



19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA
300 NORTH BLVD
BATON ROUGE, LA 70801

25TH DAY OF MARCH, 2021

TO: J. E. CULLENS JR.
WALTERS, PAPILLION, THOMAS, CULLENS, LLC
12345 PERKINS ROAD, BUILDING ONE
BATON ROUGE, LA 70810

JAMES J DONELON, COMMISSIONER OF INSURANCE FOR THE STATE OF
LOUISIANA VS TERRY S SHILLING, ET AL

CASE NUMBER: C-651069

JUDGE: HON. TIMOTHY E KELLEY

DIVISION: 22

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING ACTION FOR THE

AFOREMENTIONED CASE: ENCLOSED YOU WILL FIND A COPY OF A JUDGMENT
SIGNED ON MARCH 24, 2021 BY JUDGE TIMOTHY KELLEY.

Erin Price

DEPUTY CLERK FOR DOUG WELBORN

NOTIFIED:

A SIMONE MANUEL
A'DAIR FLYNT
ADAM D WHITWORTH
ALEXANDER N BRECKINRIDGE V
ANDREE MATHERNE CULLENS
DAVID R GODOFSKY
FREDERIC THEODORE LE CLERCQ
GEORGE DAVIDSON FAGAN
HARRY ALLAN ROSENBERG
HARRY ALLAN ROSENBERG
HENRY D H OLINDE JR
J. E. CULLENS JR.
JAMES ALCEE BROWN
JENA W SMITH
JENNIFER W MOROUX
JOHN ASHLEY MOORE
JOHN WILLIAM HITE III
JUSTIN J MAROCCO
KARL H SCHMID
MATTHEW JOSEPH FARLEY
MICHAEL A BALASCIO
MIRAI S M HOLDEN
MONICA M. VELA-VICK
RICHARD E BAUDOUIN

ROBERT B BIECK JR
ROBERT J DAVID JR
ROBERT W BARTON
RYAN K FRENCH
SETH A SCHMEECKLE
THOMAS M MCEACHIN
W BRETT MASON

19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NO.: 651,069

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, GEORGE G. CROMER, WARNER L. THOMAS, IV, WILLIAM A.
OLIVER, CHARLES D. CALVI, PATRICK C. POWERS, CGI TECHNOLOGIES AND
SOLUTIONS, INC., GROUP RESOURCES INCORPORATED, BEAM PARTNERS, LLC,
MILLIMAN, INC., BUCK CONSULTANTS, LLC, AND TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA

FILED: _____

DEPUTY CLERK

**DEFENDANTS', BUCK GLOBAL, LLC AND MILLIMAN, INC., JOINT MOTION AND
INCORPORATED MEMORANDUM FOR STAY OF PROCEEDINGS PENDING
APPEAL**

NOW INTO COURT, through undersigned counsel, comes Defendants Buck Global, LLC f/k/a Buck Consultants, LLC ("Buck") and Milliman, Inc. ("Milliman") (collectively, "Defendants"), who respectfully move this Court to stay further proceedings in this matter, until such time as the Louisiana First Circuit Court of Appeal decides Defendants' appeals, through which Defendants seek review of this Court's February 25, 2021 Judgment denying their Motions to Compel filed against Louisiana Department of Insurance and Lewis & Ellis, Inc. ("the Judgment").

On March 10, 2021, this Court granted Defendants appeals from the Judgment, returnable to the Louisiana First Circuit Court of Appeal in the time provided by La. Code Civ. Proc. art. 2125. Defendants respectfully request a stay be granted in this case pending the resolution of these appeals because the Court's ruling on the Motions to Compel presents a substantial risk that responsive records that have been placed at issue in this case will not be produced to Defendants before the case proceeds to depositions, other pretrial phases and, ultimately, trial on the merits. *See Rosen v. Yokum*, 366 So. 2d 929, 932 (La. App. 1 Cir. 1978) ("[T]he trial judge has within his discretion the authority to stay further proceedings.").

Further, given the typical gestation of an appeal, it is possible the Defendants' appeals will not be resolved prior to this Court's fact discovery deadline of December 1, 2021. The Court's Judgment thus places Defendants at risk of having to defend themselves in depositions and other proceedings without disclosure of these documents. Similarly, a stay is appropriate under these circumstances to avoid duplication of discovery efforts, in that a ruling on appeal reversing the Court's Judgment would require the reopening of discovery and re-deposing of witnesses and other duplication and waste of resources. Thus, to avoid the potential waste of judicial and private resources, and to prevent prejudice to Defendants, the Court should grant a stay pending appellate review of the denial of Defendants' Motions to Compel. *See Walton-Lentz v. Innophos, Inc.*, No. 08-601, 2011 WL 1648668, at *2 (M.D. La. Apr. 29, 2011) (denying motion for reconsideration of order granting stay, reasoning that "the stay clearly promotes judicial efficiency and lowers the cost of these proceedings for the parties").

In the event Defendants' motion to stay is denied, Defendants reserve their right to move to reopen discovery and re-depose witnesses if granted relief on appeal subsequent to this Court's fact discovery deadline.

WHEREFORE, Buck Global, LLC and Milliman, Inc. respectfully request that this Court order a stay of further proceedings in this matter, until such time as the Louisiana First Circuit Court of Appeal acts upon Defendants' appeals of this Court's February 25, 2021 Judgment denying Defendants' Motions to Compel. Alternatively, in the event a stay is denied, Defendants reserve their right to move to reopen discovery and re-depose witnesses if the district court's order is reversed on appeal.

Respectfully submitted,

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Counsel for Defendant Milliman, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing pleading has been served upon all counsel of record by electronic mail, this 22nd day of March, 2021.

/s/ James A. Brown

19TH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NO.: 651,069

SECTION 22

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FOR THE STATE OF LOUISIANA, IN HIS CAPACITY AS REHABILITATOR OF
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MILLIMAN, INC., BUCK CONSULTANTS, LLC, AND TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA

FILED: _____

DEPUTY CLERK

ORDER

Considering the *Joint Motion and Incorporated Memorandum for Stay of Proceedings
Pending Appeal*, filed by Buck Global, LLC and Milliman, Inc.,

IT IS HEREBY ORDERED that the Joint Motion for Stay of Proceedings is **GRANTED**,
and that all proceedings in the above-captioned matter are **STAYED** until such time as the
Louisiana First Circuit Court of Appeal acts upon Defendants' appeals of this Court's February
25, 2021 Judgment denying Defendants' Motions to Compel.

March 24 2021

Thus done and signed this ____ day of _____ 2021, at Baton Rouge, Louisiana.



The Honorable Timothy Kelley
Judge, 19th Judicial District Court

I HEREBY CERTIFY THAT ON THIS DAY A COPY OF
THE WRITTEN REASONS FOR JUDGMENT /
JUDGMENT / ORDER / COMMISSIONER'S
RECOMMENDATION WAS MAILED BY ME WITH
SUFFICIENT POSTAGE AFFIXED.
SEE ATTACHED LETTER FOR LIST OF RECIPIENTS.

DONE AND MAILED ON March 26, 2021



DEPUTY CLERK OF COURT