

1 Brendan V. Sullivan, Jr.
Steven M. Cady
2 WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
3 Washington, D.C. 20005
Tel.: 202-434-5321
4 scady@wc.com

Honorable Salvador Mendoza, Jr.

5 Maren R. Norton
STOEL RIVES LLP
6 600 University Street, Suite 3600
Seattle, WA 98101
7 Tel.: 206-624-0900
maren.norton@stoel.com

8 *Attorneys for Defendants*
9

10 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
11 AT YAKIMA

12 CYNTHIA HARVEY, individually
and on behalf of all others similarly
13 situated,

14 Plaintiff,

15 v.

16 COORDINATED CARE
CORPORATION and CENTENE
17 MANAGEMENT COMPANY, LLC,

18 Defendants.
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No. 2:18-CV-00012-SMJ

**DEFENDANTS' NOTICE OF
AFFIRMATIVE DEFENSES**

1 Pursuant to the Court's Scheduling Order of March 19, 2019 (ECF No. 71)
2 and the Amended Scheduling Order of October 17, 2019 (ECF No. 83),
3 Defendants Coordinated Care Corporation and Centene Management Company,
4 LLC, respectfully submit the following list of affirmative defenses to be
5 adjudicated at trial:

- 6 1. The Complaint fails to state a claim for which relief can be granted.
- 7 2. Certain of Plaintiffs claims and damages theories are barred by the
8 filed-rate doctrine.
- 9 3. The Complaint is barred because Defendants fulfilled their contractual
10 obligations to Plaintiff.
- 11 4. The Complaint is barred because Plaintiff's request for relief has been
12 satisfied.
- 13 5. The Complaint is barred because Plaintiff's damages, if any, were
14 caused by failures to engage with and respond to Defendants regarding
15 Plaintiff's health care needs in a timely manner.
- 16 6. The Complaint is barred because Plaintiff's damages, if any, were
17 caused by failures to engage in the contractually required grievance and
18 appeal process in a timely manner.

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- 1 7. The Complaint is barred because Plaintiff's damages, if any, were
2 caused by failures to submit adequate documentation to support
3 coverage of the desired health care approach in a timely manner.
- 4 8. The Complaint is barred because Plaintiff's requested relief is against
5 public policy.
- 6 9. The Complaint is barred because Defendants' conduct was not the
7 proximate or legal cause of Plaintiff's alleged injury.
- 8 10. The Complaint is barred, in whole or in part, by the doctrine of laches.
- 9 11. The Complaint is barred, in whole or in part, by the doctrines of
10 estoppel, unclean hands, waiver, and other related equitable doctrines.
- 11 12. Plaintiff's claims against CMC should be dismissed because the health
12 insurance policy at issue is with Coordinated Care.
- 13 13. This case is not amenable to treatment as a class action.
- 14 14. This Court lacks personal jurisdiction over CMC because it does not
15 have sufficient contacts with the State of Washington to be subject to
16 general jurisdiction and had no direct involvement in the alleged
17 conduct at issue.

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1 Defendants reserve the right to revise or supplement their affirmative
2 defenses as necessary in response to the claims that Plaintiff asserts at trial or other
3 developments in the matter.

4 Dated: March 23, 2020

Respectfully submitted,

5 STOEL RIVES LLP

6 By: s/ Maren R. Norton

Maren R. Norton, WSBA #35435

7 600 University Street, Suite 3600

Seattle, WA 98101

8 Tel.: 206-624-0900

maren.norton@stoel.com

9
10 Brendan V. Sullivan, Jr. (admitted *Pro Hac Vice*)

Steven M. Cady (admitted *Pro Hac Vice*)

WILLIAMS & CONNOLLY LLP

11 725 Twelfth Street, N.W.

Washington, D.C. 20005

12 Tel.: 202-434-5321

13 Fax: 202-434-5029

scady@wc.com

14 *Attorneys for Defendants*

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 23, 2020, I electronically filed the foregoing
3 with the Clerk of the Court using the CM/ECF System, which in turn automatically
4 sent a Notice of Electronic Filing to all parties in the case who are registered users
5 of the CM/ECF system. The Notice of Electronic Filing for the foregoing
6 specifically identifies recipients of electronic notice.

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8 s/ Maren R. Norton

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600 University Street, Suite 3600
Seattle, WA 98101
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