

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:22-cv-00103-BO**

RUPA RUSSE, Individually and as Executor of
the Estate of Katherine M. Vickers

Plaintiff,

v.

UHS-PRUITT HOLDINGS, INC., PRUITT
HEALTH, INC., PRUITTHEALTH INC.,
UNITED HEALTH SERVICES OF NORTH
CAROLINA, INC., PRUITT HEALTH –
RALEIGH, LLC, PRUITHEALTH CARE
MANAGEMENT, INC., PRUITTHEALTH
CONNECT, INC., PRUITTHEALTH
VENTURES, INC., PRUITTHEALTH –
CHINA, LLC

Defendants.

**UHS-PRUITT HOLDINGS, INC.’S
MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION**

Fed. R. Civ. P. 12(b)(2)

Pursuant to Rule 12(b)(2) of the of the Federal Rules of Civil Procedure, defendant UHS-Pruitt Holdings, Inc (“UHS-PH”) respectfully moves the Court for an order dismissing this action for lack of jurisdiction over the corporation. In support of the motion, defendant UHS-Pruitt Holdings, Inc respectfully shows unto the Court the following:

1. Rupa Vickers Russe’s (“Plaintiff”) Complaint asserts various claims against UHS-PH, a Georgia corporation, relating to the care and treatment of Katherine Monica Vickers at a Raleigh, North Carolina nursing facility, in 2018. Compl. ¶¶ 1,2,7.
2. UHS-PH does not own, operate, or control any nursing facilities in North Carolina, as shown by the Affidavit of Andrew Crosby, a copy of which is attached to UHS-PH’s Motion to Dismiss and incorporated herein by reference. Crosby Aff. ¶¶ 7–9,11.

3. UHS-PH is a corporation organized and existing under the laws of the State of Georgia with its principal place of business in Norcross, Georgia. Crosby Aff. ¶ 4.

4. UHS-PH maintains no office, property, mailing address, or phone number in North Carolina. Crosby Aff. ¶¶ 6,9.

5. As a result, UHS-PH is not subject to the exercise of personal jurisdiction under the doctrine of general jurisdiction.

6. UHS-PH does not have sufficient minimum contacts with the State of North Carolina for the exercise of specific personal jurisdiction as shown by the Affidavit of Andrew Crosby, attached as Exhibit A. Accordingly, there is no specific jurisdiction over UHS-PH.

WHEREFORE, defendant UHS-Pruitt Holdings, Inc. respectfully requests that its Motion to Dismiss for Lack of Personal Jurisdiction be granted and that this action be dismissed.

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This the 12th day of October, 2022.

ELLIS & WINTERS LLP

/s/ Alex J. Hagan

Alex J. Hagan

N.C. Bar No. 19037

Ellis & Winters LLP

P.O. Box 33550

Raleigh, NC 27636

Telephone: (919) 865-7000

Facsimile: (919) 865-7010

Counsel for Defendant UHS-Pruitt Holdings, Inc.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this day, I have electronically filed the foregoing document with the Clerk of the United States District Court for the Eastern District of North Carolina using the CM/ECF system, which will send notification of such filing to the following counsel of record:

Brooke Scott
N.C. State Bar No. 55391
2428 Bay Harbor Dr.
Raleigh, NC 27604
bscottlawnc@gmail.com

Counsel for Plaintiff Rupa Russe

This the 12th day of October, 2022.

/s/ Alex J. Hagan
Alex J. Hagan

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UHS-PRUITT HOLDINGS, INC.,
PRUITT HEALTH, INC.,
PRUITTHEALTH INC., UNITED
HEALTH SERVICES OF NORTH
CAROLINA, INC., PRUITT HEALTH –
RALEIGH, LLC, PRUITHEALTH
CARE MANAGEMENT, INC.,
PRUITTHEALTH CONNECT, INC.,
PRUITTHEALTH VENTURES, INC.,
PRUITTHEALTH – CHINA, LLC

Defendants.

AFFIDAVIT OF ANDREW CROSBY

**STATE OF GEORGIA
COUNTY OF GWINNETT**

Andrew Crosby, duly sworn, deposes as follows:

1. My name is Andrew Crosby. I am over the age of eighteen and competent to provide this affidavit.

2. I am Assistant General Counsel for PRUITTHEALTH, INC. and have held this position for two (2) years. In this position, I have knowledge of the corporate structures and operations of the defendants named in the complaint, to the extent such corporations were properly named.

3. I give this declaration based on my personal knowledge and on my review of corporate records associated with UHS-PRUITT HOLDINGS, INC. (“UHS-PH”), PRUITTHEALTH, INC. (“PHI”), PRUITTHEALTH CARE MANAGEMENT, INC. (“PCM”), PRUITTHEALTH CONNECT, INC. (“PCI”), PRUITTHEALTH VENTURES, INC. (“PVI”), and PRUITTHEALTH - CHINA, LLC. (“PRUITTHEALTH – CHINA”).

4. UHS-PH is a corporation organized under the laws of Georgia. Its principal place of business is 1626 Jeurgens Ct., Norcross, Georgia, 30093.

5. UHS-PH has never conducted business in North Carolina under a “doing business as” or “dba” name.

6. UHS-PH does not have and never had an office, mailing address, or a phone number in North Carolina.

7. UHS-PH is not licensed by the North Carolina Department of Health and Human Services to operate a nursing facility or otherwise provide medical care in North Carolina and was never licensed during the care of Katherine Vickers as alleged in the Complaint.

8. UHS-PH does not own, operate, or control any of the healthcare facilities identified by Plaintiff in the Complaint as having provided services to Katherine Vickers and never did during the times referenced in Plaintiff's Complaint.

9. UHS-PH does not pay fees, costs, or expenses related to the operation of any nursing facility in North Carolina and never did during the times referenced in Plaintiff's Complaint.

10. UHS-PH does not own, have, control, lease, possess, or maintain any real property, office, equipment, or place of business in North Carolina and never did during the times referenced in Plaintiff's Complaint.

11. UHS-PH does not have a bank account in North Carolina and never had a bank account in North Carolina during the times referenced in Plaintiff's Complaint.

12. UHS-PH has never owned, operated, or controlled the facilities where the Complaint alleges Katherine Vickers received care and treatment.

13. UHS-PH has never entered into a contract with Katherine Vickers or Rupa Vickers Russe.

14. PHI is the proper name of the corporation. PRUITT HEALTH, INC. is not the proper name of the corporation and is not known to exist.

15. PHI is a corporation organized under the laws of Georgia. Its principal place of business is 1626 Jeurgens Ct., Norcross, Georgia, 30093.

16. PHI has never conducted business in North Carolina under a “doing business as” or “dba” name.

17. PHI does not have and never had an office, mailing address, or a phone number in North Carolina.

18. PHI is not licensed by the North Carolina Department of Health and Human Services to operate a nursing facility or otherwise provide medical care in North Carolina and was never licensed during the care of Katherine Vickers as alleged in the Complaint.

19. PHI does not own, operate, or control any of the healthcare facilities identified by Plaintiff in the Complaint as having provided services to Katherine Vickers and never did during the times referenced in Plaintiff’s Complaint.

20. PHI does not pay fees, costs, or expenses related to the operation of any nursing facility in North Carolina and never did during the times referenced in Plaintiff’s Complaint.

21. PHI does not own, have, control, lease, possess, or maintain any real property, office, equipment, or place of business in North Carolina and never did during the times referenced in Plaintiff’s Complaint.

22. PHI does not have a bank account in North Carolina and never had a bank account in North Carolina during the times referenced in Plaintiff's Complaint.

23. PHI has never owned, operated, or controlled the facilities where the Complaint alleges Katherine Vickers received care and treatment.

24. PHI has never entered into a contract with Katherine Vickers or Rupa Vickers Russe.

25. PCM is a corporation organized under the laws of Georgia. Its principal place of business is 1626 Jeurgens Ct., Norcross, Georgia, 30093.

26. PCM has never conducted business in North Carolina under a "doing business as" or "dba" name.

27. PCM does not have and never had an office, mailing address, or a phone number in North Carolina.

28. PCM is not licensed by the North Carolina Department of Health and Human Services to operate a nursing facility or otherwise provide medical care in North Carolina and was never licensed during the care of Katherine Vickers as alleged in the Complaint.

29. PCM does not own, operate, or control any of the healthcare facilities identified by Plaintiff in the Complaint as having provided services to Katherine Vickers and never did during the times referenced in Plaintiff's Complaint.

30. PCM does not pay fees, costs, or expenses related to the operation of any nursing facility in North Carolina and never did during the times referenced in Plaintiff's Complaint.

31. PCM does not own, have, control, lease, possess, or maintain any real property, office, equipment, or place of business in North Carolina and never did during the times referenced in Plaintiff's Complaint.

32. PCM does not have a bank account in North Carolina and never had a bank account in North Carolina during the times referenced in Plaintiff's Complaint.

33. PCM has never owned, operated, or controlled the facilities where the Complaint alleges Katherine Vickers received care and treatment.

34. PCM has never entered into a contract with Katherine Vickers or Rupa Vickers Russe.

35. PCI is a corporation organized under the laws of Georgia. Its principal place of business is 1626 Jeurgens Ct., Norcross, Georgia, 30093.

36. PCI has never conducted business in North Carolina under a "doing business as" or "dba" name.

37. PCI does not have and never had an office, mailing address, or a phone number in North Carolina.

38. PCI is not licensed by the North Carolina Department of Health and Human Services to operate a nursing facility or otherwise provide medical care in

North Carolina and was never licensed during the care of Katherine Vickers as alleged in the Complaint.

39. PCI does not own, operate, or control any of the healthcare facilities identified by Plaintiff in the Complaint as having provided services to Katherine Vickers and never did during the times referenced in Plaintiff's Complaint.

40. PCI does not pay fees, costs, or expenses related to the operation of any nursing facility in North Carolina and never did during the times referenced in Plaintiff's Complaint.

41. PCI does not own, have, control, lease, possess, or maintain any real property, office, equipment, or place of business in North Carolina and never did during the times referenced in Plaintiff's Complaint.

42. PCI does not have a bank account in North Carolina and never had a bank account in North Carolina during the times referenced in Plaintiff's Complaint.

43. PCI has never owned, operated, or controlled the facilities where the Complaint alleges Katherine Vickers received care and treatment.

44. PCI has never entered into a contract with Katherine Vickers or Rupa Vickers Russe.

45. PVI is a corporation organized under the laws of Georgia. Its principal place of business is 1626 Jeurgens Ct., Norcross, Georgia, 30093.

46. PVI has never conducted business in North Carolina under a “doing business as” or “dba” name.

47. PVI does not have and never had an office, mailing address, or a phone number in North Carolina.

48. PVI is not licensed by the North Carolina Department of Health and Human Services to operate a nursing facility or otherwise provide medical care in North Carolina and was never licensed during the care of Katherine Vickers as alleged in the Complaint.

49. PVI does not own, operate, or control any of the healthcare facilities identified by Plaintiff in the Complaint as having provided services to Katherine Vickers and never did during the times referenced in Plaintiff’s Complaint.

50. PVI does not pay fees, costs, or expenses related to the operation of any nursing facility in North Carolina and never did during the times referenced in Plaintiff’s Complaint.

51. PVI does not own, have, control, lease, possess, or maintain any real property, office, equipment, or place of business in North Carolina and never did during the times referenced in Plaintiff’s Complaint.

52. PVI does not have a bank account in North Carolina and never had a bank account in North Carolina during the times referenced in Plaintiff’s Complaint.

53. PVI has never owned, operated, or controlled the facilities where the Complaint alleges Katherine Vickers received care and treatment.

54. PVI has never entered into a contract with Katherine Vickers or Rupa Vickers Russe.

55. PRUITTHEALTH - CHINA is a corporation organized under the laws of Georgia. Its principal place of business is 1626 Jeurgens Ct., Norcross, Georgia, 30093.

56. PRUITTHEALTH - CHINA has never conducted business in North Carolina under a “doing business as” or “dba” name.

57. PRUITTHEALTH - CHINA does not have and never had an office, mailing address, or a phone number in North Carolina.

58. PRUITTHEALTH - CHINA is not licensed by the North Carolina Department of Health and Human Services to operate a nursing facility or otherwise provide medical care in North Carolina and was never licensed during the care of Katherine Vickers as alleged in the Complaint.

59. PRUITTHEALTH – CHINA does not own, operate, or control any of the healthcare facilities identified by Plaintiff in the Complaint as having provided services to Katherine Vickers and never did during the times referenced in Plaintiff’s Complaint.

60. PRUITTHEALTH – CHINA does not pay fees, costs, or expenses related to the operation of any nursing facility in North Carolina and never did during the times referenced in Plaintiff’s Complaint.

61. PRUITTHEALTH – CHINA does not own, have, control, lease, possess, or maintain any real property, office, equipment, or place of business in North Carolina and never did during the times referenced in Plaintiff’s Complaint.

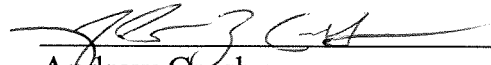
62. PRUITTHEALTH – CHINA does not have a bank account in North Carolina and never had a bank account in North Carolina during the times referenced in Plaintiff’s Complaint.

63. PRUITTHEALTH – CHINA has never owned, operated, or controlled the facilities where the Complaint alleges Katherine Vickers received care and treatment.

64. PRUITTHEALTH – CHINA has never entered into a contract with Katherine Vickers or Rupa Vickers Russe.

Further Affiant sayeth not.

This the 10th day of October, 2022.



Andrew Crosby
Affiant

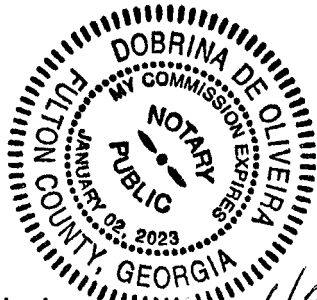
STATE OF GEORGIA


COUNTY OF GWINNETT

I, Dobrina De Oliveira, a Notary Public for said County and State,
do hereby certify that Andrew Crosby personally appeared before me this day and
acknowledged the due execution of the foregoing document.

Witness my hand and official seal, this the 10th day of October, 2022.

[SEAL]





Notary Public

My commission expires: 1/2/23