



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

21ST DAY OF AUGUST, 2020

TO: J. E. CULLENS JR.  
WALTERS, PAPILLION, THOMAS, CULLENS, LLC  
12345 PERKINS ROAD, BLDG ONE  
BATON ROUGE, LA 70810

JAMES J DONELON, COMMISSIONER OF INSURANCE FOR THE STATE OF  
LOUISIANA VS TERRY S SHILLING, ET AL

**CASE NUMBER:** C-651069

**JUDGE:** HON. TIMOTHY E KELLEY

**DIVISION:** 22

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING ACTION FOR THE

AFOREMENTIONED CASE: ENCLOSED YOU WILL FIND A COPY OF AN ORDER  
SIGNED ON JULY 13, 2020 BY JUDGE TIMOTHY KELLEY.

A handwritten signature in cursive script, reading "Erin Stephens Randall".

DEPUTY CLERK FOR DOUG WELBORN

**NOTIFIED:**

A SIMONE MANUEL  
A'DAIR FLYNT  
ADAM D WHITWORTH  
ALEXANDER N BRECKINRIDGE V  
DAVID R GODOFSKY  
FREDERIC THEODORE LE CLERCQ  
GEORGE DAVIDSON FAGAN  
HARRY ALLAN ROSENBERG  
HENRY D H OLINDE JR  
J. E. CULLENS JR.  
JAMES ALCEE BROWN  
JENNIFER W MOROUX  
JOHN WILLIAM HITE III  
JUSTIN J MAROCCO  
KARL H SCHMID  
MATTHEW JOSEPH FARLEY  
MICHAEL A BALASCIO  
MIRAI S M HOLDEN  
RICHARD E BAUDOIN  
ROBERT B BIECK JR  
ROBERT J DAVID JR  
ROBERT W BARTON  
RYAN K FRENCH  
SETH A SCHMEECKLE  
THOMAS M MCEACHIN  
W BRETT MASON

JAMES J. DONELON, COMMISSIONER	:	SUIT NO.: 651,069 SECTION: 22
OF INSURANCE FOR THE STATE OF	:	
LOUISIANA, IN HIS CAPACITY AS	:	
REHABILITATOR OF LOUISIANA	:	
HEALTH COOPERATIVE, INC.	:	
	:	
versus	:	19 <sup>TH</sup> JUDICIAL DISTRICT COURT
	:	
TERRY S. SHILLING, GEORGE G.	:	
CROMER, WARNER L. THOMAS, IV,	:	
WILLIAM A. OLIVER, CHARLES D.	:	
CALVI, PATRICK C. POWERS, CGI	:	PARISH OF EAST BATON ROUGE
TECHNOLOGIES AND SOLUTIONS,	:	
INC., GROUP RESOURCES	:	
INCORPORATED, BEAM PARTNERS,	:	
LLC, AND TRAVELERS CASUALTY	:	
AND SURETY COMPANY OF	:	
AMERICA	:	STATE OF LOUISIANA

**ORDER**

A hearing, conducted via Zoom, at 1:30 p.m. on June 29, 2020, was held to consider: (1) Group Resources Incorporated’s Motion to Compel Amended Responses to Its First Set of Interrogatories and Requests for Production of Documents; and (2) Plaintiff’s Motion to Compel against GRI. Participating in this Zoom hearing were:

- J. Cullens for Plaintiff, the Receiver of LAHC (“Plaintiff” or the “Receiver”)
- Michael McKay for Defendant, Group Resources, Inc. (“GRI”)
- James Brown, A’Dair Flynt, and David Godofsky for Defendant, Buck Global (“Buck”)
- Harry Rosenberg, Justin Kattan, and Justine Margolis for Milliman, Inc. (“Milliman”)
- Rob Bieck for the Nominal Defendants, Warner Thomas, *et al.*
- Michael Balascio for Defendant, Allied World Specialty Insurance Company
- Adam Whitworth for Defendant, RSUI Indemnity Company
- Nicole Babb for Atlantic Specialty Insurance Company

Considering the briefs filed by the parties, all exhibits filed into the record, applicable law, and the argument of counsel:

**IT IS HEREBY ORDERED** that Group Resources Incorporated’s Motion to Compel Amended Responses to Its First Set of Interrogatories and Requests for Production of Documents is **GRANTED IN PART, DENIED IN PART, AND DEFERRED IN PART**; specifically, GRI’s motion is **GRANTED** to the extent it requests that plaintiff make a good faith effort to respond to specific discovery requests targeted at reasonably identifiable information, materials, and/or data; however, given the voluminous amount of data involved in this case, to facilitate the management of this voluminous data and allow plaintiff and defendants to respond to specific requests for production of documents; **IT IS FURTHER ORDERED** that all parties shall work together to select a third-party vendor to manage electronically stored information (“ESI”) to the

extent agreed by the parties and jointly create search term protocol to generate targeted search results that will benefit all parties; the Receiver shall review the documents identified by the agreed-upon search terms for relevance and responsiveness prior to making a document production to Defendants; **IT IS FURTHER ORDERED** that the third-party vendor costs shall be born equally by each party to this proceeding (i.e., the Receiver shall bear one-fifth (1/5<sup>th</sup>) of this ESI expense; GRI shall bear 1/5<sup>th</sup>; Milliman will bear 1/5<sup>th</sup>; Buck will bear 1/5<sup>th</sup>; and the excess insurers for the nominal defendants will collectively bear 1/5<sup>th</sup> of this total ESI expense); the cost of these common ESI expenses will be taxed as court costs at the conclusion of this case in favor of the prevailing party(ies); the parties shall agree on the third-party vendor and shall submit revised discovery requests that relate to the production of documents to include specific search terms to within the next thirty (30) days, or on or before July 31, 2020; all other formal discovery efforts by both plaintiff and defendants shall be suspended during this thirty (30) day period.

**IT IS FURTHER ORDERED** that GRI's motion is **DENIED** to the extent it required plaintiff to identify and mark additional PHI documents at this time; **IT IS FURTHER ORDERED** that GRI's motion is **DEFERRED** to the extent it required plaintiff to produce any post-receivership documents, materials, and reports; the Receiver shall respond to the discovery requests propounded by GRI and Milliman regarding these post-receivership documents, materials, and reports; in the event the Receiver determines that a Court Order is required to allow him to produce the requested documents from the Rehabilitation Action in this action, he shall so advise Defendants and this Court in writing no later than July 31, 2020; and, if necessary and upon the motion of any party, this Court shall set any dispute that cannot be amicably resolved for contradictory hearing at a later date;

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Compel against GRI is **DENIED AS MOOT IN PART AND DEFERRED IN PART**; specifically, given GRI's supplemental and amending responses to plaintiff's written discovery produced prior to the hearing, plaintiff's general objection to GRI's "will produce" form of responses and to GRI's response to Interrogatory No. 9 are considered **MOOT**; regarding plaintiff's objection to GRI's alleged failure to produce "secure" emails allegedly found on a server that GRI allegedly controls, this discovery dispute is **DEFERRED** to a later date; plaintiff shall file a formal motion requesting that a contradictory hearing be set if plaintiff decides to contest GRI's response regarding this specific issue.

**ORDER - Case #651069**

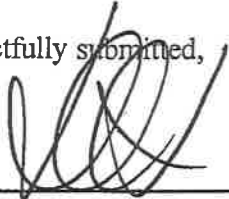
**IT IS FURTHER ORDERED** that each party shall bear its own costs associated with the these discovery motions heard via Zoom on June 29, 2020.

**SO ORDERED** this ~~day of July~~ **13, 2020**



**HONORABLE JUDGE TIMOTHY KELLEY**

Respectfully submitted,



J. E. Cullens, Jr., T.A., La. Bar #23011  
Edward J. Walters, Jr., La. Bar #13214  
Darrel J. Papillion, La. Bar #23243  
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THOMAS, CULLENS, LLC**  
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Phone: (225) 236-3636

**RULE 9.5(b) CERTIFICATE**

I certify that I circulated this proposed ORDER to counsel for all parties by email on July 1, 2020, and that after several edits and revision suggested by defense counsel were made, all counsel agreed to the form of this proposed ORDER prior to filing.

Certified this 10<sup>th</sup> day of July, 2020.



J. E. Cullens, Jr.

**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 August 24, 2020**



**DEPUTY CLERK OF COURT**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been furnished via e-mail to all counsel of record as follows, this 10<sup>th</sup> day of July, 2020, in Baton Rouge, Louisiana.

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