

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

VERSUS

TERRY S. SHILLING, ET AL.

SUIT NO.: 651,069 SECTION: 22

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

ORDER

A status conference was held, via Zoom, at 10:00 a.m. on July 16, 2020. The following counsel appeared at the Zoom conference:

J. Cullens for Plaintiff (“Plaintiff” or the “Receiver”), the Receiver of Louisiana Health Cooperative, Inc. (“LAHC”);

Michael McKay for Defendant Group Resources, Inc. (“GRI”);

James Brown, A’Dair Flynt, and David Godofsky for Defendant Buck Global;

Harry Rosenberg, Justin Kattan, and Justine Margolis for Defendant 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 Receiver’s Status Report Regarding Risk Corridor Expectations, Defendants’ Response To The Receiver’s Status Report Regarding Risk Corridor Expectations, all exhibits filed into the record, and applicable law,

IT IS HEREBY ORDERED that until further notice from this Court, plaintiff shall, on the last Friday of every month, file with the Court and serve on all Defendants a report concerning the status of: (1) LAHC’s claims against the United States in *Health Republic Insurance Company v. U.S.*, No. 16-00259-MMS (Ct. Fed. Cl.) (“*Health Republic*”); (2) Plaintiff’s and/or LAHC’s claims against the United States filed or otherwise asserted in any other action; and (3) any claims by the United States against LAHC, including but not limited to claims filed or otherwise asserted in *Health Republic*, or in *James J. Donelon, Commissioner of Insurance for the State of Louisiana v. Louisiana Health Cooperative, Inc.*, Case No. 641 928 (19th JDC) (the “Rehabilitation Action”). Plaintiff’s first status report shall be filed and served on or before Friday, July 31, 2020.

IT IS FURTHER ORDERED that in the event that any court enters an order, Plaintiff and/or LAHC and the United States reach an agreement, or a judgment is entered that disposes of all or part of Plaintiff's and/or LAHC's claims against the United States, or the United States' claims against Plaintiff and/or LAHC, Plaintiff shall notify this Court and defendants of any such order, agreement or judgment within two business days of Plaintiff's receipt of same.

IT IS FURTHER ORDERED that if Plaintiff contends that an applicable statute, rule, order or other law precludes the Receiver from producing responsive documents filed in the Rehabilitation Action, Plaintiff shall provide a descriptive log of all such documents to the Court for *in camera* review and state the legal basis for Plaintiff's position, no later than July 31, 2020.

IT IS FURTHER ORDERED that a status conference shall be held via Zoom on August 20, 2020, at 10:00 a.m.; counsel are to work together to submit a mutually acceptable Case Scheduling Order on or before this August 20 status conference; if the parties cannot agree upon a mutually acceptable Case Scheduling Order before the August 20th status conference, counsel shall be prepared to present their respective positions regarding a reasonable Case Scheduling Order to the Court at the August 20 status conference.

IT IS FURTHER ORDERED that a status conference shall be held via Zoom on September 25, 2020, at 10:00 a.m.

SO ORDERED this ____ day of July, 2020.

HON. TIMOTHY KELLEY, DISTRICT JUDGE

Respectfully submitted,

/s/ Harry Rosenberg
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Counsel for Defendant Milliman, Inc.

RULE 9.5(b) CERTIFICATE

I certify that I circulated this proposed ORDER to counsel for all parties by email on July 29, 2020, and that all counsel agreed to the form of this proposed ORDER prior to filing.

/s/ Harry Rosenberg _____

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of July, 2020, a copy of the foregoing proposed Order has been served upon all known counsel of record either by facsimile, electronic mail, and/or via U.S. mail, first class postage prepaid and properly affixed.

/s/ Harry Rosenberg
Harry Rosenberg