

APPLICATION FOR REFERRAL OF CASE TO THE COMPLEX LITIGATION DOCKET (CLD)

JD-CV-39 Rev. 4-13
Pr. Bk. Sec. 23-15, C.G.S. §§ 51-347b, 52-259

**STATE OF CONNECTICUT
SUPERIOR COURT - CIVIL DIVISION**

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CLDAPP



Instructions

1. Counsel and self-represented parties seeking to have a case referred to the Complex Litigation Docket (CLD) must supply all of the information requested below. (Failure to supply complete and accurate information may disqualify a case.)
2. **This application must be accompanied by the appropriate fee** (Section 52-259 of the Connecticut General Statutes).
3. Information that does not fit on this form should be attached on a separate sheet, numbered to correspond to the questions on the form.
4. Attorneys not excluded from e-filing must e-file this form and select "Complex Litigation Application" when naming the form in e-filing. Attorneys excluded from e-filing and self-represented parties must file the original with the appropriate fee with the Clerk in the judicial district in which the case is pending.

Note: Any objection to the transfer of this case to the CLD must be filed within 15 calendar days after the filing of this application. Attorneys not excluded from e-filing must select "Objection to Transfer to Complex Litigation" when naming the objection in e-filing. Attorneys excluded from e-filing and self-represented parties must file the objection with the Clerk in the judicial district in which the case is pending and must title it "Objection to Transfer to the Complex Litigation Docket."

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

I submit this application for the Court's consideration.

Name and address of applicant Karen T. Staib, Shipman & Goodwin LLP, One Constitution Plaza, Hartford, CT 06103		Juris number 057385	Telephone number 860-251-5000
1. Case name (Plaintiff v. Defendant) John Brown, et al. v. Hartford HealthCare Corporation		2. Docket number HHD-CV22-6152239 S	
3. Judicial District in which case is pending Hartford		4. Return date of original complaint 03/15/2022	

5. List all plaintiffs and their counsel:

Plaintiff's name	Counsel's name and address	Counsel's phone #
For all plaintiffs, see attached list of counsel		

6. List all defendants and their counsel:

Defendant's name	Counsel's name and address	Counsel's phone #
For all defendants, see attached list of counsel		

7. Indicate whether opposing counsel opposes:

- | | | |
|--|-------------------------------------|-------------------------------------|
| | Yes | No |
| a. referral to the CLD..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. transfer to the CLD location requested on this application... | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

8. Briefly describe the nature of the case: (products liability, anti-trust, stockholders' action, UCC, etc.)

Please see attached.

9. List any cases with which this case is consolidated:

(Note: In order to apply for CLD in unconsolidated but related cases, a separate application with fee is required for each case.)

Case name (Plain iff v. Defendant)	Docket number	Judicial District
N/A		

10. Indicate the status of the litigation:

- | | | |
|---|--------------------------|-------------------------------------|
| | Yes | No |
| a. pleadings closed..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. discovery completed..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. file sealed (partial/entire)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. scheduled for trial — if so, when _____ (Date) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. pretrial held..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. trial management conference held..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

(Continued...)

	Yes	No	Not yet determined
g. claimed for jury trial.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. claimed for bench trial.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. class action status sought.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. Has a request or application to refer this case to the Complex Litigation Docket previously been denied? Yes No

12. What is the estimated length of trial (in days)? 15 - 25 days

13. Why should this case be referred to the CLD ?

Please see attached.

Plaintiffs have indicated that they do not agree with HHC's order of preference and intend to submit an alternate ranking. HHC respectfully submits that although HHC is based in Hartford, Connecticut, the case raises claims about competition that are not limited to the City of Hartford or even the Hartford region; rather, the case raises claims about competition across Connecticut in its entirety. Given that both plaintiffs and defendant have lead counsel operating from offices in New York, NY and Washington, D.C., it would be most convenient for the parties and counsel for the case to be transferred to the Stamford, Connecticut courthouse in the first instance. Hartford would be suitable secondarily, as it would be convenient for trial witnesses from HHC located in Hartford. There is certainly no particular nexus or efficiency to militate for the case to be transferred to the Waterbury courthouse.

14. Which CLD location is requested? (Enter order of preference.)

2 Hartford 1 Stamford 3 Waterbury

Certification

I certify that a copy of this document was mailed or delivered electronically or non-electronically on (date) June 23, 2022 to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Name and address of each party and attorney that copy was mailed or delivered to*

Peter A. Gwynne
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*If necessary, attach additional sheet or sheets with name and address which the copy was mailed or delivered to.

Signed (Signature of filer) ▶ <i>Karen T. Staib</i>	Print or type name of person signing Karen T. Staib	Date signed June 23, 2022
Mailing address (Number, street, town, state and zip code) One Constitution Plaza, Hartford, CT 06103		Telephone number 860-251-5000

DOCKET NO. HHD-CV22-6152239-S : SUPERIOR COURT
:
JOHN BROWN; LISA FAGAN; MICHAEL : J.D. OF HARTFORD
FAGAN; JEFFREY FORDE; MICHAEL :
MORGAN; JOSHUA PAWELEK; AND :
JOHN STOEHR, as individuals and on behalf :
of all others similarly situated, :
Plaintiffs, :
:
v. :
:
HARTFORD HEALTHCARE CORPORATION, :
Defendant. : JUNE 23, 2022

**ATTACHMENT TO
DEFENDANT’S APPLICATION FOR
REFERRAL OF CASE TO THE COMPLEX LITIGATION DOCKET**

5. List all plaintiffs and their counsel

Plaintiffs’ Names	Counsel’s name and address	Counsel’s phone #
John Brown, Lisa Fagan, Michael Fagan, Jeffrey Forde, Michael Morgan, Joshua Pawelek, and John Stoehr, as individual and on behalf of all others similarly situated	Peter A. Gwynne Samidh Guha E. Dayna Perry Perry Guha LLP 1740 Broadway, 15 th Floor New York, NY 10019	212-399-8352
John Brown, Lisa Fagan, Michael Fagan, Jeffrey Forde, Michael Morgan, Joshua Pawelek, and John Stoehr, as individual and on behalf of all others similarly situated	Jamie Crooks Fairmark Partners LLP 1499 Massachusetts Avenue, NW Washington, D.C. 20005	619-507-4182

6. List all defendants and their counsel

Defendant's Name	Counsel's name and address	Counsel's phone #
Hartford HealthCare Corporation	Karen T. Staib Patrick M. Fahey Shipman & Goodwin LLP One Constitution Plaza Hartford, CT 06103	860-251-5000
Hartford HealthCare Corporation	Of Counsel: Stephen Weissman Jamie E. France Gibson, Dunn & Crutcher LLP 1050 Connecticut Avenue, N.W. Washington, D.C. 20036-5306	202-955-8690
Hartford HealthCare Corporation	Of Counsel: Eric J. Stock Joshua J. Obear Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166-0193	212-351-4000
Hartford HealthCare Corporation	Of Counsel: Thomas J. Dillickrath Leo Caseria Sheppard Mullin Richter & Hampton LLP 2099 Pennsylvania Avenue, N.W. Washington, D.C. 20006-6801	202-747-1900

8. Briefly describe the nature of the case:

This putative class action was brought by the seven named plaintiffs on behalf themselves and all others similarly situated against the defendant, Hartford HealthCare Corporation (“HHC”). The operative First Amended Complaint (“Complaint”) (Dkt. #102.00) alleges that HHC improperly possesses and attempts to increase monopoly power in relevant markets and that HHC unreasonably restrains trade. The Complaint is brought in five counts, including claims under the Connecticut Antitrust Act and the Connecticut Unfair Trade Practices Act. Plaintiffs allege that HHC’s alleged actions cause plaintiffs to “pay significantly higher

costs for healthcare, both in the form of higher insurance premiums and in direct payments to HHC through copays, coinsurance, and otherwise.” (Complaint at ¶ 202.) Plaintiffs seek damages as well as injunctive relief, equitable restitution and disgorgement of alleged monetary gains. HHC denies that plaintiffs’ claims have any merit and also intends to vigorously challenge the propriety of class certification.

13. Why should this case be transferred to CLD?

A number of significant bases exist that individually and collectively justify transferring this case to the Complex Litigation Docket (“CLD”). First, the complexity of the issues presented for resolution include antitrust and unfair trade practice claims, which claims purport to be predicated on a wide cross-section of HHC’s operations, including its negotiations with insurance providers, physician referrals, physician compensation and a host of other operational and financial matters pertaining to HHC specifically and the healthcare industry more broadly. The Complaint alone spans nearly seventy pages and consists of well over two hundred separately numbered paragraphs making up its five distinct counts. Resolution of the antitrust claims on the merits would require the collection of detailed evidence regarding competition in health care services in the State of Connecticut. Therefore, the legal and factual issues to be adjudicated, and the potential for significant pretrial proceedings, including motion practice as well as potentially expansive discovery matters should plaintiffs’ claims survive motion practice, all weigh in favor of transfer. Moreover, the seven individual plaintiffs seek class certification which, if granted, would expand the scope of the action significantly. Given the complexity of the legal issues involved and the broad factual scope of claims, HHC respectfully submits that

this case would particularly benefit from the individual calendar method of case management inherent to CLD assignment.

Counsel for the defendant has conferred with counsel for plaintiffs, Attorney Jamie Crooks, who consented to this request to transfer.