

FEB 13 2009

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Date Filed 02.09.09
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DOCKET NO.: 2009 0788 SEC.: 2009 FEB -9 AM 10: 34

CLERK OF COURT
LAFAYETTE PARISH, L.A.

STATE OF LOUISIANA,
OFFICE OF THE GOVERNOR,
DIVISION OF ADMINISTRATION,
OFFICE OF GROUP BENEFITS

15TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF LAFAYETTE

SUBRATA DASGUPTA

STATE OF LOUISIANA

DATE FILED: _____

DEPUTY CLERK

PETITION FOR REIMBURSEMENT

NOW INTO COURT, through undersigned counsel, comes petitioner, **OFFICE OF GROUP BENEFITS (OGB)**, an agency of the State of Louisiana within the Office of the Governor, Division of Administration, who respectfully represents:

1

The **Office of Group Benefits** provides for the general administration of life insurance and group health and accident benefits for the employees of the State of Louisiana and certain political subdivisions of the State.

2.

Made defendant herein is **Subrata Dasgupta**, a competent person of the age of majority who resides and is domiciled in Lafayette Parish, Louisiana.

3.

At all times pertinent herein, defendant, **Subrata Dasgupta**, was entitled to receive health benefits from the Office of Group Benefits pursuant to his employee coverage status in the OGB *EPO Plan* administered by United Healthcare Insurance Company.

4.

5.

As a result of the injuries suffered by defendant, **Subrata Dasgupta**, petitioner has paid \$23,835.89 in medical benefits and prescription drug benefits as of December 31, 2008.

6.

At all times pertinent hereto, the *OGB EPO Plan Document* provided at Article 4:

“VIII. SUBROGATION AND REIMBURSEMENT

- A. Upon payment of any eligible benefits covered under this Plan, the Office of Group Benefits shall succeed and be subrogated to all rights of recovery of the covered Employee, his/her Dependents or other Covered Persons, or their heirs or assigns, for whose benefit payment is made, and they shall execute and deliver instruments and papers and do whatever is necessary to secure such rights, and shall do nothing after loss to prejudice such rights.
- B. The Office of Group Benefits shall be entitled, to the extent of any payment made to a covered Employee, his/her Dependents or other Covered Persons, to the proceeds of any settlement or judgment that may result from the exercise of any rights of recovery of a covered Employee, his/her Dependents or other Covered Persons, against any person or entity legally responsible for the disease, illness, accident or injury for which said payment was made. To this end, covered Employees, their Dependents, or other Covered Persons agree to immediately notify the Office of Group Benefits of any action taken to attempt to collect any sums against any person or entity responsible for the disease, illness, accident or injury.
- A. These subrogation and reimbursement rights also apply when a Covered Person recovers under, but not limited to, an uninsured or underinsured motorist plan, homeowner's plan, renter's plan, medical malpractice plan, worker's compensation plan or any general liability plan.”

7.

Pursuant to the Plan language, **Office of Group Benefits** has a right of reimbursement on any amount recovered by defendant, **Subrata Dasgupta**, and/or against the proceeds of any settlement on behalf of defendant, **Subrata Dasgupta**, for all benefits paid as the result of injuries sustained by defendant, **Subrata Dasgupta**, in

8.

The defendant, **Subrata Dasgupta**, has recovered a total of \$85,728.38 in settlement of his claims against the parties responsible for his accident-related damages, including the policy limits of the liability insurer.

9.

At the time of the accident, defendant, **Subrata Dasgupta**, was insured by State Farm Mutual Automobile Insurance Company for medical payments coverage with limits of \$5,000.00 and economic only uninsured/underinsured motorist coverage with limits of \$100,000.00.

10.

State Farm Mutual Automobile Insurance Company paid defendant, **Subrata Dasgupta**, a total of \$61,267.38 in billed charges for all medical expenses incurred as a result of the accident of November 21, 2007.

11.

State Farm Mutual Automobile Insurance Company also paid defendant, **Subrata Dasgupta**, a total of \$14,461.00 in loss of sick leave benefits.

12.

Since recovering \$85,728.38 from the responsible parties, **Subrata Dasgupta**, has failed to reimburse the **Office of Group Benefits** for any portion of the \$23,835.89 it has paid in medical benefits and prescription drug benefits.

13.

Amicable demand has been made on defendant, **Subrata Dasgupta**, to no avail.

WHEREFORE, petitioner, **Office of Group Benefits**, prays for judgment in its

circumstances, with legal interest and costs, including a credit against future claims for treatment or injuries resulting from this accident and for full, general and equitable relief.

Respectfully Submitted:

OFFICE OF GROUP BENEFITS



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PLEASE SERVE: (personal or domiciliary service)

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