

BEFORE THE COMMISSIONER OF INSURANCE FOR THE STATE OF LOUISIANA

IN RE: LOUISIANA HEALTH SERVICE & INDEMNITY COMPANY D/B/A BLUE
CROSS AND BLUE SHIELD OF LOUISIANA

PLAN OF REORGANIZATION REGARDING THE CONVERSION FROM A
MUTUAL INSURANCE COMPANY TO A STOCK INSURANCE COMPANY

**BLUE CROSS AND BLUE SHIELD OF LOUISIANA’S RESPONSES TO
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS
PROPOUNDED BY INTERVENORS, HENRY W. KINNEY, ET AL.**

Louisiana Health Service & Indemnity Company, doing business as Blue Cross Blue Shield of Louisiana (“BCBSLA”) serves its Objections and Responses to Requests for Production of Documents propounded by Intervenor, Henry W. Kinney, individually and as counsel for Kinney, Ellinghausen & DeShazo, Accounting Plus Solutions, L.L.C, Robert E. Birtel, Martha C. Foy, William T. Foy, Travis M. Foy, David Giles, Teresa Giles, Riley Hagan, III, Glenn Young, and Judith Young (the “Intervenor”).

GENERAL OBJECTIONS

BCBSLA objects to each Interrogatory and Request for Production to the extent the Intervenor seeks discovery of preparation materials for the upcoming public hearing, and to the extent that the Intervenor has not made the requisite showing entitling it to such discovery. Indeed, the Intervenor is not entitled to any of the information that has been requested. This proceeding is in connection with a public hearing before the LDI, not discovery issued in connection with any pending litigation. However, BCBSLA is aware of the Intervenor’s role in other litigation related to BCBSLA’s Plan, and it will not provide information to which the Intervenor is not entitled. Nor, will BCBSLA allow the Intervenor to use this discovery as a tool to gather information which is

unrelated to the narrow scope of this proceeding and is instead related to the Intervenor's other ongoing or anticipated litigation.

BCBSLA objects to each Interrogatory and Request for Production to the extent they call for disclosures of documents or information protected by the attorney-client privilege, the work-product doctrine, are protected by the Rules of Civil Procedure, or any other privilege, protection, or immunity, or are otherwise outside the scope of permissible discovery, or other reason for absolute or conditional exemption from discovery available to the Intervenor under applicable law.

BCBSLA objects to each Interrogatory and Request for Production to the extent they attempt to impose discovery obligations on the BCBSLA beyond the discovery obligations of this proceeding, attempt to expand the scope of permissible discovery or are overly broad, unduly burdensome, incomprehensible, unintelligible, and not likely to lead to the discovery of admissible evidence.

BCBSLA's responses to each Interrogatory and Request for Production are without waiver or limitation of its right to object, on grounds of competency, relevance, materiality, privilege, admissibility as evidence for any purpose, or any other grounds to the use of any documents or information in any subsequent proceeding in, or the public hearing of, this or any other action. BCBSLA hereby reserves the right to raise and rely upon such other and further objections as may become apparent during the course of responding to discovery.

BCBSLA objects to each and every Interrogatory and Request for Production to the extent that the requested document(s) or other information are not in the custody, control, or possession of the BCBSLA.

BCBSLA objects to each and every Interrogatory and Request for Production to the extent each calls for document(s) or information constituting trade secrets or proprietary or confidential

business information, entitled to protection. Many of the Intervenor's requests impermissibly seek information that is BCBSLA's private and proprietary information.

BCBSLA objects to each Interrogatory and Request for Production to the extent that they are irrelevant, immaterial, ambiguous, oppressive, overly broad, unduly burdensome, vague, not limited in time or scope, made for the purpose of harassment and delay, not reasonably calculated to lead to the discovery of admissible evidence, or beyond the permissible scope of discovery.

BCBSLA responds to each Interrogatory and Request for Production based upon information and documentation available as of the date hereof and reserves the right to supplement and amend its responses.

These General Objections are expressly incorporated into each of the individual responses below.

RESPONSES AND OBJECTIONS TO INTERROGATORIES

INTERROGATORY NO. 1: Please identify who the owners are of Blue Cross and Blue Shield of Louisiana.

ANSWER TO INTERROGATORY NO. 1:

BCBSLA directs you to the current articles of incorporation of BCBSLA.

INTERROGATORY NO. 2: Please describe the current amount of surplus that BCBSLA has currently.

ANSWER TO INTERROGATORY NO. 2:

BCBSLA objects to the request as vague and ambiguous to the extent it seeks information regarding a "surplus" without more context. The request is also objectionable because, as with most any amount of funds, the amount may vary from day to day for a number of reasons.

Subject to and without waiving its objections, BCBSLA's year-end financials are filed annually with LDI and are publically available. Further answering, BCBSLA provided information

as to its surplus within the Plan; therefore, BCBSLA directs you to its Plan and supporting documents submitted in connection with this proceeding.

INTERROGATORY NO. 3: Please describe why BCBSLA maintains a surplus.

ANSWER TO INTERROGATORY NO. 3:

BCBSLA objects to the request as improper and seeking information that is not relevant to the resolution of the pending matter. BCBSLA further objects to the request as vague and ambiguous to the extent it requests BCBSLA “describe why [it] maintains a surplus.” BCBSLA further objects to the request as seeking information that is not relevant to the resolution of the pending matter.

Subject to and without waiving its objections, insurers maintain a surplus in order to comply with the Louisiana Insurance Code.

INTERROGATORY NO. 4: Please describe the equitable value of the proposed reorganized company.

ANSWER TO INTERROGATORY NO. 4:

BCBSLA objects to the request as vague to the extent it is unclear what is meant by “equitable value.” BCBSLA further objects to the request to the extent it seeks for BCBSLA to opine beyond the Plan and supporting evidence it has provided for the Commissioner’s review and consideration.

Subject to and without waiving its objections, BCBSLA directs you to the Plan and supporting documents submitted in connection with this proceeding.

INTERROGATORY NO. 5: Please describe the assumptions that were provided to Deloitte Consulting LLP, Chaffe & Associates, Cain Brothers or any other entity engaged by BCBSLA as a consultant in this matter.

ANSWER TO INTERROGATORY NO. 5:

Each referenced opinion includes assumptions upon which the opinion is based. BCBSLA is not required to restate or interpret those assumptions or opinions and directs you to review the information and materials described in each of the respective reports.

INTERROGATORY NO. 6: Please describe any provisions in the plan of reorganization to reduce future premiums for its policy holders.

ANSWER TO INTERROGATORY NO. 6:

BCBSLA directs you to the Plan and supporting documents submitted in connection with this proceeding.

INTERROGATORY NO. 7: Please describe in detail the specific benefit to each member of BCBSLA that will be provided by The Accelerate Louisiana Initiative, Inc.

ANSWER TO INTERROGATORY NO. 7:

BCBSLA objects to the request as being vague to the extent seeks information that has already been disclosed in BCBSLA's Plan. The mission and goals of The Accelerate Louisiana Initiative, Inc. are set forth in BCBSLA's Plan.

BCBSLA directs you to the Plan and supporting documents submitted in connection with this proceeding.

**BCBSLA'S OBJECTIONS AND
RESPONSES TO REQUESTS FOR PRODUCTION**

REQUEST FOR PRODUCTION NO. 1: All documents in the category of Chaffe & Associates from 2019 to date. Including any correspondence, notes or reports from Chaffe & Associates.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

BCBSLA objects to the request as improper and seeking information that is not relevant to the resolution of the pending matter and because the request seeks confidential and proprietary information to which the Intervenor is not entitled. BCBSLA further objects to the request as vague

to the extent it seeks documents “in the category of Chaffe & Associates” as it is unclear what is meant by this. The request is also objectionable because it is overly broad and unduly burdensome, especially given the accelerated schedule of discovery in this proceeding, to the extent that it seems to seek all documents that are in any way related to “Chaffe & Associates.” This request, by its nature, encompasses large collections of documents that are irrelevant to the resolution of this proceeding and to which an Intervenor is not entitled. BCBSLA further objects to the extent the request seeks information protected by the attorney-client and work product privileges.

Subject to and without waiving its objections, BCBSLA directs you to its Plan and its supporting documents.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents in the category of Deloitte Consulting, LLP from 2019 to date. Including any correspondence, notes or reports from Deloitte Consulting, LLP.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

BCBSLA objects to the request as improper and seeking information that is not relevant to the resolution of the pending matter and because the request seeks confidential and proprietary information to which the Intervenor is not entitled. BCBSLA further objects to the request as vague to the extent it seeks documents “in the category of Deloitte Consulting, LLP” as it is unclear what is meant by this. The request is also objectionable because it is overly broad and unduly burdensome, especially given the accelerated schedule of discovery in this proceeding, to the extent that it seems to seek all documents that are in any way related to “Deloitte Consulting, LLP.” This request, by its nature, encompasses large collections of documents that are irrelevant to the resolution of this proceeding and to which an Intervenor is not entitled. BCBSLA further objects to the extent the request seeks information protected by the attorney-client and work product privileges.

Subject to and without waiving its objections, BCBSLA directs you to its Plan and its supporting documents.

REQUEST FOR PRODUCTION NO. 3: Please produce all documents in the category of Cain Brothers from 2019 to date. Including any correspondence, notes or reports from Cain Brothers.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

BCBSLA objects to the request as improper and seeking information that is not relevant to the resolution of the pending matter and because the request seeks confidential and proprietary information to which the Intervenor is not entitled. BCBSLA further objects to the request as vague to the extent it seeks documents “in the category of Cain Brothers” as it is unclear what is meant by this. The request is also objectionable because it is overly broad and unduly burdensome, especially given the accelerated schedule of discovery in this proceeding, to the extent that it seems to seek all documents that are in any way related to “Cain Brothers.” This request, by its nature, encompasses large collections of documents that are irrelevant to the resolution of this proceeding and to which an Intervenor is not entitled. BCBSLA further objects to the extent the request seeks information protected by the attorney-client and work product privileges.

Subject to and without waiving its objections, BCBSLA directs you to its Plan and its supporting documents.

REQUEST FOR PRODUCTION NO. 4: Please produce minutes of all meetings of the Board of BCBSLA where the sale to Elevance Health, Inc. or the transfer to The Accelerate Louisiana Initiative, Inc. was discussed from 2019 to date.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

BCBSLA objects to the request as improper and seeking information that is not relevant to the resolution of the pending matter and because the request seeks confidential and proprietary information to which the Intervenor is not entitled. Requiring BCBSLA to disclose its confidential and proprietary information would reveal sensitive company data and cause competitive and

economic harm to BCBSLA. BCBSLA further objects to the extent the request seeks information protected by the attorney-client and work product privileges.

Subject to and without waiving its objections, BCBSLA directs you to its Plan and its supporting documents.

REQUEST FOR PRODUCTION NO. 5: Please produce year-end financial data, including tax returns, from 2018 to date.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

BCBSLA objects to the request as improper and seeking information that is irrelevant to the resolution of the pending matter and because the request seeks confidential and proprietary information to which the Intervenor is not entitled. Requiring BCBSLA to disclose its confidential and proprietary information would reveal sensitive company data and cause competitive and economic harm to BCBSLA. Subject to and without waiving its objections, BCBSLA's year-end financials are filed annually with LDI and are publically available. BCBSLA directs you to its Plan and its supporting documents.

REQUEST FOR PRODUCTION NO. 6: Please produce all documents that involve a payment, or consideration, to a board member or employee of BCBSLA based on the proposed sale to Elevance Health, Inc. or sale to any entity. This should include all documents involving payment to board members for serving on the Advisory Board of the reorganized BCBSLA and employee agreements.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

BCBSLA objects to the request as improper and seeking information that is irrelevant to the resolution of the pending matter and because the request seeks confidential and proprietary information to which the Intervenor is not entitled. Requiring BCBSLA to disclose its confidential and proprietary information would reveal sensitive company data and cause competitive and economic harm to BCBSLA.

Subject to and without waiving its objections, BCBSLA directs you to its Plan and its supporting documents.

REQUEST FOR PRODUCTION NO. 7: Please produce all documents that support the matters involved in Paragraphs II, III, IV, V and VI of your application to the Commissioner for demutualization. List the paragraph to which it is responsive.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

BCBSLA objects to the request as improper and overly broad, unduly burdensome, especially given the accelerated schedule of discovery in this proceeding. Moreover, the request seeks information that BCBSLA has previously provided in support of its Plan.

Subject to and without waiving its objections, BCBSLA directs you to its Plan and its supporting documents.

REQUEST FOR PRODUCTION NO. 8: Please produce all documents involving capital needs of BCBSLA from January 1, 2018, to date.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

BCBSLA objects to the request as beyond the permitted amount of requests allowed. Request for Production Number 7 contains five requests, therefore, the remaining requests exceed the limit set forth per the Hearing Officer's January 29, 2024 Scheduling Order, which states that all parties "shall be limited to ten interrogatories and ten requests for production of documents, inclusive of subparts."

REQUEST FOR PRODUCTION NO. 9: Please produce all documents involving BCBSLA's inability to expand existing business from January 1, 2018, to date.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

BCBSLA objects to the request as beyond the permitted amount of requests allowed. Request for Production Number 7 contains five requests, therefore, the remaining requests exceed the limit set forth per the Hearing Officer's January 29, 2024 Scheduling Order, which states that

all parties “shall be limited to ten interrogatories and ten requests for production of documents, inclusive of subparts.”

REQUEST FOR PRODUCTION NO. 10: Please produce any reports provided to the Board of BCBSLA by staff, or employees, of BCBSLA involving the efficiency or operations of BCBSLA from September 1, 2023, to date, specifically documents that would evaluate the operations of BCBSLA.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

BCBSLA objects to the request as beyond the permitted amount of requests allowed. Request for Production Number 7 contains five requests, therefore, the remaining requests exceed the limit set forth per the Hearing Officer’s January 29, 2024 Scheduling Order, which states that all parties “shall be limited to ten interrogatories and ten requests for production of documents, inclusive of subparts.”

McGLINCHEY STAFFORD, PLLC

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of February, 2024, a copy of the above and foregoing has been sent via electronic mail to all counsel of record.

Juston M. O’Brien

Juston M. O’Brien