



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 BUCK GLOBAL, LLC 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 10TH 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: 1HR 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 DEVOLUTIVE APPEAL

NOW INTO COURT, through undersigned counsel, comes Buck Global, LLC f/k/a Buck Consultants, LLC (“Buck Global”), and, pursuant to La. Code of Civ. Proc. Articles 2121 and 2083, moves the Court for entry of an Order granting it an appeal from the Judgment signed by this Court on February 25, 2021, upon representing as follows:

1.

This Court signed and entered a Judgment on February 25, 2021 denying Buck Global’s Motions to Compel the Louisiana Department of Insurance (“LDI”) and Lewis & Ellis, Inc. (“L&E”) to Comply with Subpoenas Duces Tecum. The Court’s Judgment in favor of LDI and L&E wholly disposed of the issues between the non-parties, LDI and L&E, and the party filing the motions, Buck Global. The Court’s Judgment was mailed to counsel on March 1, 2021.

2.

As the Louisiana First Circuit and other Louisiana Circuits have consistently ruled, a trial court judgment that fully disposes of a motion to compel filed by a party against a non-party is final and directly appealable of right because it disposes of all issues as between the party and non-party. *See, e.g., Oates v. Cenikor Found., Inc.*, 2021-0154 (La. App. 1 Cir. 2/12/21), 2021 WL 528514, at *1 (reversing district court order denying motion for appeal); *Amitech, U.S.A., Ltd. v. Nottingham Const. Co.*, 2005-1981 (La. App. 1 Cir. 2/14/07), 2007 WL 466782, at *3 n.2; *R.J. Gallagher Co. v. Lent, Inc.*, 361 So. 2d 1231, 1231 (La. App. 1 Cir. 1978); *see also McCloskey v. Higman Barge Lines, Inc.*, 2018-1008 (La. App. 4 Cir. 4/10/19), 269 So. 3d 1173, 1178; *S.E. Prop.*

Holdings, LLC v. Chunn, 2017-246 (La. App. 3 Cir. 11/8/17), 231 So. 3d 89, 93; *Garipey v. Evans Indus. Inc.*, 06-106, p. 4 (La. App. 5 Cir. 9/25/07), 968 So. 2d 753, 754–55; *Larriviere v. Howard*, 2000-186 (La. App. 3 Cir. 10/11/00), 771 So. 2d 747, 750, *writ granted in part and remanded*, 2000-3087 (La. 1/26/01), 781 So. 2d 567. The February 25, 2021 Judgment is therefore final and directly appealable of right. La. Code Civ. Proc. arts. 1841, 1911, 2083.

3.

Buck Global desires to appeal the February 25, 2021 Judgment to the Court of Appeal, Louisiana First Circuit.

4.

Buck Global 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. This motion is therefore timely. *See* La. Code Civ. Proc. art. 2087(A)(1).

WHEREFORE, Buck Global, LLC 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.

Respectfully submitted,

/s/ James A. Brown

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Attorneys for Buck Global, LLC

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 and Lewis & Ellis, John Ashley Moore, by e-mail this 8th day of March, 2021.

/s/ James A. Brown

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
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SOLUTIONS, INC., GROUP RESOURCES INCORPORATED, BEAM PARTNERS, LLC,
MILLIMAN, INC., BUCK CONSULTANTS, LLC, AND TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA

FILED: _____

ORDER

Considering the Motion for Devolutive Appeal filed by Buck Global, LLC f/k/a Buck
Consultants, LLC (“Buck Global”),

IT IS HEREBY ORDERED that Buck Global be and is hereby granted a devolutive appeal
from the Judgment signed herein on February 25, 2021, denying its Motions to Compel filed
against non-parties Louisiana Department of Insurance and Lewis & Ellis, Inc., 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. Proc. Art. 2125.

Baton Rouge, Louisiana, this March 10, 2021 day of March, 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: 

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*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.**

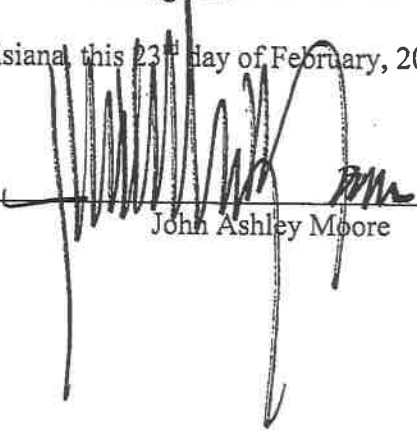
DONE AND MAILED ON March 01, 2021


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:

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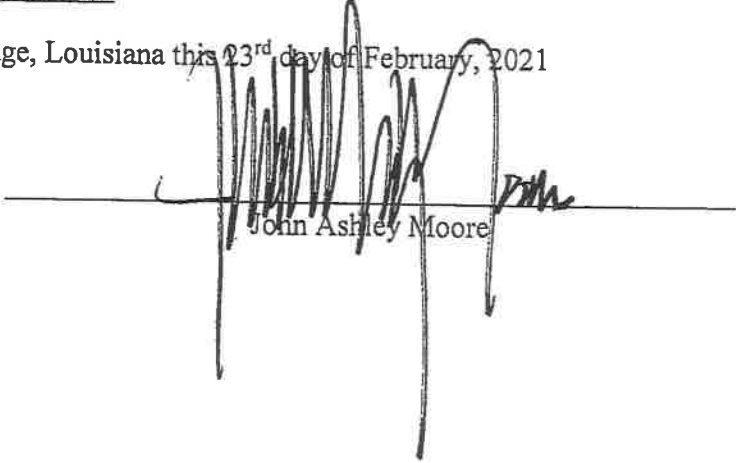
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Baton Rouge, Louisiana this 23rd day of February, 2021



John Ashley Moore