

**JAMES J. DONELON,
COMMISSIONER OF INSURANCE
FOR THE STATE OF LOUISIANA, IN
HIS CAPACITY AS REHABILITATOR
OF LOUISIANA HEALTH
COOPERATIVE, INC.**

SUITE NO.: 651,069 SECTION: 22

versus

19TH JUDICIAL COURT

**TERRY S. SHILLING, GEORGE G.
CROMER, WARNER L. THOMAS, IV,
WILLIAM A. OLIVER, CHARLES D.
CALVI, PATRICK C. POWERS, CGI
TECHNOLOGIES AND SOLUTIONS,
INC., GROUP RESOURCES
INCORPORATED, BEAM PARTNERS,
LLC, MILLIMAN, INC., BUCK
CONSULTANTS, LLC, AND
TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA**

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

**RESERVATION OF RIGHTS AND NOTICE OF OBJECTION TO PROPOSED CASE
MANAGEMENT SCHEDULE**

NOW INTO COURT, through undersigned counsel, comes Milliman, Inc. ("*Milliman*"), who herein expressly reserves its rights respective to the arguments set forth in its Declinatory Exception of Lack of Subject Matter Jurisdiction and who hereby gives notice to the Court and to all other counsel of record of its objection to the proposed Case Management Schedule filed on October 13, 2017, by Plaintiff, James J. Donelon, Commissioner of Insurance for the State of Louisiana, in his capacity as Rehabilitator of Louisiana Health Cooperative, Inc., through his duly appointed receiver, Billy Bostick ("Plaintiff" or "the Commissioner"). Milliman objects to the proposed Case Management Schedule appended to the Motion and Order to Adopt Case Management Schedule and Incorporated Memorandum in Support filed by Plaintiff for the following reasons.

First of all, as originally set forth in Milliman's Memorandum in Support of its Request for Stay, Milliman is entitled to arbitrate the claims the Commissioner has filed against it, and discovery should be stayed while Milliman pursues its contractual rights. In the event Milliman is compelled to participate in the discovery process, including the filing of this Notice of Objection, Milliman is in no way waiving its rights, either in this Court or in any court of appeal,

to compel arbitration of Plaintiff's claims against it. To the contrary, Milliman maintains its position that this Court lacks subject matter jurisdiction over Plaintiff's claims against Milliman due to the arbitration clause contained in the Consulting Services Agreement.

In addition, Paragraph 1 of the proposed Case Management Schedule states that "[t]he parties shall respond to written discovery propounded prior to October 16, 2017, on or before January 5, 2018." On October 13, 2017, the Commissioner served Milliman with expansive and burdensome discovery demands, including, *inter alia*, requests to produce broad categories of documents going back ten (10) years. Undersigned counsel contacted counsel for Plaintiff on October 13 to inform him that Milliman would agree to the filing of the proposed Case Management Schedule provided that Plaintiff's counsel modify the first paragraph to reflect that written responses to discovery requests propounded prior to October 16, 2017, would be due no later than January 5, 2018. Milliman expressed its concern that the broad scope of the discovery requests and the complexity of this litigation make it virtually impossible for Milliman to commit to being able to gather and produce all responsive documents by that deadline. However, Plaintiff's counsel was not agreeable to Milliman's proposed revision. Defendant Group Resources Incorporation ("GRI") has also propounded expansive document demands and interrogatories.

Without waiving any objections that Milliman may ultimately interpose in response to such discovery, Milliman will clearly be required to sort through very large amounts of data in order to locate non-privileged documents that are responsive to Plaintiff's and GRI's broad discovery requests. Plaintiff's counsel has recently indicated that LAHC alone has approximately one (1) terabyte of claims data plus another 300 to 500 gigabytes more of other data not related to claims. A January 5, 2018, document production deadline would prejudice all the parties, who are in the beginning stages of discovery and are still in the process of establishing parameters for discovery (Milliman notes that the parties have not even selected an electronic discovery software vendor).

Holding the parties to a January 5, 2018, production deadline is therefore likely to be unrealistic and unduly burdensome, if not impossible, and will hinder the parties' efforts to facilitate an efficient document production procedure in this matter.

Respectfully submitted:

ADAMS AND REESE LLP



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Counsel for Milliman, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon all counsel of record via facsimile, e-mail and/or by placing same in the U.S. Mail, postage pre-paid and properly addressed.

Baton Rouge, Louisiana, this 17th day of October, 2017.



GRANT J. GUILLOT

Date/Time: Oct. 17. 2017 12:00PM

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ADAMS AND REESE LLP

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To: Honorable Timothy Kelley
 19th Judicial District Courthouse
 Attn: Paula Dennis

From: Mandy Jones, Legal Secretary

Re: *Dorefor v. Schilling*, Suit No.: 651,989

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