

JAMES J. DONELON, COMMISSIONER	:	SUIT NO.: 651,069 SECTION: 22
OF INSURANCE FOR THE STATE OF	:	
LOUISIANA, IN HIS CAPACITY AS	:	
REHABILITATOR OF LOUISIANA	:	
HEALTH COOPERATIVE, INC.	:	19 TH JUDICIAL DISTRICT COURT
	:	
versus	:	
	:	
GROUP RESOURCES INCORPORATED,	:	PARISH OF EAST BATON ROUGE
MILLIMAN, INC., BUCK GLOBAL,	:	
LLC. AND IRONSHORE SPECIALTY	:	
COMPANY	:	STATE OF LOUISIANA

REPLY MEMORANDUM REGARDING MOTION TO COMPEL MILLIMAN

MAY IT PLEASE THE COURT:

NOW INTO COURT, through undersigned counsel, comes the Receiver of LAHC who files this brief reply memo in advance of the September 29, 2021, hearing of his Motion to Compel Milliman (“Motion”). For the following reasons, Milliman should be ordered to produce all of the limited documents identified in the Receiver’s Motion on or before November 1, 2021, without qualification.

Milliman writes in its Response to the Receiver’s Motion that “at no time has Milliman refused to produce the documents and information identified in the Motion.” (Response, p. 1). This is categorically false and misleading. As detailed in the Receiver’s Motion, until last week, Milliman had taken the position that none of these documents were discoverable and had refused to produce any of the information and documents requested by the Receiver on May 28, 2021—about four (4) months ago now. And, to date, Milliman has not produced anything to the Receiver in response to his requests.

Last week, for the first time, Milliman acknowledged and admitted that the information and documents requested by the Receiver in his August 19th correspondence (Exhibit C to Motion) and his Motion are discoverable. Indeed, Milliman’s formal Response now acknowledges and admits that these limited documents are discoverable. Rather than agree to produce all of these discoverable documents by November 1st (an agreement that would have clearly caused the September 29th hearing to be moot), Milliman insists on reserving its right to object to any production (a) if Milliman determines that the “volume of material is unexpectedly large”; or (b) on the basis of the “relevance / admissibility of some or all such material” to be determined at a later date.

The Receiver has no objection to Milliman reserving its right to object to the admissibility of any or all of these discoverable documents and information at the trial of this matter. However, by insisting on reserving its right to object to the “relevance” of this information and documents, the Receiver suspects that on or about November 1st Milliman will withhold some or all of these requested documents on the basis of “relevance,” thereby wasting another six weeks or more. To avoid this additional, unnecessary delay, the Receiver respectfully requests that Milliman be ORDERED to produce all of the requested information and documents without qualification on or before November 1, 2021.

Regarding Milliman’s request to reserve its right to object to producing all of these documents if Milliman later determines that the “volume of material is unexpectedly large,” the Receiver strongly objects. First, the Receiver has dramatically narrowed the scope of his initial requests by carefully designating only those materials and documents identified in his August 19th correspondence (Exhibit C to Motion) and his Motion. For example, gathering and producing all of Milliman’s engagement letters, feasibility studies, and related documents from the other Co-Ops it worked for will not cause an undue burden or expense on Milliman. Second, in the “unexpected” event that the volume of these requested documents are very large (i.e., unduly burdensome), this should not deny or delay production by November 1st. If, in fact, Milliman can prove to the Receiver and/or this Honorable Court that the “volume of material is unexpectedly large,” then at that time—after the documents have been produced—Milliman may either ask the Receiver to pay a portion of this discovery expense or, if necessary, move this Honorable Court to determine who should bear the cost of this production. What the Receiver wants to avoid is a Supplemental Opposition filed herein on October 31st stating that Milliman did not produce any documents by the November 1st deadline because the “volume of material is unexpectedly large”—thereby necessitating another Motion to Compel, another hearing, and, of course, additional delay (which if what Milliman really wants). Third, given that the Receiver has been forced to spend hundreds of thousands of dollars on electronic discovery to date—primarily because of and driven by Milliman’s demands—he is not overly sympathetic to Milliman’s suspected complaints regarding potentially large productions. For all of these reasons, and given that Milliman has consistently adopted a “delay” defense strategy at every stage of this proceeding, the Receiver respectfully requests that Milliman be ORDERED to produce all of the requested information and documents without qualification—and regardless of the size of this production—on or before November 1, 2021.

Respectfully submitted,

/s/ J. E. Cullens, Jr.

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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 24th day of September, 2021, in Baton Rouge, Louisiana.

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