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8
 9 **SUPERIOR COURT OF ARIZONA**

10 **MARICOPA COUNTY**

11 DEBORAH WIGAND, an individual;
 12 EDMUND RODDY, an individual,
 13 WILLIAM BRADLEY, an individual;
 14 ELIZABETH FUSS, an individual; RUBY
 15 TORRES, an individual, on behalf of
 16 themselves and all others similarly situated,

16 Plaintiffs,

17 vs.

18 SCOTTSDALE HEALTHCARE
 19 HOSPITALS, an Arizona corporation;
 20 DIGNITY HEALTH, a California
 21 corporation; BANNER HEALTH, an
 22 Arizona corporation,

22 Defendants.

No. CV2016-017027

CONSENT JUDGMENT

(Assigned to the Hon. Karen Mullins)

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

25 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:
 26

1 1. From the date of this Consent Judgment forward, Defendants Dignity Health
2 (“Dignity”) and Banner Health (“Banner”) are permanently enjoined from enforcing or
3 asserting health care provider liens, pursuant to A.R.S. § 33-931 *et seq.*, against the
4 personal injury recoveries or settlement or judgment proceeds of individuals enrolled in
5 health plans provided pursuant to the Federal Employee Health Benefits Act (“FEHBA”)
6 after having received any payment from a FEHBA health insurance plan for their medical
7 care.

8 2. Dignity and Banner shall not be required to identify and release any pending
9 liens recorded prior to the date of this Consent Judgment. If, however, a FEHBA health
10 insurance plan participant, or their representative, submits a written request (including a
11 request by e-mail) to Dignity or Banner after the date of this Consent Judgment that a lien
12 be released pursuant to Paragraph 1 of this Consent Judgment, the hospital shall record a
13 release within seven (7) calendar days of the request. Requests to Dignity shall be faxed
14 to (602) 256-4475 or e-mailed to pgill@gblaw.com. Requests to Banner shall be faxed to
15 (480) 684-5508 or e-mailed to anna.rosalez@bannerhealth.com and
16 bh.tpr@bannerhealth.com. In addition, copies may be mailed to Banner Health’s Patient
17 Financial Services, Third Party Recovery Unit, 525 W. Brown Rd., 3rd Floor, Mesa, AZ
18 85201. The parties agree that contact information for Dignity and Banner may be amended
19 in the future if necessary to promote accurate and timely delivery of notice. If Dignity or
20 Banner fail to release a lien involving a FEHBA health insurance plan participant within
21 the time set forth in this Paragraph 2, and upon confirmed receipt by the hospital of the
22 request to release the lien that references the name of the FEHBA plan, the hospital shall
23 pay a \$500.00 penalty to the affected FEHBA health insurance plan participant. If Dignity
24 or Banner fail to release the lien and pay the \$500.00 penalty within 30 days after the
25 participant serves a second written demand for such relief on the hospital in the manner
26 prescribed by this Paragraph, the affected FEHBA plan participant may then initiate a

1 contempt proceeding against the hospital (or other appropriate proceeding) and seek
2 additional relief, including an award of costs and attorneys' fees.

3 3. From the date of this Consent Judgment forward, if Dignity or Banner
4 inadvertently accept money to satisfy a health care provider lien in violation of Paragraph
5 1 of this Consent Judgment, then the hospital shall return any excess monies paid to satisfy
6 the lien within fourteen (14) calendar days of a written request (including a request by e-
7 mail) by the FEHBA health insurance plan participant (or their representative) to do so.
8 Such requests may be sent in the same manner as provided in Paragraph 2. This Paragraph
9 3 shall not apply to any monies paid to Dignity or Banner before the date of this Consent
10 Judgment.

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

14 5. All claims asserted against Dignity and Banner in this action are hereby
15 dismissed with prejudice.

16 6. Plaintiffs William Bradley, Elizabeth Fuss and Ruby Torres and Defendants
17 Dignity and Banner shall each bear their own attorneys' fees and costs in connection with
18 this litigation and with this Consent Judgment.

19 7. No further matters remain pending, and this final judgment is entered
20 pursuant to Rule 54(c), Ariz. R. Civ. P.

21 DATED this ____ day of _____, 2017.

22
23 _____
24 The Honorable Karen Mullins
25
26

eSignature Page 1 of 1

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Granted as Submitted



/S/ Karen Mullins Date: 5/22/2017
Judicial Officer of Superior Court

ENDORSEMENT PAGE

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CHRISTOPHER L HERING

GEOFFREY M TRACHTENBERG

JUSTIN HENRY