

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

**DEFENDANT BUCK GLOBAL, LLC'S MOTION FOR PARTIAL SUMMARY
JUDGMENT ON UNCONSTITUTIONALITY OF LA. R.S. § 22:2043.1(A) AS APPLIED**

NOW INTO COURT, through undersigned counsel, comes Defendant Buck Global, LLC, to file this Motion for Partial Summary Judgment on Unconstitutionality of La. R.S. § 22:2043.1(A) as Applied, respectfully seeking this Court's ruling that application of La. R.S. § 22:2043.1(A) to deprive Buck of its substantive rights to seek apportionment of fault to the former officers, managers, directors, trustees, owners, employees, or agents of Louisiana Health Cooperative, Inc. ("LAHC"), when Plaintiff has judicially admitted their fault and has deprived Buck and the remaining defendants of any right or remedy against those culpable parties, would violate Buck's constitutional due process rights.

As explained more fully in the memorandum in support filed herewith, due process mandates that Buck be permitted to fully defend itself against the Plaintiff's accusations, which includes the substantive right to apportion fault to parties who are admittedly at fault for the losses Plaintiff now seeks to recover from Buck.

In support of this Motion, Buck attaches the following exhibits:

1. **Exhibit A:** Plaintiff's Second Supplemental and Amended Petition
2. **Exhibit B:** Buck's Opposition Memorandum and incorporated exhibits to Plaintiff's Motion for Partial Summary Judgment Regarding Officer/Director/Employee/Etc. Fault Defenses Or, in the Alternative, Motion to Strike Defenses Precluded As a Matter of Law
3. **Exhibit C:** Buck's Affirmative Defenses and Answer to Plaintiff's Fifth

Amended Petition

4. **Exhibit D:** Service Return for Jeff Landry, Attorney General for the State of Louisiana, providing copy and notice of Buck's Answer
5. **Exhibit E:** Plaintiff's Motion to File Fifth Supplemental, Amending and Restated Petition and Plaintiff's Fifth Amended Petition

WHEREFORE, Buck Global, LLC respectfully prays that, after a hearing on this matter, the Court grant partial summary judgment in its favor sustaining its affirmative defenses that application of La. R.S. 22:2043.1(A) to deprive it of the substantive right to seek apportionment of fault to the "empty chair" defendants in this case is unconstitutional.

Respectfully submitted,

/s/ James A. Brown

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Attorneys for Buck Global, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has been served upon all counsel of record by e-mail, and upon counsel of record for Plaintiff by the additional means of certified mail, return receipt requested, this 2nd day of June, 2021.

/s/ James A. Brown

SHERIFF PLEASE SERVE:

The Honorable Jeff Landry
Attorney General for the State of Louisiana
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1885 N. Third Street
Baton Rouge, LA 70802