UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

COMMUNITY INSURANCE COMPANY D/B/A 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

DEFENDANTS ALLA LAROQUE AND SCOTT LAROQUE'S REPLY IN SUPPORT OF THEIR MOTION TO DISMISS ANTHEM'S AMENDED COMPLAINT

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I. Preliminary Statement.

Anthem's opposition confirms that Anthem sued Alla LaRoque and Scott LaRoque (collectively, "the LaRoques") in their individual capacities in this action despite having no factual or legal basis to do so. By repeatedly referencing the alleged "LaRoque Family Enterprise" to argue that it has sufficiently pleaded its claims against the LaRoques, Anthem implicitly acknowledges that it named the LaRoques simply because the LaRoques founded or are otherwise associated with businesses that are resisting and/or revealing Anthem's exploits—presumably because Anthem hopes that naming the LaRoques will give Anthem leverage in potential settlement discussions. Anthem cannot save its claims through shotgun pleading, generalizations, conclusions, and speculation.

For the following reasons, and for the many other reasons asserted by HaloMD and the other Defendants in this matter in their motions and replies, the Court should dismiss all claims against the LaRoques with prejudice and award attorneys' fees to the LaRoques pursuant to Ohio's Uniform Public Expression Protection Act, Ohio Rev. Code § 2747.05(a).

II. Anthem Fails to Allege a Single Factual Allegation to Support Its Claims Against the LaRoques.

In its opposition, Anthem fails to identify a single specific factual allegation that either of the LaRoques did anything unlawful. Despite this, Anthem asks this Court to conclude that Anthem may pursue its claims against the LaRoques anyway. These are precisely the types of implausible claims that Fed. R. Civ. 8 and 9(b), *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) ("*Iqbal*"), and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007) ("*Twombly*")—and, frankly, Fed. R. Civ. P. 11(b)—prohibit.

Anthem acknowledges that, with respect to the LaRoques, its pleading alleges only that the LaRoques founded, own, and manage their companies. Anthem's Opposition to Defendants' Motions to Dismiss ("Opp."), ECF No. 47 at PageID 946. However, despite these limited allegations, Anthem argues that it has alleged "extensive facts" demonstrating that the LaRoques "had tacit knowledge of and approved the NSA Scheme." *Id*. But Anthem has not actually alleged

"extensive facts" with respect to the LaRoques. Nor has Anthem alleged any concrete facts that create a plausible inference of anything other than that the LaRoques are married and founded, own, and manage their respective companies. Anthem does not allege any facts suggesting that either of the LaRoques personally participated in, knew of, or approved (tacitly or otherwise) any allegedly unlawful conduct, including but not limited to any predicate act that would support a claim under the Racketeer Influenced and Corrupt Organizations Act ("RICO"). *See United States v. lossifov*, 45 F.4th 899, 915 (6th Cir. 2022); *Huff* v. *FirstEnergy Corp.*, 972 F. Supp. 2d 1018, 1036 (N.D. Ohio 2013) (dismissing RICO claims based on allegations comprised of "innocuous facts mixed with conclusory allegations"). Contrary to Anthem's contention, Anthem also fails to allege that the LaRoques engaged in any specific conduct that would amount to "active participation" in IDR attestations or proceedings. *See* Opp., ECF No. 47 at PageID 937.

So that there is no confusion: independent of the implausibility of Anthem's claims, Anthem does not allege a single fact establishing that either of the LaRoques initiated a single IDR proceeding or submitted or approved the submission of a single attestation of belief of eligibility for the IDR process. Instead, Anthem argues that general allegations that the LaRoques "have operational control" over their companies suffice. Opp., ECF No. 47 at PageID 946. But the law requires more. For fraud-based claims, it requires particularity, not paucity. Anthem's claims lack any factual allegations demonstrating the LaRoques engaged in or participated in any unlawful conduct, and thus fail to satisfy both Fed. R. Civ. P. 8 and 9(b). *See Iqbal,* 556 U.S. at 678-9 (Fed. R. Civ. P. 8 does not "unlock the doors of discovery for a plaintiff armed with nothing more than conclusions"); *In re Goodyear Tire & Rubber Co. Derivative Litig*., No. 503CV2180, 2007 WL 43557, at *10 (N.D. Ohio Jan. 5, 2007) (conclusory allegations of officers' "control" does not satisfy Fed. R. Civ. P. 9(b)). To hold otherwise would mean that any plaintiff could proceed with claims against an officer, director, or manager of an allegedly liable corporation by simply alleging as much.

That Anthem's argument summarily regurgitates conclusory allegations of ownership and control in support of its claims against the LaRoques suggests that even Anthem appreciates that

the LaRoques are not proper parties to this dispute. Indeed, Anthem acknowledges some of the authorities the LaRoques cite in support of their positions, including *Garrett v. Morgan Cnty. Sheriff's Off.*, 792 F. Supp. 3d 771, 805 (N.D. Ohio 2025), *Niederst v. Minuteman Cap., LLC,* No. 1:23-cv-117, 2024 WL 3522413, at *5 (N.D. Ohio July 24, 2024), and *In re Darvocet, Darvon, & Propoxyphene Prods. Liab. Litig.*, 756 F.3d 917, 931-32 (6th Cir. 2014). Opp., ECF No. 47, PageID 945-6. Then Anthem ignores them.

Anthem also ignores *Komorek v. Conflict Int'l, Inc.*, No. 2:24-CV-1227, 2025 WL 948973, at *9 (S.D. Ohio Mar. 29, 2025), and the clear requirement under RICO to plausibly plead, with particularity, "at least two predicate acts as to each Defendant." Anthem's failure to address this requirement is unsurprising: no amount of argument can overcome the Amended Complaint's failures. The failure to allege predicates is fatal to Anthem's RICO claims against the LaRoques.

More broadly, as the very authorities cited by Anthem acknowledge, the general rule is that a shareholder or corporate officer generally is not liable for acts of the corporate entity. *Ball Bros. Mach., Ltd. v. Direct Dev., LLC*, No. 4:08CV02930, 2009 WL 2486128, at *2 (N.D. Ohio Aug. 11, 2009) ("*Ball Bros.*"). Despite this general rule, Anthem cherry-picks language from cases where an officer's control of a corporation created a disputed issue of fact as to whether the officer knew of, approved of, or personally participated in tortious conduct. *See*, *e.g.*, *Ball Bros.*, 2009 WL 2486128 at *3 (rejecting individual defendants' sole argument that plaintiffs could not pierce the corporate veil because the complaint alleged the individual defendants personally participated in selling industrial presses for scrap value); *Yo-Can, Inc. v. The Yogurt Exch., Inc.*, 149 Ohio App. 3d 513, 527 (2002) (overturning grant of summary judgment because officers' exclusive argument was that they were not liable as corporate officers because they personally engaged in various transgressions).

But, cherry-picking aside, Anthem's own authorities show the law requires that an officer do more than merely run or control a company. For example, in *Onyx Env't Servs., LLC v. Maison*, 407 F. Supp. 2d 874 (N.D. Ohio 2005), the court declined to dismiss claims because one officer personally signed certificates falsely stating the company had recycled paint when it had not; the

other owned the facilities used to store the unrecycled paint, interacted with the co-defendant daily, and had a legal duty to inform the plaintiffs; and the plaintiffs specifically alleged both officers "knew that the [certificates] were inaccurate and that the waste paint had not been processed." *Id.* at 877, 879-80; *see McConville v. Goodleap, LLC*, No. 23-11749, 2024 WL 1348366, at * 9 (E.D. Mich. Mar. 30, 2024) (distinguishing *Onyx* and declining to dismiss claims). Similarly, *Cent. Benefits Mut. Ins. Co. v. RIS Admrs. Agency*, 638 N.E.2d 1049 (1994), involved an officer whose company collected and wrongfully retained insurance premiums, which the officer knew because he personally attended meetings with the insurance company to discuss the problem. *Id.* at 1052.

Except for *Ball Bros.*, which involved claims for conversion and interference inapplicable here, none of Anthem's cases involve a motion to dismiss or address the pleading standards under Fed. R. Civ. P. 8 or 9(b). Nor do they hold that generally alleging corporate "control," in the abstract, implicates knowledge or approval of anything (tacit or otherwise). Instead, Anthem's authorities stand for the obvious proposition that an officer may be held personally liable for participating in or approving tortious conduct. Here, Anthem seeks to relitigate thousands of unspecified IDR proceedings but does not allege, in either its general and conclusory narrative or its purported examples, any facts showing the LaRoques individually were aware of any fraud or played any role in even a single IDR proceeding. The Amended Complaint thus fails to state a claim against the LaRoques and should be dismissed entirely as to each of them, with prejudice.

III. The Court Lacks Personal Jurisdiction Over the LaRoques.

Apart from Anthem's failure to allege unlawful conduct on the part of the LaRoques, Anthem does not establish in its opposition that this Court has personal jurisdiction over the LaRoques.

First, for the reasons set forth in HaloMD's motion to dismiss and reply, Anthem's claims under RICO and the Employee Retirement Income Security Act of 1974 ("ERISA") fail. Anthem may not rely on either statute's nationwide service of process provisions, regardless of Anthem's

failure to establish that the "ends of justice" require haling the LaRoques into this Court.[1] Further, Anthem makes no attempt to explain how doing so satisfies due process or the enumerated grounds for personal jurisdiction under Ohio's long-arm statute. *See* Ohio Rev. Code § 2307.382; *Conn v. Zakharov*, 667 F.3d 705, 711–12 (6th Cir. 2012) (Ohio long-arm statute requires satisfying due process and Ohio law). Without referring to the LaRoques specifically, Anthem's opposition simply argues the Court can exercise jurisdiction over the "Defendants" pursuant to Ohio's long-arm statute because HaloMD and MPOWERHealth do business in Ohio. Opp., ECF No. 47 at PageID 903. Anthem's general allegations that the LaRoques own and control HaloMD and MPOWERHealth are not enough to establish personal jurisdiction over the LaRoques. "[T]he mere fact that an individual defendant might have an ownership interest or exercise control over a corporate entity does not establish personal jurisdiction over that individual defendant in the forum state where the corporate entity conducts business." *Niederst*, 2024 WL 3522413, at *8.

For this Court to exercise jurisdiction over the LaRoques, Anthem must plead specific facts showing how the LaRoques "were actively and personally involved in the allegedly tortious or violative conduct." *Id.* Anthem also does not allege that either of the LaRoques have minimum contacts with Ohio, or otherwise transacted business, contracted to supply services or goods, personally caused an injury, or engaged in any other claim-related conduct in Ohio to support jurisdiction. *See* Ohio Rev. Code § 2307.382(A)(1)-(9); *see also Conn*, 667 F.3d at 717–18, 720 (declining to exercise personal jurisdiction over non-resident defendant who owned property and vehicles in Ohio, maintained bank accounts and engaged in litigation there, and visited the state on a yearly basis).

[1] Anthem's "ends of justice" argument only highlights that Anthem's allegations do not involve the type of conduct RICO seeks to curtail. Opp., ECF No. 47 at PageID 902-903 (citing *Doe v. Varsity Brands, LLC*, No. 1:22-CV-02139, 2023 WL 4935933, at *16 (N.D. Ohio Aug. 2, 2023) (finding the "ends of justice" supported nationwide service of process in case involving eleven defendants facing identical claims of sexually abusing a minor)).

IV. Conclusion.

Anthem cannot drag the LaRoques from their home in Texas to a court in Ohio by asserting generalized, implausible claims in a shotgun pleading. Regardless of Anthem's dissatisfaction with the IDR process, the LaRoques should never have been named in this dispute.

For these reasons, and in addition to the many other reasons asserted by HaloMD and the other Defendants in this action, the Court should dismiss Anthem's claims against the LaRoques with prejudice and award the LaRoques attorneys' fees pursuant to Ohio Rev. Code § 2747.05(a).

Respectfully submitted,

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Dated: January 15, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2026, a copy of the foregoing DEFENDANTS ALLA LAROQUE AND SCOTT LAROQUE'S REPLY IN SUPPORT OF THEIR 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
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