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7 *Attorneys for Defendant Thomas Betlach*

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF ARIZONA

10 AITA DARJEE on her own behalf and on  
11 behalf of her minor child N. D.; and ALMA  
12 SANCHEZ HARO on behalf of themselves  
13 and all others similarly situated,

14 Plaintiffs,

15 v.

16 THOMAS BETLACH, Director of the  
17 Arizona Health Care Cost Containment  
18 System, in his official capacity,

19 Defendant.

**CV-16-00489-TUC-RM (DTF)**

**ANSWER**

20 For his Answer to the Complaint herein, Defendant Thomas Betlach, in his  
21 capacity as Director of the Arizona Health Care Cost Containment System  
22 Administration, alleges as follows.

- 23 1. Admits the Plaintiffs characterize their complaint as described.
- 24 2. Admits some immigrants are eligible only for emergency services under the  
25 AHCCCS program and some are eligible for full benefits. Admits AHCCCS and the  
26 Arizona Department of Economic Security have determined some immigrants to be  
27 eligible only for emergency services when they were in fact eligible for full benefits.
- 28

1 3. Admits that some individuals incorrectly determined as described in paragraph 2  
2 of this Answer were eligible for less than full healthcare benefits and denies the  
3 remaining allegations of paragraph 3.  
4

5 4. Denies the allegations of paragraph 4.

6 5. Admits the allegations of paragraph 5.  
7

8 6. Admits the allegations of paragraph 6.

9 7. Admits the allegations of paragraph 7.  
10

11 8. Admits Plaintiff Darjee was determined twice to be eligible for emergency only  
12 services but was later found to be eligible for full services. Affirmatively alleges that  
13 Plaintiff Darjee's full benefits were restored before this complaint was filed. Lacks  
14 knowledge or information sufficient to form a belief as to the truth of the remaining  
15 allegations of paragraph 8 and therefore denies those allegations.  
16

17 9. Admits the allegations of paragraph 9.

18 10. Admits the allegations of paragraph 10.  
19

20 11. Denies that this is a class action, as Plaintiffs' motion for class certification has  
21 already been denied.

22 12. Denies the allegations of paragraph 12.  
23

24 13. Denies the allegations of paragraph 13.

25 14. Admits the allegations of paragraph 14.  
26

27 15. Admits the allegations of paragraph 15.  
28

1 16. Admits the allegations of paragraph 16.

2 17. Admits the allegations of paragraph 17.

3  
4 18. Admits the allegations of the first sentence of paragraph 18 and denies the  
5 allegations of the second sentence.

6 19. Admits the allegations of paragraph 19.

7  
8 20. Admits the allegations of paragraph 20.

9 21. Admits the allegations of paragraph 21.

10  
11 22. Alleges that the cited regulations speak for themselves.

12 23. Admits that DES processes many applications and eligibility renewals for  
13 AHCCCS benefits pursuant to an intergovernmental agreement with AHCCCS.

14  
15 24. Alleges that the cited legal authorities speak for themselves.

16 25. Alleges that the cited legal authorities speak for themselves.

17  
18 26. Alleges that the cited legal authorities speak for themselves.

19 27. Alleges that the cited legal authorities speak for themselves.

20  
21 28. Alleges that the cited legal authorities speak for themselves.

22 29. Alleges that the cited legal authorities speak for themselves.

23 30. Admits that the Health-E-Arizona manual lists some of the non-financial  
24 requirements for AHCCCS eligibility and that one resource for verifying a person's  
25 immigration status is to use the SAVE program.

26  
27 31. Admits the allegations of paragraph 31.

1 32. Lacks knowledge or information sufficient to form a belief as to the truth of the  
2 last sentence of paragraph 32 and otherwise alleges that the cited legal authorities  
3 speak for themselves.  
4

5 33. Denies Plaintiffs' characterization of the law alleged in paragraph 33.

6 34. Admits the allegations of paragraph 34.  
7

8 35. Admits the allegations of paragraph 35.

9 36. Admits the allegations of paragraph 36.  
10

11 37. Admits the allegations of paragraph 37.

12 38. Admits the allegations of paragraph 34 as to excerpts of the cited rule.

13 39. Admits the allegations of the first sentence of paragraph 39 but lacks knowledge  
14 or information sufficient to form a belief as to the truth of the remaining allegations of  
15 paragraph 39 and therefore denies those allegations.  
16

17 40. Admits the allegations of paragraph 40.  
18

19 41. Admits that some errors in eligibility determinations have been made since the  
20 computer problem was fixed in November 2016 and admits that Plaintiff Darjee was  
21 incorrectly determined for a second time after November 2016.  
22

23 42. Admits the allegations of paragraph 42.

24 43. Denies the allegations of paragraph 43.

25 44. Lacks knowledge or information sufficient to form a belief as to the truth of the  
26 allegations of paragraph 44 and therefore denies those allegations.  
27  
28

1 45. Admits that prior to November 19, 2016, there was a problem with the AHCCCS  
2 computerized eligibility process and that the error described in paragraph 45 sometimes  
3 occurred.

4  
5 46. Alleges that the cited legal authorities speak for themselves. Denies the  
6 allegations of the last sentence of paragraph 46.

7  
8 47. Admits the allegations of paragraph 47.

9 48. Denies the allegations of paragraph 48.

10 49. Alleges that the policy cited in the first sentence of paragraph 49 speaks for itself.  
11 Denies the remaining allegations of paragraph 49.

12  
13 50. Denies the allegations of paragraph 50.

14  
15 51. Denies the allegations of paragraph 51.

16 52. Admits the allegations of paragraph 52, except denies that the notices are  
17 “boilerplate.”

18  
19 53. Denies the allegations of paragraph 53, and affirmatively alleges each person’s  
20 notice speaks for itself as to its content.

21 54. Denies the allegations of paragraph 54, and affirmatively alleges each person’s  
22 notice speaks for itself as to its content.

23  
24 55. Denies the allegations of paragraph 55.

25 56. Lacks knowledge or information sufficient to form a belief as to the truth of the  
26 allegations of paragraph 56 and therefore denies those allegations.  
27

1 57. Lacks knowledge or information sufficient to form a belief as to the truth of the  
2 allegations of paragraph 57 and therefore denies those allegations.

3  
4 58. Admits that in 2015 Plaintiff Darjee was incorrectly determined eligible only for  
5 emergency services and was later restored to full AHCCCS benefits.

6 59. Admits that in 2016 a second incorrect determination was made as to Plaintiff  
7 Darjee's eligibility and, when notified of the error, AHCCCS promptly restored full  
8 benefits before this complaint was filed.

9  
10 60. Lacks knowledge or information sufficient to form a belief as to the truth of the  
11 allegations of paragraph 60 and therefore denies those allegations.

12  
13 61. Lacks knowledge or information sufficient to form a belief as to the truth of the  
14 allegations of paragraph 61 and therefore denies those allegations.

15  
16 62. Lacks knowledge or information sufficient to form a belief as to the truth of the  
17 allegations of paragraph 62 and therefore denies those allegations.

18  
19 63. Lacks knowledge or information sufficient to form a belief as to the truth of the  
20 allegations of paragraph 63 and therefore denies those allegations.

21  
22 64. Lacks knowledge or information sufficient to form a belief as to the truth of the  
23 allegations of paragraph 64 and therefore denies those allegations.

24  
25 65. Lacks knowledge or information sufficient to form a belief as to the truth of the  
26 allegations of paragraph 65 and therefore denies those allegations.

27  
28 66. Lacks knowledge or information sufficient to form a belief as to the truth of the

1 allegations of paragraph 66 and therefore denies those allegations.

2  
3 67. Lacks knowledge or information sufficient to form a belief as to the truth of the  
4 allegations of paragraph 67 and therefore denies those allegations.

5  
6 68. Lacks knowledge or information sufficient to form a belief as to the truth of the  
7 allegations of paragraph 68 and therefore denies those allegations.

8  
9 69. Lacks knowledge or information sufficient to form a belief as to the truth of the  
10 allegations of paragraph 69 and therefore denies those allegations.

11  
12 70. Lacks knowledge or information sufficient to form a belief as to the truth of the  
13 allegations of paragraph 70 and therefore denies those allegations.

14  
15 71. Admits the allegations of paragraph 71 but affirmatively alleges on information  
16 and belief that Plaintiff Darjee reads and understands English.

17  
18 72. Admits that Plaintiff Sanchez-Haro has been determined eligible for full  
19 AHCCCS benefits in the past and was incorrectly determined, due in part to her own  
20 errors, in April 2016 to be eligible only for emergency services. Lacks knowledge or  
21 information sufficient to form a belief as to the truth of the allegations of the remaining  
22 allegations of paragraph 72 and therefore denies those allegations.

23  
24 73. Lacks knowledge or information sufficient to form a belief as to the truth of the  
25 allegations of paragraph 73 and therefore denies those allegations.

26  
27 74. Lacks knowledge or information sufficient to form a belief as to the truth of the  
28 allegations of paragraph 74 and therefore denies those allegations, except admits she  
was determined eligible for full AHCCCS benefits in 2015.

1 75. Lacks knowledge or information sufficient to form a belief as to the truth of the  
2 allegations of paragraph 74 and therefore denies those allegations, except admits Ms.  
3 Sanchez-Haro received a notice in April 2016 that her benefits had been reduced to  
4 emergency only.  
5

6 76. Lacks knowledge or information sufficient to form a belief as to the truth of the  
7 allegations of paragraph 76 and therefore denies those allegations.  
8

9 77. Lacks knowledge or information sufficient to form a belief as to the truth of the  
10 allegations of paragraph 77 and therefore denies those allegations.  
11

12 78. Lacks knowledge or information sufficient to form a belief as to the truth of the  
13 allegations of paragraph 78 and therefore denies those allegations.  
14

15 79. Lacks knowledge or information sufficient to form a belief as to the truth of the  
16 allegations of paragraph 79 and therefore denies those allegations.  
17

18 80. Lacks knowledge or information sufficient to form a belief as to the truth of the  
19 allegations of paragraph 80 and therefore denies those allegations.  
20

21 81. Lacks knowledge or information sufficient to form a belief as to the truth of the  
22 allegations of paragraph 81 and therefore denies those allegations.  
23

24 82. Lacks knowledge or information sufficient to form a belief as to the truth of the  
25 allegations of paragraph 82 and therefore denies those allegations.  
26

27 83. Lacks knowledge or information sufficient to form a belief as to the truth of the  
28 allegations of paragraph 83 and therefore denies those allegations.

1 84. Lacks knowledge or information sufficient to form a belief as to the truth of the  
2 allegations of paragraph 84 and therefore denies those allegations.

3  
4 85. Lacks knowledge or information sufficient to form a belief as to the truth of the  
5 allegations of paragraph 85 and therefore denies those allegations.

6  
7 **FIRST CLAIM FOR RELIEF**

8 1. Defendant repeats and realleges his answers to paragraphs 1-85 as though fully set  
9 forth here again.

10 2. Denies the allegations of paragraph 2.

11 3. Denies the allegations of paragraph 3.

12  
13 **SECOND CLAIM FOR RELIEF**

14 4. Defendant repeats and realleges his answers to paragraphs 1-85 as though fully set  
15 forth here again.

16 5. Denies the allegations of paragraph 5.

17 6. Denies the allegations of paragraph 6.

18 7. Denies any allegation in the complaint that has not been expressly admitted.

19  
20 **AFFIRMATIVE DEFENSES**

21  
22 Defendant Betlach states the following defenses without assuming the burden of  
23 proof on such defenses that would otherwise rest on Plaintiffs:

24 8. Director Betlach reserves the right to raise such affirmative defenses as set forth in  
25 Fed. R. Civ. P. 8 as discovery may disclose are appropriate.

26 9. As to both Claims for Relief, Director Betlach alleges the Plaintiffs fail to state a claim  
27 upon which relief can be granted against him.

1 10. As to both Claims for Relief, the claims of the Plaintiffs are moot and they lack standing.  
2 Plaintiffs failed to utilize or exhaust administrative remedies available to them prior to filing  
3 suit.

4 11. Plaintiffs' action is not certifiable as a class action pursuant to Fed. R. Civ. P. 23.

5 **WHEREFORE**, Defendant Thomas Betlach prays that the Complaint herein be  
6 dismissed and that judgment be entered in his favor.

7 Dated this 13th day of April, 2017.

8 **JOHNSTON LAW OFFICES PLC**

9 By: /s/ Logan Johnston  
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20 **CERTIFICATE OF SERVICE**

21 The undersigned hereby certifies that on April 13, 2017, he electronically  
22 transmitted the foregoing Answer to the Clerk's Office using the ECF System for filing  
23 and transmittal of a Notice of Electronic filing to the following CM/ECF registrants:

24 Ellen Sue Katz  
25 WILLIAM E. MORRIS INSTITUTE FOR JUSTICE  
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5 /s/ Logan Johnston  
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