

19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NO. 651,069

SECTION 22

JAMES J. DONELON, COMMISSION
OF INSURANCE FOR THE STATE OF
LOUISIANA, IN HIS CAPACITY AS
REHABILITATOR OF LOUISIANA
HEALTH COOPERATIVE, INC.

VERSUS

TERRY S. SHILLING, et al

FILED: _____
DEPUTY CLERK

**ANSWER TO THIRD, FOURTH AND FIFTH AMENDING AND RESTATED PETITIONS
FOR DAMAGES AND REQUEST FOR JURY TRIAL**

NOW INTO COURT, through undersigned counsel, comes Defendant, Group Resources Incorporated ("GRI"), which responds to Plaintiff's Third, Fourth, and Fifth Amending and Restated Petition for Damages and Request for Jury Trial as follows:

AFFIRMATIVE DEFENSES

GRI re-asserts the following Affirmative Defenses to the allegations in the Petition, as amended by the Third, Fourth, and Fifth Amending and Restated Petition.

FIRST AFFIRMATIVE DEFENSE

The Petition and each and every alleged cause of action therein fail to state a claim or cause of action against GRI.

SECOND AFFIRMATIVE DEFENSE

At all material times, GRI acted in accordance with the documents, agreements, and understandings with respect to the relationship between it and Louisiana Health Cooperative ("LAHC").

THIRD AFFIRMATIVE DEFENSE

Plaintiff is estopped from making the claims asserted due to its own actions and inactions and course and pattern of conduct over many years.

FOURTH AFFIRMATIVE DEFENSE

The claims asserted are barred by laches, waiver, unclean hands, ratification, and any applicable period of prescription.

FIFTH AFFIRMATIVE DEFENSE

The company documents of each of the referenced companies and the contracts agreements, and understandings of the parties are the best evidence thereof.

SIXTH AFFIRMATIVE DEFENSE

GRI affirmatively pleads all conditions precedent, conditions subsequent, indemnities, and limitations set forth in its contracts and/or subcontracts relevant to these proceedings as a defense to Plaintiff's claims.

SEVENTH AFFIRMATIVE DEFENSE

Granting the relief sought herein would result in unjust enrichment.

EIGHTH AFFIRMATIVE DEFENSE

GRI affirmatively alleges that to the extent Plaintiff has settled or should settle hereafter for any of the alleged injuries and damages with any persons, whether parties or non-parties, GRI is entitled to a credit and/or offset in the amount of the settlement(s) and/or payment(s), which are not subject to the collateral source doctrine, and/or for the amount of the settling and/or paying parties' allocated percentage of fault.

NINTH AFFIRMATIVE DEFENSE

GRI avers that the Plaintiff has not suffered compensable damage as a result of any alleged wrongdoing on the part of GRI or any of their agents or representatives. If Plaintiff suffered any damage, as alleged, such damage was caused in whole or in part by the action or inaction of persons or entities (whether parties or non-parties) for whom GRI is not responsible.

TENTH AFFIRMATIVE DEFENSE

Plaintiff lacks standing.

ELEVENTH AFFIRMATIVE DEFENSE

LAHC fraudulently induced GRI to enter into an Administrative Services Agreement with LAHC.

TWELFTH AFFIRMATIVE DEFENSE

LAHC failed to pay GRI \$56,832.74 for services performed from July 1, 2014 to December 31, 2015 and \$115,000 for the remainder of the last month GRI performed under the Administrative Services Agreement. GRI is entitled to a set-off as outlined herein against the amount owed to Plaintiff, if any.

THIRTEENTH AFFIRMATIVE DEFENSE

GRI reserves the right to amend and/or supplement the foregoing affirmative defenses to assert such other affirmative defenses as may become known to it during the course of this litigation.

ANSWER

AND NOW, with full reservation of the foregoing affirmative defenses, in response to the individually numbered paragraphs of the Third Amended Petition, GRI avers as follows, denying all allegations not hereinafter specifically admitted:

1.

Paragraphs 1, 2 and 3 of Plaintiff's Third Amended Petition for Damages do not require a response from GRI. To the extent, if any, an answer is deemed necessary, GRI denies the allegations in paragraphs 1, 2 and 3 of Plaintiff's Third Amended Petition.

2.

For further answer to Plaintiff's Third Amended Petition, GRI repeats and re-alleges each and every defense, averment and denial set forth in its Answer to Plaintiff's Second Amended Petition as if set forth herein.

AND NOW, with full reservation of the foregoing affirmative defenses, in response to the individually numbered paragraphs of the Fourth Amended Petition, GRI avers as follows, denying all allegations not hereinafter specifically admitted:

3.

Plaintiff's Fourth Amended Petition for Damages does not require a response from GRI. To the extent, if any, an answer is deemed necessary, GRI denies all of the allegations contained in Plaintiff's Fourth Amended Petition.

4.

For further answer to Plaintiff's Fourth Amended Petition, GRI repeats and re-alleges each and every defense, averment and denial set forth in its Answer to Plaintiff's Second Amended Petition as if set forth herein.

AND NOW, with full reservation of the foregoing affirmative defenses, in responses to the individually numbered paragraphs of the Fifth Amending Petition (the "Petition"), GRI avers as follows, denying all allegations not hereinafter specifically admitted:

5.

The allegations contained in Paragraph 1 of the Petition do not require a response from GRI.

6.

The jurisdictional allegations contained in Paragraph 2 of the Petition are admitted. All other allegations contained therein are denied for lack of sufficient information to justify a belief therein.

7.

The jurisdictional allegations contained in Paragraph 3 of the Petition are denied, except to admit that GRI has transacted business and/or provided services in Louisiana.

8.

GRI admits that venue is proper in the 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana.

9.

The allegations contained in Paragraph 5 of the Petition are denied for lack of sufficient information to justify a belief therein.

10.

The allegations contained in Paragraph 6 of the Petition are denied for lack of sufficient information to justify a belief therein.

11.

The allegations contained in Paragraph 7 of the Petition are denied for lack of sufficient information to justify a belief therein.

12.

The allegations contained in Paragraph 8 of the Petition are denied for lack of sufficient information to justify a belief therein.

13.

Paragraph 9 of the Petition does not require a response from GRI. To the extent a response may be required, the allegations contained in Paragraph 9 of the Petition are denied.

14.

The allegations contained in Paragraph 10 of the Petition are denied, except to admit that GRI is a foreign corporation domiciled in the State of Georgia, with its principal place of business in the State of Georgia and insured by Ironshore Specialty Insurance Company. GRI admits that it contracted with and did work for Louisiana Health Cooperative, Inc. ("LAHC").

15.

The allegations contained in Paragraph 11 of the Petition are denied for lack of sufficient information to justify a belief therein.

16.

The allegations contained in Paragraph 12 of the Petition are denied for lack of sufficient information to justify a belief therein.

17.

The allegations contained in Paragraph 13 of the Petition are denied for lack of sufficient information to justify a belief therein.

18.

The allegations contained in Paragraph 14 of the Petition are denied for lack of sufficient information to justify a belief therein.

19.

The allegations contained in Paragraph 15 of the Petition are denied.

20.

The allegations contained in Paragraph 16 of the Petition are denied for lack of sufficient information to justify a belief therein.

21.

The allegations contained in Paragraph 17 of the Petition are denied.

22.

The allegations contained in Paragraph 18 of the Petition are denied for lack of sufficient information to justify a belief therein.

23.

The allegations contained in Paragraph 19 of the Petition are denied.

24.

The allegations contained in Paragraph 20 of the Petition are denied.

25.

For answer to allegations of Paragraph 21 of the Petition, GRI repeats and re-alleges each and every defense, averment and denial set forth in the foregoing paragraphs as if fully set forth herein.

26.

The allegations contained in Paragraph 22 of the Petition are denied.

27.

The allegations contained in Paragraph 23 of the Petition are denied.

28.

The allegations contained in Paragraph 24 of the Petition are denied.

29.

The allegations contained in Paragraph 25 of the Petition are denied.

30.

The allegations contained in Paragraph 26 of the Petition call for legal conclusions and are denied for lack of sufficient information to justify a belief therein.

31.

The allegations contained in Paragraph 27 of the Petition are denied.

32.

The allegations contained in Paragraph 28 of the Petition are denied.

33.

For answer to Paragraph 29 of the Petition, GRI repeats and re-alleges each and every defense, averment and denial set forth in the foregoing paragraphs as if full set forth herein.

34.

The allegations contained in Paragraph 30 of the Petition are denied for lack of sufficient information to justify a belief therein.

35.

The allegations contained in Paragraph 31 of the Petition are denied.

36.

The allegations contained in Paragraph 32 of the Petition are denied.

37.

The allegations contained in Paragraph 33 of the Petition are denied.

38.

The allegations contained in Paragraph 34 of the Petition are denied.

39.

The allegations contained in Paragraph 35 of the Petition are denied.

40.

The allegations contained in Paragraph 36 of the Petition are denied.

41.

The allegations contained in Paragraph 37 of the Petition are denied.

42.

For answer to Paragraph 38 of the Petition, GRI repeats and re-alleges each and every defense, averment and denial set forth in the foregoing paragraphs as if fully set forth herein.

43.

The allegations contained in Paragraph 39 of the Petition are denied for lack of sufficient information to justify a belief therein.

44.

The allegations contained in Paragraph 40 of the Petition are denied for lack of sufficient information to justify a belief therein.

45.

The allegations contained in Paragraph 41 of the Petition are denied for lack of sufficient information to justify a belief therein.

46.

The allegations contained in Paragraph 42 of the Petition are denied for lack of sufficient information to justify a belief therein.

47.

The allegations contained in Paragraph 43 of the Petition are denied for lack of sufficient information to justify a belief therein.

48.

The allegations contained in Paragraph 44 of the Petition are denied for lack of sufficient information to justify a belief therein.

49.

The allegations contained in Paragraph 45 of the Petition are denied for lack of sufficient information to justify a belief therein.

50.

The allegations contained in Paragraph 46 of the Petition are denied for lack of sufficient information to justify a belief therein.

51.

The allegations contained in Paragraph 47 of the Petition are denied for lack of sufficient information to justify a belief therein.

52.

The allegations contained in Paragraph 48 of the Petition are denied for lack of sufficient information to justify a belief therein.

53.

The allegations contained in Paragraph 49 of the Petition are denied for lack of sufficient information to justify a belief therein.

54.

The allegations contained in Paragraph 50 of the Petition are denied for lack of sufficient information to justify a belief therein.

55.

The allegations contained in Paragraph 51 of the Petition are denied for lack of sufficient information to justify a belief therein.

56.

The allegations contained in Paragraph 52 of the Petition are denied for lack of sufficient information to justify a belief therein.

57.

The allegations contained in Paragraph 53 of the Petition are denied for lack of sufficient information to justify a belief therein.

58.

The allegations contained in Paragraph 54 of the Petition are denied.

59.

The allegations contained in Paragraph 55 of the Petition are denied for lack of sufficient information to justify a belief therein.

60.

The allegations contained in Paragraph 56 of the Petition are denied for lack of sufficient information to justify a belief therein.

61.

The allegations contained in Paragraph 57 of the Petition are denied for lack of sufficient information to justify a belief therein.

62.

The allegations contained in Paragraph 58 of the Petition are denied for lack of sufficient information to justify a belief therein.

63.

The allegations contained in Paragraph 59 of the Petition are denied for lack of sufficient information to justify a belief therein.

64.

The allegations contained in Paragraph 60 of the Petition are denied for lack of sufficient information to justify a belief therein.

65.

The allegations contained in Paragraph 61 of the Petition are denied for lack of sufficient information to justify a belief therein.

66.

The allegations contained in Paragraph 62 of the Petition are denied for lack of sufficient information to justify a belief therein.

67.

The allegations contained in Paragraph 63 of the Petition are denied for lack of sufficient information to justify a belief therein.

68.

The allegations contained in Paragraph 64 of the Petition are denied for lack of sufficient information to justify a belief therein.

69.

The allegations contained in Paragraph 65 of the Petition are denied for lack of sufficient information to justify a belief therein.

70.

The allegations contained in Paragraph 66 of the Petition are denied for lack of sufficient information to justify a belief therein.

71.

The allegations contained in Paragraph 67 of the Petition are denied for lack of sufficient information to justify a belief therein.

72.

The allegations contained in Paragraph 68 of the Petition are denied for lack of sufficient information to justify a belief therein.

73.

The allegations contained in Paragraph 69 of the Petition are denied for lack of sufficient information to justify a belief therein.

74.

The allegations contained in Paragraph 70 of the Petition are denied for lack of sufficient information to justify a belief therein.

75.

The allegations contained in Paragraph 71 of the Petition are denied for lack of sufficient information to justify a belief therein.

76.

The allegations contained in Paragraph 72 of the Petition are denied for lack of sufficient information to justify a belief therein.

77.

The allegations contained in Paragraph 73 of the Petition are denied for lack of sufficient information to justify a belief therein.

78.

The allegations contained in Paragraph 74 of the Petition are denied for lack of sufficient information to justify a belief therein.

79.

The allegations contained in Paragraph 75 of the Petition are denied for lack of sufficient information to justify a belief therein.

80.

The allegations contained in Paragraph 76 of the Petition are denied for lack of sufficient information to justify a belief therein.

81.

The allegations contained in Paragraph 77 of the Petition are denied for lack of sufficient information to justify a belief therein.

82.

The allegations contained in Paragraph 78 of the Petition are denied for lack of sufficient information to justify a belief therein.

83.

The allegations contained in Paragraph 79 of the Petition are denied for lack of sufficient information to justify a belief therein.

84.

The allegations contained in Paragraph 80 of the Petition are denied for lack of sufficient information to justify a belief therein.

85.

The allegations contained in Paragraph 81 of the Petition are denied for lack of sufficient information to justify a belief therein.

86.

The allegations contained in Paragraph 82 of the Petition are denied for lack of sufficient information to justify a belief therein.

87.

The allegations contained in Paragraph 83 of the Petition are denied for lack of sufficient information to justify a belief therein.

88.

The allegations contained in Paragraph 84 of the Petition are denied for lack of sufficient information to justify a belief therein.

89.

The allegations contained in Paragraph 85 of the Petition are denied for lack of sufficient information to justify a belief therein.

90.

The allegations contained in Paragraph 86 of the Petition are denied for lack of sufficient information to justify a belief therein.

91.

The allegations contained in Paragraph 87 of the Petition are denied for lack of sufficient information to justify a belief therein.

92.

The allegations contained in Paragraph 88 of the Petition are denied for lack of sufficient information to justify a belief therein.

93.

The allegations contained in Paragraph 89 of the Petition are denied for lack of sufficient information to justify a belief therein.

94.

The allegations contained in Paragraph 90 of the Petition are denied for lack of sufficient information to justify a belief therein.

95.

The allegations contained in Paragraph 91 of the Petition are denied for lack of sufficient information to justify a belief therein.

96.

The allegations contained in Paragraph 92 of the Petition are denied for lack of sufficient information to justify a belief therein.

97.

The allegations contained in Paragraph 93 of the Petition are denied for lack of sufficient information to justify a belief therein.

98.

The allegations contained in Paragraph 94 of the Petition are denied for lack of sufficient information to justify a belief therein.

99.

The allegations contained in Paragraph 95 of the Petition are denied for lack of sufficient information to justify a belief therein.

100.

The allegations contained in Paragraph 96 of the Petition are denied for lack of sufficient information to justify a belief therein.

101.

The allegations contained in Paragraph 97 of the Petition are denied for lack of sufficient information to justify a belief therein.

102.

The allegations contained in Paragraph 98 of the Petition are denied for lack of sufficient information to justify a belief therein.

103.

The allegations contained in Paragraph 99 of the Petition are denied for lack of sufficient information to justify a belief therein.

104.

For answer to Paragraph 100 of the Petition, GRI repeats and re-alleges each and every defense, averment and denial set forth in the foregoing paragraphs as if fully set forth herein.

105.

The allegations contained in Paragraph 101 of the Petition are denied for lack of sufficient information to justify a belief herein.

106.

The allegations contained in Paragraph 102 of the Petition are denied for lack of sufficient information to justify a belief herein.

107.

The allegations contained in Paragraph 103 of the Petition are denied for lack of sufficient information to justify a belief therein.

108.

The allegations contained in Paragraph 104 of the Petition are denied for lack of sufficient information to justify a belief therein.

109.

The allegations contained in Paragraph 105 of the Petition are denied for lack of sufficient information to justify a belief therein.

110.

The allegations contained in Paragraph 106 of the Petition are denied for lack of sufficient information to justify a belief therein.

111.

The allegations contained in Paragraph 107 of the Petition are denied for lack of sufficient information to justify a belief therein.

112.

The allegations contained in Paragraph 108 of the Petition are denied for lack of sufficient information to justify a belief therein.

113.

The allegations contained in Paragraph 109 of the Petition are denied for lack of sufficient information to justify a belief therein.

114.

The allegations contained in Paragraph 110 of the Petition are denied for lack of sufficient information to justify a belief therein.

115.

The allegations contained in Paragraph 111 of the Petition are denied for lack of sufficient information to justify a belief therein.

116.

The allegations contained in Paragraph 112 of the Petition are denied for lack of sufficient information to justify a belief therein.

117.

For answer to paragraph 113 of the Petition, GRI repeats and re-alleges each and very defense, averment and denial set forth in the foregoing paragraphs as if fully set forth herein.

118.

The allegations contained in Paragraph 114 of the Petition assert legal conclusions to which no response is required. To the extent, if any, an answer is deemed necessary, GRI denies the allegations of Paragraph 114.

119.

The allegations contained in Paragraph 115 of the Petition are denied.

120.

The allegations contained in Paragraph 116 of the Petition are denied.

121.

The allegations contained in Paragraph 117 of the Petition are denied.

122.

The allegations contained in Paragraph 118 of the Petition are denied.

123.

For answer to Paragraph 119 of the Petition, GRI repeats and re-alleges each and every defense, averment and denial set forth in the foregoing paragraphs as if fully set forth herein.

124.

The allegations contained in Paragraph 120 of the Petition are denied for lack of sufficient information to justify a belief therein.

125.

The allegations contained in Paragraph 121 of the Petition are denied for lack of sufficient information to justify a belief therein.

126.

The allegations contained in Paragraph 122 of the Petition are denied for lack of sufficient information to justify a belief therein.

127.

The allegations contained in Paragraph 123 of the Petition are denied for lack of sufficient information to justify a belief therein.

128.

The allegations contained in Paragraph 124 of the Petition are denied for lack of sufficient information to justify a belief therein.

129.

The allegations contained in Paragraph 125 of the Petition are denied for lack of sufficient information to justify a belief therein.

130.

The allegations contained in Paragraph 126 of the Petition are denied for lack of sufficient information to justify a belief therein.

131.

The allegations contained in Paragraph 127 of the Petition are denied for lack of sufficient information to justify a belief therein.

132.

For answer to Paragraph 128 of the Petition, GRI repeats and re-alleges each and every defense, averment and denial set forth in the foregoing paragraphs as if fully set forth herein.

133.

The allegations contained in Paragraph 129 of the Petition are denied for lack of sufficient information to justify a belief therein.

134.

The allegations contained in Paragraph 130 of the Petition are denied for lack of sufficient information to justify a belief therein.

135.

The allegations contained in Paragraph 131 of the Petition are denied for lack of sufficient information to justify a belief therein.

136.

The allegations contained in Paragraph 132 of the Petition are denied for lack of sufficient information to justify a belief therein.

137.

The allegations contained in Paragraph 133 of the Petition are admitted.

138.

GRI denies all allegations of Paragraph 134 of the Petition insofar as they pertain to GRI or to any alleged act or omission of GRI, and denies them for lack of sufficient information to justify a belief therein insofar as they pertain to other present and former defendants.

139.

GRI denies all allegations of Paragraph 135 of the Petition insofar as they pertain to GRI or to any alleged act or omission of GRI, and denies them for lack of sufficient information to justify a belief therein insofar as they pertain to other present and former defendants.

140.

GRI denies all allegations of Paragraph 136 of the Petition insofar as they pertain to GRI or to any alleged act or omission of GRI, and denies them for lack of sufficient information to justify a belief therein insofar as they pertain to other present and former defendants.

141.

GRI denies all allegations of Paragraph 137 of the Petition insofar as they pertain to GRI or to any alleged act or omission of GRI, and denies them for lack of sufficient information to justify a belief therein insofar as they pertain to other present and former defendants.

142.

Paragraph 138 of the Petition states legal conclusions to which no answer is required. To the extent, if any, an answer is deemed necessary, GRI denies the allegations of Paragraph 138.

143.

Paragraph 139 of the Petition states legal conclusions to which no answer is required. To the extent, if any, an answer is deemed necessary, GRI denies the allegations of Paragraph 139.

144.

Paragraph 140 of the Petition requires no response from GRI.

145.

The Prayer for Relief in Plaintiff's Fifth Amending Petition requires no response from GRI. To the extent, however, that an answer is deemed necessary, GRI denies the allegations of the Prayer for Relief.

JURY DEMAND

GRI is entitled to and demands a trial by jury on all issues triable to a jury.

NOW THEREFORE, Defendant, Group Resources Incorporated, prays that these Affirmative Defenses and this Answer to Plaintiff's Third, Fourth and Fifth Amending Petitions be deemed good and sufficient and that, after due proceedings herein, Plaintiff's Third, Fourth and Fifth Amending Petitions be dismissed, with prejudice, at Plaintiff's cost and expense, and for such other, different, additional, and equitable relief, including summary and declaratory relief, to which GRI may be entitled.



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CERTIFICATE

I hereby certify that a copy of the above and foregoing discovery responses have been served upon all counsel of record by email this 23 day of April, 2021.



W. BRETT MASON