



NOTICE OF APPEAL

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

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

No. C-651069

**TO: J. E. CULLENS JR.
WALTERS, PAPIILLION, THOMAS, CULLENS, LLC
12345 PERKINS ROAD, BUILDING ONE
BATON ROUGE, LA 70810**

JUDGE HON. TIMOTHY E KELLEY DIVISION: 22

REPORTER(S): KRIS FERACHI

NOTICE is hereby given that on 3/10/2021, upon motion of MILLIMAN, INC. in the above numbered and entitled cause, an order of appeal was entered granting a DEVOLUTIVE appeal from the judgment of 2/25/21, which appeal is returnable to the FIRST CIRCUIT COURT OF APPEALS, in accordance with the law.

Baton Rouge, Louisiana, on the 12TH DAY OF MARCH, 2021.

A handwritten signature in cursive script that reads "Renee Reine".

**Deputy Clerk of Court for
Doug Welborn, Clerk of Court**

**Trial date: 2/12/2021
Estimated Hours of Testimony Taken: 1 HR 25 MIN
Estimated Costs of Testimony:
THIS IS NOT A BILL – JUST AN ESTIMATE**

**cc: Civil Accounting (Clerk of Court)
Civil Appeal (Clerk of Court)
Reporter(s)
Judicial Administrator
All Counsel of Record
Divisional Office**

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

TERRY S. SHILLING, GEORGE G. CROMER, WARNER L. THOMAS, IV, WILLIAM A.
OLIVER, CHARLES D. CALVI, PATRICK C. POWERS, CGI TECHNOLOGIES AND
SOLUTIONS, INC., GROUP RESOURCES INCORPORATED, BEAM PARTNERS, LLC,
MILLIMAN, INC., BUCK CONSULTANTS, LLC, AND TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA

FILED: _____

DEPUTY CLERK

MOTION FOR ORDER OF DEVOLUTIVE APPEAL

NOW INTO COURT, through undersigned counsel, comes Milliman, Inc. (“Milliman”), and, pursuant to La. Code of Civ. Proc. Articles 2121 and 2083, moves the Court for entry of an Order granting it an devolutive appeal from this Court’s February 25, 2021 Judgment (the “Judgment”) denying Milliman’s Motion to Compel non-party Louisiana Department of Insurance’s (“LDI’s”) Compliance with a Subpoena *Duces Tecum*, upon representing as follows:

1.

The Judgment wholly disposed of the discovery dispute between non-party LDI and Milliman, and it is therefore final and immediately appealable as of right. As the First Circuit and other Louisiana appellate courts have consistently held, a judgment that “dispose[s] of the issues between a non-party... and a party... is a final and appealable judgment.” *Oates v. Cenikor Found., Inc.*, 2021-0154 (La. App. 1 Cir. 2/12/21), 2021 WL 528514 (reversing district court order denying motion for appeal); *see also Amitech, U.S.A., Ltd. v. Nottingham Const. Co.*, 2005-1981 (La. App. 1 Cir. 2/14/07), 2007 WL 466782; *R.J. Gallagher Co. v. Lent, Inc.*, 361 So. 2d 1231 (La. App. 1 Cir. 1978); *S.E. Property Holdings, LLC v. Chunn*, (La. App. 3 Cir. 2017), 231 So.3d 89; *Larriviere v. Howard*, 00-186 (La. App. 3 Cir. 10/11/00), 771 So. 2d 747, *writ granted in part and remanded*, 2000-3087 (La. 1/26/01), 781 So. 2d 567; *McCloskey v. Higman Barge Lines, Inc.*, 2018-1008 (La. App. 4 Cir. 4/10/19), 269 So. 3d 1173, 1178; *Garipey v. Evans Indus. Inc.*, 06-106, p. 4 (La. App. 5 Cir. 9/25/07), 968 So.2d 753, 754–55.

2.

Milliman desires to appeal the Judgment to the Louisiana First Circuit Court of Appeal.

3.

Milliman has not applied for a new trial or judgment notwithstanding the verdict, and this Motion for Appeal is being brought within sixty (60) days of the expiration of the delay for applying for a new trial or judgment notwithstanding the verdict.¹ This motion is therefore timely. *See* La. Code Civ. Proc. art. 2087(A)(1).

WHEREFORE, Milliman, Inc. respectfully prays that this Court enter the Order presented herewith granting it a devolutive appeal from the Judgment rendered herein on February 25, 2021, returnable to the Court of Appeal, First Circuit, State of Louisiana, thirty (30) days from the date the estimated costs of the appeal are paid, as provided in La. Code of Civ. P. Art. 2125.
New Orleans, Louisiana, on this 8th day of March, 2021.

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

¹ The Court's Judgment was mailed to counsel on March 1, 2021.

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 Milliman, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has been served upon all counsel of record by e-mail and upon counsel for LDI, John Ashley Moore, by e-mail this 8th day of March, 2021.

/s/ Harry Rosenberg

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

STATE OF LOUISIANA

NO.: 651,069

SECTION 22

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MILLIMAN, INC., BUCK CONSULTANTS, LLC, AND TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA

FILED: _____

ORDER

Considering the Motion for Appeal filed by Milliman, Inc. ("Milliman"),

IT IS HEREBY ORDERED that Milliman be and is hereby granted a devolutive appeal from the Judgment entered herein on February 25, 2021, denying its Motion to compel filed against non-party Louisiana Department of Insurance, returnable to the Court of Appeal, First Circuit thirty (30) days from the date the estimated costs of the appeal are paid, as provided in La. Code of Civ. P. Art. 2125.

Baton Rouge, Louisiana, this March 10, 2021.



Honorable Timothy Kelley
District Judge, 19th Judicial District Court
Parish of East Baton Rouge

IT IS ORDERED that Defendant Buck Global's motion to compel the Louisiana Department of Insurance is DENIED, specifically for the reasons stated at the conclusion of the Zoom hearing;

IT IS FURTHER ORDERED that Defendant Buck Global's motion to compel Lewis & Ellis, Inc. is DENIED, specifically for the reasons stated at the conclusion of the Zoom hearing;

IT IS FURTHER ORDERED that Defendant Milliman's motion to compel the Louisiana Department of Insurance is DENIED, specifically for the reasons stated at the conclusion of the Zoom hearing;

IT IS FURTHER ORDERED that Defendants, Buck Global and Milliman, shall bear the cost associated with these discovery motions heard by Zoom hearing on February 12, 2021.

SO ORDERED, this February 25, 2021 day of February, 2021.

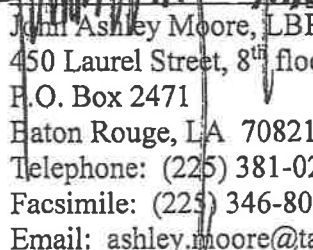


Honorable Timothy E. Kelley
Judge, 19th Judicial District Court

Respectfully submitted,

TAYLOR, PORTER, BROOKS & PHILLIPS L.L.P.

By



John Ashley Moore, LBRN 09635
450 Laurel Street, 8th floor (78001)
P.O. Box 2471
Baton Rouge, LA 70821
Telephone: (225) 381-0218
Facsimile: (225) 346-8049
Email: ashley.moore@taylorporter.com

*Attorneys for Louisiana Department of Insurance and
Lewis & Ellis, Inc.*

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 March 01, 2021

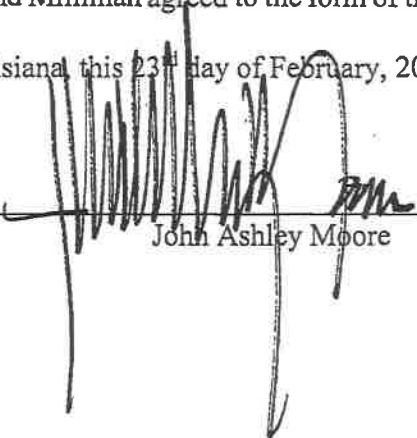


DEPUTY CLERK OF COURT

RULE 9.5 CERTIFICATE

Undersigned counsel certifies that this proposed **ORDER** has been circulated to counsel for Defendant, Buck Global, LLC, f/k/a Buck Consultants, LLC ("**Buck Global**"), Defendant, Milliman, Inc. ("**Milliman**"), and all parties by electronic mail on February 17, 2021, and that counsel for Buck Global and Milliman agreed to the form of this proposed **ORDER**, prior to filing.

Baton Rouge, Louisiana, this 23rd day of February, 2021.



John Ashley Moore

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **ORDER** has been sent via electronic mail

to all counsel of record as follows:

W. Brett Mason
Michael W. McKay
Stone Pigman Walther Wittmann
One American Place, Suite 1150
301 Main Street
Baton Rouge, LA 70825
Telephone: (225) 490-5800
Facsimile: (225) 490-5860
Email: bmason@stonepigman.com
Email: mmckay@stonepigman.com

James A. Brown
Sheri L. Corales
Liskow & Lewis
701 Poydras Street, Suite 5000
New Orleans, LA 70139-5099
Telephone: (504) 581-7979
Facsimile: (504) 556-4108
Email: jabrown@liskow.com
Email: scorales@liskow.com

David R. Godofsky
Alston & Bird
The Atlantic Building
950 F Street, NW
Washington, D.C. 20004-1404
Telephone: (202) 239-3392
Facsimile: (202) 654-4922
Email: david.godofsky@alston.com

Seth A. Schmeekle
Lugenbuhl, Wheaton, Peck, Ranking & Hubbard
601 Poydras Street, Suite 2775
New Orleans, LA 70130
Telephone: 504-568-1990
Facsimile: 504-310-9195
Email: sschmeekle@lawla.com

George D. Fagan
Leake & Andersson
1100 Poydras Street, Suite 1700
New Orleans, LA 70163
Telephone: (504) 585-7612
Facsimile: (504) 585-7775
Email: gfagan@leakeandersson.com

Thomas McEachin
Schonekas, Evans, McGoey & McEachin, LLC
909 Poydras Street, Suite 1600
Telephone: (504) 680-6055
Facsimile: (504) 680-6051
Email: thomas@semmlaw.com

Harry Rosenberg
Phelps Dunbar LLP
365 Canal Street, Suite 2000
New Orleans, LA 70130-6534
Telephone: (504) 566-1311
Facsimile: (504) 568-9130
Email: harry.rosenberg@phelps.com

H. Alston Johnson
Phelps Dunbar LLP
400 Convention Street, Suite 1100
Baton Rouge, LA 70802
Telephone: (225) 346-0285
Facsimile: (225) 381-997
Email: johnsona@phelps.com

Reid L. Ashinoff
Justin N. Kattan
Justine N. Margolis
Catharine Luo
Dentons US LLP
1221 Avenue of the Americas
New York, NY 10020
Telephone: (212) 768-6700
Facsimile: (212) 768-6800
Email: reid.ashinoff@dentons.com
Email: Justin.kattan@dentons.com
Email: justine.margalis@dentons.com
Email: Catharine.luo@dentons.com

Michael A. Balascio
Barrasso Usdin Kupperman
909 Poydras Street, 24th Floor
New Orleans, LA 70112
Telephone: (504) 589-9773
Facsimile: (504) 589-9701
Email: mbalascio@barrassousdin.com

Karl H. Schmid
Degan, Blanchard & Nash
400 Poydras Street, Suite 2600
New Orleans, LA 70130
Telephone: (504) 529-3333
Facsimile: (504) 529-3337
Email: kschmid@degan.com

John W. Hite, III
Salley, Hite, Mercer & Resso, LLC
365 Canal Street, Suite 1710
New Orleans, LA 70130
Telephone: (504) 566-8802
Email: jhite@shmlaw.com

J. E. Cullens Jr.
Andree M. Cullens
Walters, Papillion, Thomas, Cullens, LLC
12345 Perkins Rd
Baton Rouge, LA 70810
Telephone: (225) 236-3636
Facsimile: (225) 236-3650
Email: cullens@lawbr.net
Email: acullens@lawbr.net

Robert B. Bieck, Jr.
Jones Walker, LLP
201 St. Charles Ave., 49th Floor
New Orleans, LA 70170
Telephone: (504) 582-8202
Facsimile: (504) 589-8202
Email: rbieck@joneswalker.com

Baton Rouge, Louisiana this 23rd day of February, 2021



John Ashley Moore