

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**

OBJECTION TO WITNESS LIST
FILED BY HENRY W. KINNEY

NOW COMES Louisiana Health Service & Indemnity Company D/B/A Blue Cross and Blue Shield of Louisiana (“BCBSLA”), who respectfully files this Objection to the Witness List filed by Henry W. Kinney (“Kinney”) ¹ on January 23, 2024 (“Witness List”). BCBSLA requests that Your Honor strike Kinney’s Witness List in whole, or, alternatively, strike Jason Guilbeau and any undisclosed “representative” of Louisiana Hospital Association, Louisiana Medical Society, or the Louisiana Attorney General’s Office the following reasons:

First, the Kinney Intervenors have not yet been granted intervenor status. Kinney filed a petition for intervention on January 16, 2024. BCBSLA filed an objection to Kinney’s intervention. The hearing officer has not yet ruled on Kinney’s intervention, and BCBSLA maintains its objection to Kinney’s intervention. To the extent the hearing officer denies the Kinney Intervenors’ intervention this objection becomes moot.

¹ Kinney filed a petition for intervention seeking to intervene on behalf of himself, individually, and as counsel for Kinney, Ellinghausen & DeShazo, Accounting Plus Solutions, L.L.C, Pamela S. Aaron, Robert E. Birtel, Brenda Chase, Mike Chase, Kerrie B. Connella, Tammy L. DeBlieux, Sarah E. Patterson Dougherty, Wendy G. Elmore, Martha C. Foy, William T. Foy, Travis M. Foy, Sonya J. Gatchell, David Giles, Teresa Giles, Riley Hagan, III, (Charles) Anthony Hubley, Benjamin C. McDonald, Kimberly Y. Mitchell, Sherry Mockler, Rebekah N. Burns Peterson, Mary V. Pyles, Lorna B. Reed, Glenn Young, Judith Young, and Peter Z. Vetter (the “Kinney Intervenors”)

Additionally, Kinney's Witness List wholly contradicts his petition for intervention. Rule 1, § 1115(B) provides that a petition for intervention must contain "a statement as to the nature and quantity of evidence petitioner will present if such petition is granted." Kinney's petition for intervention, paragraph VI, affirmatively states that the Kinney Intervenors "do not intend to introduce any evidence other than evidence in the possession of BCBSLA and other parties." Kinney's petition for intervention further states that the Kinney Intervenors "will not broaden the issues before the Commissioner." Having represented to the hearing officer that Kinney does not intend to introduce any additional evidence or enlarge these proceedings, Kinney's Witness List identifies at least four witnesses that no party intends to call, including unnamed groups of witnesses from various organizations or agencies.

Kinney's Witness List identifies BCBSLA's Chief Technology Officer, Jason Guilbeau. BCBSLA will be calling three BCBSLA representatives as witnesses at the public hearing, Dr. I Steven Udyarhelyi, President and CEO, Darrel Langlois, Senior Vice President and Chief Strategy and Business Development Officer, and Tim Barfield from the Board of Directors. All relevant information concerning the BCBSLA Plan of Reorganization can be provided by these BCBSLA witnesses. Mr. Guilbeau will have no materially relevant information to add to the inquiry, and Kinney has provided no basis for calling the Chief Technology Officer or any additional BCBSLA representatives to testify at the hearing. The calling of additional BCBSLA representatives serves no purpose but to unnecessarily enlarge the proceedings and offer duplicative testimony.

Kinney's Witness List also identifies "a representative or representatives" of the Louisiana Hospital Association, the Louisiana Medical Society, and the Louisiana Attorney General's Office. First, the identification of these witnesses flies in the face of the representations made in Kinney's intervention that he does not intend to offer any evidence not in the possession of BCBSLA, and further supports BCBSLA's objections to Kinney's intervention. Additionally, these witnesses are

not identified by name, preventing the parties to this proceeding from preparing in any way for their potential testimony.

Under Rule 1, the hearing officer has great discretion regarding the introduction of evidence and the manner in which the public hearing proceeds. Rule 1, § 1123 specifically authorizes the hearing officer to limit the number of witnesses. The public hearing in this matter is currently scheduled for two days, and must provide time for BCBSLA and the Commissioner to put on their respective evidence, as well as public comment. Neither time, justice, nor the representations made in Kinney's petition for intervention, allow for Kinney to call additional BCBSLA representatives or undisclosed "representatives" from various organizations and agencies as witnesses at the public hearing.

For the above stated reasons, BCBSLA respectfully requests that Your Honor strike Kinney's Witness List in whole, or, alternatively, strike Jason Guilbeau and any undisclosed "representative" of Louisiana Hospital Association, Louisiana Medical Society, or the Louisiana Attorney General's Office from Kinney's Witness List.

Respectfully submitted this 25th day of January, 2024.

McGLINCHEY STAFFORD, PLLC

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of January, 2024, a copy of the above and foregoing has been sent via electronic mail to the following:

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