



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

8TH DAY OF OCTOBER, 2020

TO: J. E. CULLENS JR.
WALTERS, PAPILLION, THOMAS, CULLENS, LLC
12345 PERKINS ROAD, BUILDING 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 A JUDGMENT
SIGNED ON OCTOBER 07, 2020 BY JUDGE TIMOTHY KELLEY.

Erin Arice

DEPUTY CLERK FOR DOUG WELBORN

NOTIFIED:

A SIMONE MANUEL
A'DAIR FLYNT
ADAM D WHITWORTH
ALEXANDER N BRECKINRIDGE V
ANDREE MATHERNE CULLENS
DAVID R GODOFSKY
FREDERIC THEODORE LE CLERCQ
GEORGE DAVIDSON FAGAN
HARRY ALLAN ROSENBERG
HARRY ALLAN ROSENBERG
HENRY D H OLINDE JR
J. E. CULLENS JR.
JAMES ALCEE BROWN
JENA W SMITH
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 TH 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 October 07, 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
Andrée M. Cullens, La. Bar #23212
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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 October 12, 2020



DEPUTY CLERK OF COURT

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 9th day of October, 2020.



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 6th day of October, 2020, in Baton Rouge, Louisiana.

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