21022177000

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

SUIT NO. 499,737 **DIVISION "D"**

POSTED
OCT 22 2002

J. ROBERT WOOLEY, AS
ACTING COMMISSIONER OF INSURANCE
FOR THE STATE OF LOUISIANA
VERSUS
AMCARE HEALTH PLANS OF LOUISIANA, INC.

FILED: _____ _____
DEPUTY CLERK

COST OK Amt. 25'
114682
OCT 21 2002
BY _____ D.P.
BY CLERK OF COURT

PARTIAL CONSENT
TO PETITION FOR LIQUIDATION AND
INJUNCTIVE RELIEF AND RULE TO SHOW CAUSE

AmCareCo, Inc. ("AmCareCo"), and AmCare Health Plans of Louisiana, Inc. ("AmCare Louisiana"), in Partial Consent to the Petition for Liquidation and Injunctive Relief and Rule to Show Cause, would show the Court as follows:

1.

AmCareCo is a Texas corporation and is the parent corporation of AmCare Louisiana.

2.

AmCare Louisiana is a Louisiana corporation previously authorized to do business as a health maintenance organization ("HMO") pursuant to a Certificate of Authority issued by the Louisiana Department of Insurance ("LDOI").

3.

Thomas Lucksinger was duly authorized at a meeting of the Boards of Directors of AmCareCo and AmCare Louisiana held on October 14, 2002, to consent to the liquidation of AmCare Louisiana by LDOI. Accordingly, Mr. Lucksinger has authorized undersigned counsel to enter this Partial Consent to LDOI's Petition for Liquidation and Injunctive Relief and Rule to Show Cause regarding AmCare Louisiana on behalf of AmCareCo and AmCare Louisiana.

4.

To the extent the officers, directors and managers of AmCare Louisiana were relieved of their authority regarding AmCare Louisiana and such authority was vested in the Commissioner of LDOI by the Court's Order dated September 27, 2002, the

Commissioner does not object to the directors of AmCare Louisiana taking action to consent to the Petition for Liquidation and Injunctive Relief and Rule to Show Cause on behalf of AmCare Louisiana.

5.

AmCareCo and AmCare Louisiana hereby consent to the liquidation of AmCare Louisiana by LDOI.

6.

AmCareCo and AmCare Louisiana consent to the liquidation of AmCare Louisiana in accordance with the proposed Order of Liquidation and Injunctive Relief and Rule to Show Cause attached to the Petition for Liquidation and Injunctive Relief and Rule to Show Cause, except in the following limited respects:

a. AmCare Louisiana shall cooperate to the fullest extent with the Commissioner and the Receiver for AmCare Louisiana in liquidating AmCare Louisiana. This Partial Consent is being entered, however, with the stipulation that certain documents and other information subject to the Order are located in Houston, Texas, and currently subject to the control of the Texas Department of Insurance. AmCareCo and AmCare Louisiana do not have authority to consent to the proposed Order to the extent any of AmCare Louisiana's obligations or actions under the Order are controlled by the Texas Department of Insurance and not AmCare Louisiana.

b. AmCare Louisiana reserves the right to request that LDOI pay for the services of Adams and Reese LLP, AmCare Louisiana's counsel, as an administrative expense of AmCare Louisiana from September 27, 2002, the date the Court entered its Order of Rehabilitation and Permanent Injunctive Relief, through the date of the Court's Order of Liquidation, and to petition the Court for such relief in the event it is denied by LDOI.

c. AmCareCo and AmCare Louisiana do not consent to the Proposed Order of Liquidation and Injunctive Relief and Rule to Show

Cause to the extent it applies to any owners, officers, directors, managers, attorneys, trustees, agents, employees, independent contractors or other individuals or entities whom AmCareCo and AmCare Louisiana do not represent in these proceedings, including, without limitation, any obligation of any such individuals or entities to appear for the taking of oral testimony under oath. As grounds for this limitation, Thomas Lucksinger would show the Court that, to the extent AmCareCo or AmCare Louisiana would have authority to enter such a consent on behalf of any such individual or entity, he was not given such authority by the AmCareCo or AmCare Louisiana Boards of Directors.

7.

Except to the extent noted above, AmCareCo and AmCare Louisiana hereby consent to the LDOI's Petition for Liquidation and Injunctive Relief and Rule to Show Cause and waive any further right to hearing on these matters.

Respectfully yours,

Patrick D. Seiter (Bar No. 22,153)
J. Wendell Clark (Bar No. 4150)
ADAMS AND REESE LLP
451 Florida Street, 19th Floor
Bank One Centre, North Tower
Baton Rouge, Louisiana 70801
Telephone (225) 336-5200
Facsimile (225) 336-5220

CERTIFIED TRUE COPY
00-018101
DEPUTY CLERK OF COURT

19TH JUDICIAL DISTRICT
EAST BATON ROUGE PARISH, LA.
FILED
2002 OCT 21 PM 1:17
BY
DEPUTY CLERK & RECORDER FOR
DOUG WELBORN
CLERK OF COURT EBR PARISH

210221171003

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading has been sent to the following counsel of record by hand delivery and by placing a copy of same, properly addressed and postage prepaid, in the United States mail and by facsimile on this 21st day of October, 2002.

Sue Buser
Martinez & Buser, LLC
1518 Highway 30 East
Gonzales, LA 70737
Facsimile (225) 644-6111

Patrick D. Seiter

Patrick D. Seiter

CERTIFIED TRUE COPY
00-018100
DEPUTY CLERK OF COURT

EAST BATON ROUGE PARISH, LA.
FILED
2002 OCT 21 PM 1:17
BY DEPUTY RECORDER FOR
DOUG WELBORN
CLERK OF COURT EBR PARISH