

1 James L. Poth (SBN 185042)
jlpoth@jonesday.com
2 JONES DAY
3161 Michelson Drive, Suite 800
3 Irvine, California 92612
4 Telephone: +1.949.851.3939
Facsimile: +1.949.553.7539

5 B. Kurt Copper (pro hac vice)
bkcopper@jonesday.com
6 JONES DAY
2727 North Harwood Street, Suite 500
7 Dallas, Texas 75201
8 Telephone: +1.214.220.3939
Facsimile: +1.214.969.5100

9 Attorneys for Defendants

10 [additional attorney information
11 continued on following pages]

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

14 ANTHEM BLUE CROSS LIFE AND
15 HEALTH INSURANCE COMPANY, a
California corporation, et al.,

16 Plaintiffs,

17 v.

18 PRIME HEALTHCARE SERVICES –
19 ST. FRANCIS, LLC, et al.,

20 Defendants.
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Case No. 8:26-cv-00023

**DECLARATION OF DAVID M.
DEVITO IN SUPPORT OF
DEFENDANTS’ MOTION TO
DISMISS AND SPECIAL
MOTION TO STRIKE**

Hearing Date: July 14, 2026
Hearing Time: 10:00 a.m.
Court Room: 9B

Honorable Mónica Ramírez Almadani
United States District Judge

1 David M. DeVito (SBN 243695)
ddevito@jonesday.com
2 JONES DAY
555 California Street, 26th Floor
3 San Francisco, California 94104
Telephone: +1.415.626.3939
4 Facsimile: +1.415.875.5700

5 Nicholas J. Rawls (SBN 349996)
nrawls@jonesday.com
6 JONES DAY
555 South Flower Street, Fiftieth Floor
7 Los Angeles, California 90071
Telephone: +1.213.489.3939
8 Facsimile: +1.213.243.2539

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1 I, David M. DeVito, do hereby declare and state as follows:

2 1. I am an attorney licensed to practice law in the Central District of
3 California. I am Of Counsel at the law firm Jones Day, representing the Defendants
4 in the instant action.

5 2. This Declaration is being submitted in support of the following motions
6 in the above-captioned matter: (1) Defendants’ Motion to Dismiss and (2)
7 Defendants’ Special Motions to Strike.

8 3. On April 23, 2026, counsel for Defendants in this action telephonically
9 met and conferred with counsel for Plaintiffs Anthem Blue Cross Life and Health
10 Insurance Company and Blue Cross of California (collectively “Anthem”) as
11 required by L.R. 7-3. At this meeting, Defendants told Plaintiffs that this Court lacks
12 subject-matter jurisdiction over Anthem’s claims per Fed R. Civ. P. 12(b)(1) and that
13 Anthem’s Complaint fails to state a sufficient claim for relief per Fed R. Civ. P.
14 12(b)(6). Defendants’ counsel also addressed that Anthem’s allegations improperly
15 infringe upon Defendants’ constitutional right to petition for redress, and should
16 therefore be stricken per California’s anti-SLAPP statute.

17 4. At the April 23, 2026, meet and confer, Anthem disagreed with
18 Defendants’ characterization of Anthem’s Complaint. The parties were unable to
19 reach a resolution.

20 I declare under penalty of perjury of the laws of the United State of America
21 that the foregoing is true and correct.

22 Executed on April 27, 2026, in San Francisco, California.

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By: /s/ David M. DeVito

David M. DeVito