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

LISA TORREY, *et al*.,	§	
	§	
Plaintiffs,	§	CIVIL ACTION NO. 5:17-cv-00190-RWS
	§	
v.	§	JURY DEMANDED
	§	
INFECTIOUS DISEASES SOCIETY OF AMERICA, *et al.*,	§	
	§	
Defendants.	§	

PLAINTIFFS' RESPONSE TO
DR. GARY P. WORMSER, DR. RAYMOND J. DATTWYLER, DR. EUGENE SHAPIRO, DR. JOHN J. HALPERIN, DR. LEONARD SIGAL, AND DR. ALLEN STEERE'S
RENEWED MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

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

LISA TORREY, *et al*.,	§	
	§	
Plaintiffs,	§	CIVIL ACTION NO. 5:17-cv-00190-RWS
	§	
v.	§	JURY DEMANDED
	§	
INFECTIOUS DISEASES SOCIETY OF AMERICA, *et al.*,	§	
	§	
Defendants.	§	

PLAINTIFFS' RESPONSE TO
DR. GARY P. WORMSER, DR. RAYMOND J. DATTWYLER, DR. EUGENE SHAPIRO, DR. JOHN J. HALPERIN, DR. LEONARD SIGAL, AND DR. ALLEN STEERE'S
RENEWED MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

COME NOW Plaintiffs LISA TORREY, KATHRYN KOCUREK Individually and on behalf of the Estate of J. DAVID KOCUREK, PH.D., LANA BARNES Individually and on behalf of the Estate of AL BARNES, AMY HANNEKEN, JANE POWELL, CAROL FISCH, JOHN VALERIO, STEVEN WARD, RANDY SYKES, BRIENNA REED, ROSETTA FULLER, ADRIANA MONTEIRO MOREIRA, JESSICA MCKINNIE, KRISTINE WOODARD, GAIL MEADS, DR. MICHAEL FUNDENBERGER, GAYLE CLARKE, ALLISON LYNN CARUANA, CHLOE LOHMEYER, MAX SHINDLER, TAWNYA DAWN SMITH, Individually and as Next Friend of MONET PITRE, MIKE PEACHER, Individually and as Next Friend of ASHLEIGH PEACHER, ALARIE BOWERMAN, Individually and as Next Friend of ELISA BOWERMAN, EMORY BOWERMAN, and ANAIS BOWERMAN, on behalf of themselves and for all other members of the class herein, and file this Response to the Motion to Dismiss for Lack of Personal Jurisdiction filed by Dr. Gary P. Wormser, Dr. Raymond J.

Dattwyler, Dr. Eugene Shapiro, Dr. John J. Halperin, Dr. Leonard Sigal, and Dr. Allen Steere (collectively, the "IDSA Panelists") and in support thereof, show the Court the following:

I. INTRODUCTION

On September 27, 2018, this Court entered an Order denying-in-part and granting-in-part Defendants' motions to dismiss. (*See* Docket #114). In the Order, the Court ordered Plaintiffs to replead their RICO and fraudulent concealment claims within thirty days. *Id*. The Court's Order allowed Plaintiffs the right to amend, based in part on the Court's belief that the parties were engaging in discovery for over four months:

> Plaintiffs may be able to cure the deficiencies in their RICO allegations if they amend their Complaint. Plaintiffs have not filed an amended complaint since the filing of the instant motions and the parties have been engaged in discovery for over four months now and the Court believes that it would be more appropriate to allow Plaintiffs an opportunity to amend their Complaint before addressing whether their RICO claims should be considered under a relaxed pleading standard.

Id.

While it is true that Plaintiffs have engaged in discovery, Defendants still have not engaged in any meaningful discovery in this case. This is set forth in more detail in Plaintiffs' Motion to Compel Discovery (Docket #138) and Plaintiffs' Motion for Extension of Time to Replead RICO and Fraudulent Concealment Allegations (Docket #137).

Because Defendants refuse to conduct proper discovery, Plaintiffs are unable to replead their RICO allegations. As a result, Plaintiffs were forced to request additional time to replead RICO and filed their Motion for Extension of Time to Replead RICO.

Under RICO, since this Court has personal jurisdiction over the Insurance Defendants and the IDSA, this Court also has personal jurisdiction over the IDSA Panelists. *Hawkins v. Upjohn*

Company, 890 F. Supp. 601 (E.D. Tex. 1994). RICO provides for nationwide service of process "when the court has personal jurisdiction over one of the alleged RICO conspirators." *Id*.

If this Court grants Plaintiffs' Motion for Extension of Time to Replead RICO, then Plaintiffs will have an opportunity to cure any deficiencies in their RICO allegations. If Plaintiffs are allowed to proceed with their RICO allegations, Plaintiffs will have jurisdiction over the IDSA Panelists. Therefore, the IDSA Panelists' Motion to Dismiss for Lack of Personal Jurisdiction is premature.

Even without RICO, Plaintiffs have personal jurisdiction over the IDSA Panelists because they are amenable to service of process under Texas' long-arm statute and the exercise of jurisdiction comports with the requirements of due process.

II. THIS COURT HAS JURISDICTION OVER THE IDSA PANELISTS BECAUSE THEY ARE MEMBERS OF A NATIONWIDE RICO CONSPIRACY

Jurisdiction over the IDSA Panelists is proper under RICO because the "ends of justice" require that the IDSA Panelists be subject to jurisdiction in this Court. *See* 18 U.S.C. § 1965(b). The purpose of the RICO venue and service provision is to enable a plaintiff to bring all conspirators in a nationwide conspiracy before the same court. *See Johnson v. Investacorp*, 1990 WL 25034 * 1 (N.D. Tex) ("Congress intended by this section to enable a plaintiff to bring before a single court all members of a nationwide RICO conspiracy.") (citing *Butcher's Union Local No. 498 v. SDC Inv., Inc*., 788 F.2d 535, 539 (9th Cir. 1986)). Courts in this Circuit hold that jurisdiction is proper over non-resident RICO co-conspirators when the plaintiff demonstrates that: (i) personal jurisdiction is proper in that forum for at least one defendant and (ii) there is no other forum that would have jurisdiction over all of the defendants. *See Dale v. Ala Acquisitions, Inc.,* 203 F. Supp. 2d 694, 698 (S.D. Miss. 2002); *Johnson*, 1990 WL 25034 *2 (N.D. Tex.).

Section 1965(b) also creates personal jurisdiction by authorizing nationwide service. *See Lisak v. Mercantile Bancorp, Inc*., 834 F.2d 688 (7th Cir. 1987) cert denied 485 U.S. 1007 (1988). *See also Cory v. Aztec Steel Bldg., Inc*., 468 F.3d 1226 (10th Cir. 2006). RICO provides for nationwide service of process "when the court has personal jurisdiction over one of the alleged RICO conspirators." *Hawkins v. Upjohn Company*, 890 F. Supp. 601 (E.D. Tex. 1994).

In this case, this Court has personal jurisdiction over all the Insurance Defendants as well as the IDSA. This is evidenced by the fact that neither the Insurance Defendants nor the IDSA contested jurisdiction or venue in any capacity during the pendency of this case. The ends of justice require the IDSA Panelists to answer to Plaintiffs' RICO claims in one trial in this District. *Id.*

III. THIS COURT HAS PERSONAL JURISDICTION OVER THE IDSA PANELISTS

Although the Plaintiffs bear the burden of establishing jurisdiction over the non-resident Defendants, the jurisdictional allegations set forth in Plaintiffs' Complaint must be taken as true and any conflicts in the evidence must be resolved in favor of Plaintiffs. *Brown v. Flowers Indus., Inc.*, 688 F.2d 328, 332 (5th Cir. 1982), *ICC Am*., 2002 U.S. Dist. LEXIS at *5-6 (citing *Bullion v. Gillespie,* 895 F.2d 213, 217 (5th Cir. 1990).

The assumption of personal jurisdiction over a non-resident defendant in a diversity action involves a two-step inquiry. First, the defendant must be amenable to service of process under the forum state's long-arm statute. *Long v. Grafton Executive Search, LLC*, 263 F. Supp. 2d 1085, 1088 (N.D. Tex. 2003). Second, the exercise of jurisdiction must comport with the requirements of due process. *Brown*, 688 F.2d at 332. Since the Texas Supreme Court interpreted the State's long-arm statute to reach as far as the federal constitutional requirements of due process permit, an exercise of jurisdiction that satisfies the second prong's due process requirements necessarily satisfies the first prong. *Ruston Gas Turbines, Inc. v. Donaldson Co., Inc*., 9 F.3d 415, 418 (5th Cir. 1993). Thus, this Court need only concern itself with the due process inquiry. *Id*.

For jurisdictional purposes, due process consists of two elements. First, the Defendants must have purposefully availed themselves of the benefits and protections of the forum state by establishing minimum contacts with the state. *Int'l Shoe Co. v. State of Washington*, 326 U.S. 310, 316 (1945); *Wien Air Alaska, Inc. v. Brandt,* 195 F.3d 208, 212 (5th Cir. 1999). Minimum contacts may be assessed in terms of specific or general jurisdiction. *Lewis v. Fresne*, 252 F.3d 352, 358 (2001). Specific personal jurisdiction exists when a defendant's contacts with the forum state arise from, or are directly related to, the cause of action. *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 414 n.8 (1984).

Second, the exercise of personal jurisdiction must not offend traditional notions of fair play and substantial justice. *Wien Air*, 195 F.3d at 212. This inquiry involves balancing (1) the burden on the non-resident defendant; (2) the interests of the forum state; (3) the interests of the plaintiff; (4) the interest of the judicial system in efficient resolution of controversies; and (5) the shared interests of the several states in furthering fundamental substantive social policies. *Id.* at 215.

The Fifth Circuit held "specific jurisdiction ... exists when a nonresident defendant has 'purposefully directed its activities at the forum state and the litigation results from alleged injuries that arise out of or relate to those activities.'" *Panda Brandywine Corp. v. Potomac Elec. Power Co*., 253 F.3d 865, 868 (5th Cir. 2000), *quoting Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472, 85 L. Ed. 2d 528, 105 S.Ct. 2174 (1985). "Even a single purposeful contact is sufficient to satisfy the due process requirement of 'minimum contacts' when the cause of action arises from the contact." *Thompson v. Chrysler Motors Corp*., 755 F.2d 1162, 1172 (5th Cir. 1985) (citing *McGee v. International Life Ins. Co*., 355 U.S. 220, 223 (1957).

A defendant "purposefully avails" himself of the privilege of conducting activities in a state by making false representations there. *Wien Air*, 195 F.3d at 213; *ICC Am., LLC v. Imagnet*

Communications, LLC., 3-02-CV-0935-BD(L), 2002 WL 31881903, at *4 (N.D. Tex. Dec. 24, 2002).

For years, the IDSA and the IDSA Panelists have made false representations that chronic Lyme disease is not real, that Lyme disease "is a simple, rare illness that is easy to avoid, difficult to acquire, simple to diagnose, and easily treated and cured with 28 days of antibiotics", that long-term antibiotic treatment is improper and unnecessary in treating Lyme disease, and that the treatment failure rate for Lyme disease is 0%. The IDSA panelists made these false representations in Texas as evidenced by the IDSA Panelists' declarations and answers to discovery.

Eugene Shapiro stated in his declaration and his answers to interrogatories that he was hired by Texas attorney Mark Mueller "on approximately eight cases" and "many of these cases were not filed in Texas." (*See* Exhibit "A", Shapiro's discovery responses, interrogatory No. 2; *see also* Shapiro Decl. ¶ 12). Shapiro greatly downplays his contacts with Texas. In a 2006 deposition he gave in a Texas case, he testified he was hired by Mark Mueller and another Austin lawyer between "ten and twenty" times and all but one of those cases were lawsuits pending in Texas. (*See* Exhibit "B", deposition of Shapiro, page 10, lines 7-21). Shapiro testified he provided deposition testimony in those Texas cases "five or six" times. *Id.* According to Shapiro, many of the Texas cases involved Lyme disease. (*See* Exhibit "B", deposition of Shapiro, page 11, lines 2-20). However, in response to an interrogatory in this case, Shapiro claims "Not one of these cases involved Lyme disease." (*See* Exhibit "A", Shapiro's discovery responses, interrogatory No. 2).

Raymond Dattwyler visited Texas more than ten times for "non-professional" reasons, worked on at least two cases in Texas for Houston lawyers, acted as a witness in a grand jury appearance in Texas, and invested held a minority interest in a business operating oil wells in Texas. (*See* Exhibit "C", Dattwyler's discovery responses, interrogatories No. 1, No. 2, and No 5).

More importantly, Dattwyler made several visits to Texas for professional purposes in the last few years. These visits include a 2015 conference in Houston, a 2013 conference in San Antonio, and a 2005 conference in San Antonio. *Id*. According to trial testimony Dattwyler provided in the past, his primary field of research involves Lyme disease: "My area of research has been Lyme disease".[1] In fact, he speaks at "many" conferences around the country on the subject of Lyme disease.[2] It is clear that Dattwyler's "few visits to Texas for professional purposes" relate to Lyme disease and spreading the false claims that chronic Lyme disease does not exist.

John Halperin visits Texas "3-5 weekends per year", visited Memorial Hermann Hospital in Houston, Texas, to perform professional services, and attended a "professional meeting" in San Antonio, Texas. (*See* Exhibit "D", Halperin discovery responses, interrogatories No. 1, No. 2, and No 5). Halperin claims to be a Lyme disease expert, wrote what he claims to be the definitive book on Lyme disease[3], and even went on Katie Couric's television show to spread false information about Lyme disease.[4] It is clear that the only reason Halperin visits Texas is to spread the false claim that chronic Lyme disease does not exist, and all Lyme disease can be cured with short-term antibiotics.

Leonard Sigal visited the acted as a visiting professor at St. Paul Medical Center in Dallas, visited University of Texas Medical Branch in Galveston to perform professional services, visited and spoke at the 2004 Association of Rheumatology Health Professionals meeting in San Antonio, and gave a presentation in Texarkana. (*See* Exhibit "E", Sigal's discovery responses,

---

[1] http://www2.lymenet.org/domino/law.nsf/0/3b58cc7098d2d7778525669300706d80?OpenDocument at 10:30:34.

[2] *Id*. at 10:29:58 - 10:30:18.

[3] https://www.amazon.com/Lyme-Disease-Evidence-Based-Molecular-Microbiology/dp/1845938046

[4] https://www.youtube.com/watch?v=zHWDcHnC_cE

interrogatories No. 1, No. 2, and No 5). Sigal claims to be a Lyme expert and has testified in Lyme cases on behalf of many insurance companies including Blue Cross Blue Shield, Prudential, Aetna, Anthem, Met Life, and Metro Health.[5] Sigal spreads false information about Lyme disease all over the country and loves to be quoted in the press.[6] In 2001, Sigal's quotes in the New York Times not only turned out to be false, but ridiculously false. Sigal told the New York Times that Lyme Disease "is not nearly as big a problem as most people think" and the "bigger epidemic," according to Sigal "is Lyme anxiety."[7] It turns out Sigal, a so-called Lyme expert, could not have been more wrong. Lyme disease is one of the fastest growing diseases in the country and affects millions of people.[8] There is no doubt that the only reason Sigal visits Texas is to spread the false claim that chronic Lyme disease does not exist and all Lyme disease can be cured with short-term antibiotics.

Allen Steere owns mineral rights in Texas from which he collects royalties, visits Texas every five years to "speak at medical conferences" and visited the University of Texas Health Science Center in Houston, Texas in 2015 to discuss Lyme disease. (*See* Exhibit "F", Steere's discovery responses, interrogatories No. 1, No. 2, and No 5; *see also* Steere Decl. ¶¶ 11-13). Allen Steere has his own Wikipedia page because he is credited with discovering and naming Lyme disease.[9] Steere goes all over the country speaking at medical conferences and talking to hospitals to spread the false representations that Lyme is over diagnosed, easy to cure, and will always be cured with short-term antibiotic treatment.[10] As the person credited with discovering Lyme

[5] http://www2.lymenet.org/domino/law.nsf/34bb600f91c4b4a9852565070004d48a/9d925dad11e6c2c28525651d000abd32?OpenDocument page 142, lines 1-10.

[6] https://www.nytimes.com/2001/06/13/us/lyme-disease-is-hard-to-catch-and-easy-to-halt-study-finds.html

[7] *Id*.

[8] https://www.bayarealyme.org/about-lyme/

[9] https://en.wikipedia.org/wiki/Allen_Steere

[10] *Id*.

disease, Steere clearly visits Texas every five years to "speak at medical conferences" about Lyme disease and spread the false claim that chronic Lyme disease does not exist and all Lyme disease can be cured with short-term antibiotics.

Gary Wormser admitted to visiting Texas twice for "professional activities" related to studies he was conducting. (*See* Exhibit "G", Wormser's discovery responses, interrogatories No. 1, No. 2, and No 5). Wormser also claims to be a Lyme disease expert and has no problem offering opinions about Lyme disease in Texas.[11] When George W. Bush contracted Lyme disease in Texas in 2007, Wormser told the Washing Post that Bush had STARI and not Lyme disease, because Lyme disease did not exist in Texas.[12] Wormser, another so-called Lyme disease expert, turned out to be wrong about Bush[13] and about Lyme disease in Texas.[14] Since Wormser's field of study is Lyme disease, the evidence clearly establishes that he visited Texas for "professional activities" to spread false information about the existence of Lyme disease in Texas and treatment of Lyme disease.

To survive Defendants' Motion to Dismiss, Plaintiffs are only required to make a *prima facie* showing that personal jurisdiction exists, and the Court should view the evidence in the light most favorable to plaintiffs. *Neogen Corp. v. Neo Gen Screening, Inc*., 282 F.3d 883, 887 (6th Cir. 2002); *CompuServe, Inc. v. Patterson*, 89 F.3d 1257, 1262 (6th Circ. 1996). Since all of the IDSA Panelists' research focuses primarily on Lyme disease, it is clear from evidence presented that they have purposely availed themselves of the privilege of conducting activities in Texas by travelling

[11] http://www.washingtonpost.com/wp-dyn/content/article/2007/08/08/AR2007080802268.html

[12] *Id*.

[13] http://www.cnn.com/2007/POLITICS/08/08/bush.health/index.html

[14] https://www.txlda.com/lyme-in-tx/

to Texas and making false representations regarding Lyme disease in Texas. *Wien Air*, 195 F.3d at 213; *ICC Am.,* 2002 WL 31881903 at *4.

Finally, the exercise of personal jurisdiction will not offend traditional notions of fair play and substantial justice. *Wien Air*, 195 F.3d at 212. The IDSA Panelists have no problems travelling to Texas to spread false information about Lyme disease and offering false opinions about Lyme disease in Texas. However, when asked to defend themselves in Texas, the IDSA Panelists claim they should not be required to defend their misrepresentations in Texas. Allowing the IDSA Panelists to defend themselves in New York, their handpicked jurisdiction, would be more offensive to the traditional notions of fair play and substantial justice then asking them to defend themselves in Texas.

CONCLUSION

For the response set forth above, Plaintiffs respectfully request this Court deny the IDSA Panelists' Motion to Dismiss and pray for any other relief to which they are entitled.

Respectfully submitted,

SHRADER & ASSOCIATES, LLP

BY: */s/ Eugene Egdorf*
EUGENE EGDORF
State Bar No. 06479570
3900 Essex Lane, Suite 390,
Houston, TX 77027
(713) 782-0000 phone
(713) 571-9605 fax
E-mail: gene@shraderlaw.com

-and-

BY: */s/ Lance Lee*
LANCE LEE
Texas Bar No. 24004762
5511 Plaza Drive
Texarkana, Texas 75503
Telephone: 903.223.0276
Fax: 903.223.0210
Email: wlancelee@gmail.com

-and-

RUSTY HARDIN & ASSOCIATES, LLP

BY: */s/ Ryan Higgins*
RYAN HIGGINS
State Bar No. 24007362
1401 McKinney St., Suite 2250
Houston, Texas 77010
(713) 652-9000 phone
(713) 652-9800 fax
Email: rhiggins@rustyhardin.com

-and-

RUSTY HARDIN & ASSOCIATES, LLP

BY: */s/ Daniel R. Dutko*
DANIEL R. DUTKO
State Bar No. 24054206
1401 McKinney St., Suite 2250
Houston, Texas 77010
(713) 652-9000 phone
(713) 652-9800 fax
E-mail: ddutko@rustyhardin.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of February, 2019, a copy of the foregoing was electronically filed on the CM/ECF System, which will automatically serve a Notice of Electronic Filing on all counsel of record:

Ronald C. Low
PILLSBURY WINTHROP SHAW PITTMAN, LLP
401 Congress Ave., Suite 1700
Austin, TX 78701
-and-
Alvin Dunn
PILLSBURY WINTHROP SHAW PITTMAN, LLP – WASHINGTON
1200 Seventeenth Street, NW
Washington, D.C. 20036

Attorneys for Defendants Infectious Diseases Society of America, Dr. Gary P. Wormser, Dr. Raymond J. Dattwyler, Dr. Eugene Shapiro, Dr. John J. Halperin, Dr. Leonard Sigal, and Dr. Allen Steere

Daniel E. Laytin
Sarah J. Donnell
KIRKLAND & ELLIS, LLP
300 N. LaSalle St., Suite 2400
Chicago, IL 60654

Attorneys for Defendant Blue Cross and Blue Shield Association

Earl B. Austin
BAKER BOTTS, LLP
30 Rockefeller Plaza
New York, NY 10112-4498
-and-
John B. Lawrence
BAKER BOTTS, LLP
2001 Ross Ave.
Dallas, TX 75201-2980
-and-
Jeffrey R. Roeser
Jennifer H. Doan
HALTOM & DOAN
6500 Summerhill Rd., Suite 100
Texarkana, TX 75505

Attorneys for Defendant Aetna, Inc.

Michael J. Tuteur
FOLEY & LARDNER, LLP - BOSTON
111 Huntington Ave., Suite 2600
Boston, MA 02199
-and-
Eileen R. Ridley
FOLEY & LARDNER, LLP – SAN FRANCISCO
555 California St., Suite 1700
San Francisco, CA 94104
-and-
Kimberly A. Klinsport
FOLEY & LARDNER – LOS ANGELES
555 South Flower St., Suite 3500
Los Angeles, CA 90071-2411
-and-
Thomas Heatherington
EDISON, MCDOWELL & HEATHERINGTON, LLP
1001 Fannin, Suite 2700
Houston, Texas 77002
Attorneys for Defendant Anthem, Inc.

Martin J. Bishop
REED SMITH, LLP - CHICAGO
10 South Wacker Dr., Suite 4000
Chicago, IL 60606
-and-
Debra H. Dermody
William Sheridan
REED SMITH, LLP - PITTSBURGH
225 Fifth Ave., Suite 1200
Pittsburgh, PA 15222-2716
-and-
Peter J. Chassman
REED SMITH, LLP - HOUSTON
811 Main St., Suite 1700
Houston, Texas 77002
Attorneys for Defendant Blue Cross and Blue Shield of Texas

R. Brendan Fee
Amy M. Dudash
MORGAN LEWIS BOCKIUS, LLP - PHILADELPHIA
1701 Market Street
Philadelphia, PA 19103
-and-
Crystal Rose Axelrod
MORGAN LEWIS & BOCKIUS, LLP - HOUSTON
1000 Louisiana, Suite 4000
Houston, Texas 77002
Attorneys for Defendant Cigna Corporation

Derek S. Davis
COOPER & SCULLY, P.C. - DALLAS
900 Jackson Street, Suite 100
Dallas, TX 75202-4452
-and-
Alan F. Law
COOPER & SCULLY, P.C. – SAN FRANCISCO
101 California St., Suite 3650
San Francisco, CA 94111
Attorneys for Defendant Kaiser Permanente, Inc.

Blayne R. Thompson
HOGAN LOVELLS US, LLP - HOUSTON
609 Main St., Suite 4200
Houston, Texas 77002
-and-
Michael E. Jones
Earl G. Thames, Jr.
POTTER MINTON, PC
110 North College Ave., Suite 500
Tyler, TX 75702
Attorneys for Defendant United Healthcare Services, Inc. and United Healthcare Group, Incorporated

/s/ Daniel R. Dutko
Daniel R. Dutko