

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

versus

GROUP RESOURCES INCORPORATED,
MILLIMAN, INC., BUCK GLOBAL LLC.
AND IRONSHORE SPECIALTY COMPANY

SUIT NO.: 651,069 SECTION: 22

19TH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

MILLIMAN, INC.'S RESPONSE TO PLAINTIFF'S MOTION TO COMPEL

NOW INTO COURT, through undersigned counsel, comes defendant Milliman, Inc. ("Milliman") to respond to the Receiver's Motion To Compel filed on September 7, 2021 (the "Motion").

There is no need for the Court to decide this Motion, which the Receiver filed prematurely. Milliman has agreed to produce all available non-privileged documents and information sought by the Receiver's Motion on or before November 1, 2021, subject only to: a) a reservation of rights regarding the timing of production in the event the volume of material is unexpectedly large; and b) Milliman's reservation of its right to challenge the relevance/admissibility of some or all such material later in the case. Milliman informed the Receiver of its agreement to produce responsive documents on September 17. However, the Receiver has chosen to proceed with the hearing.

To be clear, at no time has Milliman refused to produce the documents and information identified in the Motion. Shortly after Milliman received the Receiver's August 19, 2021 letter seeking several categories of documents regarding Milliman's work for ACA Co-Ops other than LAHC, Milliman began the process of identifying and collecting potentially responsive documents. Milliman's work for each ACA Co-Op is not housed in a central repository, and

determining what responsive material exists, and how voluminous it is, is a time-consuming process that requires outreach to each individual office that performed the work at issue. However, rather than wait for Milliman to respond to his letter, the Receiver filed the Motion on September 7.

In a September 15 telephone conference, Milliman informed the Receiver's counsel that Milliman was actively searching for responsive documents. On September 17, Milliman informed the Receiver's counsel that it would produce responsive documents, subject to the two modest reservations of rights referenced above. On September 20, in order to avoid wasting the parties' and the Court's time with an unnecessary hearing, Milliman agreed to produce responsive documents by November 1, 2021 (again subject to the two reservations of rights)—even though Milliman is still in the process of collecting documents and therefore does not know the full extent to which responsive information exists.

The Motion should therefore be denied as moot.

To the extent the Court deems it necessary to rule on the substance of the Motion, it should be denied. As stated above, Milliman's work for the various ACA Co-Ops was performed by several different teams, in several different offices. The Receiver has not shown, and cannot explain, why the work a team in Colorado performed in setting rates for a Nevada Co-Op, for example, has anything to do with the reasonableness of the rate filing work done by the separate Milliman team in Atlanta that worked for LAHC. On the contrary, the Receiver previously argued, and this Court held, in denying Milliman discovery from the Louisiana Department of Insurance ("LDI"), that information relating to other carriers' rate filings is not admissible or discoverable in this case. If Milliman cannot discover rate filing information relating to other Louisiana carriers in the LDI's files, even though the Receiver put such

information at issue by the allegations in the Petition, there is no basis to allow the Receiver to discover similar information concerning other, out-of-state insurance carriers.

CONCLUSION

Milliman respectfully requests that the Receiver's Motion be denied in its entirety.

Respectfully submitted,

/s/ Harry Rosenberg

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Response to Plaintiff's Motion to Compel* has been served on all counsel of record by electronic means this 21st day of September, 2021.

/s/ Harry Rosenberg