

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

Alpha Thirteen, LLC v. Geico Casualty Company, Progressive Preferred Insurance Company, and Amberly Montanez

Alpha Thirteen · No. 2:25-cv-00488-DBB-DBP · Decided May 26, 2026

SUMMARY

The United States District Court for the District of Utah considers claims by Alpha Thirteen, LLC, an assignee of an independent physician association, seeking double damages and subrogation under the Medicare Secondary Payer Act for conditional Medicare Advantage payments arising from an automobile accident. The court analyzes personal jurisdiction over Progressive Preferred Insurance Company and GEICO Casualty Company, as well as standing and subject-matter jurisdiction. The decision grants the defendants’ motions to dismiss and Amberly Montanez’s motion for judgment on the pleadings.

CASE DETAILS

COURT	United States District Court for the District of Utah
WRITING FOR THE COURT	David Barlow
JURISDICTION	United States District Court for the District of Utah
DECIDED	May 26, 2026
DOCKET	2:25-cv-00488-DBB-DBP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss Alpha Thirteen's amended complaint for lack of personal and subject matter jurisdiction and failure to state a claim. Montanez also moved for judgment on the pleadings. The court granted the motions and dismissed the claims without prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences for the nonmoving party, and determines whether the complaint contains sufficient factual matter to state a plausible claim. A plaintiff contesting personal jurisdiction bears the burden of making a prima facie showing of jurisdiction. Standing requires injury in fact, causation, and redressability, and the court may consider documents referred to in the complaint when they are central to the claims and their authenticity is undisputed.

PRECEDENTIAL VALUE	unpublished district court decision
PARTIES	Alpha Thirteen, LLC v. Geico Casualty Company, Progressive Preferred Insurance Company, Amberly Montanez

TOPICS

[medicare medicaid](#)
[personal jurisdiction](#)
[standing](#)
[motions to dismiss](#)
[motion for judgment on the pleadings](#)

PRACTICE AREAS

[Medicare Secondary Payer Act](#)
[Medicare Advantage reimbursement](#)
[personal jurisdiction](#)
[Article III standing](#)
[federal civil procedure](#)

QUESTIONS PRESENTED

1. Whether Progressive and GEICO were subject to specific personal jurisdiction in Utah based on their insurance policies, the Utah automobile accident, settlement payments, and related contacts with Utah.
2. Whether Alpha Thirteen adequately established Article III standing by pleading a valid assignment and a factual connection between Humana, MDX Hawaii, and the defendants.
3. Whether the defendants' motions to dismiss and motion for judgment on the pleadings should be granted.

HOLDINGS

1. Alpha Thirteen made a prima facie showing of specific personal jurisdiction because Progressive and GEICO purposefully directed conduct toward Utah and Alpha's reimbursement claims were sufficiently related to those Utah contacts. The defendants did not make a compelling showing that exercising jurisdiction would be unreasonable.
2. Alpha Thirteen failed to establish standing because it did not plead sufficient facts connecting the alleged injury to Humana, the Medicare Advantage organization, or explaining how MDX Hawaii acquired Humana's rights. A bare assertion that MDX assumed Humana's responsibilities was an inadequate legal conclusion.
3. The defendants' motions were granted, and Alpha Thirteen's claims were dismissed without prejudice because the complaint failed to establish subject matter jurisdiction through adequately pleaded standing.

KEY QUOTATIONS

“The first half of [the] standard asks about causation; but the back half, after the ‘or,’ contemplates that some relationships will support jurisdiction without a causal showing.” (at 9)

“In short, while detailed facts are not required, some facts are.” (at 17)

FACTUAL BACKGROUND

M.W., a Medicare beneficiary, was injured in a Utah automobile accident and incurred more than \$32,000 in accident-related medical expenses. M.W. was enrolled in a Medicare Advantage plan administered by Humana, and MDX Hawaii allegedly processed and paid the medical claims as an independent physician association. M.W. later settled claims with Progressive and GEICO, the automobile insurers, but neither insurer allegedly reimbursed MDX or Alpha. MDX assigned some claims to Alpha Thirteen, which then sued for double damages under the Medicare Secondary Payer Act and alternatively for subrogation.

PROCEDURAL HISTORY

Alpha Thirteen filed an amended complaint seeking double damages under the Medicare Secondary Payer Act and, alternatively, subrogation recovery for conditional Medicare Advantage payments allegedly made for injuries arising from an automobile accident. Progressive, GEICO, and Montanez filed motions challenging jurisdiction and the sufficiency of the pleadings. The court found personal jurisdiction adequately pleaded but concluded that Alpha failed to plead facts establishing a valid chain of assignment and therefore failed to establish standing. The claims were dismissed without prejudice, with leave to amend within thirty days.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand. If Alpha Thirteen chooses to amend, it must file an amended complaint within thirty days of the order.

CASES CITED

- Thomas Jefferson University v. Shalala, 512 U.S. 504, 506 (1994)
- Aetna Life Insurance Co. v. Big Y Foods, Inc., 52 F.4th 66, 68-69 (2d Cir. 2022)
- MaxMed Healthcare, Inc. v. Price, 860 F.3d 335, 337 (5th Cir. 2017)
- MSP Recovery Claims, Series LLC v. ACE American Insurance Co., 974 F.3d 1305, 1308-10 (11th Cir. 2020)
- Pfenninger v. Exempla, Inc., 116 F. Supp. 2d 1184, 1187-88 (D. Colo. 2000)
- Humana Medical Plan, Inc. v. Western Heritage Insurance Co., 880 F.3d 1229, 1291-92 (11th Cir. 2018)
- Bio-Medical Applications of Tennessee, Inc. v. Central States Southeast & Southwest Areas Health & Welfare Fund, 656 F.3d 277, 278 (6th Cir. 2011)
- Parra v. PacifiCare of Arizona, Inc., 715 F.3d 1146, 1152 (9th Cir. 2013)
- In re Avandia Marketing, Sales Practices & Products Liability Litigation, 685 F.3d 353, 359 (3d Cir. 2012)
- Abdi v. Wray, 942 F.3d 1019, 1025 (10th Cir. 2019)
- McNellis v. Douglas County School District, 116 F.4th 1122, 1131 (10th Cir. 2024)
- Greer v. Moon, 83 F.4th 1283, 1292 (10th Cir. 2023)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Alvarado v. KOB-TV, LLC, 493 F.3d 1210, 1215 (10th Cir. 2007)
- Waller v. City and County of Denver, 932 F.3d 1277, 1286 n.1 (10th Cir. 2019)
- Jacobsen v. Deseret Book Co., 287 F.3d 936, 941 (10th Cir. 2002)
- Chieftain Royalty Co. v. SM Energy Co., 100 F.4th 1147, 1161 (10th Cir. 2024)
- Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 577 (1999)
- Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 94-95 (1998)
- ClearOne Communications, Inc. v. Bowers, 643 F.3d 735, 763 (10th Cir. 2011)
- Employers Mutual Casualty Co. v. Bartile Roofs, Inc., 618 F.3d 1153, 1159 (10th Cir. 2010)
- Overstock.com, Inc. v. Furnace Brook, LLC, 420 F. Supp. 2d 1217, 1219 (D. Utah 2005)
- Hood v. American Auto Care, LLC, 21 F.4th 1216, 1221-23 (10th Cir. 2022)
- Daimler AG v. Bauman, 571 U.S. 117, 126-27 (2014)
- Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 582 U.S. 255, 262 (2017)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945)
- Milliken v. Meyer, 311 U.S. 457, 463 (1940)
- Burger King Corp. v. Rudzewicz, Burger King Corp. v. Rudzewicz, 471 U.S. 462, 472 (1985)
- XMission, LC v. PureHealth Research, 105 F.4th 1300, 1308-13 (10th Cir. 2024)
- Old Republic Insurance Co. v. Continental Motors, Inc., 877 F.3d 895, 905, 908-09 (10th Cir. 2017)
- XMission LC v. Fluent LLC, 955 F.3d 833, 840 (10th Cir. 2020)
- Dudnikov v. Chalk & Vermilion Fine Arts, Inc., 514 F.3d 1063, 1078, 1080 (10th Cir. 2008)
- Wenz v. Memory Crystal, 55 F.3d 1503, 1505 (10th Cir. 1995)
- Patriot Systems, Inc. v. C-Cubed Corp., 21 F. Supp. 2d 1318, 1320 (D. Utah 1998)
- Dental Dynamics, LLC v. Jolly Dental Group, LLC, 946 F.3d 1223, 1229 (10th Cir. 2020)
- City of Albuquerque v. Soto Enterprises, Inc., 864 F.3d 1089, 1092-93 (10th Cir. 2017)
- Voter Reference Foundation, LLC v. Torrez, 160 F.4th 1068, 1077 (10th Cir. 2025)
- DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 342 (2006)
- New England Health Care Employees Pension Fund v. Woodruff, 512 F.3d 1283, 1288 (10th Cir. 2008)
- Alpha Thirteen, LLC v. Progressive Casualty Insurance Co., 2025 WL 3470852 (D. Haw. Dec. 3, 2025)