

# Tim Bolen on Aetna (Cavitat case)

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- *From:* "Joel M. Eichen, D.D.S." <[joeleichen@xxxxxxxxxx](mailto:joeleichen@xxxxxxxxxx)>
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AETNA Loses Major Dental Case  
in Fed Court – Is This Their Demise?...

Opinion by Consumer Advocate Tim Bolen

Sunday, January 29th, 2006

Late Friday, January 27th, 2006, 10th District Federal Court Judge Marcia Krieger handed struggling Aetna Insurance, perhaps the biggest legal loss in Aetna's history. And, it was over a dental issue. The reverberations will be felt worldwide. This case may be one of the two straws to break this company's back. I'll tell you about the second straw further into this article.

About 3:00PM, Central Standard time, in Denver, Colorado, Aetna attorneys and top management no doubt went into cardiac arrest when a decision in the "Cavitat v. Aetna" Federal case was announced by the Judge, especially since the decision came only one week after Aetna had arrogantly crowed its legal position to its customer base in Business Week Magazine. It is not known whether Business Week plans to retract its story and apologize to those it named.

In August of 2004, a small manufacturer of medical devices, Cavitat Medical Technologies of Denver, Colorado filed suit against Aetna, and named as co-conspirators:

Delicensed MD Stephen Barrett, his dubious website "quackwatch.com," Robert S. Baratz MD, DDS, PhD, the National Council Against Health Fraud (NCAHF), and a big chunk of the organized "quackbuster" conspiracy, in Colorado, for "were and are each employed or associated with an enterprise, and participated and participates in the conduct of the enterprise affairs through a pattern of racketeering activity in violation of 18 USAC1962(c) and C.R.S. 18-17-104(3). Said pattern of activity included and includes, but was and is not limited to, the preparation, publication, dissemination and transmittal of information by US Mail and by wire through internet websites by wire and other media which falsely represented the Plaintiff's product and

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technology, constituting a violation of 18 USC 1341, 1343, 1347 and 1349, and CRS 18-17-103(5)(a)..."

"(1) Publication of an Injurious Falsehood, (2) Tortious interference with a Prospective Business Advantage, (3) Negligent interference with a Prospective Business Advantage, (4) Interference with contract or prospective Contractual Relation, (5) Federal and State RICO (18USCA 1961 et seq. and C.R.S. 18-17-104).

I have a copy of the lawsuit on my desk (12 pages), and I LOVE the way it reads. I've put a copy on one of my websites. It's a model, as far as I'm concerned, of the way a hundred other lawsuits shou