

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**

**ELEVANCE HEALTH, INC. AND ATH HOLDING COMPANY, LLC, OBJECTIONS
AND RESPONSES TO INTERVENOR KINNEY DISCOVERY REQUESTS**

Intervenors, Elevance Health, Inc. (“Elevance”), and ATH Holding Company, LLC, object and respond to the Interrogatories and Requests for Production of Documents of Henry W. Kinney, Intervenor, as follows:

INTERROGATORY NO. 1:

Has Elevance had its Star Rating reduced by the Center for Medicare Services in the last two years and, if so, identify the date of the reduction and describe the reduction.

RESPONSE TO INTERROGATORY NO. 1:

CMS computes Star scores by evaluating more than forty (40) measures for each Medicare Advantage contract maintained by a health plan. Scores are computed for each Star year based upon data collected for services rendered. CMS changes the measures, weighting and methodologies annually.

Elevance currently maintains 43 Medicare Advantage H contracts. For the relevant period in question:

For Star year 2023: two (2) contracts saw an increase in Star scores; thirteen (13) contracts saw a decrease in Star scores, ten (10) of which decreased by 0.5 and three (3) by 1.0 or more. The remaining contracts did not see a decrease in Star score for 2023.

For Star year 2024: eight (8) contracts saw an increase in Star scores; eleven (11) contracts saw a decrease in Star scores, nine (9) of which decreased by 0.5 and two (2) by 1.0. The remaining contracts did not see a decrease in Star score for 2024.

These scores are not final, as Elevance is appealing the computation of one or more of the measures for Star year 2024. That appeal is pending.

Additionally, Elevance has commenced litigation against CMS alleging improper implementation and application of a new methodology to compute Star scores. That litigation is pending.

INTERROGATORY NO. 2:

Please list the fines that Elevance has incurred in the last ten years. Please identify by State, reasons for fine and amount of fine.

RESPONSE TO INTERROGATORY NO. 2:

Elevance objects to this interrogatory because it is overbroad and seeks information that is not relevant or material in any way to this proceeding. Subject to these objections, Elevance has already produced to the Louisiana Department of Insurance (“LDI”) the requested information for the five-year period 2019 through 2023. *See* “Response to LDI Request for ELV BCBS Sub Fines-Penalties (01.19.24).pdf”, being produced with these responses.

INTERROGATORY NO. 3:

Please list the current rating that BCBSLA has been given by CMS for 2023.

RESPONSE TO INTERROGATORY NO. 3:

Elevance objects to this Interrogatory on the basis that it is a question properly directed to BCBSLA. Moreover, this information is also publicly available on the website of the U.S. Centers for Medicare & Medicaid Services, <https://www.cms.gov/>.

INTERROGATORY NO.4:

Please describe all meetings that Elevance has had with Timothy Temple.

RESPONSE TO INTERROGATORY NO. 4:

On or about September 18, 2023, Blair Todt, Elevance's Executive Vice President, Chief Legal and Administrative Officer, met Mr. Temple in Lafayette, Louisiana. The proposed transaction between Elevance and BCBSLA and the topic of the BCBSLA's Plan of Reorganization were discussed.

On or about October 5, 2023, Mr. Todt met Mr. Temple in Baton Rouge, Louisiana. The proposed transaction between Elevance and BCBSLA was discussed.

OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION**REQUEST FOR PRODUCTION NO. 1:**

Please produce all documents involving the plan of demutualization of Anthem, Inc., which occurred on or about 2002.

RESPONSE TO REQUEST NO. 1:

Elevance objects to this Request for Production on the basis that it is overbroad and seeks information that is neither relevant nor material to the current proceeding. Moreover, it is unknown at this time whether the requested material is available or accessible. Given the expedited nature of these proceedings, procuring and producing this information would be unduly burdensome, especially given its marginal relevance to these proceedings. Subject to these objections, see the Anthem demutualization documents in the file "Anthem Demutualization.zip", being produced with these responses.

REQUEST FOR PRODUCTION NO. 2:

Please produce any documents that values the reorganized BCBSLA after the demutualization.

RESPONSE TO REQUEST NO. 2:

Elevance objects to this Request for Production on the basis that the requested information constitutes trade secrets and highly proprietary and confidential business information belonging to Elevance. Requiring Elevance to disclose this confidential information would reveal sensitive company data and cause competitive and economic harm to Elevance.

Respectfully provided this 2nd day of February, 2024.

/s/ Andrew R. Lee

Andrew R. Lee (#21196)

Jones Walker LLP

201 St. Charles Avenue

New Orleans, LA 70170

Telephone: (504) 582-8664

Fax: (504) 589-8664

alee@joneswalker.com

Eric P. Morvant (#39996)

Jones Walker LLP

445 North Boulevard, Suite 800

Baton Rouge, LA 70802

Telephone: (225) 248-2098

Fax: (225) 248-3398

emorvant@joneswalker.com

Robert B. House (admitted *pro hac vice*)

Jones Walker, LLP

3100 North State Street, Suite 300

Jackson, MS 39216

Telephone: (601) 949-4830

Fax: (601) 949-4804

rhouse@joneswalker.com

Jared R. Danilson (admitted *pro hac vice*)

Emily Z. Campbell (admitted *pro hac vice*)

Faegre Drinker Biddle & Reath LLP

300 North Meridian Street, Suite 2500

Indianapolis, Indiana 46204

Telephone: (317) 237-0300

Fax: (317) 237-1000

jared.danilson@faegredrinker.com

emily.campbell@faegredrinker.com

Counsel to Elevance Health, Inc. and ATH Holding Company, LLC

Certificate of Service

I hereby certify that a copy of the above and foregoing has been sent via electronic mail
to the following:

James David Caldwell
Claire Lemoine
Louisiana Department of Insurance
1702 N. 3rd Street
Baton Rouge, LA 70802
David.Caldwell@ldi.la.gov
Clarie.Lemoine@ldi.la.gov

David S. Rubin
Butler Snow LLP
445 North Boulevard, Suite 300
Baton Rouge, LA 70802
David.Rubin@butlersnow.com

*Attorneys for Louisiana Department of
Insurance*

Ronnie L. Johnson
Rodolfo J. Aguilar, Jr.
McGlinchey Stafford, PLLC
301 Main Street, 14th Floor
Baton Rouge, LA 70801
rjohnson@mcglinchey.com
rudyaquilar@mcglinchey.com

*Attorneys for Louisiana Health Service &
Indemnity Company d/b/a Blue Cross and
Blue Shield of Louisiana*

Henry W. Kinney
Kinney, Ellinghausen & DeShazo
1250 Poydras Street, Suite 2450
New Orleans, LA 70113
hkinney@kinneylaw.com

Attorney for Intervenors

John S. Bradford
4431 West Prien Lake Road
Lake Charles, LA 70605
Telephone: 337-802-3377
jsbradford@ssvcs.com

Attorney for Intervenors

This the 2nd day of February 2024.

/s/ Andrew R. Lee
Andrew R. Lee