

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

COMMUNITY INSURANCE COMPANY dba ANTHEM BLUE CROSS AND BLUE SHIELD, Plaintiff, v. HALOMD, LLC, ALLA LAROQUE, SCOTT LAROQUE, MPOWERHEALTH PRACTICE MANAGEMENT, LLC, EVOKES, LLC, MIDWEST NEUROLOGY, LLC, ONE CARE MONITORING, LLC, and VALUE MONITORING LLC, Defendants.	Civil Case No. 1:25-cv-00388-MWM District Judge: Matthew W. McFarland
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**DEFENDANTS ALLA LAROQUE AND SCOTT LAROQUE’S MOTION TO DISMISS
ANTHEM’S AMENDED COMPLAINT**

In furtherance of its intimidation agenda, Plaintiff Community Insurance Company d/b/a Anthem Blue Cross and Blue Shield (“Anthem”) asserts all of its claims against Alla LaRoque and Scott LaRoque (collectively, “the LaRoques”), HaloMD’s and MPOWERHealth’s respective founders. In addition to those arguments set forth by HaloMD in its contemporaneously filed motion to dismiss, the LaRoques independently move for dismissal with prejudice of all claims asserted against them in Anthem’s Amended Complaint for the following reasons.¹

¹ The LaRoques hereby join and incorporate by reference the background and arguments set forth in Defendant HaloMD’s concurrently filed Motion to Dismiss regarding: the No Surprises Act’s (“NSA”) background, Anthem’s litigation agenda and failure to allege a basis for liability, and the NSA’s eligibility dispute resolution process (Sections II through V); the NSA’s bar against judicial review (Section VI); the collateral estoppel bar against relitigating NSA eligibility determinations (Section VII); the *Noerr-Pennington* doctrine’s bar against Anthem’s claims (Section VIII); Anthem’s lack of standing due to failure to plead a traceable injury (Section IX); Anthem’s failure to establish personal jurisdiction over Defendants (Section X); and Anthem’s failure to state a claim (Section XI). The LaRoques further join in and incorporate HaloMD’s argument for fees under Ohio’s Uniform Public Expression Protection Act (Section XII) and HaloMD’s concurrently filed Request for Judicial Notice.

I. The Ends of Justice Do Not Require Haling the LaRoques to this Court.

Since Anthem only alleges that this Court has jurisdiction over the LaRoques under the Racketeer Influenced and Corrupt Organizations Act (“RICO”) and the Employee Retirement Income Security Act of 1974 (“ERISA”), the Amended Complaint’s failure to plausibly plead either a RICO or ERISA claim (as against the LaRoques or otherwise) necessitates a dismissal of the LaRoques for lack of personal jurisdiction. Further, even if Anthem had plausibly pleaded a RICO claim, Anthem may not rely on 18 U.S.C. § 1965(b) to assert personal jurisdiction over the LaRoques because Anthem cannot show the “ends of justice require” bringing them individually before this Court.

The Sixth Circuit has not defined “the ends of justice” for purposes of 18 U.S.C. § 1965(b) but has said it is a flexible concept uniquely tailored to the facts of each case, and one consideration is the balance of hardships between a plaintiff and a defendant. *Anthony v. Van Over*, No. 3:22-cv-416, 2023 WL 6307960, at *5 (E.D. Tenn. Sept. 27, 2023) (“[a]n inadequately pleaded RICO claim against an out-of-district [d]efendant cannot support a finding that the ‘ends of justice’ require exercising personal jurisdiction.”).

Here, Anthem has failed to plead any relevant fraudulent conduct pertaining to the LaRoques, and its allegations of general injurious conduct occurring in Ohio without any explanation of what acts or activities occurred in the state are insufficient to support any argument that 18 U.S.C. § 1965(b) supports exercising jurisdiction over the LaRoques as individuals. But Anthem is also an enterprise and one of the wealthiest conglomerates in the world. The LaRoques are not. They are a married couple who live in Texas. As Anthem undoubtedly appreciates, it would be tremendously more difficult and burdensome for the LaRoques to litigate this matter in this forum than it would be for Anthem.

In short, given Anthem's flawed allegations against the LaRoques, Anthem's attempts to drag them into this forum are anything but just.

II. Anthem Fails to State a Claim Against the LaRoques.

Jurisdictional issues aside, Fed. R. Civ. P. 8 requires a short, plain statement of allegations showing Anthem is entitled to recover against the LaRoques. Fed. R. Civ. P. 9(b) requires Anthem to plead its fraud allegations against the LaRoques with particularity. Anthem does neither.

Anthem's Amended Complaint contains 302 numbered paragraphs. Every count Anthem asserts sounds in fraud, but Anthem does not offer a single, specific, substantive allegation—*not one*—that either of the LaRoques took any fraudulent action or even knew about any fraudulent conduct. Instead, Anthem alleges only that:

- i. Mrs. LaRoque is the founder and President of HaloMD (Amend. Compl., ECF No. 25 at PageID 132, 134, 167, ¶¶ 6, 16, 140, 142);
- ii. Mr. LaRoque is the founder and CEO of MPOWERHealth (*Id.* at PageID 132, 134, 163, 166, ¶¶ 6, 18, 127, 134);
- iii. the LaRoques are members of non-party entities that are members of HaloMD (*Id.* at PageID 134, ¶ 15);
- iv. Mr. LaRoque is the sole member of a non-party entity that is the member of MPowerHealth (*Id.* at PageID 134, ¶ 17);
- v. the LaRoques are married and residents of Texas (*Id.* at PageID 132, 134, 163, 167, 171 ¶¶ 6, 16, 18, 126, 140, 156);
- vi. Mr. LaRoque “exercises both managerial and operational control” over MPOWERHealth, its subsidiaries and affiliates (“including, but not limited to, Defendants Evokes, Midwest Neurology, OCM, and Value Monitoring”), and the Provider Defendants (*Id.* at PageID 163, 166 ¶¶ 127, 134);
- vii. Mrs. LaRoque is a self-described NSA expert and HaloMD’s “public face” who “directs HaloMD’s operations” (*Id.* at PageID 167, ¶ 141);
- viii. Mrs. LaRoque has “intimate knowledge about the core aspects of HaloMD’s business operations” and “runs HaloMD as a hands-on manager, overseeing the company’s operations, business practices, and finances” (*Id.* at PageID 167, ¶ 142);

- ix. Mrs. LaRoque was MPOWERHealth’s “COO from January 2014 to at least January 2024” (*Id.* at PageID 170, ¶ 151);
- x. the LaRoques are a “magnificent couple,” as reflected in a social media post, and they appear in public together on behalf of their companies (*Id.* at PageID 169, ¶ 150);
- xi. HaloMD once referred to Mr. LaRoque as its CEO (*Id.* at PageID 170, ¶ 154); and
- xii. “[t]hrough the coordination of” the LaRoques, HaloMD, MPOWERHealth, and other defendants “acted with the common purpose of exploiting the IDR process to fraudulently obtain reimbursements from Anthem by maximizing the number of disputes submitted and inflating payment demands well beyond their billed charges or market rates[]” (*Id.* at PageID 171, ¶ 156).

Independent of Anthem’s failure to plead a viable claim generally, Anthem’s threadbare, conclusory, immaterial allegations against the LaRoques are insufficient to support any cause of action against either of them individually and otherwise fail to satisfy the heightened pleading standard set forth in Fed. R. Civ. P. 9(b).

a. Anthem Does Not Plausibly Allege That the LaRoques Personally Participated in Any Conduct to Support a Claim for Relief.

To survive a motion to dismiss under Fed. R. Civ. P. 12(b)(6), a complaint must contain: (1) enough facts to state a claim to relief that is plausible, (2) more than “a formulaic recitation of a cause of action’s elements,” and (3) allegations that suggest a “right to relief above the speculative level.” *Tackett v. M & G Polymers, USA, LLC*, 561 F.3d 478, 488 (6th Cir. 2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–56 (2007)).

Rather than offering any facts showing the LaRoques personally participated in any conduct that could support a plausible claim against either of them, Anthem has adopted a bulk-pleading strategy. While group pleading of defendants is permissible in certain cases, a complaint violates pleading rules when it fails to specify the harms allegedly caused by each individual defendant. *Garrett v. Morgan Cnty. Sheriff’s Off.*, No. 1:23CV2011, 2025 WL 2097739, at *27

(N.D. Ohio July 25, 2025) (quotation and citation omitted) (holding undifferentiated alleged wrongdoing by defendants insufficient to hold individuals liable); *see Niederst v. Minuteman Capital, LLC*, 2024 WL 3522413, at *5 (N.D. Ohio July 24, 2024) (“a complaint violates the pleading requirements of Fed. R. Civ. P. 8 when it fails to specify the harms allegedly caused by each individual defendant”). That is especially true for claims sounding in fraud because Fed. R. Civ. P. 9(b) requires a plaintiff to plead such claims with particularity as to each defendant.

Here, the Amended Complaint merely offers allegations about the LaRoques’ marriage and positions in their companies, along with vague and conclusory allegations about their roles. Anthem does not allege that either Mrs. LaRoque or Mr. LaRoque was even aware of, let alone participated in, a single IDR proceeding, including in the representative proceedings alleged in Anthem’s Amended Complaint. *See* Amend. Compl., ECF No. 25 at PageID 172-184, ¶¶ 159-205. Nor does Anthem allege that either of the LaRoques specifically knew or intended that any IDR proceeding was initiated with a false attestation. Whatever Anthem may say regarding the other defendants, the Amended Complaint’s silence regarding the LaRoques’ individual actions is dispositive for all claims against them.

Were Anthem’s pleading sufficient, a plaintiff could proceed with RICO or ERISA claims against any individual employed by a corporate defendant simply due to the nature of their employment based on a vague information-and-belief allegation of operational control. Permitting such claims is inconsistent with bedrock pleading requirements under federal rules and long-established *Iqbal/Twombly* standards. *Kurek v. Ohio Dep’t of Dev. Disabilities*, No. 3:16CV623, 2017 WL 1555930, at *6 (N.D. Ohio Jan. 20, 2017) (“‘vaguely lump[ing] all defendants together without providing any factual allegations that specify separate acts’ fails to satisfy the *Iqbal/Twombly* standard”); *see In re Darvocet, Darvon, & Propoxyphene Prods. Liab. Litig.*, 756

F.3d 917, 931-32 (6th Cir. 2014) (rejecting the plaintiffs’ argument that all defendants committed the alleged wrongful acts and finding plaintiffs’ “information-and-belief claims” factually insufficient to survive dismissal).

Anthem’s RICO allegations demonstrate how glaring these pleading deficiencies are for the LaRoques. To state a civil RICO claim, Anthem must allege conduct of a pattern of racketeering consisting of two acts of racketeering activity enumerated in 18 U.S.C. § 1961(1). Specifically, Anthem must plausibly plead, with particularity, “at least two predicate acts *as to each Defendant.*” *Komorek v. Conflict Int’l, Inc.*, No. 2:24-CV-1227, 2025 WL 948973, at *9 (S.D. Ohio Mar. 29, 2025) (emphasis added). The Amended Complaint, however, fails to allege that either Mrs. LaRoque or Mr. LaRoque committed even a single predicate act. The omission is fatal and Anthem’s substantive RICO claim cannot survive as to the LaRoques. The same is true for Anthem’s Ohio RICO claim.

Anthem’s RICO conspiracy count fares no better. To state a RICO conspiracy claim, Anthem must establish all the elements of a substantive RICO violation *and* “the existence of an illicit agreement to violate the substantive RICO provision.” *United States v. Sinito*, 723 F.2d 1250, 1260 (6th Cir. 1983). Of course, it is insufficient if someone else formed such an agreement to commit a crime: to hold the LaRoques liable, Anthem must allege that each of them agreed to commit an offense *or “knowingly joined such an agreement”* intending to further its criminal goal. *See United States v. Iossifov*, 45 F.4th 899, 915 (6th Cir. 2022) (emphasis added); *see, e.g.*, Sixth Circuit Pattern Criminal Jury Instruction 3.01A (May 1, 2025 ed.). The Amended Complaint offers no facts showing either of the LaRoques took any such action.

The fundamental absence of non-conclusory allegations that the LaRoques engaged in any specific act is also fatal to Anthem's remaining claims. The Amended Complaint is devoid of any facts showing:

- the LaRoques obtained control over Anthem's property by deception and without its consent to permanently deprive Anthem of its money, as required by Ohio Rev. Code § 2913.02(A)(3) to support a theft-by-deception claim (Count IV);
- the LaRoques entered a "malicious combination of two or more persons to injure" Anthem's property through an unlawful act, as required to support a civil conspiracy claim (Count V), *see Aetna Cas. & Sur. Co. v. Leahey Const. Co.*, 219 F.3d 519, 534 (6th Cir. 2000) (citation omitted);
- the LaRoques engaged in any conduct necessary to show they are liable under Ohio Rev. Code § 4165.02(A)(7) or (A)(9), as required to support a claim under Ohio's Deceptive Trade Practices Act (Count VI);
- the LaRoques ever made a false representation material to a transaction knowing of its falsity or with utter disregard for the truth and intending to mislead another into justifiable reliance resulting in injury, as required to support a fraudulent misrepresentation claim (Count VII); or
- the LaRoques personally engaged in "any act or practice" subject to injunctive relief under 29 U.S.C. § 1132(A)(3), as required to support Anthem's ERISA claim (Count IX).

By offering no facts showing entitlement to relief from the LaRoques on any count, Anthem falls far short of its obligations under Fed. R. Civ. P. 8, let alone Fed. R. Civ. P. 9's heightened pleading standards for fraud claims. Anthem chose to name the LaRoques as defendants anyway in an act of abuse that Fed. R. Civ. P. 8 and 9 were specifically designed to prevent. The Court should not condone such tactics. It should dismiss all claims against the LaRoques with prejudice.

b. Anthem Cannot Summarily and Implicitly Allege Corporate Veil Piercing.

By stringing together allegations regarding the LaRoques' marriage, public appearances, and positions at HaloMD and MPOWERHealth, Anthem seemingly wishes to ignore corporate

forms altogether. But Anthem cannot sufficiently state a claim against the LaRoques through vague claims about operational control, regardless of the insufficiency of the allegations asserted against the other corporate defendants Anthem names. See *Belvedere Condo. Unit Owners' Ass'n v. R.E. Roark Cos., Inc.*, 617 N.E.2d 1075, 1086 (Ohio 1993) (“mere control over a corporation is not in itself a sufficient basis for shareholder liability.”).

Piercing the corporate veil is the “rare exception” reserved for cases where a plaintiff alleges that a defendant shareholder exercised control over the corporation in such a manner as to commit fraud, an illegal act, or a similarly unlawful act. *Dombroski v. WellPoint, Inc.*, 895 N.E.2d 538, 544-45 (Ohio 2008). The Amended Complaint does not come close to meeting this standard. Anthem does not allege—through concrete facts or otherwise—that HaloMD and MPOWERHealth are alter-egos of Mrs. and Mr. LaRoque, or that Mrs. LaRoque and Mr. LaRoque personally used HaloMD or MPOWERHealth to commit fraud. To the contrary, to the extent the Amended Complaint alleges anything at all, it alleges claims against corporate entities, albeit insufficiently.

The only pseudo-substantive allegations Anthem makes relating to the LaRoques’ operational control over business entities are entirely speculative, resting “on information and belief.” Such pleading “may be permissible in certain circumstances” when supported by corroborating factual allegations, or a plaintiff expressly pleads that the facts are in the unique possession of the defendant. See *Starkey v. JPMorgan Chase Bank, N.A.*, 573 F.App’x 444, 447–48 (6th Cir. 2014). But “[t]he mere fact that someone believes something to be true does not create a plausible inference that it is true[.]” *In re Darvocet*, 756 F.3d at 931. Anthem’s allegations are simply not corroborated by concrete pleaded facts, and the Court cannot plausibly infer that the LaRoques are personally liable for any of the acts alleged in Anthem’s Amended Complaint.

III. Conclusion

For the foregoing reasons, Anthem's Amended Complaint fails to state a claim against the LaRoques and this Court should dismiss all claims against them with prejudice. Further, for the same reasons argued in HaloMD's motion to dismiss—and especially because Anthem baselessly elected to name the LaRoques individually, disregarding the repercussions of alleging that a party has engaged in fraud—this Court should award attorneys' fees to the LaRoques pursuant to Ohio's Uniform Public Expression Protection Act. *See* Ohio Rev. Code § 2747.05(a).

Respectfully submitted,

NIXON PEABODY LLP

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CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2025, a copy of the foregoing *DEFENDANTS ALLA LAROQUE AND SCOTT LAROQUE'S MOTION TO DISMISS ANTHEM'S AMENDED COMPLAINT* was electronically filed with the Clerk of the United States District Court for the Southern District of Ohio, Western Division, using the CM/ECF system, which will send notification of such filing to all counsel of record in this matter.

/s/ Heidi Gutierrez
Heidi Gutierrez