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July 27, 2009

Re: HLB Filing of National Class Action on Behalf of ASCs – Ingenix Database  
Used to Pay Non-Contracted Claims Challenged

Dear Rob:

Today, Hooper, Lundy & Bookman, Inc. (HLB) filed a national class action complaint on behalf of non-contracted ASCs across the country, challenging UnitedHealthcare Group's and other health plans' misuse of the Ingenix database to knowingly under-reimburse ASCs by millions of dollars over many years.

Our extensive experience in representing ASCs led us to research ASC reimbursement patterns. As a result, we found that UnitedHealth and other payors have systematically underpaid ASCs. We believe that the flawed data in the Ingenix database, and the payors' improper manipulations of that data, are major causes of unreasonably low amounts of reimbursement to ASCs.

The class action complaint specifically charges Ingenix and UnitedHealth with violations of ERISA, RICO and the Sherman Act. In addition, for California ASCs, the complaint alleges that Ingenix and UnitedHealth violated the California Business and Professions Code.

UnitedHealth has repeatedly reimbursed ASCs at a fraction of reasonably calculated usual and customary rates. The result has been financial hardship for ASCs and their patients. The class action complaint outlines numerous flaws in the Ingenix Database that have led to underpayment to ASCs.

We are writing today to invite ASCs in your organization to become members of the class. The stronger the class, the greater the potential for all ASCs to recover significant past under-reimbursement by health plans.

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Following is a link to the complaint, filed in U.S. District Court:

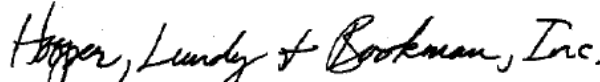
<http://www.health-law.com/about/Ingenixcomplaint.pdf>

HLB partners Daron Tooch and Glenn Solomon would be happy to answer any questions you may have about this class action and to address your organization via webinar or conference call to further outline the case.

HLB is the largest law practice in the country dedicated solely to representing health care providers in complex litigation, regulatory and transactional matters. With clients in 49 states, we serve a broad array of health care providers, ranging from the largest national health care organizations, to community hospitals, ASCs, and physician groups. HLB's litigators are especially skilled in matters relating to health plan reimbursement. They regularly assist provider clients with litigation, arbitration and mediation services that have resulted in numerous favorable judgments and new case law. In 2008, for example, the firm represented California hospitals in a class action that resulted in a record settlement of more than \$11 million.

For more information on the case, or if you are aware of any information that may be relevant to this case, please contact Mr. Tooch ([dtooch@health-law.com](mailto:dtooch@health-law.com) or 310.551.8192) or Mr. Solomon ([gsolomon@health-law.com](mailto:gsolomon@health-law.com) or 310.551.8179). For more information about the firm, please visit our website at [www.health-law.com](http://www.health-law.com).

Very truly yours,

  
Hooper, Lundy & Bookman, Inc.

<http://www.health-law.com/about/Ingenixcomplaint.pdf>