

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

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VINCENT N. MICONE, III, ACTING )  
SECRETARY OF LABOR, U.S. )  
DEPARTMENT OF LABOR, )

Plaintiff-Counterclaim Defendant, )

Civil No.: 3:24-cv-01512 (CVR)

v. )

SUFFOLK ADMINISTRATIVE )  
SERVICES, LLC; PROVIDENCE )  
INSURANCE CO., I.I.; ALEXANDER )  
RENFRO; WILLIAM BRYAN; ARJAN )  
ZIEGER, )

Defendants-Counterclaim Plaintiffs.

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**ANSWER OF DEFENDANT ALEX RENFRO**

Defendant, Alex Renfro, hereby answers the allegations contained in the paragraphs in the Complaint as set forth below and states his affirmative defenses herein. To the extent any allegations in the Complaint that are directed against him are not directly responded to below, they are denied. The headings and subheadings of the Complaint do not constitute allegations pled against the Defendant, but to the extent they may be so construed, such allegations are denied, whether or not directly addressed below. Defendant specifically and expressly denies that Plaintiff is entitled to any of the relief set forth in the Prayer for Relief. Furthermore, Defendant asserts the Counterclaims set forth in the separate Counterclaim pleading filed on behalf of, and jointly by, all Defendants.

Defendant answers the allegations set forth in the numbered paragraphs of the Complaint as follows:

## **INTRODUCTION**

1. Defendant denies the allegations contained in paragraph 1.

2. The allegations of this paragraph state conclusions of law to which no answer is required. To the extent an answer may be deemed to be required, the allegations of this paragraph are denied.

3. Defendant denies the allegations contained in this paragraph.

4. The allegations of this paragraph state conclusions of law to which no answer is required. To the extent an answer may be deemed to be required, the allegations of this paragraph are denied.

5. The allegations of this paragraph state conclusions of law to which no answer is required. To the extent an answer may be deemed to be required, the allegations of this paragraph are denied.

6. The allegations of this paragraph state conclusions of law to which no answer is required. To the extent an answer may be deemed to be required, the allegations of this paragraph are denied.

7. This paragraph is not directed to this Defendant and thus no answer is required. To the extent that any allegations of this paragraph may be deemed to require a response, they are denied.

## **JURISDICTION AND VENUE**

8. The allegations of this paragraph state conclusions of law to which no answer is required. To the extent any allegations of this paragraph may be deemed to require a response, they are denied.

9. The allegations of this paragraph state conclusions of law to which no answer is required. To the extent any allegations of this paragraph may be deemed to require a response, they are denied.

10. The allegations of this paragraph state conclusions of law to which no answer is required. To the extent any allegations of this paragraph may be deemed to require a response, they are denied.

### **PARTIES**

11. The allegations of this paragraph state conclusions of law to which no answer is required.

12. The allegations of this paragraph are not directed at this Defendant and therefore no answer is required. To the extent an answer may be required, Defendant denies the allegations of this paragraph.

13. The allegations of this paragraph state conclusions of law to which no answer is required. To the extent any allegations of this paragraph may be deemed to require a response, they are denied.

14. The allegations of this paragraph are not directed at this Defendant and therefore no answer is required. To the extent any allegations of this paragraph may be deemed to require a response, however, Defendant admits the allegations as to the incorporation and ownership of PIC and that PIC is a reinsurer to certain plans. Further responding, Defendant states that he is without sufficient information to enable him to admit or deny the positions of Bryan or Zieger, and denies that at all relevant times he was Secretary of PIC. Defendant states that the allegations contained in the final sentence of this paragraph state conclusions of law to which no answer is required but that, to the extent an answer may be deemed to be required, denies the allegations in the final

sentence of this paragraph. Further responding, Defendant is without sufficient information to enable him to admit or deny any remaining allegations in this paragraph.

15. Defendant denies the allegations contained in this paragraph.

16. Defendant denies the allegations contained in this paragraph.

17. The allegations of this paragraph are not directed at this Defendant and therefore no answer is required. To the extent any allegations contained in this paragraph may be deemed to require a response by this Defendant, Defendant states that he is without sufficient information to enable him to admit or deny the allegations contained in this paragraph.

18. The allegations of this paragraph are not directed at this Defendant and therefore no answer is required. To the extent any allegations contained in this paragraph may be deemed to require a response by this Defendant, they are denied.

19. The allegations of this paragraph are not directed at this Defendant and therefore no answer is required. To the extent any allegations contained in this paragraph may be deemed to require a response by this Defendant, Defendant states that he is without sufficient information to enable him to admit or deny the allegations contained in this paragraph.

20. The allegations of this paragraph are not directed at this Defendant and therefore no answer is required. To the extent any allegations contained in this paragraph may be deemed to require a response by this Defendant, they are denied.

#### **GENERAL ALLEGATIONS**

21. The first sentence of this paragraph state conclusions of law to which no answer is required, but to the extent that an answer may be deemed to be required, they are denied. Further answering, Defendant states that he is without sufficient information to enable him to admit or deny the allegations contained in this paragraph, and therefore denies the allegations.

22. Defendant denies the allegations contained in this paragraph.

23. Defendant denies the allegations contained in this paragraph, including in the footnote.

24. Defendant admits only that, upon information and belief, SAS prepares documents for certain plans in some instances and that all such documents speak for themselves. Further answering, Defendant states that he is without sufficient information to admit or deny the remaining allegations contained in this paragraph and thus denies them.

25. The allegations of this paragraph state conclusions of law to which no answer is required. To the extent any allegations of this paragraph may be deemed to require a response, they are denied.

26. Defendant denies the allegations contained in this paragraph.

27. Defendant denies the allegations contained in this paragraph.

28. The allegations of this paragraph state conclusions of law to which no answer is required. To the extent any allegations of this paragraph may be deemed to require a response, they are denied.

29. The allegations contained in this paragraph are not directed at this Defendant and therefore no answer is required. To the extent that an answer may be required, Defendant states that the documents identified in this paragraph speak for themselves and otherwise denies the allegations contained in this paragraph.

30. Defendant states that he is without sufficient information to enable him to admit or deny the allegations contained herein that concern the knowledge of others, but otherwise denies the allegations contained in this paragraph.

31. Defendant denies the allegations contained in this paragraph.

32. Defendant denies the allegations contained in this paragraph.

33. Defendant denies the allegations contained in this paragraph, including those set forth in the footnote.

34. Defendant denies the allegations contained in this paragraph.

35. Defendant denies the allegations contained in this paragraph.

36. Defendant denies the allegations contained in this paragraph.

37. Defendant denies the allegations contained in this paragraph.

38. Defendant denies the allegations contained in this paragraph.

39. Defendant denies the allegations contained in this paragraph.

40. Defendant denies the allegations contained in this paragraph.

41. Defendant denies the allegations contained in this paragraph.

42. Defendant denies the allegations contained in this paragraph.

43. Defendant denies the allegations contained in this paragraph.

44. Defendant denies the allegations contained in this paragraph.

45. This paragraph states conclusions of law to which no answer is required.

46. Defendant is without sufficient information to enable him to admit or deny the allegations contained in this paragraph, and therefore denies the allegations.

47. Defendant is without sufficient information to enable him to admit or deny the allegations contained in this paragraph, and therefore denies the allegations.

48. Defendant states that the ASAs referenced in this paragraph speak for themselves and Defendant denies any allegations that differ from the express terms of the ASAs.

49. Defendant denies the allegations contained in the first two sentences of this paragraph. Defendant states that he is without sufficient information to admit or deny the remaining allegations contained in this paragraph.

50. Defendant states that he is without sufficient information to admit or deny the allegations contained in this paragraph.

51. Defendant denies the allegations contained in the first sentence of this paragraph and states that he is without sufficient information to either admit or deny the remaining allegations contained in this paragraph and therefore denies them.

52. The allegations set forth in the first sentence of this paragraph are ambiguous, as the meaning of discrepancy in the context of the sentence is uncertain, and Defendant admits only that, upon information and belief, there is in some instances a difference between SAS's compensation and that of the TPAs with regard to family coverage. Further answering, Defendant states that the allegations contained in the final sentence of this paragraph are likewise ambiguous, in that the meaning of "higher-tier coverage" is unclear and Defendant therefore denies the allegations in this sentence. Further responding, Defendant is without sufficient information to enable him to admit or deny the remaining allegations contained in this paragraph and therefore denies them.

53. Defendant is without sufficient information to enable him to admit or deny the allegations contained in this paragraph, and therefore denies the allegations.

54. Defendant denies the allegations contained in this paragraph.

55. Defendant denies the allegations contained in this paragraph.

56. Defendant is without sufficient information to enable him to admit or deny the allegations contained in this paragraph, and therefore denies the allegations.

57. Defendant is without sufficient information to enable him to admit or deny the allegations contained in this paragraph.

58. Defendant denies the allegations contained in this paragraph.

59. Defendant is without sufficient information to enable him to admit or deny the allegations contained in this paragraph, and therefore denies the allegations.

60. Defendant denies the allegations contained in this paragraph.

61. Defendant denies the allegations contained in this paragraph.

62. Defendant denies the allegations contained in this paragraph.

63. Defendant is without sufficient information to enable him to either admit or deny the allegations contained in this paragraph and therefore denies them.

### **COUNT ONE**

64. Defendant incorporates and restates, as though fully set forth herein, his responses to paragraphs 1-63 above.

65. Defendant denies the allegations contained in this paragraph.

66. Defendant denies the allegations contained in this paragraph.

67. Defendant denies the allegations contained in this paragraph.

68. Defendant denies the allegations contained in this paragraph.

69. Defendant denies the allegations contained in this paragraph.

### **COUNT TWO**

70. Defendant incorporates and restates, as though fully set forth herein, his responses to paragraphs 1-69 above.

71. Defendant denies the allegations contained in this paragraph.

72. Defendant denies the allegations contained in this paragraph.

73. Defendant denies the allegations contained in this paragraph.

74. Defendant denies the allegations contained in this paragraph.

### **COUNT THREE**



75. Defendant incorporates and restates, as though fully set forth herein, his responses to paragraphs 1-74 above.

76. Defendant denies the allegations contained in this paragraph.

77. Defendant denies the allegations contained in this paragraph.

78. Defendant is without sufficient information to enable him to admit or deny the allegations contained in the first sentence of this paragraph and therefore denies the allegations. Defendant denies the remaining allegations contained in this paragraph.

79. Defendant denies the allegations contained in this paragraph.

#### **COUNT FOUR**

80. Defendant incorporates and restates, as though fully set forth herein, his responses to paragraphs 1-80 above.

81. Defendant denies the allegation contained in this paragraph.

82. Defendant denies the allegations contained in this paragraph.

83. Defendant denies the allegations contained in this paragraph.

84. Defendant denies the allegations contained in this paragraph.

85. Defendant denies the allegations contained in this paragraph.

#### **COUNT FIVE**

86. Defendant incorporates and restates, as though fully set forth herein, his responses to paragraphs 1-85 above.

87. This paragraph is not directed to this Defendant and therefore no answer is required. To the extent an answer from this Defendant may be deemed to be required, the Defendant denies the allegations contained in this paragraph.

#### **PRAYER FOR RELIEF**

88. Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

89. Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

90. Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

91. Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

92. This paragraph is not directed to this Defendant and therefore no answer is required. To the extent an answer from this Defendant may be deemed to be required, the Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

93. Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

94. Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

95. Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

96. Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

97. Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

98. Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

99. Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

100. Defendant denies the allegations contained in this paragraph and that Plaintiff is entitled to the requested relief.

### **AFFIRMATIVE DEFENSES**

1. The Complaint fails to state a cause of action under which relief against this Defendant can be granted.

2. This Court lacks personal jurisdiction over this Defendant.

3. This Court lacks subject matter jurisdiction over any claims pled against this Defendant.

4. Venue is improper.

5. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

6. Plaintiff's claims are barred, in whole or in part, by waiver, estoppel, laches and/or unclean hands.

7. As set forth in Defendants' Counterclaim, which is being filed contemporaneously herewith, in filing and prosecuting this action Plaintiff's action has been, and is, "arbitrary, capricious, an abuse of discretion, [and] not in accordance with law," in contravention of the Administrative Procedure Act ("APA"), 5 U.S.C. § 706(2)(A).

8. As set forth in Defendants' Counterclaim, which is being filed contemporaneously herewith, in filing and prosecuting this action Plaintiff's action has been, and is, "contrary to constitutional right, power, privilege, or immunity," in contravention of the APA, 5 U.S.C. § 706(2)(B).

9. As set forth in Defendants' Counterclaim, which is being filed contemporaneously herewith, in filing and prosecuting this action Plaintiff's action has been, and is, "in excess of [its] statutory jurisdiction, authority, or limitations, or short of statutory right," in contravention of the APA, 5 U.S.C. § 706(2)(C).

10. As set forth in Defendants' Counterclaim, which is being filed contemporaneously herewith, in filing and prosecuting this action Plaintiff's action has been and, is "without observance of procedure required by law," in contravention of the APA, 5 U.S.C. § 706(2)(D).

### **COUNTERCLAIM**

Defendant asserts, incorporates as though fully set forth herein, and joins in the Counterclaim filed by all Defendants.

### **JURY DEMAND**

The Defendant demands a jury as to all issues and claims so triable.

**WHEREFORE, PREMISES CONSIDERED,** Defendant requests a judgment that Plaintiff take nothing on his claims and awarding Defendant all other relief, both in law and in equity, to which Defendant may be entitled.

**WE HEREBY CERTIFY** that on this date, we electronically filed the foregoing with the Clerk of the Court using CM/ECF system, which will send notification of such filing to all attorneys of record.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico this 18<sup>th</sup> day of February 2025.

**O'NEILL & BORGES, LLC**

/s/ Antonio L. Roig-Lorenzo

Antonio L. Roig-Lorenzo

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