



Phelps Dunbar LLP
II City Plaza
400 Convention Street
Suite 1100
Baton Rouge, LA 70802
225 346 0285

January 15, 2021

34500-0001

Monica M. Vela-Vick
Counsel
monica.vela-vick@phelps.com
Direct 225 376 0256

VIA HAND DELIVERY

Honorable Doug Welborn
Clerk of Court, East Baton Rouge Parish
19th Judicial District Court
300 North Blvd.
Baton Rouge, Louisiana 70801

Re: *James J. Donelon, et al. vs. CGI Technologies and Solutions, Inc., et al.*
Suit No. 651,069, Section 22, 19th Judicial District Court, Parish of East Baton
Rouge

Dear Mr. Welborn:

Please find enclosed a *Notice of Filing of Certificate of Mailing* to be filed into the above-referenced matter on behalf of defendant, Milliman, Inc. Please file the original into the record and return a file stamped copy to our courier.

It is our understanding that there are sufficient funds in the suit record to cover the cost associated with the filing.

We appreciate and thank you for your assistance with this matter. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

PHELPS DUNBAR LLP

Monica M. Vela-Vick

MVV:orl
Enclosure

cc: John Ashley Moore (via e-mail)
Harry Rosenberg (via e-mail)



Phelps Dunbar LLP
11 City Plaza
400 Convention Street
Suite 1100
Baton Rouge, LA 70802
225 346 0285

January 15, 2021

34500-0001

Monica M. Vela-Vick
Counsel
monica.vela-vick@phelps.com
Direct 225 376 0256

VIA HAND DELIVERY

Honorable Doug Welborn
Clerk of Court, East Baton Rouge Parish
19th Judicial District Court
300 North Blvd.
Baton Rouge, Louisiana 70801

Re: *James J. Donelon, et al. vs. CGI Technologies and Solutions, Inc., et al.*
Suit No. 651,069, Section 22, 19th Judicial District Court, Parish of East Baton
Rouge

Dear Mr. Welborn:

Please find enclosed a *Notice of Filing of Certificate of Mailing* to be filed into the above-referenced matter on behalf of defendant, Milliman, Inc. Please file the original into the record and return a file stamped copy to our courier.

It is our understanding that there are sufficient funds in the suit record to cover the cost associated with the filing.

We appreciate and thank you for your assistance with this matter. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

PHELPS DUNBAR LLP

Monica M. Vela-Vick

MVV:orl
Enclosure

cc: John Ashley Moore (via e-mail)
Harry Rosenberg (via e-mail)

19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NO.: 651,069

SECTION 22

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

VERSUS

CGI TECHNOLOGIES AND SOLUTIONS, INC., GROUP RESOURCES INCORPORATED,
BEAM PARTNERS, LLC, MILLIMAN, INC., BUCK CONSULTANTS, LLC, WARNER L.
THOMAS, IV, WILLIAM A. OLIVER, SCOTT POSECAI, PAT QUINLAN, PETER
NOVEMBER, MICHAEL HULEFELD, ALLIED WORLD SPECIAL INSURANCE
COMPANY a/k/a DARWIN NATIONAL ASSURANCE COMPANY, ATLANTIC
SPECIALTY INSURANCE COMPANY, EVANSTON INSURANCE COMPANY, RSUI
INDEMNITY COMPANY, AND ZURICH AMERICAN INSURANCE COMPANY

FILED: _____

DEPUTY CLERK

NOTICE OF FILING OF CERTIFICATE OF MAILING

NOW INTO COURT, through undersigned counsel, comes Defendant Milliman, Inc. ("Milliman"), who pursuant to Articles 1313(B) and 1313(C) of the Louisiana Code of Civil Procedure respectfully files into the record the certificate of service attached hereto as Exhibit "A." Undersigned counsel certifies that Milliman's Motion to Compel LDI's Compliance with *Subpoena Duces Tecum*, Memorandum in Support, and Exhibits A through H were e-mailed to all counsel of record on the 7th day of January, 2021.

Undersigned counsel further certifies that a certified true and correct copy of the Motion and Order setting Milliman's Motion to Compel for hearing was sent via United Parcel Service ("UPS") Next Day Air to the Louisiana Department of Insurance through its counsel John Ashley Moore, Taylor Porter, 450 Laurel Street, Suite 800, Baton Rouge, LA 70801 on the 13th day of January, 2021. The proof of delivery via commercial courier is attached hereto as Exhibit "B."

This notice and these exhibits have been hand delivered to the Court for filing on the 15th day of January, 2021, and all counsel of record have been e-mailed a copy this same date.

Respectfully submitted,



PHELPS DUNBAR LLP

Harry Rosenberg (Bar # 11465)
Canal Place | 365 Canal Street, Suite 2000
New Orleans, LA 70130-6534
Tel: (504) 566-1311
Fax: (504) 568-9130
E-mail: rosenbeh@phelps.com

H. Alston Johnson (Bar # 7293)
Monica M. Vela-Vick (Bar # 34803)
400 Convention Street, Suite 1100
Baton Rouge, LA 70302
Tel: (225) 346-0285
Fax: (225) 381-9197
E-mail: johnsona@phelps.com
monica.vela-vick@phelps.com

DENTONS US LLP

Reid L. Ashinoff (admitted *pro hac vice*)
Justin N. Kattan (admitted *pro hac vice*)
Justine N. Margolis (admitted *pro hac vice*)
Catharine Luo (admitted *pro hac vice*)
1221 Avenue of the Americas
New York, NY 10020
Tel: (212) 768-6700
Fax: (212) 768-6800
E-mail: reid.ashinoff@dentons.com
justin.kattan@dentons.com
justine.margolis@dentons.com
catharine.luo@dentons.com

Counsel for Defendant Milliman, Inc.

Monica M. Vela-Vick (2256)

From: Monica M. Vela-Vick (2256)
Sent: Thursday, January 7, 2021 5:20 PM
To: 'Ashinoff, Reid L.'; 'Judy Y. Barrasso'; 'Brown, James A.'; 'Burst, Bonnie'; 'Crohan, Blake'; 'Andrée M. Cullens'; 'sdegan@degan.com'; 'Dorothy Sullivan'; 'Doug Cochran'; 'Fagan, George D.'; 'Flynt, A'Dair'; 'Godofsky, David'; 'Hite, John W., III'; 'Alston Johnson (2206)'; 'Kattan, Justin N.'; 'S. Layne Lee'; 'Lemaire, Justin'; 'Licciardi, Connie'; 'Luo, Catharine'; 'Margolis, Justine N.'; 'Mason, Brett'; 'McFall, Shaun P.'; 'Michael A. Balascio'; 'Mike McKay'; 'Nicole Babb'; 'Charlotte Phillips'; 'Robert B. Bieck Jr.'; 'Kristi Rojas'; 'sschmeackle@lawla.com'; 'Schmid, Karl H.'; 'Simone Almon'; 'Smith, Jena'; 'Whitworth, Adam'; 'cullens@lawbr.net'; 'scorales@liskow.com'; 14777-0043 (Stolt/Isaac)
Subject: Donelon v. CGI Technologies and Solutions, Inc., et al | Suit No. 651,069
Attachments: Milliman_s Motion to Compel LDI Compliance with Subpoena Duces Tecum with Rule to Show Cause.pdf; Milliman_s Memo ISO Motion to Compel LDI Subpoena.pdf

Dear Counsel:

On behalf of Harry Rosénberg, attached please find Milliman, Inc.'s *Motion to Compel* e-filed today. The exhibits are available via the following secure link:

<https://phelpsdunbar.sharefile.com/d-s46c22595f11a42c89b2bec5025b791ae>

Milliman has requested this matter be set for February 12, 2021 at 9:30, the same date as the hearing on Defendant Buck Global, LLC's Motion to Compel LDI's Compliance with Subpoena Duces Tecum.

Best,
Monica

Monica M. Vela-Vick
Phelps Dunbar LLP
II City Plaza
400 Convention Street, Suite 1100
Baton Rouge, LA 70802
Direct: 225-376-0256
Fax: 225-381-9197
Email: monica.vela-vick@phelps.com

phelps

CONFIDENTIALITY NOTICE - This e-mail message, including any attachments, is private communication sent by a law firm, Phelps Dunbar LLP, and may contain confidential, legally privileged information meant solely for the intended recipient. If you are not the intended recipient, any use, distribution, or copying of this communication is strictly prohibited. Please notify the sender immediately by replying to this message, then delete the e-mail and any attachments from your system. Thank you.



19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NO.: 651,069

SECTION 22

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

VERSUS

CGI TECHNOLOGIES AND SOLUTIONS, INC., GROUP RESOURCES INCORPORATED,
BEAM PARTNERS, LLC, MILLIMAN, INC., BUCK CONSULTANTS, LLC, WARNER L.
THOMAS, IV, WILLIAM A. OLIVER, SCOTT POSECAI, PAT QUINLAN, PETER
NOVEMBER, MICHAEL HULEFELD, ALLIED WORLD SPECIAL INSURANCE
COMPANY a/k/a DARWIN NATIONAL ASSURANCE COMPANY, ATLANTIC
SPECIALTY INSURANCE COMPANY, EVANSTON INSURANCE COMPANY, RSUI
INDEMNITY COMPANY, AND ZURICH AMERICAN INSURANCE COMPANY

FILED: _____

DEPUTY CLERK

**DEFENDANT MILLIMAN, INC.'S MOTION TO COMPEL LDI'S COMPLIANCE
WITH SUBPOENA DUCES TECUM**

NOW INTO COURT, through undersigned counsel, comes Milliman, Inc. ("Milliman"), who respectfully moves this Honorable Court pursuant to La. Code Civ. Proc. arts. 1354, 1463, and 1469 for an order compelling the Louisiana Department of Insurance (the "LDI") to comply with the *subpoena duces tecum* served upon it on November 19, 2020 (the "Subpoena"), upon showing that:

1.

The requested LDI documents are directly relevant to the Plaintiff's claims and/or Milliman's defenses, and are reasonably calculated to lead to the discovery of admissible evidence. Although Milliman's Subpoena seeks documents that fall well within the scope of the broad and liberal discovery allowed by Louisiana law, the LDI has refused to produce a single document.

2.

LDI's boilerplate and unsupported objections *to every single one* of Milliman's document requests fail to preserve, and thereby waive, any objections to the Subpoena. The LDI privilege and statutory objections on the grounds of La. R.S. §§ 22:2043.1 and 22:2045 are also without merit, and any relevant claim of privilege or confidentiality has been waived by the LDI's failure to properly assert it. Finally, the LDI's public records production does not satisfy its discovery obligations under Louisiana law.

In support of this Motion to Compel, Milliman attaches the following exhibits:

<u>Exhibit A:</u>	Milliman's Amended Notice of Records Only Deposition to the Louisiana Department of Insurance served November 19, 2020.
<u>Exhibit B:</u>	Pl.'s Resp. to Buck Global, LLC's First Set of Interrog. and Req. for Production of Documents (Sept. 30, 2020).
<u>Exhibit C:</u>	James J. Donelon, Testimony of the Louisiana Commissioner of Insurance Before the Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, United States House of Representatives Regarding: "Examining the Costly Failures of Obamacare's CO-OP Insurance Loans" (Nov. 5, 2015).
<u>Exhibit D:</u>	Second Supp., Am. and Restated Pet. for Damages and Request for Jury Trial, <i>Donelon v. CGI Tech. & Solutions, Inc., et al.</i> , No. 651,069 (Oct. 25, 2017).
<u>Exhibit E:</u>	Tr. of Hr'g on Defs.' Mot. to Compel, <i>Donelon v. CGI Tech. & Solutions, Inc., et al.</i> , No. 651,069 (Sept. 25, 2020).
<u>Exhibit F:</u>	Objections of Louisiana Department of Insurance to <i>Subpoena Duces Tecum</i> served November 17, 2020 by Defendant, Milliman, Inc.
<u>Exhibit G:</u>	Objections of Louisiana Department of Insurance to Amended <i>Subpoena Duces Tecum</i> served November 19, 2020 by Defendant, Milliman, Inc.
<u>Exhibit H:</u>	Chart: The Responsiveness of the LDI's September 2020 Public Records Production.

Milliman respectfully requests that the Court sign the Rule to Show Cause filed with this Motion to Compel and, as a matter of judicial efficiency, set it for a hearing for February 12, 2021 at 9:30 a.m., the same date and time as the hearing on Defendant Buck Global, LLC's Motion to Compel LDI's Compliance with *Subpoena Duces Tecum*. In compliance with Local Rule 9.8, Milliman represents that this case is not set for trial, and that live testimony will not be offered at the hearing of this motion.

WHEREFORE, Milliman respectfully prays that, after hearing of this matter, the Court grant its Motion and order the LDI to comply fully with Milliman's Subpoena and produce documents responsive to Milliman's discovery requests.

Respectfully submitted,

/s/ Harry Rosenberg

PHELPS DUNBAR LLP

Harry Rosenberg (Bar # 11465)
Canal Place | 365 Canal Street, Suite 2000
New Orleans, LA 70130-6534
Tel: (504) 566-1311
Fax: (504) 568-9130
E-mail: rosenbeh@phelps.com

H. Alston Johnson (Bar # 7293)
400 Convention Street, Suite 1100
Baton Rouge, LA 70302
Tel: (225) 346-0285
Fax: (225) 381-9197
E-mail: johnsona@phelps.com

DENTONS US LLP

Reid L. Ashinoff (admitted *pro hac vice*)
Justin N. Kattan (admitted *pro hac vice*)
Justine N. Margolis (admitted *pro hac vice*)
Catharine Luo (admitted *pro hac vice*)
1221 Avenue of the Americas
New York, NY 10020
Tel: (212) 768-6700
Fax: (212) 768-6800
E-mail: reid.ashinoff@dentons.com
justin.kattan@dentons.com
justine.margolis@dentons.com
catharine.luo@dentons.com

Counsel for Defendant Milliman, Inc.

RULE 10.1 CERTIFICATE OF CONFERENCE

I, Justin Kattan, the undersigned counsel for Milliman, Inc., personally conferred with John Ashley Moore, counsel for Louisiana Department of Insurance, by telephone on December 15, 2020. At this conference, despite their best efforts, counsel were unable to resolve the matters presented.

Certified this 7th day of January, 2021,

/s/ Justin N. Kattan (admitted pro hac vice)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion to Compel has been served upon all parties through their counsel of record, by e-mail, and, additionally, upon counsel for Louisiana Department of Insurance by certified mail, return receipt requested, this 7th day of January, 2021.

/s/ Harry Rosenberg

19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NO.: 651,069

SECTION 22

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

VERSUS

CGI TECHNOLOGIES AND SOLUTIONS, INC., GROUP RESOURCES INCORPORATED,
BEAM PARTNERS, LLC, MILLIMAN, INC., BUCK CONSULTANTS, LLC, WARNER L.
THOMAS, IV, WILLIAM A. OLIVER, SCOTT POSECAI, PAT QUINLAN, PETER
NOVEMBER, MICHAEL HULEFELD, ALLIED WORLD SPECIAL INSURANCE
COMPANY a/k/a DARWIN NATIONAL ASSURANCE COMPANY, ATLANTIC
SPECIALTY INSURANCE COMPANY, EVANSTON INSURANCE COMPANY, RSUI
INDEMNITY COMPANY, AND ZURICH AMERICAN INSURANCE COMPANY

FILED: _____

DEPUTY CLERK

RULE TO SHOW CAUSE

Considering the Foregoing Motion to Compel the Louisiana Department of Insurance to Comply with Subpoena Duces Tecum filed by Defendant Milliman, Inc. (“Milliman’s Motion to Compel”),

IT IS HEREBY ORDERED that a hearing on Milliman’s Motion to Compel will be conducted on the ____ day of _____, 2021 at ____:_____.M. The hearing will be held by Zoom for the safety of all participants due to the COVID-19 pandemic.

Baton Rouge, Louisiana, this ____ day of January, 2021.

HONORABLE JUDGE TIMOTHY KELLEY

**Movant will serve the foregoing
Rule to Show Cause upon The Louisiana Department of Insurance
through counsel, John Ashley Moore,
450 Laurel Street, Suite 800
Baton Rouge, LA 70801
by CERTIFIED MAIL, RETURN RECEIPT REQUESTED
in accordance with La. CCP art. 1313(C).**

Monica M. Vela-Vick (2256)

From: UPS <pkginfo@ups.com>
Sent: Thursday, January 14, 2021 9:58 AM
To: Monica M. Vela-Vick (2256)
Subject: UPS Delivery Notification, Tracking Number 1ZY4871X0197009509



Hello, your package has been delivered.

Delivery Date: Thursday, 01/14/2021

Delivery Time: 09:55 AM

Left At: OFFICE

Signed by: ZUMO

PHELPS DUNBAR

Tracking Number: [1ZY4871X0197009509](#)
Ship To: JOHN ASHLEY MOORE
450 LAUREL STREET, SUITE 800
BATON ROUGE, LA 708011831
US
Number of Packages: 1
UPS Service: UPS Next Day Air®
Package Weight: 0.0 LBS
Reference Number: 2
Reference Number: 34500-0001
Reference Number: NA



[Download the UPS mobile app](#)

© 2021 United Parcel Service of America, Inc. UPS, the UPS brandmark, and the color brown are trademarks of United Parcel Service of America, Inc. All rights reserved.



All trademarks, trade names, or service marks that appear in connection with UPS's services are the property of their respective owners.

Please do not reply directly to this email. UPS will not receive any reply message.

[Review the UPS Privacy Notice](#)

[For Questions, Visit Our Help and Support Center](#)

