

19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NUMBER: 641 928

SECTION: 26

JAMES J. DONELON
COMMISSIONER OF INSURANCE FOR THE STATE OF LOUISIANA
VERSUS
LOUISIANA HEALTH COOPERATIVE, INC.

FILED: _____

DEPUTY CLERK

**MOTION TO HAVE SEQUENOM LAHC SETTLEMENT DOCUMENTS IMPROPERLY
FILED IN THE RECORD FILED UNDER SEAL**

NOW INTO COURT, through undersigned counsel comes James J. Donelon, Commissioner of Insurance for the State of Louisiana as Rehabilitator of Louisiana Health Cooperative, through the Commissioner’s Court-appointed Receiver, Billy Bostick (“LAHC”), who respectfully moves the Court to have two documents filed in the record of these proceedings removed and filed under seal, as follows:

1.

By order of this Court on December 3, 2018, this Court approved the LAHC Settlement Plan and the LAHC Settlement Plan documents, which documents included the LAHC Settlement Plan Confidentiality and Non-Disclosure Agreement, which requires, among other things, that LAHC Settling Providers will not disclose “the terms of the LAHC Settlement Plan Agreement, except with the written consent of LAHC and/or an order of Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana in case number 641-928 (the “Receivership Court”).

2.

On or about October 22, 2020, Sequenom Center for Molecula (“Sequenom” aka Lab Corp) improperly filed two LAHC Settlement Plan documents executed by Sequenom into the record of these proceedings – (1) the LAHC Settlement Plan Agreement and (2) the LAHC Settlement Plan Confidentiality and Non-Disclosure Agreement. A copy of the first page of each document showing the filing date is attached hereto and incorporated herein. LAHC seeks to have both these LAHC Settlement Plan documents removed from public view and filed under seal.

3.

These two documents should be filed under seal in their entirety because by the terms of these the LAHC Settlement Plan documents Sequenom specifically agreed that Sequenom would not disclose “the terms of the LAHC Settlement Plan Agreement, except with the written consent of LAHC and/or an order of Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana in case number 641-928 (the “Receivership Court”).”

4.

Requests by LAHC since October 2020 to Sequenom to have these documents removed from the public record have been unsuccessful to date.

WHEREFORE, LAHC requests that the Court order that these two documents be filed under seal with all costs assessed to Sequenom Center (aka Lab Corp) and for all other appropriate relief.

EXHIBITS

Exhibit A First page of the LAHC Settlement Plan Agreement showing filing on October 22, 2020

Exhibit B First page of the LAHC Settlement Plan Confidentiality and Non-Disclosure Agreement – 10/22/2020

Respectfully Submitted,

BURGLASS & TANKERSLEY, LLC

BY:  _____

SUE BUSER (#18151)

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Attorneys for **JAMES J. DONELON, Commissioner of Insurance for the State of Louisiana
as Rehabilitator of Louisiana Health Cooperative, Inc. in Rehabilitation**

CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was sent to counsel for Sequenom, John Peterson by email to Petej10@LabCorp.com, and to Sequenom contact Michelle Watkins at watkin8@LabCorp.com, which are the email addresses provided by Sequenom to LAHC.

I have not served a copy of the foregoing pleading on any counsel in these proceedings because there are no other parties in these proceedings, this 10th day of December, 2020.

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ORDER

Considering the motion of James J. Donelon, Commissioner of Insurance for the State of Louisiana as Rehabilitator of Louisiana Health Cooperative, through the Commissioner's Court-appointed Receiver, Billy Bostick ("LAHC") to have Sequenom LAHC Settlement Documents Filed in the Record Filed Under Seal, and the Court finding that the mover is entitled to the relief requested,

IT IS HEREBY ORDERED that the documents filed into the record of these proceedings by Sequenom Center by LabCorp/Sequenom attorney John Peterson on October 22, 2020, including 1) the LAHC Settlement Plan Agreement and (2) the LAHC Settlement Plan Confidentiality and Non-Disclosure Agreement, be removed from the public record by the Clerk of Court and filed under seal.

IT IS FURTHER ORDER that all costs of this motion and order be and hereby are assessed to Sequenom Center/LabCorp though its attorney John Peterson.

Baton Rouge, Louisiana, this ____ day of _____, 2020.

DISTRICT COURT JUDGE RICHARD "CHIP" MOORE, III