

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

ESTUARY TRANSIT DISTRICT AND
TEAMSTERS 671 HEALTH SERVICE &
INSURANCE PLAN, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

HARTFORD HEALTHCARE CORPORATION,
HARTFORD HOSPITAL, HARTFORD
HEALTHCARE MEDICAL GROUP, INC.,
INTEGRATED CARE PARTNERS, LLC,

Defendants.

Case No.: 3:24-cv-01051-MPS

REPLY TO AFFIRMATIVE DEFENSES

Plaintiffs, Estuary Transit District and Teamsters 671 Health Service & Insurance Plan, on behalf of themselves and all others similarly situated, hereinafter “Plaintiffs”, hereby reply to Defendants, Hartford Healthcare Corporation, Hartford Hospital, Hartford Healthcare Medical Group, Inc. and Integrated Care Partners, LLLC, hereinafter “Defendants”, Affirmative Defenses dated August 13, 2024 (D.E. 42) as follows:

FIRST DEFENSE

(Failure to State a Claim)

1. Denied.

SECOND DEFENSE

(Lack of Plausibility)

2. Denied.

THIRD DEFENSE

(Statute of Limitations)

3. Denied.

4. Denied.

5. Denied.

FOURTH DEFENSE
(Lack of Antitrust Injury)

6. Denied.

FIFTH DEFENSE
(Failure to Allege an Antitrust Market)

7. Denied.

SIXTH DEFENSE
(No Harm to Competition)

8. Denied.

SEVENTH DEFENSE
(Failure to Mitigate)

9. Denied.

EIGHTH DEFENSE
(Lack of Causation & Intervening/Superseding Conduct)

10. Denied.

NINTH DEFENSE
(Waiver and/or Equitable Estoppel)

11. Denied.

12. Denied.

TENTH DEFENSE
(Laches)

13. Denied.

14. Denied.

15. Denied.

ELEVENTH DEFENSE

(Consent)

16. Denied.

17. Denied.

18. Denied.

TWELFTH DEFENSE

(Arbitration Agreements, Class Action Waivers, or Other Contractual Terms)

19. Denied.

THIRTEENTH DEFENSE

(Right to Set Off Amounts Paid)

20. Denied.

FOURTEENTH DEFENSE

(Contracts Without Any Purported Overcharge)

21. Denied.

FIFTEENTH DEFENSE

(Improper Damages)

22. Denied.

SIXTEENTH DEFENSE

(Acquiescence)

23. Denied.

SEVENTEENTH DEFENSE

(Lack of Standing)

24. Denied.

EIGHTEENTH DEFENSE

(Improper Class Action)

25. Denied.

NINETEENTH DEFENSE

(Inadequate Class Representatives)

26. Denied.

TWENTIETH DEFENSE

(Damages are too Speculative)

27. Denied.

TWENTY-FIRST DEFENSE

(Damages Reduced by Plaintiffs' Conduct)

28. Denied.

TWENTY-SECOND DEFENSE

(Justified and Procompetitive Conduct)

29. Denied.

TWENTY-THIRD DEFENSE

(Unjust Enrichment)

30. Denied.

(TWENTY-FOURTH DEFENSE)

(Unavailability of Injunctive Relief)

31. Denied.

32. Denied.

TWENTY-FIFTH DEFENSE

(Recoupment)

33. Denied.

TWENTY-SIXTH DEFENSE

(Collateral Estoppel or Res Judicata)

34. Denied.

TWENTY-SEVENTH DEFENSE

(Lack of Monopoly Power)

35. Denied.

TWENTY-EIGHTH DEFENSE
(Right to Assert Other Defenses)

36. Denied.

September 3, 2024

/s/ Jonathan M. Shapiro

Jonathan M. Shapiro
AETON LAW PARTNERS LLP
311 Centerpoint Drive
Middletown, Connecticut 06475
Telephone: (860) 724-2160
jms@aetonlaw.com

Matthew W. Ruan
Douglas A. Millen
**FREED KANNER LONDON
& MILLEN LLC**
100 Tri-State International, Suite 128
Lincolnshire, IL 60069
Telephone: (224) 632-4500
mruan@fklmlaw.com
dmillen@fklmlaw.com

Michael B. Eisenkraft
Christopher J. Bateman
**COHEN MILSTEIN SELLERS & TOLL
PLLC**
88 Pine Street, Suite 1400
New York, NY 10005
Telephone: (212) 838-7797
Facsimile: (212) 838-7745
meisenkraft@cohenmilstein.com
cbateman@cohenmilstein.com

Brent W. Johnson
Nathaniel D. Regenold
**COHEN MILSTEIN SELLERS & TOLL
PLLC**

1100 New York Ave. NW, Fifth Floor
Washington, DC 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
bjohnson@cohenmilstein.com
nregenold@cohenmilstein.com

Daniel J. Walker
BERGER MONTAGUE PC
1001 G Street, NW Suite 400 East
Washington, DC 20001
Phone: (202) 559-9745
dwalker@bm.net

Eric L. Cramer
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103 Phone: (215) 875-3000
ecramer@bm.net

Frank R. Schirripa
Scott Jacobsen
**HACH ROSE SCHIRRIPA & CHEVERIE
LLP**
112 Madison Avenue, 10th Floor
New York, NY 10016
(212) 213-8311
fschirripa@hrsclaw.com
SJacobsen@hrsclaw.com.

*Attorneys for Plaintiffs Estuary Transit District
and Teamsters 671 Health Service & Insurance
Plan and the Proposed Class*

CERTIFICATE OF SERVICE

I hereby certify that on this day, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail on anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

This 3rd day of September, 2024.

/s/ Jonathan M. Shapiro
Jonathan M. Shapiro