

19th JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NO. C651069

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, ET AL

COST OK Amt. State

OCT 25 2017

BY MC
DY CLERK OF COURT

FILED: _____

DEPUTY CLERK

JOINT MOTION AND ORDER OF PARTIAL DISMISSAL

On motion of the parties, through undersigned counsel, and on suggesting to this Honorable Court that James J. Donelon, Commissioner of Insurance for the State of Louisiana, in his Capacity as Rehabilitator of Louisiana Health Cooperative, Inc. ("Plaintiff") and Terry S. Shilling, George D. Cromer, Charles D. Calvi, Warner L. Thomas, William A. Oliver, Patrick C. Powers and Travelers Casualty and Surety Company of America ("Defendants"), have reached a compromise and it is Plaintiff's desire that, only as to these Defendants and pursuant to the terms of the underlying Settlement Agreement and Mutual Release of Claims between them, this matter be dismissed with prejudice as to Travelers Casualty and Surety Company of America ("Travelers"), each party to bear their own costs; and that Plaintiff's claims against Terry S. Shilling, George D. Cromer, Charles D. Calvi, Warner L. Thomas, William A. Oliver, Patrick C. Powers and Other Insured Persons, as that term is defined in the underlying Settlement Agreement and Mutual Release of Claims between them, (collectively the "D&O Parties") be dismissed with prejudice, subject to the D&O Parties being named only as nominal defendants in this matter, and only in the event and to the extent that Plaintiff elects to pursue its rights against any insurance company, other than Travelers, which may provide coverage to these D&O Parties regarding Plaintiff's claims against them;

EBR4325403

HEREBY CERTIFY THAT ON THIS DAY A NOTICE
THE JUDGMENT WAS MAILED BY ME, W.
SUFFICIENT POSTAGE AFFIXED, TO ALL PARTIES
DONE AND SIGNED ON 11/2/17
Patricia Kilian
DEPUTY CLERK OF COURT

2 cc's Cullens/PA



Certified True and
Correct Copy
eCertID: 000338309

Patricia Kilian
East Baton Rouge Parish
Deputy Clerk of Court

Generated Date:

11/2/2017 8:22 AM

Alteration and subsequent re-filing of this certified copy may violate La. R.S. 14:132, 133, and/or RPC Rule 3.3(a)(3).

REC'D C.P.

OCT 30 2017

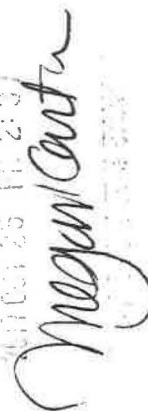
IT IS ORDERED BY THE COURT that Plaintiff's claims in the above matter be, and the same are hereby dismissed with prejudice only as to Defendant, Travelers Casualty and Surety Company of America, pursuant to the terms of the underlying Settlement Agreement and Mutual Release of Claims between them, each party to bear their own costs.

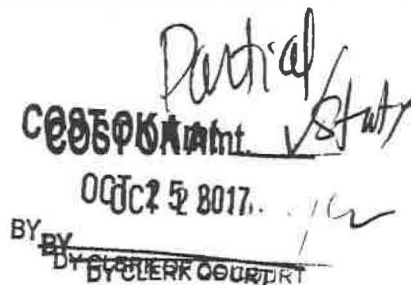
IT IS FURTHER ORDERED BY THE COURT that Plaintiff's claims against Terry S. Shilling, George D. Cromer, Charles D. Calvi, Warner L. Thomas, William A. Oliver, Patrick C. Powers and Other Insured Persons, as that term is defined in the underlying Settlement Agreement and Mutual Release of Claims between them (collectively the "D&O Parties"), be dismissed with prejudice, subject to the D&O Parties being named only as nominal defendants in this matter, and only in the event and to the extent that Plaintiff elects to pursue its rights against any insurance company, other than Travelers, which may provide coverage to these D&O Parties regarding Plaintiff's claims against them, with each party to bear its own costs.

Baton Rouge, Louisiana this 26 day of October, 2017.


HON. JUDGE TIMOTHY E. KELLEY


[COUNSEL SIGNATURES ON FOLLOWING PAGES NO. 2 AND 3]


Megan Carter


Partial
COSTOPAK mt. v. State
OCT 25 2017.
BY BY
BY CLERK COURT



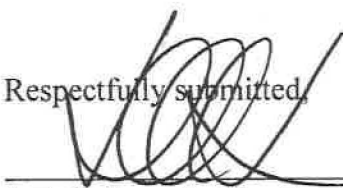
**Certified True and
Correct Copy**
eCertID: 000338309

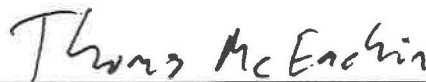

Patricia Kibler
East Baton Rouge Parish
Deputy Clerk of Court

Generated Date:

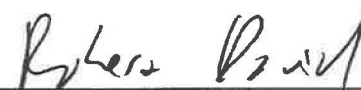
11/2/2017 8:22 AM

Respectfully submitted,

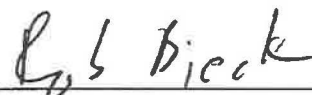

 J. E. Cullens, Jr. (La. Bar #23011)
 Walters, Papillion, Thomas, Cullens
 12345 Perkins Road, Building One
 Baton Rouge, LA 70810
 Telephone: 225-236-3636
 Counsel for Plaintiff

 *


Thomas M. McEachin (La. Bar #26412)
 Schonekas, Evans, McGoey & McEachin
 909 Poydras Street, Suite 1600
 New Orleans, Louisiana 70112
 Telephone: 504-680-6050
 Counsel for Defendant Terry S. Shilling

 *

Robert David (La. Bar #21554)
 Juneau David
 P. O. Box 51268
 Lafayette, Louisiana 70505
 Telephone: 337-269-0052
 Counsel for Defendants George G. Cromer
 and Charles D. Calvi

 *

Robert B. Bieck, Jr. (La. Bar #03066)
 Jones Walker
 201 St. Charles Avenue
 New Orleans, Louisiana 70170
 Telephone: 504-582-8202
 Counsel for Warner L. Thomas, IV
 and William A. Oliver

 *

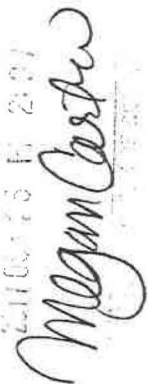
Henry D. H. Olinde, Jr. (La. Bar #19085)
 Olinde & Mercer
 8562 Jefferson Highway, Suite B
 Baton Rouge, Louisiana 70809
 Telephone: 225-240-7297
 Counsel for Patrick C. Powers

* Signed by Richard Bandoun (No. 31032) with counsel's
 express permission.





Richard E. Baudouin (La. Bar # 31032)
Krebs Farley, PLLC
400 Poydras Street, Suite 2500
New Orleans, Louisiana 70130
Telephone: 504-299-3570
*Counsel for Travelers Casualty and Surety
Company of America*



2017 NOV 20 PM 2:07



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:

Thomas McEachin
Schonekas, Evans, McGoey & McEachin, LLC
909 Poydras Street, Suite 1600
New Orleans, Louisiana 70112

Robert J. David, Jr.
Juneau David, APLC
Post Office Drawer 51268
Lafayette, LA 70505

Henry D.H. Olinde, Jr.
Olinde & Mercer, LLC
8562 Jefferson Highway, Suite B
Baton Rouge, LA 70809

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

Matt J. Farley
Krebs Farley
400 Poydras Street, #2500
New Orleans, LA 70130

W. Brett Mason
Stone Pigman
301 Main Street, #1150
Baton Rouge, LA 70825
225-490-5812

Frederic Theodore 'Ted' Le Clercq
Deutsch Kerrigan, LLP
755 Magazine Street
New Orleans, LA 70130

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

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

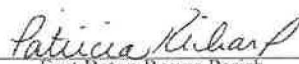
Baton Rouge, Louisiana this 25th day of October, 2017.



J. E. Cullens, Jr.



**Certified True and
Correct Copy**
eCertID: 000338309



East Baton Rouge Parish
Deputy Clerk of Court

Generated Date:

11/2/2017 8:22 AM