



STATE OF TEXAS
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

CIVIL INVESTIGATIVE DEMAND

TO: VA Claims Insider, LLC
3575 Far W Blvd #28983
Austin, TX 78731

Via CMRRR: 7020 1290 0000 7439 2552
Via email: support@vaclaimsinsider.com

Pursuant to the authority granted to the Office of the Attorney General under section 17.61 of the Texas Deceptive Trade Practices Act ("DTPA") – Consumer Protection Act, sections 17.41 through 17.63, Texas Business and Commerce Code, you are hereby directed to produce the items listed in Exhibit A attached hereto. Such production is governed by the instructions and definitions on this page and subsequent pages.

You are to make available the documentary material described in Exhibit A to Ryan Hanlan, an Authorized Agent identified by the Consumer Protection Division ("Division"). This documentary material is to be produced by **Friday, November 18, 2022** ("return date") for inspection and copying. You may deliver true copies of the requested documents to Ryan Hanlan by the return date in lieu of producing the originals for inspection and copying. Copies of the requested material may be sent to the Authorized Agent(s) below at the Office of the Attorney General, 300 W. 15th Street, Austin, TX 78701.

The Division believes you are in possession, custody, or control of documentary material relevant to the subject matter of an investigation of possible violations of Sections 17.46(a) and (b) of the DTPA by engaging in deceptive acts in the sale of packages to aide and/or assist consumers in making disability claims to the U.S. Department of Veteran Affairs.

TAKE NOTICE THAT, pursuant to section 17.62, Texas Business and Commerce Code, any person who attempts to avoid, evade, or prevent compliance, in whole or in part, with this directive, by removing, concealing, withholding, destroying, mutilating, altering, or by any other means falsifying any documentary material may be guilty of a misdemeanor that on conviction is punishable by a fine of not more than \$5,000 or by confinement in the county jail for not more than one year, or both.

ISSUED THIS 24th day of October 2022.

/s/Joselyn R. Mathews
JOSELYN R. MATHEWS
Assistant Attorney General
Telephone: (512) 475-4288
Facsimile: (512) 473-8301
Email: joselyn.mathews@oag.texas.gov

Other Authorized Agent:
Ryan Hanlan
Investigator
Telephone: (512) 936-3354
Facsimile: (512) 473-8301
Email: ryan.hanlan@oag.texas.gov

Instructions

1. **Read These Instructions/Definitions.** Read the following instructions and definitions carefully.
2. **Diligent Inquiry:** In responding to this Civil Investigative Demand (“CID”), you are directed to make a diligent search of all records within your possession, custody, or control, and to interview and otherwise make a diligent inquiry of all your officers, directors, managers, employees, and agents to elicit all information required herein.
3. **Duty to Preserve Documents.** All documents or other data which relate to the subject matter or requests of this CID must be preserved. *Any ongoing, scheduled, or other process of document or data destruction involving such documents or data must cease even if it is your normal or routine course of business for you to do delete or destroy such documents or data and even if you believe such documents or data are protected from discovery by privilege or otherwise.* Failure to preserve such documents or data may result in legal action and may be regarded as spoliation of evidence under applicable law.
4. **Relevant Time Period.** Unless otherwise noted, the requests in this CID require production of documents from ***November 1, 2017 to the final date of your production*** of responsive documents, herein called “the relevant time period.”
5. **Custody & Control.** In responding to this CID, you are required to produce not only all requested documents in your physical possession, but also all requested documents within your custody and control, including those within the possession of persons reasonably available to you or under your direction or control.
6. **Identification of Documents Not in Custody or Control.** If any responsive document was, but no longer is, in your possession, custody or control, produce a description of each such document. The description shall include the following:
 - a. The name of each author, sender, creator, and initiator of such document;
 - b. the name of each recipient, addressee, or party for whom such document was intended;
 - c. the date the document was created;
 - d. the date(s) the document was in use;
 - e. a detailed description of the content of the document;

- f. the reason it is no longer in your possession, custody or control; and
- g. the document's present whereabouts.

If the document is no longer in existence, in addition to providing the information indicated above, state on whose instructions the document was destroyed or otherwise disposed of, and the date and manner of the destruction or disposal.

7. **Privileged Documents.** If any responsive document is withheld, in whole or in part, under any claim of privilege, provide a detailed privilege log that contains at least the following information for each document or partial document that you have withheld:
- a. the document's control numbers;
 - b. all authors of the document;
 - c. all addressees of the document;
 - d. all recipients of the document or of any copies of the document, to the extent not included among the document's addressees;
 - e. the date of the document;
 - f. a description of the subject matter of the document sufficient to determine the applicability of the privilege;
 - g. the nature or type of the privilege that is being asserted for the document (e.g., "attorney-client privilege");
 - h. the specification(s) of the Demand to which the document is responsive;
 - i. the document control number(s) of any attachments to the document, regardless of whether any privilege is being asserted for such attachment(s); and
 - j. whether the document has been produced in redacted form, and, if so, the range of the control numbers for the document.
8. **Trade Secrets.** It is your responsibility to clearly designate which, if any, of the requested documents contain trade secrets, in accordance with Section 17.61(f) of the Texas Business & Commerce Code.
9. **Consult Before Producing Documents.** Before processing or making copies of hard copy documents or electronically stored information in response to this CID, you must consult

with the designated representative of the Office of the Attorney General (“OAG”) identified above and reach agreement on the format and method of production.

Likewise, before producing *original* documents, you are required to consult with one of the designated representatives of the OAG identified above to obtain approval. If you produce original documents, the OAG cannot guarantee their return.

No terms of this CID may be changed except by prior written agreement signed by the Assistant Attorney General issuing this CID.

10. **You May Produce Copies.** Subject to the consultation requirement noted above, you may submit photocopies (with color photocopies where necessary to interpret the document) in lieu of original hard-copy documents, provided that such copies are accompanied by an affidavit of an officer or manager of VA Claims Insider, LLC, stating that the copies are true, correct, and complete copies of the original documents, and that, where the original contains colored text or images, a color copy is submitted.
11. **Non-identical Copies to be Produced.** Identical copies of responsive documents need not be produced. However, any copy of a document that differs in any manner, including but not limited to the presence of handwritten notations, different senders or recipients, etc., shall be produced.
12. **No Redaction.** All materials or documents produced in response to this CID shall be produced in complete, unabridged, unedited, and unredacted form, even if portions may contain information not explicitly requested, or might include interim or final editions of a document.
13. **Documents to be Bates Numbered.** Mark each page or electronic medium (e.g., disk, tape, or CD) with individual or corporate identification and eight-digit consecutive document control numbers (e.g., VACI-12345678). Hardcopy bound pamphlets or books may be marked with a single identification and control number. Documents as to which privilege is asserted are to also receive identification and control numbers. If your production will be more than one box or piece of electronic media, number each box or electronic media, as well as the total number of boxes/media (e.g., box 1 of 13) and mark each with the document control numbers contained therein.
14. **Document Organization.** In responding to each request, please set forth the request in full before providing the response and, if producing documents, specify the Bates range responsive to each individual request.
15. **Ongoing Duty:** If you determine that any response to this CID contains omissions or inaccuracies, you have an ongoing duty to supplement or correct your response.

16. **Questions.** Questions concerning this Civil Investigative Demand should be directed to Assistant Attorney General **Joselyn Mathews** at **(512) 475-4288**.

Definitions

1. **“You,” “your,” “the company,” or “VA Claims Insider” or “VACI”** means VA Claims Insider, LLC, its past and present officers, managers, employees, agents and representatives, attorneys, owners, parents, predecessors, divisions, subsidiaries, affiliates, partnerships and joint ventures, and includes all persons and entities acting or purporting to act under the guidance or on behalf of any of the above. The terms “subsidiary,” “affiliate,” and “joint venture” refer to any firm in which there is total or partial ownership (25 percent or more) or control between the company and any other person or entity.
2. **“All”** shall be construed to include the collective as well as the singular and shall mean “each,” “any,” and “every.”
3. **“Document”** means all written, printed, typed, recorded, or graphic matter, photographs, sound recordings and reproductions, computer files, material on the internet, or other form from which information may be obtained. This includes drafts, originals, non-identical copies, and file folders and jackets in which documents are contained. Non-identical copies refer to reproductions of the original document which have notations, markings, comments, or other material not appearing in the original. This also includes communications in words, symbols, pictures, photographs, sounds, films, and tapes, as well as electronically stored information, computer files, together with all codes and/or programming instructions and other materials necessary to understand and use such systems. The term “computer files” includes information stored in or accessible through computers or other information retrieval systems and includes but is not limited to drafts of documents, metadata, embedded, hidden and other bibliographic or historical data describing or relating to documents created, revised, or distributed on computer systems, as well as spreadsheets and their underlying cell formulae and other codes. Thus, you should produce documents that exist in machine-readable form, including documents stored in personal computers, portable computers, workstations, minicomputers, phones, pagers, personal data/digital assistants, archival voice storage systems, group and collaborative tools, electronic messaging devices, mainframes, servers, backup disks and tapes, archive disks and tapes, and other forms of offline storage, whether on or off your premises. This definition covers electronic mail messages (“e-mail”), text messages, voice mail, and all other documents in the possession of you and/or your directors, officers, managers, or employees, whether located at their home or office, whether on work or personal devices.
4. **“Communication”** means any exchange or transmission of words or ideas to another person or an entity, including, without limitation, conversations, discussions, letters, memoranda, meetings, notes, speeches, or other transfer of information, whether written, audio-recorded, or by any other means, whether direct or indirect, formal or informal, and

includes any document which abstracts, digests, transcribes, or records any such communication.

5. **“Complaint”** is to be broadly construed. It includes any documentation of expressions of dissatisfaction with you, your business, or goods or services provided by you; dissatisfaction with your employees or agents, or the procedures or services utilized by them. The term includes complaints received directly by you from consumers, or complaints which have been forwarded or provided to you from any entity, private or governmental.
6. **“Employee”** means and includes, but is not limited to, all current or former salaried employees, hourly employees, commission employees, independent contractors, and individuals performing work as temporary employees.
7. **“Person”** means any natural person, individual, business, governmental organization, or other entity, however organized.
8. **“Entity”** means any legal or business organization of any kind and includes, without limitation, corporations, partnerships, joint ventures, associations, governmental organizations, and trusts.
9. **“Evidencing”** means having any tendency to make the existence of any fact related to the request more probable than it would be without the evidence.
10. **“Relating to”** means in whole or in part constituting, concerning, evidencing, containing, discussing, commenting upon, describing, analyzing, identifying, stating, pertaining to, referring to, forming the basis of, in preparation of, or contradicting.
11. **“Identify”** means
 - a. Regarding an individual, to identify that individual’s:
 - i. name;
 - ii. current or last known telephone numbers at business and home; and
 - iii. current or last known business and home addresses.
 - b. Regarding a person other than an individual, to identify:
 - i. its full name;
 - ii. the nature of its organization;
 - iii. the address and telephone number of its principal offices and, if applicable, the state in which it is incorporated; and
 - iv. its principal line of business or activity.
 - c. Regarding any other tangible thing, to identify:

- i. what it is, giving a reasonably detailed description thereof;
- ii. when, where, and how it was made, if applicable;
- iii. who made it, if applicable; and
- iv. its current custodian or the person that had last known possession, custody, or control thereof.

12. **“Including”** means “including, but not limited to.”
13. **“Person”** includes you and means any entity or natural person.
14. **“Lawsuit”** means any action or process before or submitted to any court, administrative body, or other tribunal.
15. **“Plans”** means tentative and preliminary proposals, recommendations, or considerations, whether or not finalized or authorized, as well as those that have been adopted.
16. **“Relate,” “related,” and “relating”** mean being in any way legally, logically, or factually connected with the subject matter of the request at issue.
17. The words **“and”** and **“or”** shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of the request, any document(s) that might be deemed outside its scope by another construction.
18. **“Consumer”** means an individual, partnership, corporation, organization, entity, this state or a subdivision or agency of this state, who seeks or acquires by purchase or lease, any goods or services.
19. Unless the context otherwise clearly indicates, words used in the singular include the plural, the plural includes the singular, and the neuter gender includes the masculine and the feminine.

EXHIBIT A: DOCUMENTS TO BE PRODUCED

1. Produce the corporate documents identifying the following:
 - a. The business addresses of all offices, including branch or subsidiary offices, from which VA Claims Insider conducts or has conducted its business operations;
 - b. All names VA Claims Insider has conducted business under in Texas;
 - c. An organizational chart of employees including the name and address of all officers, directors, partners, or agents of VA Claims Insider; and
 - d. The name, address, and telephone number of any outside agent or other entity with whom VA Claims Insider or any of its subsidiaries has contracted or subcontracted in relation to packages sold. This includes medical professionals, medical referral systems or businesses, educational materials or presenters, and brand associations.

2. Produce all of the following:
 - a. Articles of incorporation or formation with any amendments thereto for VA Claims Insider and any of its subsidiaries;
 - b. "Doing business as" filings or assumed name certificates with any amendments thereto for VA Claims Insider;
 - c. All licenses, surety bonds, registrations, applications, or other authorization that you have obtained, authorizing you to conduct business in the State of Texas and the U.S. Department of Veteran Affairs; and
 - d. All disclosures or filings with the Texas Secretary of State and the U.S. Department of Veteran Affairs related to your business activities in the State of Texas.

3. Produce exemplary contracts sufficient to show each version of contract that VACI entered into with consumers between November 1, 2017, to present.

4. For each person or entity from whom you have accepted a payment, produce all documents and customer files that relate to each, including:
 - a. customer list and receipts for payment from November 1, 2017 to present;
 - b. your internal communications regarding each person or account;
 - c. your communication directly with the consumers; and
 - d. your communications with any third-party medical providers regarding each person or account, including but not limited to, Telemedica, LLC.

5. Produce a copy of all written or recorded materials used in the marketing, promotion, or advertising of the goods or services you provide, including, but not limited to, television commercials, store front signs, business cards, pamphlets, questionnaires, brochures, flyers, websites, Craigslist, Facebook, social media, newspaper or magazine advertisements, and radio or other announcements.

6. For all goods and services, you offered for sale as of November 1, 2017, produce documents which show each good and service, a full description of the goods and services offered, and the price of each good and service.

7. Produce all complaints you received from consumers since November 1, 2017.

8. Produce any response made by you or by anyone on your behalf to the complaints identified in Request no. 7, above.