



19<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA  
300 NORTH BLVD  
BATON ROUGE, LA 70801

12TH DAY OF SEPTEMBER, 2019

TO: SUE BUSER  
BURGLASS & TANKERSLEY LLC  
5213 AIRLINE DR  
METAIRIE, LA 70001

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

**CASE NUMBER:** C-641928

**JUDGE:** HON. RICHARD "CHIP" MOORE

**DIVISION:** 26

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING ACTION FOR THE

AFOREMENTIONED CASE: The Court attaches a copy of the Order signed September 11,  
2019.

*Kathy W. Spangler*

JUDICIAL ASSISTANT TO  
HON. RICHARD "CHIP" MOORE

NOTIFIED:

MICHAEL CHARLES GUY  
SUE BUSER  
In-Proper-Person

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 FOR AUTHORITY TO ENTER INTO RELEASE AGREEMENT WITH  
THE UNITED STATES OF AMERICA, FOR RELEASE OF CERTAIN FEDERAL CLAIMS, AND FOR  
AUTHORITY TO NOTIFY THE UNITED STATES OF AMERICA OF THE CLOSING OF THE LOUISIANA  
HEALTH COOPERATIVE, INC. IN REHABILITATION ("LAHC") ESTATE FOR THE PURPOSE OF  
PROVIDING AN OPPORTUNITY FOR INSPECTION AND COPYING OF THE LAHC DOCUMENTS,  
BOOKS, AND RECORDS PRIOR TO THEIR DESTRUCDTION AND/OR  
TO REQUEST WRITTEN AUTHORIZATION FROM THE UNITED STATES PRIOR TO DESTRUCTION  
OF THE LAHC RECORDS AS REQUIRED IN THE RELEASE AGREEMENT**

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 suggests to the Court that a request was made by LAHC to the United States Department of Justice for a waiver/release of federal claims that may exist. By letter dated October 16, 2016, LAHC requested a release of federal claims, attached as **Exhibit A**. See also, the order of this Court of September 21, 2016 granting LAHC authority to seek the federal waiver, attached as **Exhibit B**.

By letter dated September 3, 2019, copy of letter and executed Release Agreement attached as **Exhibit C**, the United States Department of Justice provided original signed copies of the requested Release Agreement (the "Release") for release of federal claims against the LAHC estate executed by Sharon Williams, Trial Attorney, Civil Division Commercial Litigation Branch, for the United States Department of Justice, together with the affidavits of the LAHC Receiver in support of the Federal Release.

All relief sought is more fully explained in the memorandum in support of this motion, which is attached hereto and incorporated herein.

WHEREFORE mover prays that LAHC be granted authority to enter into the proposed federal Release Agreement with the United States of America for release of certain federal

claims and for authority to notify the United States of America of the closing of the LAHC receivership estate when the closing of the LAHC estate occurs for the purpose of providing the United States of America an opportunity for inspection and copying of the LAHC receivership estate documents, books and records prior to destruction of the LAHC records and/or for authority to request written authorization from the United States of America for the destruction of the LAHC documents prior to the destruction of the LAHC receivership estate records, as required in the contemplated waiver/release and for all other appropriate relief.

Respectfully Submitted,

Respectfully Submitted,

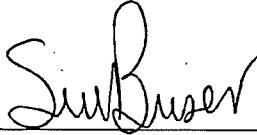
**JEFF LANDRY**  
**ATTORNEY GENERAL**

**BURGLASS & TANKERSLEY, LLC**

By: \_\_\_\_\_

Michael Charles Guy (25406)  
Assistant Attorney General  
P.O. Box 94005  
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BY: \_\_\_\_\_

  
SUE BUSER (#18151)  
DENNIS J. PHAYER, ESQ. (#23747)  
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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 the above and foregoing pleading has been served upon counsel for the United States of America, Sharon C. Williams, by electronic transmission to [Sharon.williams@usdoj.gov](mailto:Sharon.williams@usdoj.gov) and by United States mail, properly addressed and postage prepaid and that I have not served a copy of the foregoing pleading on any other counsel in these proceedings because there are no other parties in these proceedings, this \_\_\_\_ day of September, 2019.

  
\_\_\_\_\_

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

STATE OF LOUISIANA

NUMBER: 641 928

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

FILED: \_\_\_\_\_

\_\_\_\_\_  
DEPUTY CLERK

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") for authority to enter into release agreement with the United States of America, for release of certain federal claims and for authority to notify the United States of America of the closing of the LAHC receivership estate when the closing of the LAHC estate occurs for the purpose of providing the United States of America an opportunity for inspection and copying of the LAHC receivership estate documents, books and records prior to destruction of the LAHC records and/or for authority to request written authorization from the United States of America for the destruction of the LAHC documents prior to the destruction of the LAHC receivership estate records, as required in the contemplated waiver/release and the Court finding that the contemplated release of federal claims is in the best interests of LAHC and its policyholders, members, subscribers, enrollees, creditors and the public and that LAHC is entitled to the relief requested,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that 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") for authority to enter into release agreement with the United States of America, for release of certain federal claims and for authority to notify the United States of America of the closing of the LAHC receivership estate when the closing of the LAHC estate occurs for the purpose of providing the United States of America an opportunity for inspection and copying of the LAHC receivership estate documents, books and records prior to destruction of the LAHC records and/or for authority to request written authorization from the United States of America for the

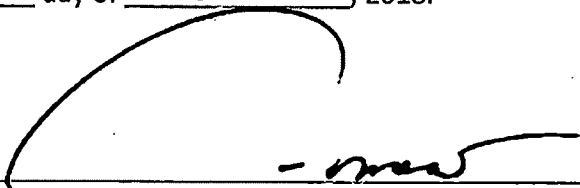
destruction of the LAHC documents prior to the destruction of the LAHC receivership estate records be and same is hereby GRANTED.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that authority be and it hereby is GRANTED to the LAHC receivership estate and the LAHC Receiver to enter into the proposed federal release with the United States of America for release of certain federal claims against the LAHC receivership estate and the Receiver.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the LAHC estate is to give notice to the United States of America when the closing of the LAHC receivership estate is requested from this Court for the purpose of providing the United States of America an opportunity for inspection and copying of the LAHC receivership estate documents, books and records, including those LAHC records retained in electronic format, prior to destruction of the LAHC records and/or for authority to request written authorization from the United States of America for the destruction of the LAHC documents prior to the destruction of the LAHC receivership estate records

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that in the event such notice is not provided to the United States of America at the time closing of the LAHC receivership estate is requested from this Court, then the LAHC receivership estate shall seek from the United States of America written authorization from the United States of America for the destruction of the LAHC receivership estate records, including those LAHC records retained in electronic format.

Baton Rouge, Louisiana, this 11 day of September, ~~2018~~ 2019

  
\_\_\_\_\_  
DISTRICT COURT JUDGE RICHARD "CHIP" MOORE, III

**I HEREBY CERTIFY THAT ON THIS DAY A COPY OF THE WRITTEN REASONS FOR JUDGMENT / JUDGMENT / ORDER / COMMISSIONER'S RECOMMENDATION WAS MAILED BY ME WITH SUFFICIENT POSTAGE AFFIXED. SEE ATTACHED LETTER FOR LIST OF RECIPIENTS.**

**DONE AND MAILED ON September 12, 2019**

*Kathy W. Spangler*  
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DEPUTY CLERK OF COURT