

void, judgment for actual damages in an amount to be determined by the Court including attorneys' fees and all costs of this action and, as to Palmetto Government Benefits Administrators, judgment against Defendant and in favor of Plaintiff for punitive damages in an amount to be determined by the Court.

COUNT III

Plaintiff incorporates each and every allegation above as if fully restated herein and further alleges as follows:

36. Subsequent to the filing of the petition for relief herein, Plaintiff submitted approximately \$6,208,404.97 of charges to Palmetto for pre-petition Medicare patient services rendered by Qualicare.

37. Said charges, not included in the charges set forth in Count I, had not previously been submitted to Palmetto for payment and represent services primarily rendered in fiscal years 1994, 1995, 1996 and 1997.

38. Said charges were timely presented by the Plaintiff pursuant to 11 U.S.C. § 108.

39. Plaintiff believes the reimbursable amount of such charges is approximately \$4,302,747.94 which sum further affects the Medicare / non-Medicare ratios applicable to cost reimbursements to Plaintiff.

40. Palmetto has wrongfully denied or rejected such charges asserting they were not timely submitted.

41. Plaintiff is further informed and alleges that Palmetto has assessed, both pre-petition and post-petition, a blanket percentage "cost adjustment" against amounts owing or previously paid upon Qualicare's cost reports.