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14 SUPERIOR COURT OF ARIZONA

15 MARICOPA COUNTY

16 DEBORAH WIGAND, an individual;
17 EDMUND RODDY, an individual, on behalf
18 of themselves and all others similarly
19 situated,

20 Plaintiffs,

21 vs.

22 SCOTTSDALE HEALTHCARE
23 HOSPITALS, an Arizona corporation,

24 Defendant.

No. CV2016-017027

CONSENT JUDGMENT

25 This matter having come before the Court on a Stipulation for Entry of a Consent
26 Judgment, and the Court having reviewed the matter and finding good cause,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. From the date of this Consent Judgment forward, Defendant Scottsdale Healthcare Hospitals (“HonorHealth”) is permanently enjoined from enforcing or asserting health care provider liens, pursuant to A.R.S. § 33-931 *et seq.*, against the personal injury recoveries or settlement or judgment proceeds of individuals enrolled in

1 health plans provided pursuant to the Federal Employee Health Benefits Act (“FEHBA”)
2 after having received any payment from a FEHBA health insurance plan for their medical
3 care.

4 2. HonorHealth shall not be required to identify and release any pending liens
5 recorded prior to the date of this Consent Judgment. If, however, a FEHBA health
6 insurance plan participant, or their representative, submits a written request (including a
7 request by e-mail) after the date of this Consent Judgment that a lien be released pursuant
8 to Paragraph 1 of this Consent Judgment, HonorHealth shall record a release within seven
9 (7) calendar days of the request. Such requests shall be faxed to (623) 434-6239 or
10 emailed to lien.services@honorhealth.com. If HonorHealth fails to release a lien
11 involving a FEHBA health insurance plan participant within the time set forth in this
12 Paragraph 2, and upon confirmed receipt by HonorHealth of the request to release the
13 lien that references the name of the FEHBA plan, HonorHealth shall pay a \$500.00
14 penalty to the affected FEHBA health insurance plan participant. If HonorHealth fails to
15 release the lien and pay the \$500.00 penalty within 30 days after the participant serves a
16 second written demand for such relief on HonorHealth in the manner prescribed by this
17 Paragraph, the affected FEHBA plan participant may then initiate a contempt proceeding
18 against HonorHealth (or other appropriate proceeding) and seek additional relief,
19 including an award of costs and attorneys’ fees.

20 3. From the date of this Consent Judgment forward, if HonorHealth
21 inadvertently accepts money to satisfy a health care provider lien in violation of
22 Paragraph 1 of this Consent Judgment, then HonorHealth shall return any excess monies
23 paid to satisfy the lien within fourteen (14) calendar days of a written request (including a
24 request by e-mail) by the FEHBA health insurance plan participant (or their
25 representative) to do so. Such requests may be sent in the same manner as provided in
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Paragraph 2. This Paragraph 3 shall not apply to any monies paid to HonorHealth before the date of this Consent Judgment.

4. HonorHealth may move to vacate this Consent Judgment on the ground of an intervening change of law or for any other equitable reason under Rule 60 of the Arizona Rules of Civil Procedure.

5. All claims asserted against HonorHealth in this action are hereby dismissed with prejudice.

6. HonorHealth’s Motion to Dismiss is denied as moot.

7. Plaintiffs Edmund Roddy and Deborah Wigand and Defendant HonorHealth shall each bear their own attorneys’ fees and costs in connection with this litigation and with this Consent Judgment. HonorHealth shall not be liable for any attorneys’ fees or costs that may be awarded to any other Plaintiff in future proceedings in the above-captioned case.

8. Pursuant to Rule 54(b), Ariz. R. Civ. P., the Court determines that there is no just reason for delaying entry of this Consent Judgment.

DATED this ____ day of _____, 2017.

The Honorable Karen Mullins

eSignature Page 1 of 1

Filing ID: 8135313 Case Number: CV2016-017027
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Granted as Submitted



/S/ Karen Mullins Date: 3/1/2017
Judicial Officer of Superior Court

ENDORSEMENT PAGE

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SIGNATURE DATE: 3/1/2017

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B LANCE ENTREKIN

CHRISTOPHER L HERING

GEOFFREY M TRACHTENBERG

JUSTIN HENRY