

**JAMES J. DONELON, COMMISSIONER  
OF INSURANCE FOR THE STATE OF  
LA, IN HIS CAPACITY AS  
REHABILITATOR OF LA HEALTH  
COOPERATIVE, INC.**

**VS.**

**TERRY S. SHILLING, ET AL.**

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

**\* SUIT NO. 651,069, SEC. 22**

**\* 19<sup>TH</sup> JUDICIAL DISTRICT COURT**

**\* PARISH OF EAST BATON ROUGE**

**\* STATE OF LOUISIANA**

\_\_\_\_\_  
**DEPUTY CLERK**

**EX PARTE MOTION FOR ADMISSION PRO HAC VICE**

NOW COMES, through undersigned counsel, Defendant, Milliman, Inc., and pursuant to Louisiana Supreme Court Rule XVII, Section 13 respectfully requests an Order from this Honorable Court enrolling as co-counsel Justin Kattan of the law firm DENTONS US, LLP, 1221 Avenue of the Americas, New York, New York, 10020-1089; Telephone: 212-768-6730; Facsimile: 212-768-6800.

Mr. Kattan is admitted to practice in the Appellate Division of the New York Supreme Court, First Judicial Department, US District Court, Southern District of New York, U.S. District Court, Eastern District of New York, U.S. Court of Appeals for the 2<sup>nd</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Circuits.

Mr. Kattan is in good standing with the State Bar of New York since his admission in 2001 as reflected in the attached Certificate of Good Standing (Exhibit A). Also attached to this motion is a Verified Application for *Pro Hac Vice* Admission in Louisiana (Exhibit B) and an affidavit of Mr. Kattan (Exhibit C).

Accordingly, undersigned counsel verifies that this motion and the documents attached have been served on all counsel of record and the Louisiana Attorney Disciplinary Board and that the requisite fee, as required in Section 13(A)(4)(ii) of the Local Rule XVII, has been paid to the Disciplinary Board.

Respectfully submitted,

**PHELPS DUNBAR LLP**

BY:



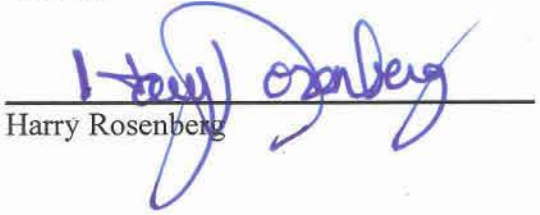
**Harry Rosenberg (Bar # 11465)**  
Canal Place | 365 Canal Street, Suite 2000  
New Orleans, Louisiana 70130-6534  
Telephone: 504-566-1311  
Telecopier: 504-568-9130  
Email: rosenbeh@phelps.com  
and

**H. Alston Johnson (Bar # 7293)**  
400 Convention Street, Suite 1100  
Baton Rouge, LA 70802  
Telephone: 225-346-0285  
Telecopier: 225-381-9197  
Email: johnsona@phelps.com

**ATTORNEYS FOR MILLIMAN, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of February, 2018, that a copy of the foregoing has been served upon all known counsel of record either by facsimile, electronic mail and/or via U.S. mail, first class postage prepaid and properly affixed.



Harry Rosenberg

**JAMES J. DONELON, COMMISSIONER  
OF INSURANCE FOR THE STATE OF  
LA, IN HIS CAPACITY AS  
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**\_\_\_\_\_  
DEPUTY CLERK**

**ORDER**

Considering the foregoing Ex Parte Motion for Admission Pro Hac Vice, and for good cause shown,

IT IS HEREBY ORDERED that Justin Kattan of the law firm of Dentons US, LLP be admitted *pro hac vice* as co-counsel for Defendant, Milliman, Inc., in this matter.

BATON ROUGE, LOUISIANA this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**\_\_\_\_\_  
DISTRICT COURT JUDGE**

Appellate Division of the Supreme Court  
of the State of New York  
First Judicial Department

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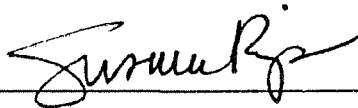
I, Susanna Rojas, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

**JUSTIN NESSIM KATTAN**

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on July 2, 2001, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

In Witness Whereof, I have hereunto set my  
hand and affixed the seal of this court on

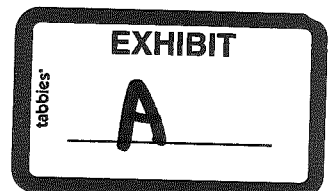
January 3, 2018



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Clerk of the Court

8671



**LOUISIANA ATTORNEY DISCIPLINARY BOARD****OFFICE OF THE DISCIPLINARY COUNSEL**

4000 S. Sherwood Forest Blvd.

Suite 607

Baton Rouge, Louisiana 70816

(225) 293-3900 • 1-800-326-8022 • FAX (225) 293-3300

February 2, 2018

Justin N. Kattan, Esq.  
Dentons, US, LLP  
1221 Avenue of the Americas  
New York, NY 10020

Re: 18-PHV-049  
James J. Donelon, Commissioner of Insurance  
for the State of LA, et al  
vs. Terry S. Shilling et al  
Docket # 651,069 – Section 22

Dear Mr. Kattan:

The Louisiana Office of Disciplinary Counsel has received your application for *pro hac vice* admission in the State of Louisiana in connection with the matter of *James J. Donelon, Commissioner of Insurance for the State of LA, et al vs. Terry S. Shilling, et al* pending before the *19th Judicial District Court in East Baton Rouge Parish*. A review of your application indicates that you are supported by your sponsoring attorney *Harry Rosenberg*, who is currently licensed and in good standing with the Louisiana State Bar. In all respects it appears that your application is in appropriate format. The Office of Disciplinary Counsel currently possesses no information upon which to base an opposition to your application.

By copy of this correspondence to the presiding District Court Judge and your sponsoring attorney, we are advising them of our approval of your application.

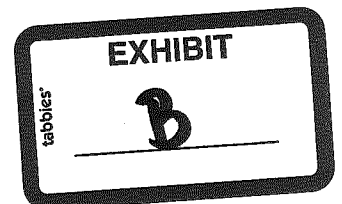
Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles B. Plattsmier".

CHARLES B. PLATTSMIER  
Chief Disciplinary Counsel

CBP/pab

cc: Honorable Timothy Kelley  
Harry Rosenberg, Esq.



**APPLICATION FOR *PRO HAC VICE* ADMISSION IN LOUISIANA<sup>1</sup>**

1. Full name of Applicant: Justin N. Katttan
  
2. Full name, address and telephone number of law firm in which the applicant practices:  
Dentons US LLP, 1221 Avenue of the Americas, New York, NY 10020-1089 212-768-6700  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Applicant's residence address and telephone number:  
176 Webster Road, Scarsdale, NY 10583 914-574-5853  
\_\_\_\_\_
  
4. Name of case in which admission is sought: James J. Donelon, Comissioner of Insurance for the State  
of Lousiana, in his capacity as Rehabilitator of Louisiana Health Cooperative, Inc. v. Terry S. Shilling et al.  
\_\_\_\_\_
  
5. Court or agency and docket number of case: 19th Judicial Circuit, Parish of East Baton Rouge  
Suit No.651,069 Section 22  
\_\_\_\_\_
  
6. Name, address and phone number of each client sought be to represented:  

<u>Milliman, Inc.</u>	_____
<u>1301 Fifth Avenue, Suite 3800</u>	_____
<u>Seattle, WA 998101-2646; 206-624-7940</u>	_____
_____	_____
_____	_____
_____	_____

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<sup>1</sup> If the spaces are not sufficient to allow for complete responses, please append any additional responses to this Application.

7. Please list every court before which you have been admitted to practice (excluding *pro hac vice* admissions), the respective period(s) of admission and your bar roll or other identifying number before the courts:

NY Supreme, App. Div 1st Dept 7/01, _____	US Ct. of Appeals, 5th Cir. 3/2010 _____
3983905 _____	_____
US Dist. Ct., Southern Dist. of NY 2001 _____	_____
US Dist. Ct Eastern Dist. of NY 2012 _____	_____
US Ct. of Appeals, 3rd Cir. 11/2013 _____	_____
US Ct. of Appeals, 2nd Cir. 5/2010 _____	_____

8. Please check the appropriate box indicating whether you:

- (a) have been denied admission *pro hac vice* in this state  
 yes                       no
- (b) had admission *pro hac vice* revoked in this state  
 yes                       no
- (c) have otherwise formally been disciplined or sanctioned by any court in this state  
 yes                       no

If you answered affirmatively to these questions, please specify:

The nature of the allegations: \_\_\_\_\_

The name of the authority bringing such proceedings: \_\_\_\_\_

The caption of the proceedings: \_\_\_\_\_

The date filed: \_\_\_\_\_

What findings were made: \_\_\_\_\_

What action was taken in connection with those proceedings: \_\_\_\_\_

\_\_\_\_\_

7. Please list every court before which you have been admitted to practice (excluding *pro hac vice* admissions), the respective period(s) of admission and your bar roll or other identifying number before the courts:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

8. Please check the appropriate box indicating whether you:

- (a) have been denied admission *pro hac vice* in this state  
 yes                       no
- (b) had admission *pro hac vice* revoked in this state  
 yes                       no
- (c) have otherwise formally been disciplined or sanctioned by any court in this state  
 yes                       no

If you answered affirmatively to these questions, please specify:

The nature of the allegations: \_\_\_\_\_

The name of the authority bringing such proceedings: \_\_\_\_\_

The caption of the proceedings: \_\_\_\_\_

The date filed: \_\_\_\_\_

What findings were made: \_\_\_\_\_

What action was taken in connection with those proceedings: \_\_\_\_\_

\_\_\_\_\_



9. Have you ever been publicly disciplined by any lawyer disciplinary committee, state or federal court, or lawyer disciplinary agency in any other jurisdiction?  
 yes  no

If you answered affirmatively, as to each such discipline, please provide the following:

A summary of the allegations against you: \_\_\_\_\_  
\_\_\_\_\_

The name of the state or federal authority bringing such proceedings: \_\_\_\_\_

The date the discipline was imposed: \_\_\_\_\_

The style of the proceedings: \_\_\_\_\_

The findings made and discipline imposed in connection with the proceedings: \_\_\_\_\_  
\_\_\_\_\_

(A copy of any public Order of lawyer discipline imposed against the applicant shall be appended to this Application)

10. Please state whether you have been held formally in contempt or otherwise sanctioned by any court in a written order in the last five (5) years.  
 yes  no

If you answered affirmatively, as to each occurrence, please provide the following:

The nature of the allegations: \_\_\_\_\_

The name of the court before which such proceedings were conducted: \_\_\_\_\_  
\_\_\_\_\_

The date of the contempt order or sanction: \_\_\_\_\_

The caption of the proceedings: \_\_\_\_\_

The substance of the court's rulings (a copy of the written order or transcript of the oral rulings shall be attached to this Application): \_\_\_\_\_

11. Please state whether you have been convicted of any crimes (other than minor, non-alcohol related traffic violations).  
 yes                       no

If you answered affirmatively, as to each occasion, please provide the following:

The substance of the criminal charge(s) \_\_\_\_\_  
\_\_\_\_\_

The name of the court before which the proceeding was conducted: \_\_\_\_\_  
\_\_\_\_\_

The approximate date the proceeding was concluded: \_\_\_\_\_

The outcome of the proceeding: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(A copy of any such Judgment or Order of Conviction shall be appended to this Application.)

12. Are there any criminal charges (other than minor, non-alcohol related traffic violations) or lawyer disciplinary complaints or proceedings presently pending against you?  
 yes                       no

If you answered affirmatively, as to each such pending criminal charge or lawyer disciplinary complaint or proceeding, please provide the following:

The name and address of the court or agency before which the criminal proceeding or lawyer disciplinary complaint or proceeding is pending: \_\_\_\_\_  
\_\_\_\_\_

The substance and nature of any criminal charge or lawyer disciplinary complaint or proceeding pending against you: \_\_\_\_\_  
\_\_\_\_\_

(A copy of any pending lawyer discipline complaint(s) or proceeding(s), or criminal charge(s), shall be appended to this Application.)

13. Please state the name and address of each court or agency and a full identification of each proceeding in which the applicant has moved a Louisiana Court or agency, and/or filed an application to appear *pro hac vice*, or appeared *pro hac vice*, in this state within the preceding two years; the date of each application; and the outcome of the application.

None

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14. Please list the name, address, telephone number and bar number of an active member in good standing of the bar of this state who will sponsor your *pro hac vice* request. The bar member preferably will be the attorney of record for the client(s) you seek to represent.

Harry Phelps, PHELPS DUNBAR	11465
Name	Bar number
<hr/>	
365 Canal Street, Suite 2000	
Address	
<hr/>	
New Orleans, LA 70130	504-584-9219 (office) 504-250-7908 (cell)
	Telephone number

15. Please list your prior or continuing representation in other matters of one or more of the clients you propose to represent and any relationship between such other matter(s) and the proceeding for which you seek admission.

(SEE ATTACHED FOR FULL RESPONSE)

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16. Please list any special experience, expertise, or other factor deemed to make it particularly desirable that you be permitted to represent the client(s) you propose to represent.

(SEE ATTACHED FOR FULL RESPONSE)

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17. Please attach to this application a current (issued within 90 days) certificate of good standing from every state you are presently licensed to practice in.

VERIFICATION

Our signatures serve as verification that (1) the information contained in this application is true and correct, to the best of our information and belief; (2) the application fee required by Louisiana's *pro hac vice* admission rule been remitted to the Louisiana Attorney Disciplinary Board (unless an exemption is applicable); (3) the out-of-state attorney is "temporarily present in this state" pursuant to R.S. 37:214; (4) in the event this application is approved, all documents requiring the signature of counsel for a party may not be signed solely by the out-of-state attorney, but also must bear the signature of the Louisiana associated counsel; (5) this application has been or will be served upon all parties and upon the Louisiana Attorney Disciplinary Board; and (6) we are familiar with the Louisiana Rules of Professional Conduct, the rules of discipline of the Louisiana Attorney Disciplinary Board, and the local rules and court procedures of the court or agency before which the applicant is seeking to practice.

Dentons, US LLP

1221 Avenue of the Americas NY, NY 10020

212-768-6923

Business Address and Phone Number  
of Applicant

Phelps Dunbar LLP

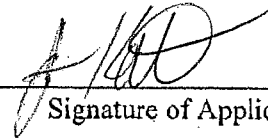
365 Canal St., Ste 2000, New Orleans LA 70130

504-584-9219; 11465

Business Address, Phone Number,  
and Bar Roll Number of  
Louisiana Associated Attorney

Justin N. Kattan

Full Name of Applicant



Signature of Applicant

Harry Rosenberg, Esq.

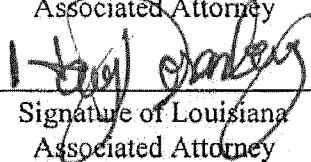
Full Name of Louisiana  
Associated Attorney

Signature of Louisiana  
Associated Attorney

17. Please attach to this application a current (issued within 90 days) certificate of good standing from every state you are presently licensed to practice in.

VERIFICATION

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	Full Name of Applicant
Business Address and Phone Number of Applicant	Signature of Applicant
365 Canal Street, Suite 2000	Harry Rosenberg
New Orleans, LA 70130	Full Name of Louisiana Associated Attorney
LA Bar No.: 11465; T: 504-566-1311	
Business Address, Phone Number, and Bar Roll Number of Louisiana Associated Attorney	Signature of Louisiana Associated Attorney

APPLICATION FOR *PRO HAC VICE* ADMISSION IN LOUISIANA  
(Application of Justin N. Kattan)

**Addendum: Answers to Questions 15 and 16**

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**15. Please list your prior or continuing representation in other matters of one or more of the clients you propose to represent and any relationship between such other matter(s) and the proceeding for which you seek admission.**

My colleagues at Dentons and I serve as national coordinating counsel for Milliman, Inc. ("Milliman") in connection with actions filed by various State Insurance Commissioners relating to Milliman's actuarial work on behalf of health insurance CO-OPs created under the Patient Protection Affordable Care Act ("CO-OP Actions").

My *pro hac* applications have been granted, or are pending, in the below cases, which are all CO-OP Actions where I serve as counsel to Milliman:

- *Doug Ommen v. Milliman, Inc., Kimberley Hiemenz, Michael Sturm, Stephen Ringlee, David Lyons, and Clifford Gold*, Case No. LACL138070 (Iowa District Court for Polk County, Complaint filed June 5, 2017);
- *Jeff Gaither, Deputy Liquidator of Kentucky Health Cooperative, Inc. v. Beam Partners, Terry S. Shilling, Janie Miller, Officers and Board of Directors of the Kentucky Health Cooperative, Inc., Joseph E. Smith, CGI Technologies and Solutions, Inc., Milliman, Inc. and Rachel W. Killian*, Civil Action No. 16-CI-160 (Franklin Circuit Court, Commonwealth of Kentucky, Second Amended Complaint filed August 30, 2017);
- *State of Nevada ex rel. Commission of Insurance, Barbara D. Richardson in Her Official Capacity as Receiver for Nevada Health CO-OP v. Milliman, Inc., Jonathan L. Shreve, Mary Van Der Heijde, Millennium Consulting Services, LLC, Larson & Company P.C., Dennis T. Larson, Martha Hayes, Insuremonkey, Inc., Alex Rivlin, Nevada Health Solutions, LLC, Pamela Egan, Basil . Dibsie, Linda Mattoon, Tom Zutobel, Bobbette*

*Bond, Kathleen Silver, Does I through X inclusive, and ROE Corporations I-X, inclusive, Case No. A-17-760558-C (District Court Clark County, Nevada, Complaint filed August 25, 2017).*

**16. Please list any special experience, expertise, or other factor deemed to make it particularly desirable that you be permitted to represent the client(s) you propose to represent.**

As noted above, my colleagues at Dentons and I serve as national coordinating counsel for Milliman in connection with actions filed by various State Insurance Commissioners relating to Milliman's actuarial work on behalf of health insurance CO-OPs created under the Patient Protection Affordable Care Act. In addition, I have specialized expertise representing actuaries and defending companies against allegations regarding actuarial negligence and/or fraud.

JAMES J. DONELON, COMMISSIONER  
OF INSURANCE FOR THE STATE OF  
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VS.

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\* 19<sup>TH</sup> JUDICIAL DISTRICT COURT

\* PARISH OF EAST BATON ROUGE

\* STATE OF LOUISIANA

AFFIDAVIT

STATE OF NEW YORK

COUNTY OF NEW YORK

I, the undersigned, hereby state under oath that I am a member in good standing of the Bar of the State of New York and that no disciplinary proceedings or criminal charges have ever been instituted against me. This affidavit is submitted in support of the Ex Parte Motion for Admission *Pro Hac Vice* to enroll as co-counsel for Defendant, Milliman, Inc. in the above referenced matter.

  
\_\_\_\_\_  
JUSTIN KATTAN

Sworn to and subscribed before me  
this 8th day of February, 2018.

  
\_\_\_\_\_  
NOTARY PUBLIC

Kathryn A. Schapp  
NOTARY PUBLIC, State of New York  
No. 01SC5044770  
Qualified in Suffolk County  
Certificate Filed in New York County  
Commission Expires June 05, 2019

