

JAMES J. DONELON, COMMISSIONER	:	SUIT NO.: 651,069 SECTION: 22
OF INSURANCE FOR THE STATE OF	:	
LOUISIANA, IN HIS CAPACITY AS	:	
REHABILITATOR OF LOUISIANA	:	19 TH JUDICIAL DISTRICT COURT
HEALTH COOPERATIVE, INC.	:	
	:	
versus	:	PARISH OF EAST BATON ROUGE
	:	
CGI TECHNOLOGIES AND	:	
SOLUTIONS, INC., <i>ET AL.</i>	:	STATE OF LOUISIANA

MOTION FOR NEW TRIAL, AND IN THE ALTERNATIVE, MOTION FOR RECONSIDERATION OF STAY ORDER AND REQUEST FOR CONTRADICTORY HEARING AND INCORPORATED MEMORANDUM IN SUPPORT

Plaintiff, the Receiver for LAHC, respectfully requests that the *ex parte* ORDER staying this proceeding in its entirety be set for new trial, reconsidered, and vacated after a full contradictory hearing regarding Buck and Milliman’s request for a stay of this proceeding.

Buck and Milliman’s *ex parte* motion to stay was filed on March 22, 2021. No hearing was requested. Your Honor signed the proposed ORDER on March 24, 2021, and notice was mailed by the clerk’s office on March 26, 2021. Undersigned counsel has not yet received a paper copy of this signed ORDER in the mail; a .pdf copy of this ORDER was emailed to him by defense counsel yesterday (March 30th) afternoon. As such, Plaintiff’s Motion for New Trial is timely pursuant to La. C.C.P. art. 1974, as it has been filed within seven (7) days of the date of notice.

Plaintiff seeks a new trial and/or reconsideration of the March 24th *ex parte* ORDER by Your Honor pursuant to La.C.C.P. art. 1972(1) and/or La. C.C.P. 1973. Specifically, Plaintiff respectfully suggests that the *ex parte* ORDER appears clearly contrary to the law and the evidence at hand and should be reversed. Furthermore, for those reasons stated in his Emergency *Ex Parte* Motion to Lift Stay (filed simultaneously herewith), Plaintiff respectfully requests that Your Honor reverse the prior stay order because good grounds exist for this litigation to proceed pursuant to the applicable Case Scheduling Order and without any unnecessary delay caused by a stay.

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If Plaintiff's emergency request for an *ex parte* lifting of the stay is not granted, then Plaintiff respectfully requests that his Motion for New Trial, etc. be set for contradictory hearing on an expedited basis.

Respectfully submitted,

/s/ J. E. Cullens, Jr.

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Darrel J. Papillion, La. Bar #23243
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12345 Perkins Road, Bldg One
Baton Rouge, LA 70810
Phone: (225) 236-3636

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been furnished via e-mail to all counsel of record as follows, this 31st day of March, 2021, in Baton Rouge, Louisiana.

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/s/ J. E. Cullens, Jr.

J. E. Cullens, Jr.

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ORDER

Considering Plaintiff's MOTION FOR NEW TRIAL, AND IN THE ALTERNATIVE, MOTION FOR RECONSIDERATION OF STAY ORDER AND REQUEST FOR CONTRADICTORY HEARING AND INCORPORATED MEMORANDUM IN SUPPORT:

IT IS HEREBY ORDERED that the foregoing motion for new trial and/or reconsideration filed herein by Plaintiff is **GRANTED**; counsel for Buck, Milliman, and GRI shall appear and show cause on the ____ day of _____, 2021, at __:____ .m. (via Zoom or Live), why Plaintiff's motion should not be granted, and why this proceeding should or should not be stayed.

THUS DONE AND SIGNED this ____ day of _____, 2021, at Baton Rouge, Louisiana.

HONORABLE JUDGE TIMOTHY KELLEY
19TH JUDICIAL DISTRICT COURT

Respectfully submitted,

/s/ J. E. Cullens, Jr.

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PLEASE GIVE NOTICE TO ALL COUNSEL

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