

JAMES J. DONELON, COMMISSIONER	:	SUIT NO.: 651,069 SECTION: 22
OF INSURANCE FOR THE STATE OF	:	
LOUISIANA, IN HIS CAPACITY AS	:	
REHABILITATOR OF LOUISIANA	:	
HEALTH COOPERATIVE, INC.	:	
	:	
versus	:	19 TH JUDICIAL DISTRICT COURT
	:	
TERRY S. SHILLING, GEORGE G.	:	
CROMER, WARNER L. THOMAS, IV,	:	
WILLIAM A. OLIVER, CHARLES D.	:	
CALVI, PATRICK C. POWERS, CGI	:	PARISH OF EAST BATON ROUGE
TECHNOLOGIES AND SOLUTIONS,	:	
INC., GROUP RESOURCES	:	
INCORPORATED, BEAM PARTNERS,	:	
LLC, AND TRAVELERS CASUALTY	:	
AND SURETY COMPANY OF	:	
AMERICA	:	STATE OF LOUISIANA

**MOTION TO ADOPT CASE MANAGEMENT SCHEDULE
AND INCORPORATED MEMORANDUM IN SUPPORT**

NOW INTO COURT, through undersigned counsel, comes Plaintiff, James J. Donelon, Commissioner of Insurance for the State of Louisiana in his capacity as Rehabilitator of Louisiana Health Cooperative, Inc. (“LAHC”), through his duly appointed Receiver, Billy Bostick (“Plaintiff” or the “Commissioner”), who files this MOTION TO ADOPT CASE MANAGEMENT SCHEDULE and respectfully requests that the attached CASE MANAGEMENT SCHEDULE be adopted as the binding ORDER of this Honorable Court, all for the following reasons.

During the last hearing held in this matter on August 25, 2017, Your Honor verbally lifted the stay of discovery which had been in place pending the resolution of certain exceptions. According to the formal JUDGMENT regarding the matters heard and decided on August 25th, which was signed and rendered herein on September 19, 2017, the remaining parties were directed to “timely confer and propose an acceptable case scheduling order to be adopted by this Court.” In late September and/or early October, the actuarial defendants, Milliman and Buck, filed separate motions to stay this proceeding pending their respective writ applications to the first circuit. Both Milliman and Buck’s motions to stay were summarily denied.

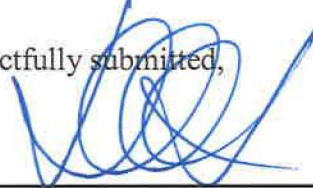
Pursuant to the directives of this Court, counsel for all parties conferred by telephone on four (4) separate occasions in a coordinated effort to agree upon mutually acceptable discovery deadlines and other pre-trial deadlines in this case: September 19th, September 25th, October 2nd, and October 5th. During each of these telephone conferences, counsel for all parties made suggestions regarding acceptable deadlines and the proper form of the proposed Case Management

Schedule (“CMS”) to be presented to this Court; following these telephone conferences, counsel exchanged emails and, in general, conferred with one another to arrive at a mutually acceptable CMS. At the last of these telephone conferences on October 5th, it appeared that all counsel had agreed upon the final form and deadlines to be submitted as a CMS; following this conference, undersigned counsel circulated the CMS which is attached hereto for Your Honor’s consideration.¹

Prior to filing this motion, counsel for Plaintiff (see p. 2), defendant CGI (see p. 3), and defendant Buck (see p. 5), all signed the attached CMS. Although undersigned counsel requested, via email on October 10th, that counsel for Milliman and GRI sign the CMS as per all counsel’s prior discussions and agreement reached during the October 5th telephone conference, to date, no counsel for Milliman or GRI has signed the CMS. In an effort to move this matter forward, on October 11th undersigned counsel sent an email to all remaining counsel advising them that “we will file the CSO that counsel for Plaintiff, CGI, and Buck have signed and represent the current situation to the Court on the morning of Friday, October 13th.” No defendant or counsel responded to this email in any way. Specifically, counsel for Milliman and GRI have neither responded in any way nor signed the CMS.

As of the close of business on Thursday, October 12th, no defendant or counsel has objected to the attached CMS in any way. In fact, three (3) of the five (5) remaining parties have actually signed the CMS. Given that “at least five (5) working days” have lapsed between the date the attached CMS was first circulated on October 5th and the date of this filing, October 12th, the prerequisites of Local Rule 9.5 have been met. Under the circumstances, and to avoid any further, unnecessary delay, Plaintiff respectfully requests that Your Honor consider the attached CMS, and if found acceptable, to sign and adopt the same as the ORDER of this Court.

Respectfully submitted,



J. E. Cullens, Jr., T.A., La. Bar #23011
Edward J. Walters, Jr., La. Bar #13214
Darrel J. Papillion, La. Bar #23243
David Abboud Thomas, La. Bar #22701
Jennifer Wise Moroux, La. Bar #31368
**WALTERS, PAPILLION,
THOMAS, CULLENS, LLC**
12345 Perkins Road, Bldg One
Baton Rouge, LA 70810
Phone: (225) 236-3636

¹ Only two (2) changes were suggested and adopted without objection by any party following October 5th: (1) two specific dates set aside in November 2018 for depositions were changed; and (2) the preliminary discovery production deadline was moved from January 1, 2018 to January 5, 2018. Several counsel affirmatively agreed to these two relatively minor changes via email; no counsel objected in any way.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been furnished via U.S. Mail, postage prepaid, and via e-mail to all counsel of record as follows:

Harry (Skip) J. Philips, Jr.
Taylor Porter
Post Office Box 2471
Baton Rouge, LA 70821

W. Brett Mason
Stone Pigman
301 Main Street, #1150
Baton Rouge, LA 70825

James A. Brown
Liskow & Lewis
One Shell Square
701 Poydras Street, #5000
New Orleans, LA 70139

V. Thomas Clark, Jr.
Adams and Reese, LLP
450 Laurel Street
Suite 1900
Baton Rouge, LA 70801

Baton Rouge, Louisiana this 13th day of October, 2017.



J. E. Cullens, Jr.

CASE MANAGEMENT SCHEDULE

BY ORDER OF THIS COURT, the following Case Management Schedule shall control this case. No variance of this Order shall be allowed without written approval of this Court:

1. Parties shall respond to written discovery propounded prior to October 16, 2017, on or before January 5, 2018.
2. Parties shall reciprocally exchange preliminary witness lists on or before February 15, 2018.
3. Joinder of parties and amendment of pleadings must be completed on or before April 16, 2018.
4. Parties shall supplement their witness list on or before June 15, 2018.
5. Final discovery cutoff regarding fact witnesses is set for November 30, 2018. All motions to compel and for protective orders, must be filed no later than 21 days after this date.
6. The parties have agreed to set aside the following dates for depositions:

January 2018: 19, 22, 23	June 2018: 18, 19, 20, 21, 22
February 2018: 19, 20, 22, 23	August 2018: 21, 22, 23, 24
March 2018: 19, 20, 22, 23	September 2018: 24, 25, 26, 27, 28
April 2018: 23, 24, 26, 27	October 2018: 22, 23, 24, 25, 26
May 2018: 14, 15, 16	November 2018: 8, 9, 12, 13, 16

Absent prior consent and agreement of all parties, depositions shall not be scheduled on any date not listed herein.

7. If expert witness testimony is required:
 - a. All Plaintiff's reports shall be produced to defendant(s) on or before January 15, 2019.
 - b. All Defendant(s) expert reports shall be produced to plaintiff on or before February 15, 2019.
8. All expert discovery, including depositions of all experts, shall be completed on or before May 15, 2019.
9. Parties shall exchange pretrial inserts on or before June 5, 2019.
10. The pretrial order shall be prepared, signed by all parties, and filed by plaintiff counsel with the court on June 20, 2019.
11. It is the intent and desire of the parties, subject to the discretion and Order of this Court, that the trial of this matter shall be set in the late summer or fall of 2019.¹

The foregoing Case Management Schedule is adopted as an Order of this Court this _____ day of _____, 2017.

Judge Timothy E. Kelley

¹ Buck Consultants, LLC and Milliman, Inc. sign this Case Management Schedule subject to and fully reserving their respective Declinatory Exceptions of Improper Venue and Declinatory Exception of Lack of Subject Matter Jurisdiction and their applications for supervisory review of the court's September 19, 2017 Judgment denying these exceptions.

JAMES J. DONELON

NO. 651,069 SEC. 22

V.

JUDGE TIMOTHY KELLEY

TERRY S. SHILLING, ET AL

COURT 10D

Signature: _____


J. E. Cullens, Jr.

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225-236-3636
cullens@lawbr.net

[SEPARATE SIGNATURE PAGES 3-6 FOLLOW FOR ALL DEFENSE COUNSEL]

JAMES J. DONELON


NO. 651,069 SEC. 22

V.

JUDGE TIMOTHY KELLEY

TERRY S. SHILLING, ET AL

COURT 10D

Signature: 
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JAMES J. DONELON

NO. 651,069 SEC. 22

V.

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JAMES J. DONELON

NO. 651,069 SEC. 22

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Signature: *Mirais M. Holden*

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RULE 9.5 CERTIFICATE

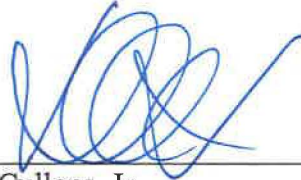
I certify that I circulated this proposed CASE MANAGEMENT SCHEDULE to counsel for all remaining parties by email on Thursday, October 5, 2017, and that:

X no opposition was received; or
___ the following opposition was received:

n/a; see MOTION TO ADOPT CASE MANAGEMENT SCHEDULE contemporaneously filed herein;

I have allowed at least five (5) working days before presentation to the court.

Certified this 13th day of October, 2017.



J.E. Cullens, Jr.
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been furnished via U.S. Mail, postage prepaid, and via e-mail to all counsel of record as follows:

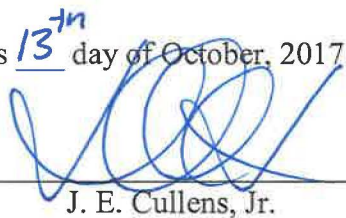
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Baton Rouge, Louisiana this 13th day of October, 2017.



J. E. Cullens, Jr.