

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 10:00 a.m. on September 25, 2020, was held to consider Defendants’ Motion to Compel Production of Responsive Louisiana Department of Insurance (“LDI”) Documents. Participating in this Zoom hearing were:

- J. Cullens, Andrée Cullens, S. Layne Lee for Plaintiff, the Receiver of LAHC (“Plaintiff” or the “Receiver”)
- Brett Mason 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 Defendant, Atlantic Specialty Insurance Company
- Simone Almon, Jean W. Smith for Defendant, Evanston Insurance Company
- John Hite for Defendant, Zurich American Insurance Company

Considering the briefs filed by the parties, all exhibits attached to the pleadings and memoranda filed by the parties and filed into the record, the exhibits admitted into evidence at the hearing, applicable law, and the argument of counsel:

**IT IS HEREBY ORDERED** that Defendants’ Motion to Compel Production of Responsive Louisiana Department of Insurance (“LDI”) Documents is **DENIED**; specifically, for the reasons stated at the conclusion of the Zoom hearing and in Plaintiff’s Opposition

Memorandum adopted by the Court, the Court finds that Plaintiff herein is not the custodian of and does not possess or control the records of the LDI sought by Defendants in their Motion to Compel Production of Responsive Louisiana Department of Insurance (“LDI”) Documents.

**IT IS FURTHER ORDERED** that Defendants, with the exception of the Nominal Defendants, shall bear the costs associated with this discovery motion heard via Zoom on September 25, 2020.

**SO ORDERED** this \_\_\_ day of October, 2020.

**HONORABLE JUDGE TIMOTHY KELLEY**

Respectfully submitted,



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J. E. Cullens, Jr., T.A., La. Bar #23011  
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Andrée M. Cullens, La. Bar #23212  
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**RULE 9.5(b) CERTIFICATE**

I certify that I circulated this proposed ORDER to counsel for all parties by email on September 28, 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 4<sup>th</sup> day of October, 2020.



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J. E. Cullens, Jr.

**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 6<sup>th</sup> day of October, 2020, in Baton Rouge, Louisiana.

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