

NINETEENTH JUDICIAL DISTRICT COURT  
PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA

NUMBER: 499-737

DIVISION: D

J. ROBERT WOOLEY, AS  
ACTING COMMISSIONER OF INSURANCE  
FOR THE STATE OF LOUISIANA

VERSUS

AMCARE HEALTH PLANS OF LOUISIANA, INC.

COST OK \$ 5  
3 8150  
JUL 20 2012

FILED: \_\_\_\_\_

DEPUTY CLERK OF COURT

Filed on Behalf of - State of Louisiana - State Pays No Court Costs  
La. R.S. 13:4521

**RESPONSE TO NOTICE OF HEARING ON AUGUST 6, 2012 AS TO THE AmCare-LA  
EMERGENCY MOTION TO RESCIND AND/OR STAY THE COURT'S ORDER  
ENTERED ON JUNE (DATED JULY) 25, 2012 REQUIRING AmCare-LA TO FILE  
ALL OUTSTANDING TAX RETURNS BY AUGUST 15, 2012**

NOW INTO COURT, through undersigned counsel comes, James J. Donelon, Commissioner of Insurance for the State of Louisiana as Liquidator for AmCare Health Plans of Louisiana, Inc. In Liquidation, through the Court-appointed Deputy Receiver, Marlon Harrison ("AmCare-LA"), who received notice dated July 11, 2012 for a hearing set for August 6, 2012 at 1:00 p.m. by the Court as to the AmCare-LA Emergency Motion to Rescind and/or Stay the Court's Order Entered on June (dated July) 25, 2012 Requiring AmCare-LA to File All Outstanding Tax Returns by August 15, 2012 and for Expedited Consideration, which motion was filed in this matter on June 29, 2012. A copy of the notice at issue is attached hereto and incorporated herein as Exhibit A. No copy of the order of this Court setting the hearing on August 6, 2012 was provided to undersigned counsel, but is available on the website for the Clerk of Court.

AmCare-LA notes that the notice (but not a copy of the order of July 10, 2012) was appropriately sent to AmCare-LA counsel Sue Buser and Michael Charles Guy<sup>1</sup>, but was also sent to the following persons, each of which has no reason to be served with notice of the August 6 hearing for the reasons noted:

- 1) Marlon Harrison, Deputy Receiver (who is represented by counsel in this matter) appropriately served through counsel;

<sup>1</sup> Information available at present is that Michael Guy is out of town at present and unavailable to sign this pleading.

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- 2) Michael R. Adams, who filed a motion to withdraw as Receiver in this matter on May 23, 2012 but which has not yet been acted on by this Court and no copy of said motion is located in the computer records of this matter maintained by the Clerk of Court;
- 3) Shelton D. Blunt, who is not enrolled as counsel of record in these proceedings and has no involvement with the AmCare-LA tax returns;
- 4) Jeanne Comcaux, who is attorney for MedImpact but not involved in the filing of AmCare-LA tax returns;
- 5) Domoine Rutledge, who is not enrolled as counsel of record in these proceedings and has no involvement with the AmCare-LA tax returns;
- 6) Judge Janice Clark, who is the district court judge in this matter and signed the order setting the hearing.

Additionally, the notice sent by the Clerk on July 11, 2012 notes:

**"MEMO IN OPPOSITION TO BE SUBMITTED TO THE JUDGE NO LATER THAN EIGHT (8) DAYS PRIOR TO HEARING."**

It is unclear why any of the six individuals identified in the notice would have any opposition to AmCare-LA's motion as to the AmCare-LA tax returns. AmCare-LA does not anticipate any opposition to the pending motion. The order of the Court signed on July 10, 2012 setting a hearing on the subject motion is attached hereto and incorporated herein as Exhibit B. The order requires no notice be sent to these six individuals.

As before, AmCare-LA notes that the Clerk provided service of the hearing set for August 6, 2012 to several of the six persons who do not have any relationship to AmCare-LA, who were not appointed counsel for AmCare-LA by the Commissioner of Insurance, and who were not approved as counsel for AmCare-LA by the Attorney General, with no explanation as to why such service was requested or given by the Clerk, and/or required by the Court. See Emergency Motion, paragraph 14, p. 3.

To the best of AmCare-LA's knowledge, no one other than AmCare-LA, its counsel and its representatives, have an interest in the AmCare-LA tax returns that are the subject of the AmCare-LA motion at issue to be addressed at the August 6 hearing. Exhibit A. There is nothing in the record to show why the Clerk would take the unusual step of serving the Judge handling this matter. There is nothing in the record to show why the Clerk would take the unusual step of serving a Receiver who voluntarily withdrew from the case. There is nothing in the record to show why the Clerk would take the unusual step of serving two attorneys who are not enrolled in the case and are not representing any party. There is nothing in the record to show why the Clerk would take the

unusual step of serving the attorney for MedImpact, a claimant, with a motion unrelated to the AmCare-LA tax returns.

The Clerk offers no explanation as to why the Clerk sent notice of the August 6, 2012 hearing set in this matter to the six persons shown above, something that AmCare-LA brings to the attention of the Court.

Respectfully submitted,

**BURGLASS & TANKERSLEY, LLC**



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(225) 326-6445 Attorneys for JAMES J. DONELON  
*Commissioner of Insurance for the State of Louisiana as  
Liquidator of AmCare Health Plans of Louisiana, Inc. In Liquidation*

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing pleading on the following by United States Mail, postage prepaid, this 19 day of July, 2012:

Michael R. Adams  
DeCuir, Clark & Adams  
732 North Boulevard  
Baton Rouge, LA 70802

Jeanne Comeaux  
Breazeale, Sachse & Wilson  
301 Main Street  
Floor 23  
Baton Rouge, LA 70801

Shelton D. Blunt  
Philip Dunbar  
City Plaza  
100 Convent Street  
Baton Rouge, LA 70802

Domoine Rutledge  
2944 Twelve Oaks Avenue  
Baton Rouge, LA 70820  
and at  
4955 Sumrall Drive  
Baton Rouge, LA 70811

EAST BATON ROUGE PARISH CLERK OF COURT  
2012 JUL 19  
DEPUTY CLERK OF COURT

