial, Hamilton, Koch & Knox L.L.P.
1717 Main Street, Suite 4400
Dallas, Texas 75201
(CM/RRR No. 7099 3220 0008 8800 9542)

William D. Hittler
Halleland Lewis Niklan Sipkins & Johnson P.A.
Pillsbury Center South
220 South Sixth Street, Suite 600
Minneapolis, Minnesota 55402
(CM/RRR No. 7099 3220 0008 8800 9559)

Mark A. Hooton
UnumProvident Corporation (Legal Department)
1 Fountain Square
Chattanooga, Tennessee 37402
(CM/RRR No. 7099 3220 0008 8800 9566)

Robert C. Walters
Russell Yager
Tara H. Reynolds
Vinson & Elkins, L.L.C
2001 Ross Avenue, Suite 3700
Dallas, Texas 75201-2975
(CM/RRR No. 7099 3220 0008 8800 9573)

Wayne B. Mason
Richard L. Smith, Jr.
Strasburger & Price
901 Main Street, Suite 4300
Dallas, Texas 75202
(CM/RRR No. 7099 3220 0008 8800 9580)

James L. Johnson
The Johnson Law Firm
6500 Greenville Avenue, Suite 345
Dallas, Texas 75206
(CM/RRR No. 7099 3220 0008 8800 9597)

George C. Haratisis
McDonald Sanders, P.C.
777 Main Street, Suite 1300
Fort Worth, Texas 76102
(CM/RRR No. 7099 3220 0008 8800 9603)

John A. Scully
Robert A. Bragalone
Cooper & Scully, P.C.
Founders Square
900 Jackson Street, Suite 100
Dallas, Texas 75202
(CM/RRR No. 7099 3220 0008 8800 9610)

Michael Collins
David G. Cabrales
Daniel L. Gus
Locke Liddle & Sapp, L.L.P.
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776
(CM/RRR No. 7099 3220 0008 8800 9627)

Douglas D. Haloftis
Gardere & Wynne, L.L.P.
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761
(CM/RRR No. 7099 3220 0008 8800 9757)

SERVICE LIST:

E. Stratton Horres, Jr.
Steven R. Shaver
Wade A. Forsman
Wilson, Elser, Moskowitz, Edelman & Dicker
5000 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270
(CM/RRR No. 7099 3220 0008 8800 9764)

John Recci
John Hancock
P. O. Box 111
Boston, Massachusetts 02117
(CM/RRR No. 7099 3220 0008 8800 9771)

Phillip Stano
Jorden Burt
1025 Thomas Jefferson Street, N.W.
Suite 400 East
Washington, D.C. 20007
(CM/RRR No. 7099 3220 0008 8800 9788)

William Lance Lewis
Strasburger & Price, L.L.P.
901 Main Street, Suite 4300
Dallas, Texas 75202
(CM/RRR No. 7099 3220 0008 8800 9795)

Margo Eckard
7440 Woodland Drive
Indianapolis, Indiana 76278-1719
(CM/RRR No. 7099 3220 0008 8800 9801)

Paul Gilliam
Ramey & Flock, P.C.
500 First Place
Tyler, Texas 75702
(CM/RRR No. 7099 3220 0008 8800 9818)

Chuck Kreutz
Buddy Steele
Locke, Liddell & Sapp, L.L.P.
100 Congress Avenue, Suite 300
Austin, Texas 78701-4042
(CM/RRR No.7099 3220 0008 8800 9825)

Peter Roan
Conaviesky & Rank
633 West Fifth Street, Suite 3500
Los Angeles, California 90071
(CM/RRR No. 7099 3220 0008 8800 9832)

Will D. Davis
200 Perry Brooks Building
Austin, Texas 78701
(CM/RRR No. 7099 3220 0008 8800 9849)

John Orr
Michael Klein
Fulbright & Jaworski L.L.P.
600 Congress Avenue, Suite 2408
Austin, Texas 78701
(CM/RRR No. 7099 3220 0008 8800 9856)

Tracy Crawford
Deron Dacus
Ramey & Flock
P. O. Box 629
Tyler, Texas 75710
(CM/RRR No. 7099 3220 0008 8800 9863)