BOND NO. SUR0034706

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03229-REB-MJW

HEALTHTRIO, LLC, a Colorado limited liability company,
Plaintiff

Appellant,

v.

AETNA INC., a Pennsylvania corporation; ACTIVEHEALTH MANAGEMENT, INC., a Delaware corporation; and MEDICITY, INC., a Delaware corporation,
Defendants

Appellee.

SUPERSEDEAS BOND

[Counsel or a pro se party shall modify this form as necessary and complete and file it as a bond instrument in circumstances involving a surety.]

We, the appellant(s), as principal(s), and ARGONAUT INSURANCE COMPANY, sureties, are held and firmly bound to the appellee(s)in the sum of $45,000.00, to be paid to appellee(s) (his heirs, executors, administrators, or assigns or its successors or assign), for which payment well and truly to be made we bind ourselves, our heirs, executors, administrators, or assigns, jointly and severally, by this instrument.

Whereas, on November 10, 2015, in an action pending in the above court, between the plaintiff(s) and the defendant(s), judgment was rendered against HEALTHTRIO, LLC, and the appellant(s) having filed a Notice of Appeal from such judgment to the United States Court of Appeals for the Federal Circuit and having applied for and obtained an order of the District Court staying enforcement of such judgment during the pendency of the appeal.

Now, therefore, the condition of this obligation is that if the appellant (s) shall prosecute his(their) appeal to effect and shall satisfy the judgment in full, together with costs, interest, and damages for delay if the appeal is finally dismissed or the judgment is affirmed or shall satisfy in full such judgment as modified together with such costs, interests, and damages as the Court of Appeals may adjudge and award, this obligation shall be void; otherwise it shall remain in full service and effect.

Pursuant to Rule 8(b) of the Federal Rules of Appellate Procedure, ARGONAUT INSURANCE COMPANY, as the sureties, hereby submit themselves to the jurisdiction of the District Court.

Dated this 9th day of December, 2015.

HEALTHTRIO, LLC

By: _____
Appellant

ARGONAUT INSURANCE COMPANY

By: _____
Surety
Simone Gerhard, Attorney-In-

P.O. Box 469011, San Antonio, TX 78246
Address of Surety

APPROVED:

s/Robert E. Blackburn
United States District Judge

Dated December 18, 2015, at Denver, Colorado.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

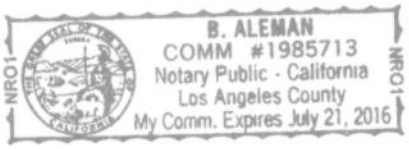
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On DEC 09 2015 before me, B. Aleman, Notary Public, personally appeared Simone Gerhard who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

Signature _____
B. Aleman, Notary Public

AS-0087951

Argonaut Insurance Company
Deliveries Only: 225 W. Washington, 24th Floor
Chicago, IL 60606
United States Postal Service: P.O. Box 469011, San Antonio, TX 78246

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the Argonaut Insurance Company, a Corporation duly organized and existing under the laws of the State of Illinois and having its principal office in the County of Cook, Illinois does hereby nominate, constitute and appoint:

Thomas S. Branigan, KD Wapato-Conrad, Simone Gerhard, James Ross, Edward C. Spector, Nathan R. Varnold, Misty Wright

Their true and lawful agent(s) and attorney(s)-in-fact, each in their separate capacity if more than one is named above, to make, execute, seal and deliver for and on its behalf as surety, and as its act and deed any and all bonds, contracts, agreements of indemnity and other undertakings in suretyship provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed the sum of:

$39,000,000.00

This Power of Attorney is granted and is signed and sealed under and by the authority of the following Resolution adopted by the Board of Directors of Argonaut Insurance Company:

"RESOLVED, That the President, Senior Vice President, Vice President, Assistant Vice President, Secretary, Treasurer and each of them hereby is authorized to execute powers of attorney, and such authority can be executed by use of facsimile signature, which may be attested or acknowledged by any officer or attorney, of the Company, qualifying the attorney or attorneys named in the given power of attorney, to execute in behalf of, and acknowledge as the act and deed of the Argonaut Insurance Company, all bond undertakings and contracts of suretyship, and to affix the corporate seal thereto."

IN WITNESS WHEREOF, Argonaut Insurance Company has caused its official seal to be hereunto affixed and these presents to be signed by its duly authorized officer on the 18th day of July, 2013.

Argonaut Insurance Company

ARGONAUT INSURANCE COMPANY CORPORATE SEAL 1948 ILLINOIS

by: _____

Joshua C. Betz, Senior Vice President

STATE OF TEXAS
COUNTY OF HARRIS SS:

On this 18th day of July, 2013 A.D., before me, a Notary Public of the State of Texas, in and for the County of Harris, duly commissioned and qualified, came THE ABOVE OFFICER OF THE COMPANY, to me personally known to be the individual and officer described in, and who executed the preceding instrument, and he acknowledged the execution of same, and being by me duly sworn, deposed and said that he is the officer of the said Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and the said Corporate Seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said corporation, and that Resolution adopted by the Board of Directors of said Company, referred to in the preceding instrument is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my Official Seal at the County of Harris, the day and year first above written.

KATHLEEN M MEEKS
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 07-15-2017

Kathleen M. Meeks

(Notary Public)

I, the undersigned Officer of the Argonaut Insurance Company, Illinois Corporation, do hereby certify that the original POWER OF ATTORNEY of which the foregoing is a full, true and correct copy is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of said Company, on the _____ day of DEC 09 2015

ARGONAUT INSURANCE COMPANY CORPORATE SEAL 1948 ILLINOIS

Sarah Heineman, VP-Underwriting Surety

THIS DOCUMENT IS NOT VALID UNLESS THE WORDS ARGO POWER OF ATTORNEY AND THE SERIAL NUMBER IN THE UPPER RIGHT HAND CORNER ARE IN BLUE, AND THE DOCUMENT IS ISSUED ON WATERMARKED PAPER. IF YOU HAVE QUESTIONS ON AUTHENTICITY OF THIS DOCUMENT CALL (210) 321 - 8400.