

## IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Penn Treaty Network America  
Insurance Company in Rehabilitation

No. 1 PEN 2009

AND

In Re: American Network Insurance  
Company in Rehabilitation

No. 1 ANI 2009

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_ 2015, upon consideration of the Health Insurers' Application for Entry of a Protective Order With Respect To Discovery Sought By Rehabilitator Through Corporate Designee Deposition, and of the submissions of the parties relating thereto, and for good cause shown, it is hereby ORDERED that the Application is GRANTED. It is further ORDERED pursuant to Pa.R.Civ.P. 4012 that:

1. The Rehabilitator shall conduct any discovery concerning the Health Insurers' contentions, including but not limited to Topics 2-6 and 8-13 listed in the Rehabilitator's Notice of Intent to Serve Subpoena to Produce Documents and Things for Discovery Pursuant to Pa. R. Civ. P. 4009.21 served on April 30, 2015 (the "Notice of Intent"), only by contention interrogatory served pursuant to Pa.R.Civ.P. 4005 and not by deposition. Such contention discovery shall be conducted only after the conclusion of

other discovery delineated in the Court's July 30, 2015 Case Management Order.

2. The Rehabilitator shall conduct any discovery concerning the Health Insurers' expert opinions, including, but not limited to, Topics 1-2, 5-13, 17-18, and 27-28 listed in the Notice of Intent, only in accordance with Pa.R.Civ.P. 4003.5 and the July 30 Case Management Order and not by deposition of corporate designee(s).
3. The Health Insurers may designate one or more corporate designees of their own choosing, including designation of the same witness for all Health Insurers, in response to any notice of deposition by the Rehabilitator pursuant to Pa.R.Civ.P. 4007.1, including but not limited to deposition on the topics listed in the Rehabilitator's Notice of Intent.
4. The Rehabilitator's nine Notices to Take Deposition served upon the Health Insurers on August 23, 2015 shall be stricken and disregarded for failure to comply with Pa.R.Civ.P. 4007.1(e) and Pa.R.Civ.P. 4003.
5. The Rehabilitator shall have one week from the date of this Order to serve a notice of deposition upon the Health Insurers that fully complies with this Order.

---

MARY HANNAH LEAVITT, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Penn Treaty Network America  
Insurance Company in Rehabilitation

No. 1 PEN 2009

AND

In Re: American Network Insurance  
Company in Rehabilitation

No. 1 ANI 2009

**HEALTH INSURERS' SUPPLEMENTAL  
APPLICATION FOR ENTRY OF A PROTECTIVE  
ORDER WITH RESPECT TO DISCOVERY SOUGHT BY  
REHABILITATOR THROUGH CORPORATE DESIGNEE DEPOSITION**

On Sunday, August 23, 2015, two days after the Health Insurers served their Application for Protective Order, the Rehabilitator purported to serve nine Notices of Deposition (the "Notices"), one on each of the Health Insurers. The Notices are for nine different half-day periods, one for each Health Insurer. In his cover email correspondence, counsel for the Rehabilitator explained the intent that these Notices "supersede" the previously served Notice of Intent to serve subpoena (the "Notice of Intent"), which the Health Insurers had agreed would be treated as properly served notices of deposition. (Notices and Correspondence attached as Exhibit A).

Despite that agreement, in serving these Notices, and withdrawing the previously served Notice of Intent, the Rehabilitator apparently intends to prevent the Health Insurers from obtaining the relief requested in the Application for

Protective Order while still seeking the very same discovery that was the subject of the Application. In correspondence this week concerning the Notices, counsel for the Rehabilitator declared that in his view the “only issue left in [the Health Insurers’] application is the number of deponents” but also inconsistently asserted that “[w]e have not, however, limited any areas of inquiry for any deposition.” (Correspondence attached as Exhibit B).

The Notices do not include any of the specific Topics listed in the Notice of Intent. Instead, they simply, and improperly, demand production of the “person most knowledgeable” at each Health Insurer concerning the Rehabilitator’s Second Amended Plan.

It is well established that a corporate designee notice purporting to require production of the “person most knowledgeable” is improper under Fed.R.Civ.P. 30(b)(6), which has been adopted by Pennsylvania in Pa.R.Civ.P. 4007.1.<sup>1</sup> Pa.R.C.P. No. 4007.1(e) requires a Health Insurer, not the Rehabilitator, to

---

<sup>1</sup> See, e.g., *Taza Sys., LLC v. Taza 21 Co., LLC*, No. CIV.A. 11-0073, 2012 WL 5381422, at \*1 (W.D. Pa. Oct. 31, 2012) (“Rule 30(b) (6), contrary to common belief, does not require a corporate party to identify the person ‘most knowledgeable’ about a topic. Rather, the organizational entity has the duty to identify a witness to testify on its behalf and to prepare that witness to state the organization’s position, knowledge, subjective beliefs, and opinions on identified topics.”); *QBE Ins. Corp. v. Jorda Enterprises, Inc.*, 277 F.R.D. 676, 689 (S.D. Fla. 2012)(holding that the Rule 30(b)(6) does not require production of the “most” knowledgeable witness and that permitting requests for the same would produce an “impractical, inefficient and problematic” result); see also James C. Winton, *Corporate Representative Depositions Revisited*, 65 *Baylor L. Rev.* 938, 982 (2013) (“It appears clear from the federal authorities and treatises, supported by the decisions from state courts, that the notice to [a corporation] purporting to require the production of a witness with ‘the most knowledge of’ the identified subjects is improper”).

designate any witness that is able to testify as to matters known or reasonably available to that Health Insurer and who is authorized to provide testimony on behalf of that Health Insurer without regard to that witness's status as the "most knowledgeable" individual.

Moreover, the sole purported topic, the Rehabilitator's Second Amended Plan, is too broad and general to provide notice to the Health Insurers of the intended areas of questioning. Pa.R.C.P. No. 4007.1(e) requires that a notice of deposition served on a corporation state "with reasonable particularity" the matters upon which the forthcoming examination is requested. *See* Pa.R.C.P. No. 4007.1(e); *see also Unzicker v. A.W. Chesterston Co.*, No. 11-CV-66288, 2012 WL 1966028, at \*5 (E.D. Pa. May 31, 2012) (quashing notice of deposition that failed "to set out topics with reasonable particularity"); *Murphy v. Kmart Corp.*, 255 F.R.D. 497, 506 (D.S.D. 2009) (holding that, without satisfaction of the "reasonable particularity" standard, the defendant corporation could not properly prepare its witness). When compared with the 28 specific topics the Rehabilitator identified prior to the filing of Health Insurers' Application, it is evident that the Rehabilitator is attempting to evade scrutiny by this Court of her intended specific deposition topics by hiding them behind a vague and general catch-all. That is improper under Pa.R.Civ.P. 4007.1 and should not be permitted.

Finally, the Notices raise a significant question as to the scope of permissible discovery. It is not self-evident that a Health Insurer representative could have any knowledge about the Second Amended Plan that could lead to discoverable evidence relevant to the case that the Rehabilitator must make at the confirmation hearing. Absent such a connection, the Health Insurers' knowledge about the Second Amended Plan is not discoverable under Pa.R.C.P. No. 4003. As set forth in the Health Insurers' Application, the 28 topics that were identified in the Notice of Intent focused almost entirely on the Health Insurers' legal contentions and subjects to be addressed by experts. As explained in the Health Insurers' Application, questions concerning the Health Insurers' contentions and expert opinions should be addressed, and have been addressed by this Court and other parties, through means other than corporate designee depositions. For example, the Policyholders Committee initially served similar notices of intent, but agreed to develop the same information through contention interrogatories, which the Health Insurers have now answered. The Health Insurers repeatedly offered a similar path to the Rehabilitator, but she declined, thereby necessitating the Application.

WHEREFORE, the Health Insurers respectfully request that their Application for Protective Order be granted and that a Protective Order be entered pursuant to Pa.R.Civ.P. 4012 in the proposed form attached hereto.

Dated: August 27, 2015

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ John P. Lavelle, Jr.

John P. Lavelle, Jr.  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103  
Telephone : 215.963.4824  
Facsimile: 215.963.5001

Harold S. Horwich  
Benjamin J. Cordiano  
MORGAN, LEWIS & BOCKIUS LLP  
One State Street  
Hartford, Connecticut 06103-3178  
Telephone: 860.240.2700  
Facsimile: 860.240.2800

*Attorneys for Aetna Life Insurance  
Company, Anthem, Inc., Cigna  
Corporation, HM Life Insurance Company,  
Horizon Healthcare Services, Inc. d/b/a  
Horizon Blue Cross Blue Shield of New  
Jersey, QCC Insurance Company, United  
Concordia Life and Health Insurance  
Company, United Concordia Insurance  
Company and UnitedHealthcare Insurance  
Company*

# **EXHIBIT A**



**From:** Schwab, Stephen W. [Stephen.Schwab@dlapiper.com]  
**Sent:** Sunday, August 23, 2015 8:34 AM  
**To:** Lavelle, Jr., John P.; Horwich, Harold S.; Cordiano, Benjamin J.  
**Cc:** Douglas Y. Christian (christiand@ballardspahr.com); Schmidt, Benjamin M. (Phila) (SchmidtB@ballardspahr.com); Steve Warren (swarren@omm.com); Leonard, Thomas (Thomas.Leonard@obermayer.com); Richard P. Limburg (richard.limburg@obermayer.com); Caryn M. Glawe (caryn.glawe@faegrebd.com); 'charlie.richardson@faegrebd.com'; Paul M. Hummer (phummer@saul.com); Elizabeth Goldstein (egoldstein@dilworthlaw.com); James S. Gkonos (jgkonos@saul.com); Svirsky, Gary (gsvirsky@omm.com); Bradshaw, Mark D. (MDB@stevenslee.com) (MDB@stevenslee.com); Patrick H. Cantilo (phcantilo@cb-firm.com); James R. Potts (jpotts@cozen.com); Buchholz, Carl; Risk, Jayne Anderson  
**Subject:** Deposition Notices for Health Insurers  
**Attachments:** (Penn Treaty) Notice of Deposition for Anthem, Inc. - 10\_5\_15 9\_00AM.DOCX; (Penn Treaty) Notice of Deposition for Aetna Life Ins Co - 10\_5\_15 1\_00PM.DOCX; (Penn Treaty) Notice of Deposition for United Concordia Life and Health Ins Co - 10\_7\_15 9\_00AM.DOCX; (Penn Treaty) Notice of Deposition for United Concordia Ins Co - 10\_7\_15 1\_00PM.DOCX; (Penn Treaty) Notice of Deposition for QCC Ins Co 10\_21\_15 9\_00AM.DOCX; (Penn Treaty) Notice of Deposition for Horizon Blue Cross Blue Shield of NJ - 10\_21\_15 1\_00PM.DOCX; (Penn Treaty) Notice of Deposition for HM Life Ins Co - 10\_26\_15 9\_00AM.DOCX; (Penn Treaty) Notice of Deposition for Cigna Corp - 10\_26\_15 1\_00PM.DOCX; (Penn Treaty) Notice of Deposition for United Healthcare Ins Co - 10\_28\_15 10\_00AM.DOCX

John, Hal and Ben:

Attached please find the following Deposition Notices for the Health Insurers. As you agreed during our meet and confer on Wednesday August 19, the notices are served as of the date we originally served (April 30), and now supersede, our subpoena, before the Health Insurers became limited intervenors. We have set the following dates for the sake of efficiency, which may be changed by agreement:

Party	Date/Time
Anthem, Inc.	October 5, 2015, at 9:00 A.M. EST
Aetna Life Insurance Company	October 5, 2015, at 1:00 P.M. EST.
United Concordia Life and Health Insurance Company	October 7, 2015, at 9:00 A.M. EST
United Concordia Insurance Company	October 7, 2015, at 1:00 P.M. EST
QCC Insurance Company	October 21, 2015, at 9:00 A.M. EST
Horizon Healthcare Services, Inc. d/b/a Horizon Blue Cross Blue Shield of New Jersey	October 21, 2015, at 1:00 P.M. EST.
HM Life Insurance Company	October 26, 2015, at 9:00 A.M. EST
Cigna Corporation	October 26, 2015, at 1:00 P.M. EST
United Healthcare Insurance Company	October 28, 2015, at 10:00 A.M. EST

Thanks and best wishes.

*Stephen W. Schwab*  
DLA Piper LLP (US)  
203 N. LaSalle St. 19<sup>th</sup> fl.  
Chicago, IL 60601  
Chicago T. 312.368.2150 (Tie 810)  
Phila. T. +1 215.656.3305  
F. 312.630.7343  
M. 847.366.5490  
stephen.schwab@dlapiper.com  
www.dlapiper.com

Please consider the environment before printing this email.

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to [postmaster@dlapiper.com](mailto:postmaster@dlapiper.com). Thank you.

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

---

In Re: Penn Treaty Network America Insurance Company in Rehabilitation	:	DOCKET NO. 1 PEN 2009
	:	
In Re: American Network Insurance Company in Rehabilitation	:	DOCKET NO. 1 ANI 2009
	:	
	:	
	:	

---

**NOTICE TO TAKE DEPOSITION**

PLEASE TAKE NOTICE that Teresa Miller, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as statutory and court-appointed rehabilitator (the “Rehabilitator”) of Penn Treaty Network America Insurance Company and American Network Insurance Company, will take the deposition upon oral examination of the person from Anthem, Inc. most knowledgeable about the Second Amended Plan of Rehabilitation, on October 5, 2015, at 9:00 A.M. EST.

This deposition will be held at DLA Piper LLP (US), One Liberty Place, 1650 Market St., Suite 4900, Philadelphia, Pennsylvania 19103, before a certified stenographic court reporter and videographer.

Respectfully submitted,

Dated: April 30, 2015

---

Carl M. Buchholz  
Stephen W. Schwab  
Jayne A. Risk  
Carl H. Poedtke III  
**DLA PIPER LLP (US)**  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103  
Tel: 215.656.3300  
Fax: 215.656.3301

James R. Potts  
**COZEN O'CONNOR**  
1650 Market Street  
Philadelphia, PA 19103  
Tel: 215.665.2000  
Fax: 215.701.2102

*Attorneys for Teresa D. Miller, Insurance  
Commissioner of Pennsylvania, in her  
capacity as statutory rehabilitator of Penn  
Treaty Network America Insurance Co. and  
American Network Insurance Co.*

## CERTIFICATE OF SERVICE

I certify that I will cause a Notice of Filing of the foregoing to be served on all parties listed on the Master Service List by electronic mail or facsimile, or by U.S. Mail where no electronic mail address or facsimile number was available, and that, as of April 30, 2015, I served the foregoing Notice upon all interested persons as follows:

Douglas Y. Christian  
Benjamin M. Schmidt  
Ballard Spahr LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103-7300  
christiand@ballardspahr.com  
schmidtB@ballardspahr.com

Elizabeth J. Goldstein  
Dilworth Paxson, LLP  
112 Market Street, Suite 800  
Harrisburg, PA 17101  
egoldstein@dilworthlaw.com

James R. Potts  
Cozen O'Connor  
1650 Market Street  
Philadelphia, PA 19103  
JPotts@cozen.com

Stephen H. Warren  
Gary Sversky  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, CA 90071  
swarren@omm.com

Paul M. Hummer  
Saul Ewing LLP  
Centre Square West  
1500 Market Street, 38th Floor  
Philadelphia, PA 19102-2186  
PHummer@saul.com

Harold S. Horwich  
John P. Lavelle, Jr.  
Benjamin J. Cordiano  
Morgan Lewis LLP  
One State Street  
Hartford, CT 06103-3178  
harold.horwich@morganlewis.com  
jlavelle@morganlewis.com  
benjamin.cordiano@morganlewis.com

Charles T. Richardson  
Caryn M. Glawe  
Faegre Baker Daniels  
1050 K Street NW, Suite 400  
Washington, DC 20001-4448  
charlie.richardson@FaegreBD.com  
caryn.glawe@FaegreBD.com

Thomas A. Leonard  
Richard P. Limburg  
Obermayer Rebmann Maxwell &  
Hippel LLP  
One Penn Center, 19th Floor  
1617 John F. Kennedy Blvd.  
Philadelphia, PA 19103-1895  
thomas.leonard@obermayer.com  
richard.limburg@obermayer.com

---

Stephen W. Schwab  
DLA PIPER LLP (US)  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103-7300  
Telephone: 215.656.3300  
Facsimile: 215.656.3301

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

---

In Re: Penn Treaty Network America Insurance Company in Rehabilitation	:	DOCKET NO. 1 PEN 2009
	:	
In Re: American Network Insurance Company in Rehabilitation	:	DOCKET NO. 1 ANI 2009
	:	
	:	
	:	

---

**NOTICE TO TAKE DEPOSITION**

PLEASE TAKE NOTICE that Teresa Miller, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as statutory and court-appointed rehabilitator (the “Rehabilitator”) of Penn Treaty Network America Insurance Company and American Network Insurance Company, will take the deposition upon oral examination of the person from Aetna Life Insurance Company most knowledgeable about the Second Amended Plan of Rehabilitation, on October 5, 2015, at 1:00 P.M. EST.

This deposition will be held at DLA Piper LLP (US), One Liberty Place, 1650 Market St., Suite 4900, Philadelphia, Pennsylvania 19103, before a certified stenographic court reporter and videographer.

Respectfully submitted,

Dated: April 30, 2015

---

Carl M. Buchholz  
Stephen W. Schwab  
Jayne A. Risk  
Carl H. Poedtke III  
**DLA PIPER LLP (US)**  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103  
Tel: 215.656.3300  
Fax: 215.656.3301

James R. Potts  
**COZEN O'CONNOR**  
1650 Market Street  
Philadelphia, PA 19103  
Tel: 215.665.2000  
Fax: 215.701.2102

*Attorneys for Teresa D. Miller, Insurance  
Commissioner of Pennsylvania, in her  
capacity as statutory rehabilitator of Penn  
Treaty Network America Insurance Co. and  
American Network Insurance Co.*



## CERTIFICATE OF SERVICE

I certify that I will cause a Notice of Filing of the foregoing to be served on all parties listed on the Master Service List by electronic mail or facsimile, or by U.S. Mail where no electronic mail address or facsimile number was available, and that, as of April 30, 2015, I served the foregoing Notice upon all interested persons as follows:

Douglas Y. Christian  
Benjamin M. Schmidt  
Ballard Spahr LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103-7300  
christiand@ballardspahr.com  
schmidtB@ballardspahr.com

Elizabeth J. Goldstein  
Dilworth Paxson, LLP  
112 Market Street, Suite 800  
Harrisburg, PA 17101  
egoldstein@dilworthlaw.com

James R. Potts  
Cozen O'Connor  
1650 Market Street  
Philadelphia, PA 19103  
JPotts@cozen.com

Stephen H. Warren  
Gary Sversky  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, CA 90071  
swarren@omm.com

Paul M. Hummer  
Saul Ewing LLP  
Centre Square West  
1500 Market Street, 38th Floor  
Philadelphia, PA 19102-2186  
PHummer@saul.com

Harold S. Horwich  
John P. Lavelle, Jr.  
Benjamin J. Cordiano  
Morgan Lewis LLP  
One State Street  
Hartford, CT 06103-3178  
harold.horwich@morganlewis.com  
jlavelle@morganlewis.com  
benjamin.cordiano@morganlewis.com

Charles T. Richardson  
Caryn M. Glawe  
Faegre Baker Daniels  
1050 K Street NW, Suite 400  
Washington, DC 20001-4448  
charlie.richardson@FaegreBD.com  
caryn.glawe@FaegreBD.com

Thomas A. Leonard  
Richard P. Limburg  
Obermayer Rebmann Maxwell &  
Hippel LLP  
One Penn Center, 19th Floor  
1617 John F. Kennedy Blvd.  
Philadelphia, PA 19103-1895  
thomas.leonard@obermayer.com  
richard.limburg@obermayer.com

---

Stephen W. Schwab  
DLA PIPER LLP (US)  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103-7300  
Telephone: 215.656.3300  
Facsimile: 215.656.3301

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

---

In Re: Penn Treaty Network America Insurance Company in Rehabilitation	:	DOCKET NO. 1 PEN 2009
	:	
In Re: American Network Insurance Company in Rehabilitation	:	DOCKET NO. 1 ANI 2009
	:	
	:	
	:	

---

**NOTICE TO TAKE DEPOSITION**

PLEASE TAKE NOTICE that Teresa Miller, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as statutory and court-appointed rehabilitator (the “Rehabilitator”) of Penn Treaty Network America Insurance Company and American Network Insurance Company, will take the deposition upon oral examination of the person from United Concordia Life and Health Insurance Company most knowledgeable about the Second Amended Plan of Rehabilitation, on October 7, 2015, at 9:00 A.M. EST.

This deposition will be held at DLA Piper LLP (US), One Liberty Place, 1650 Market St., Suite 4900, Philadelphia, Pennsylvania 19103, before a certified stenographic court reporter and videographer.

Respectfully submitted,

Dated: April 30, 2015

---

Carl M. Buchholz  
Stephen W. Schwab  
Jayne A. Risk  
Carl H. Poedtke III  
**DLA PIPER LLP (US)**  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103  
Tel: 215.656.3300  
Fax: 215.656.3301

James R. Potts  
**COZEN O'CONNOR**  
1650 Market Street  
Philadelphia, PA 19103  
Tel: 215.665.2000  
Fax: 215.701.2102

*Attorneys for Teresa D. Miller, Insurance  
Commissioner of Pennsylvania, in her  
capacity as statutory rehabilitator of Penn  
Treaty Network America Insurance Co. and  
American Network Insurance Co.*

## CERTIFICATE OF SERVICE

I certify that I will cause a Notice of Filing of the foregoing to be served on all parties listed on the Master Service List by electronic mail or facsimile, or by U.S. Mail where no electronic mail address or facsimile number was available, and that, as of April 30, 2015, I served the foregoing Notice upon all interested persons as follows:

Douglas Y. Christian  
Benjamin M. Schmidt  
Ballard Spahr LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103-7300  
christiand@ballardspahr.com  
schmidtB@ballardspahr.com

Elizabeth J. Goldstein  
Dilworth Paxson, LLP  
112 Market Street, Suite 800  
Harrisburg, PA 17101  
egoldstein@dilworthlaw.com

James R. Potts  
Cozen O'Connor  
1650 Market Street  
Philadelphia, PA 19103  
JPotts@cozen.com

Stephen H. Warren  
Gary Sversky  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, CA 90071  
[swarren@omm.com](mailto:swarren@omm.com)

Paul M. Hummer  
Saul Ewing LLP  
Centre Square West  
1500 Market Street, 38th Floor  
Philadelphia, PA 19102-2186  
PHummer@saul.com

Harold S. Horwich  
John P. Lavelle, Jr.  
Benjamin J. Cordiano  
Morgan Lewis LLP  
One State Street  
Hartford, CT 06103-3178  
[harold.horwich@morganlewis.com](mailto:harold.horwich@morganlewis.com)  
[jlavelle@morganlewis.com](mailto:jlavelle@morganlewis.com)  
[benjamin.cordiano@morganlewis.com](mailto:benjamin.cordiano@morganlewis.com)

Charles T. Richardson  
Caryn M. Glawe  
Faegre Baker Daniels  
1050 K Street NW, Suite 400  
Washington, DC 20001-4448  
charlie.richardson@FaegreBD.com  
caryn.glawe@FaegreBD.com

Thomas A. Leonard  
Richard P. Limburg  
Obermayer Rebmann Maxwell &  
Hippel LLP  
One Penn Center, 19th Floor  
1617 John F. Kennedy Blvd.  
Philadelphia, PA 19103-1895  
thomas.leonard@obermayer.com  
richard.limburg@obermayer.com

---

Stephen W. Schwab  
DLA PIPER LLP (US)  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103-7300  
Telephone: 215.656.3300  
Facsimile: 215.656.3301

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

---

In Re: Penn Treaty Network America Insurance Company in Rehabilitation	:	DOCKET NO. 1 PEN 2009
	:	
In Re: American Network Insurance Company in Rehabilitation	:	DOCKET NO. 1 ANI 2009
	:	
	:	
	:	

---

**NOTICE TO TAKE DEPOSITION**

PLEASE TAKE NOTICE that Teresa Miller, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as statutory and court-appointed rehabilitator (the “Rehabilitator”) of Penn Treaty Network America Insurance Company and American Network Insurance Company, will take the deposition upon oral examination of the person from United Concordia Insurance Company most knowledgeable about the Second Amended Plan of Rehabilitation, on October 7, 2015, at 1:00 P.M. EST.

This deposition will be held at DLA Piper LLP (US), One Liberty Place, 1650 Market St., Suite 4900, Philadelphia, Pennsylvania 19103, before a certified stenographic court reporter and videographer.

Respectfully submitted,

Dated: April 30, 2015

---

Carl M. Buchholz  
Stephen W. Schwab  
Jayne A. Risk  
Carl H. Poedtke III  
**DLA PIPER LLP (US)**  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103  
Tel: 215.656.3300  
Fax: 215.656.3301

James R. Potts  
**COZEN O'CONNOR**  
1650 Market Street  
Philadelphia, PA 19103  
Tel: 215.665.2000  
Fax: 215.701.2102

*Attorneys for Teresa D. Miller, Insurance  
Commissioner of Pennsylvania, in her  
capacity as statutory rehabilitator of Penn  
Treaty Network America Insurance Co. and  
American Network Insurance Co.*



## CERTIFICATE OF SERVICE

I certify that I will cause a Notice of Filing of the foregoing to be served on all parties listed on the Master Service List by electronic mail or facsimile, or by U.S. Mail where no electronic mail address or facsimile number was available, and that, as of April 30, 2015, I served the foregoing Notice upon all interested persons as follows:

Douglas Y. Christian  
Benjamin M. Schmidt  
Ballard Spahr LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103-7300  
christiand@ballardspahr.com  
schmidtB@ballardspahr.com

Elizabeth J. Goldstein  
Dilworth Paxson, LLP  
112 Market Street, Suite 800  
Harrisburg, PA 17101  
egoldstein@dilworthlaw.com

James R. Potts  
Cozen O'Connor  
1650 Market Street  
Philadelphia, PA 19103  
JPotts@cozen.com

Stephen H. Warren  
Gary Sversky  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, CA 90071  
swarren@omm.com

Paul M. Hummer  
Saul Ewing LLP  
Centre Square West  
1500 Market Street, 38th Floor  
Philadelphia, PA 19102-2186  
PHummer@saul.com

Harold S. Horwich  
John P. Lavelle, Jr.  
Benjamin J. Cordiano  
Morgan Lewis LLP  
One State Street  
Hartford, CT 06103-3178  
harold.horwich@morganlewis.com  
jlavelle@morganlewis.com  
benjamin.cordiano@morganlewis.com

Charles T. Richardson  
Caryn M. Glawe  
Faegre Baker Daniels  
1050 K Street NW, Suite 400  
Washington, DC 20001-4448  
charlie.richardson@FaegreBD.com  
caryn.glawe@FaegreBD.com

Thomas A. Leonard  
Richard P. Limburg  
Obermayer Rebmann Maxwell &  
Hippel LLP  
One Penn Center, 19th Floor  
1617 John F. Kennedy Blvd.  
Philadelphia, PA 19103-1895  
thomas.leonard@obermayer.com  
richard.limburg@obermayer.com

---

Stephen W. Schwab  
DLA PIPER LLP (US)  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103-7300  
Telephone: 215.656.3300  
Facsimile: 215.656.3301

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

---

In Re: Penn Treaty Network America Insurance Company in Rehabilitation	:	DOCKET NO. 1 PEN 2009
	:	
In Re: American Network Insurance Company in Rehabilitation	:	DOCKET NO. 1 ANI 2009
	:	
	:	
	:	

---

**NOTICE TO TAKE DEPOSITION**

PLEASE TAKE NOTICE that Teresa Miller, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as statutory and court-appointed rehabilitator (the “Rehabilitator”) of Penn Treaty Network America Insurance Company and American Network Insurance Company, will take the deposition upon oral examination of the person from QCC Insurance Company most knowledgeable about the Second Amended Plan of Rehabilitation, on October 21, 2015, at 9:00 A.M. EST.

This deposition will be held at DLA Piper LLP (US), One Liberty Place, 1650 Market St., Suite 4900, Philadelphia, Pennsylvania 19103, before a certified stenographic court reporter and videographer.

Respectfully submitted,

Dated: April 30, 2015

---

Carl M. Buchholz  
Stephen W. Schwab  
Jayne A. Risk  
Carl H. Poedtke III  
**DLA PIPER LLP (US)**  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103  
Tel: 215.656.3300  
Fax: 215.656.3301

James R. Potts  
**COZEN O'CONNOR**  
1650 Market Street  
Philadelphia, PA 19103  
Tel: 215.665.2000  
Fax: 215.701.2102

*Attorneys for Teresa D. Miller, Insurance  
Commissioner of Pennsylvania, in her  
capacity as statutory rehabilitator of Penn  
Treaty Network America Insurance Co. and  
American Network Insurance Co.*

## CERTIFICATE OF SERVICE

I certify that I will cause a Notice of Filing of the foregoing to be served on all parties listed on the Master Service List by electronic mail or facsimile, or by U.S. Mail where no electronic mail address or facsimile number was available, and that, as of April 30, 2015, I served the foregoing Notice upon all interested persons as follows:

Douglas Y. Christian  
Benjamin M. Schmidt  
Ballard Spahr LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103-7300  
christiand@ballardspahr.com  
schmidtB@ballardspahr.com

Elizabeth J. Goldstein  
Dilworth Paxson, LLP  
112 Market Street, Suite 800  
Harrisburg, PA 17101  
egoldstein@dilworthlaw.com

James R. Potts  
Cozen O'Connor  
1650 Market Street  
Philadelphia, PA 19103  
JPotts@cozen.com

Stephen H. Warren  
Gary Sversky  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, CA 90071  
swarren@omm.com

Paul M. Hummer  
Saul Ewing LLP  
Centre Square West  
1500 Market Street, 38th Floor  
Philadelphia, PA 19102-2186  
PHummer@saul.com

Harold S. Horwich  
John P. Lavelle, Jr.  
Benjamin J. Cordiano  
Morgan Lewis LLP  
One State Street  
Hartford, CT 06103-3178  
harold.horwich@morganlewis.com  
jlavelle@morganlewis.com  
benjamin.cordiano@morganlewis.com

Charles T. Richardson  
Caryn M. Glawe  
Faegre Baker Daniels  
1050 K Street NW, Suite 400  
Washington, DC 20001-4448  
charlie.richardson@FaegreBD.com  
caryn.glawe@FaegreBD.com

Thomas A. Leonard  
Richard P. Limburg  
Obermayer Rebmann Maxwell &  
Hippel LLP  
One Penn Center, 19th Floor  
1617 John F. Kennedy Blvd.  
Philadelphia, PA 19103-1895  
thomas.leonard@obermayer.com  
richard.limburg@obermayer.com

---

Stephen W. Schwab  
DLA PIPER LLP (US)  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103-7300  
Telephone: 215.656.3300  
Facsimile: 215.656.3301

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

---

In Re: Penn Treaty Network America Insurance Company in Rehabilitation	:	DOCKET NO. 1 PEN 2009
	:	
In Re: American Network Insurance Company in Rehabilitation	:	DOCKET NO. 1 ANI 2009
	:	
	:	
	:	

---

**NOTICE TO TAKE DEPOSITION**

PLEASE TAKE NOTICE that Teresa Miller, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as statutory and court-appointed rehabilitator (the “Rehabilitator”) of Penn Treaty Network America Insurance Company and American Network Insurance Company, will take the deposition upon oral examination of the person from Horizon Healthcare Services, Inc. d/b/a Horizon Blue Cross Blue Shield of New Jersey most knowledgeable about the Second Amended Plan of Rehabilitation, on October 21, 2015, at 1:00 P.M. EST.

This deposition will be held at DLA Piper LLP (US), One Liberty Place, 1650 Market St., Suite 4900, Philadelphia, Pennsylvania 19103, before a certified stenographic court reporter and videographer.

Respectfully submitted,

Dated: April 30, 2015

---

Carl M. Buchholz  
Stephen W. Schwab  
Jayne A. Risk  
Carl H. Poedtke III  
**DLA PIPER LLP (US)**  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103  
Tel: 215.656.3300  
Fax: 215.656.3301

James R. Potts  
**COZEN O'CONNOR**  
1650 Market Street  
Philadelphia, PA 19103  
Tel: 215.665.2000  
Fax: 215.701.2102

*Attorneys for Teresa D. Miller, Insurance  
Commissioner of Pennsylvania, in her  
capacity as statutory rehabilitator of Penn  
Treaty Network America Insurance Co. and  
American Network Insurance Co.*



## CERTIFICATE OF SERVICE

I certify that I will cause a Notice of Filing of the foregoing to be served on all parties listed on the Master Service List by electronic mail or facsimile, or by U.S. Mail where no electronic mail address or facsimile number was available, and that, as of April 30, 2015, I served the foregoing Notice upon all interested persons as follows:

Douglas Y. Christian  
Benjamin M. Schmidt  
Ballard Spahr LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103-7300  
christiand@ballardspahr.com  
schmidtB@ballardspahr.com

Elizabeth J. Goldstein  
Dilworth Paxson, LLP  
112 Market Street, Suite 800  
Harrisburg, PA 17101  
egoldstein@dilworthlaw.com

James R. Potts  
Cozen O'Connor  
1650 Market Street  
Philadelphia, PA 19103  
JPotts@cozen.com

Stephen H. Warren  
Gary Sversky  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, CA 90071  
swarren@omm.com

Paul M. Hummer  
Saul Ewing LLP  
Centre Square West  
1500 Market Street, 38th Floor  
Philadelphia, PA 19102-2186  
PHummer@saul.com

Harold S. Horwich  
John P. Lavelle, Jr.  
Benjamin J. Cordiano  
Morgan Lewis LLP  
One State Street  
Hartford, CT 06103-3178  
harold.horwich@morganlewis.com  
jlavelle@morganlewis.com  
benjamin.cordiano@morganlewis.com

Charles T. Richardson  
Caryn M. Glawe  
Faegre Baker Daniels  
1050 K Street NW, Suite 400  
Washington, DC 20001-4448  
charlie.richardson@FaegreBD.com  
caryn.glawe@FaegreBD.com

Thomas A. Leonard  
Richard P. Limburg  
Obermayer Rebmann Maxwell &  
Hippel LLP  
One Penn Center, 19th Floor  
1617 John F. Kennedy Blvd.  
Philadelphia, PA 19103-1895  
thomas.leonard@obermayer.com  
richard.limburg@obermayer.com

---

Stephen W. Schwab  
DLA PIPER LLP (US)  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103-7300  
Telephone: 215.656.3300  
Facsimile: 215.656.3301

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

---

In Re: Penn Treaty Network America Insurance Company in Rehabilitation	:	DOCKET NO. 1 PEN 2009
	:	
In Re: American Network Insurance Company in Rehabilitation	:	DOCKET NO. 1 ANI 2009
	:	
	:	
	:	

---

**NOTICE TO TAKE DEPOSITION**

PLEASE TAKE NOTICE that Teresa Miller, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as statutory and court-appointed rehabilitator (the “Rehabilitator”) of Penn Treaty Network America Insurance Company and American Network Insurance Company, will take the deposition upon oral examination of the person from HM Life Insurance Company most knowledgeable about the Second Amended Plan of Rehabilitation, on October 26, 2015, at 9:00 A.M. EST.

This deposition will be held at DLA Piper LLP (US), One Liberty Place, 1650 Market St., Suite 4900, Philadelphia, Pennsylvania 19103, before a certified stenographic court reporter and videographer.

Respectfully submitted,

Dated: April 30, 2015

---

Carl M. Buchholz  
Stephen W. Schwab  
Jayne A. Risk  
Carl H. Poedtke III  
**DLA PIPER LLP (US)**  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103  
Tel: 215.656.3300  
Fax: 215.656.3301

James R. Potts  
**COZEN O'CONNOR**  
1650 Market Street  
Philadelphia, PA 19103  
Tel: 215.665.2000  
Fax: 215.701.2102

*Attorneys for Teresa D. Miller, Insurance  
Commissioner of Pennsylvania, in her  
capacity as statutory rehabilitator of Penn  
Treaty Network America Insurance Co. and  
American Network Insurance Co.*

## CERTIFICATE OF SERVICE

I certify that I will cause a Notice of Filing of the foregoing to be served on all parties listed on the Master Service List by electronic mail or facsimile, or by U.S. Mail where no electronic mail address or facsimile number was available, and that, as of April 30, 2015, I served the foregoing Notice upon all interested persons as follows:

Douglas Y. Christian  
Benjamin M. Schmidt  
Ballard Spahr LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103-7300  
christiand@ballardspahr.com  
schmidtB@ballardspahr.com

Elizabeth J. Goldstein  
Dilworth Paxson, LLP  
112 Market Street, Suite 800  
Harrisburg, PA 17101  
egoldstein@dilworthlaw.com

James R. Potts  
Cozen O'Connor  
1650 Market Street  
Philadelphia, PA 19103  
JPotts@cozen.com

Stephen H. Warren  
Gary Sversky  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, CA 90071  
swarren@omm.com

Paul M. Hummer  
Saul Ewing LLP  
Centre Square West  
1500 Market Street, 38th Floor  
Philadelphia, PA 19102-2186  
PHummer@saul.com

Harold S. Horwich  
John P. Lavelle, Jr.  
Benjamin J. Cordiano  
Morgan Lewis LLP  
One State Street  
Hartford, CT 06103-3178  
harold.horwich@morganlewis.com  
jlavelle@morganlewis.com  
benjamin.cordiano@morganlewis.com

Charles T. Richardson  
Caryn M. Glawe  
Faegre Baker Daniels  
1050 K Street NW, Suite 400  
Washington, DC 20001-4448  
charlie.richardson@FaegreBD.com  
caryn.glawe@FaegreBD.com

Thomas A. Leonard  
Richard P. Limburg  
Obermayer Rebmann Maxwell &  
Hippel LLP  
One Penn Center, 19th Floor  
1617 John F. Kennedy Blvd.  
Philadelphia, PA 19103-1895  
thomas.leonard@obermayer.com  
richard.limburg@obermayer.com

---

Stephen W. Schwab  
DLA PIPER LLP (US)  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103-7300  
Telephone: 215.656.3300  
Facsimile: 215.656.3301

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

---

In Re: Penn Treaty Network America Insurance Company in Rehabilitation	:	DOCKET NO. 1 PEN 2009
	:	
In Re: American Network Insurance Company in Rehabilitation	:	DOCKET NO. 1 ANI 2009
	:	
	:	
	:	

---

**NOTICE TO TAKE DEPOSITION**

PLEASE TAKE NOTICE that Teresa Miller, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as statutory and court-appointed rehabilitator (the “Rehabilitator”) of Penn Treaty Network America Insurance Company and American Network Insurance Company, will take the deposition upon oral examination of the person from Cigna Corporation most knowledgeable about the Second Amended Plan of Rehabilitation, on October 26, 2015, at 1:00 P.M. EST.

This deposition will be held at DLA Piper LLP (US), One Liberty Place, 1650 Market St., Suite 4900, Philadelphia, Pennsylvania 19103, before a certified stenographic court reporter and videographer.

Respectfully submitted,

Dated: April 30, 2015

---

Carl M. Buchholz  
Stephen W. Schwab  
Jayne A. Risk  
Carl H. Poedtke III  
**DLA PIPER LLP (US)**  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103  
Tel: 215.656.3300  
Fax: 215.656.3301

James R. Potts  
**COZEN O'CONNOR**  
1650 Market Street  
Philadelphia, PA 19103  
Tel: 215.665.2000  
Fax: 215.701.2102

*Attorneys for Teresa D. Miller, Insurance  
Commissioner of Pennsylvania, in her  
capacity as statutory rehabilitator of Penn  
Treaty Network America Insurance Co. and  
American Network Insurance Co.*



## CERTIFICATE OF SERVICE

I certify that I will cause a Notice of Filing of the foregoing to be served on all parties listed on the Master Service List by electronic mail or facsimile, or by U.S. Mail where no electronic mail address or facsimile number was available, and that, as of April 30, 2015, I served the foregoing Notice upon all interested persons as follows:

Douglas Y. Christian  
Benjamin M. Schmidt  
Ballard Spahr LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103-7300  
christiand@ballardspahr.com  
schmidtB@ballardspahr.com

Elizabeth J. Goldstein  
Dilworth Paxson, LLP  
112 Market Street, Suite 800  
Harrisburg, PA 17101  
egoldstein@dilworthlaw.com

James R. Potts  
Cozen O'Connor  
1650 Market Street  
Philadelphia, PA 19103  
JPotts@cozen.com

Stephen H. Warren  
Gary Sversky  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, CA 90071  
swarren@omm.com

Paul M. Hummer  
Saul Ewing LLP  
Centre Square West  
1500 Market Street, 38th Floor  
Philadelphia, PA 19102-2186  
PHummer@saul.com

Harold S. Horwich  
John P. Lavelle, Jr.  
Benjamin J. Cordiano  
Morgan Lewis LLP  
One State Street  
Hartford, CT 06103-3178  
harold.horwich@morganlewis.com  
jlavelle@morganlewis.com  
benjamin.cordiano@morganlewis.com

Charles T. Richardson  
Caryn M. Glawe  
Faegre Baker Daniels  
1050 K Street NW, Suite 400  
Washington, DC 20001-4448  
charlie.richardson@FaegreBD.com  
caryn.glawe@FaegreBD.com

Thomas A. Leonard  
Richard P. Limburg  
Obermayer Rebmann Maxwell &  
Hippel LLP  
One Penn Center, 19th Floor  
1617 John F. Kennedy Blvd.  
Philadelphia, PA 19103-1895  
thomas.leonard@obermayer.com  
richard.limburg@obermayer.com

---

Stephen W. Schwab  
DLA PIPER LLP (US)  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103-7300  
Telephone: 215.656.3300  
Facsimile: 215.656.3301

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

---

In Re: Penn Treaty Network America Insurance Company in Rehabilitation	:	DOCKET NO. 1 PEN 2009
	:	
In Re: American Network Insurance Company in Rehabilitation	:	DOCKET NO. 1 ANI 2009
	:	
	:	
	:	

---

**NOTICE TO TAKE DEPOSITION**

PLEASE TAKE NOTICE that Teresa Miller, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as statutory and court-appointed rehabilitator (the “Rehabilitator”) of Penn Treaty Network America Insurance Company and American Network Insurance Company, will take the deposition upon oral examination of the person from United Healthcare Insurance Company most knowledgeable about the Second Amended Plan of Rehabilitation, on October 28, 2015, at 10:00 A.M. EST.

This deposition will be held at DLA Piper LLP (US), One Liberty Place, 1650 Market St., Suite 4900, Philadelphia, Pennsylvania 19103, before a certified stenographic court reporter and videographer.

Respectfully submitted,

Dated: April 30, 2015

---

Carl M. Buchholz  
Stephen W. Schwab  
Jayne A. Risk  
Carl H. Poedtke III  
**DLA PIPER LLP (US)**  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103  
Tel: 215.656.3300  
Fax: 215.656.3301

James R. Potts  
**COZEN O'CONNOR**  
1650 Market Street  
Philadelphia, PA 19103  
Tel: 215.665.2000  
Fax: 215.701.2102

*Attorneys for Teresa D. Miller, Insurance  
Commissioner of Pennsylvania, in her  
capacity as statutory rehabilitator of Penn  
Treaty Network America Insurance Co. and  
American Network Insurance Co.*

## CERTIFICATE OF SERVICE

I certify that I will cause a Notice of Filing of the foregoing to be served on all parties listed on the Master Service List by electronic mail or facsimile, or by U.S. Mail where no electronic mail address or facsimile number was available, and that, as of April 30, 2015, I served the foregoing Notice upon all interested persons as follows:

Douglas Y. Christian  
Benjamin M. Schmidt  
Ballard Spahr LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103-7300  
christiand@ballardspahr.com  
schmidtB@ballardspahr.com

Elizabeth J. Goldstein  
Dilworth Paxson, LLP  
112 Market Street, Suite 800  
Harrisburg, PA 17101  
egoldstein@dilworthlaw.com

James R. Potts  
Cozen O'Connor  
1650 Market Street  
Philadelphia, PA 19103  
JPotts@cozen.com

Stephen H. Warren  
Gary Sversky  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, CA 90071  
swarren@omm.com

Paul M. Hummer  
Saul Ewing LLP  
Centre Square West  
1500 Market Street, 38th Floor  
Philadelphia, PA 19102-2186  
PHummer@saul.com

Harold S. Horwich  
John P. Lavelle, Jr.  
Benjamin J. Cordiano  
Morgan Lewis LLP  
One State Street  
Hartford, CT 06103-3178  
harold.horwich@morganlewis.com  
jlavelle@morganlewis.com  
benjamin.cordiano@morganlewis.com

Charles T. Richardson  
Caryn M. Glawe  
Faegre Baker Daniels  
1050 K Street NW, Suite 400  
Washington, DC 20001-4448  
charlie.richardson@FaegreBD.com  
caryn.glawe@FaegreBD.com

Thomas A. Leonard  
Richard P. Limburg  
Obermayer Rebmann Maxwell &  
Hippel LLP  
One Penn Center, 19th Floor  
1617 John F. Kennedy Blvd.  
Philadelphia, PA 19103-1895  
thomas.leonard@obermayer.com  
richard.limburg@obermayer.com

---

Stephen W. Schwab  
DLA PIPER LLP (US)  
One Liberty Place  
1650 Market Street, Suite 4900  
Philadelphia, PA 19103-7300  
Telephone: 215.656.3300  
Facsimile: 215.656.3301

# **EXHIBIT B**

---

**From:** Schwab, Stephen W. [Stephen.Schwab@dlapiper.com]  
**Sent:** Tuesday, August 25, 2015 2:29 PM  
**To:** Lavelle, Jr., John P.; Svirsky, Gary; Schmidt, Benjamin M.; Christian, Douglas; Horwich, Harold S.; Cordiano, Benjamin J.; Warren, Steve; Leonard, Thomas (Thomas.Leonard@obermayer.com); Richard P. Limburg (richard.limburg@obermayer.com); Caryn M. Glawe (caryn.glawe@faegrebd.com); 'charlie.richardson@faegrebd.com'; Paul M. Hummer (phummer@saul.com); Elizabeth Goldstein (egoldstein@dilworthlaw.com); James S. Gkonos (jgkonos@saul.com); Bradshaw, Mark D. (MDB@stevenslee.com) (MDB@stevenslee.com)  
**Cc:** Buchholz, Carl; Risk, Jayne Anderson; James R. Potts (jpotts@cozen.com)  
**Subject:** Re: Health Insurers' Application for Discovery Relief; Deposition Scheduling; Rehabilitator's Expert Reports

John:

Thanks for letting us know about the conversation with Vance.

We have not, however, limited any areas of inquiry for any deposition.

Best wishes.

Sent from my BlackBerry 10 smartphone.

---

**From:** Lavelle, Jr., John P.  
**Sent:** Tuesday, August 25, 2015 2:21 PM  
**To:** Schwab, Stephen W.; Svirsky, Gary; Schmidt, Benjamin M.; Christian, Douglas; Horwich, Harold S.; Cordiano, Benjamin J.; Warren, Steve; Leonard, Thomas (Thomas.Leonard@obermayer.com); Richard P. Limburg (richard.limburg@obermayer.com); Caryn M. Glawe (caryn.glawe@faegrebd.com); 'charlie.richardson@faegrebd.com'; Paul M. Hummer (phummer@saul.com); Elizabeth Goldstein (egoldstein@dilworthlaw.com); James S. Gkonos (jgkonos@saul.com); Bradshaw, Mark D. (MDB@stevenslee.com) (MDB@stevenslee.com)  
**Cc:** Buchholz, Carl; Risk, Jayne Anderson; James R. Potts (jpotts@cozen.com)  
**Subject:** RE: Health Insurers' Application for Discovery Relief; Deposition Scheduling; Rehabilitator's Expert Reports

Stephen-

As we advised you and your colleagues in the attached email we sent you Wednesday August 19 following our meet and confer call earlier that day, there was no need to serve a new notice of deposition to seek deposition on the same topics identified in the previously served notice of intent. We do appreciate your clarifying that, in serving the notices and withdrawing the notice of intent on Sunday August 23, you no longer seek deposition on the topics previously identified in the notice of intent, which were among the issues raised in our Application for Protective Order.

Prior to filing on Friday, we left a voicemail message for Judge Leavitt's clerk Mr. Fink asking whether we needed to file an Application for Protective Order in view of the language you reference in Section III of the CMO in order to schedule a telephonic conference with the Court. We were advised by Mr. Fink in the attached email that the application should be made in writing and should be a summary of the issues, not a brief. Our Application filed on Friday thus fully complies with the CMO and the Court's directions.

**John P. Lavelle, Jr.**  
**Morgan, Lewis & Bockius LLP**  
1701 Market Street | Philadelphia, PA 19103-2921  
Direct: +1.215.963.4824 | Main: +1.215.963.5000 | Fax: +1.215.963.5001



502 Carnegie Center | Princeton, NJ 08540-6289  
Direct: +1.609.919.6688 | Main: +1.609.919.6600 | Fax: +1.609.919.6701

jlavelle@morganlewis.com | www.morganlewis.com

---

**From:** Schwab, Stephen W. [mailto:Stephen.Schwab@dlapiper.com]  
**Sent:** Tuesday, August 25, 2015 1:59 PM  
**To:** Lavelle, Jr., John P.; Svirsky, Gary; Schmidt, Benjamin M.; Christian, Douglas; Horwich, Harold S.; Cordiano, Benjamin J.; Warren, Steve; Leonard, Thomas (Thomas.Leonard@obermayer.com); Richard P. Limburg (richard.limburg@obermayer.com); Caryn M. Glawe (caryn.glawe@faegrebd.com); 'charlie.richardson@faegrebd.com'; Paul M. Hummer (phummer@saul.com); Elizabeth Goldstein (egoldstein@dilworthlaw.com); James S. Gkonos (jgkonos@saul.com); Bradshaw, Mark D. (MDB@stevenslee.com) (MDB@stevenslee.com)  
**Cc:** Buchholz, Carl; Risk, Jayne Anderson; James R. Potts (jpotts@cozen.com)  
**Subject:** RE: Health Insurers' Application for Discovery Relief; Deposition Scheduling; Rehabilitator's Expert Reports

John:

Thanks for this. Because both you and Hal had requested on a number of occasions that we withdraw the subpoena and issue notices, we had started the process of doing so. Your application beat us to the issuance point. We now believe the only issue left in your application is the number of deponents.

Your Application appears to be contrary to sec. III in the CMO (because it is part of "briefing"), but either way it is time to schedule a call with the Court about it.


We continue to urge all parties to pencil in dates on the Deposition Calendar. You can always confirm them, or adjust them by agreement, later.

Thanks and best wishes.

*Stephen W. Schwab*

DLA Piper LLP (US)  
Chicago T. 312.368.2150 (Tie 810)  
Phila. T +1 215.656.3305  
M. 847.366.5490

stephen.schwab@dlapiper.com

 Please consider the environment before printing this email.

---

**From:** Lavelle, Jr., John P. [mailto:jlavelle@morganlewis.com]  
**Sent:** Tuesday, August 25, 2015 12:03 PM  
**To:** Schwab, Stephen W.; Svirsky, Gary; Schmidt, Benjamin M.; Christian, Douglas; Horwich, Harold S.; Cordiano, Benjamin J.; Warren, Steve; Leonard, Thomas (Thomas.Leonard@obermayer.com); Richard P. Limburg (richard.limburg@obermayer.com); Caryn M. Glawe (caryn.glawe@faegrebd.com); 'charlie.richardson@faegrebd.com'; Paul M. Hummer (phummer@saul.com); Elizabeth Goldstein (egoldstein@dilworthlaw.com); James S. Gkonos (jgkonos@saul.com); Bradshaw, Mark D. (MDB@stevenslee.com) (MDB@stevenslee.com)  
**Cc:** Buchholz, Carl; Risk, Jayne Anderson; James R. Potts (jpotts@cozen.com)  
**Subject:** RE: Deposition Scheduling; Rehabilitator's Expert Reports

Stephen-

As you know, in the telephone conference with all counsel held on Tuesday, August 18, we clearly and specifically advised you of our position that it was premature to set deposition dates for any witness on behalf of the Health Insurers. Because we were unable to obtain your agreement to withdraw or narrow your notice of intent to issue a subpoena to the Health Insurers, we filed and served on Friday, August 21 an Application for Protective Order. Two days later, on Sunday, August 23, in apparent response to our Application, you purported to serve notices of deposition scheduling nine different depositions of the Health Insurers on nine different days that you unilaterally selected, and withdrew the notice of intent.

Although it should be evident from all of the foregoing, please be advised that the Health Insurers do not agree to the deposition dates you have unilaterally selected and incorporated in purported notices of deposition and in the calendar you circulated earlier today. We expect to address deposition scheduling in the context of our pending Application for Protective Order.

**John P. Lavelle, Jr.**

**Morgan, Lewis & Bockius LLP**

1701 Market Street | Philadelphia, PA 19103-2921

Direct: +1.215.963.4824 | Main: +1.215.963.5000 | Fax: +1.215.963.5001

502 Carnegie Center | Princeton, NJ 08540-6289

Direct: +1.609.919.6688 | Main: +1.609.919.6600 | Fax: +1.609.919.6701

jlavelle@morganlewis.com | www.morganlewis.com

---

**From:** Schwab, Stephen W. [mailto:[Stephen.Schwab@dlapiper.com](mailto:Stephen.Schwab@dlapiper.com)]

**Sent:** Tuesday, August 25, 2015 10:56 AM

**To:** Svirsky, Gary; Schmidt, Benjamin M.; Christian, Douglas; Horwich, Harold S.; Lavelle, Jr., John P.; Cordiano, Benjamin J.; Warren, Steve; Leonard, Thomas ([Thomas.Leonard@obermayer.com](mailto:Thomas.Leonard@obermayer.com)); Richard P. Limburg ([richard.limburg@obermayer.com](mailto:richard.limburg@obermayer.com)); Caryn M. Glawe ([caryn.glawe@faegrebd.com](mailto:caryn.glawe@faegrebd.com)); 'charlie.richardson@faegrebd.com'; Paul M. Hummer ([phummer@saul.com](mailto:phummer@saul.com)); Elizabeth Goldstein ([egoldstein@dilworthlaw.com](mailto:egoldstein@dilworthlaw.com)); James S. Gkonos ([jgkonos@saul.com](mailto:jgkonos@saul.com)); Bradshaw, Mark D. ([MDB@stevenslee.com](mailto:MDB@stevenslee.com)) ([MDB@stevenslee.com](mailto:MDB@stevenslee.com))

**Cc:** Buchholz, Carl; Risk, Jayne Anderson; James R. Potts ([jpotts@cozen.com](mailto:jpotts@cozen.com))

**Subject:** RE: Deposition Scheduling; Rehabilitator's Expert Reports

Ladies and Gentlemen:

Attached you will find a revised version of the Deposition Calendar, which includes the dates we set/proposed for the depositions of the Health Insurers representatives, as well as the NOLHGA representative and potential NOLHGA expert (should any interested party wish to depose them. We understand that these dates are subject to confirmation, and suggest that you help us pencil in dates for your witnesses and the witnesses you wish to depose.

Please note that the Second Amended Plan and the 2013 PwC report represent the reports of the SDR and PwC, to the extent that they would be called as or otherwise qualify as expert witnesses (in whole or in part).

*Stephen W. Schwab*


DLA Piper LLP (US)

Chicago T. 312.368.2150 (Tie 810)

Phila. T +1 215.656.3305

M. 847.366.5490

[stephen.schwab@dlapiper.com](mailto:stephen.schwab@dlapiper.com)

 Please consider the environment before printing this email.

---

**From:** Schwab, Stephen W.

**Sent:** Wednesday, August 19, 2015 2:43 PM

**To:** 'Svirsky, Gary'; Schmidt, Benjamin M.; Christian, Douglas; Harold S. Horwich Esq. ([harold.horwich@morganlewis.com](mailto:harold.horwich@morganlewis.com)); [jlavelle@morganlewis.com](mailto:jlavelle@morganlewis.com); Benjamin J. Cordiano ([benjamin.cordiano@bingham.com](mailto:benjamin.cordiano@bingham.com)); Warren, Steve; Leonard, Thomas ([Thomas.Leonard@obermayer.com](mailto:Thomas.Leonard@obermayer.com)); Richard P. Limburg ([richard.limburg@obermayer.com](mailto:richard.limburg@obermayer.com)); Caryn M. Glawe ([caryn.glawe@faegrebd.com](mailto:caryn.glawe@faegrebd.com)); 'charlie.richardson@faegrebd.com'; Paul M. Hummer ([phummer@saul.com](mailto:phummer@saul.com)); Elizabeth Goldstein ([egoldstein@dilworthlaw.com](mailto:egoldstein@dilworthlaw.com)); James S. Gkonos ([jgkonos@saul.com](mailto:jgkonos@saul.com)); Bradshaw, Mark D. ([MDB@stevenslee.com](mailto:MDB@stevenslee.com)) ([MDB@stevenslee.com](mailto:MDB@stevenslee.com))

**Cc:** Buchholz, Carl; Risk, Jayne Anderson; James R. Potts ([jpotts@cozen.com](mailto:jpotts@cozen.com))

**Subject:** RE: Deposition Scheduling

Please note a correction in the table below, to reflect that depositions of five Rehabilitator witnesses will be taken, not two. Whether any of them qualifies or will be presented as an "expert" is not being determined at this time.

We look forward to receiving additional information from the various intervening parties about the identities and scheduling of each of your fact witnesses and/or company representatives for deposition, as the case may be.

Please note that we do not agree that September 30 is "too early" (we believe the Court will commend the parties for starting one day earlier), and at this time we will not agree to produce Mr. Cantilo (or any other witness we produce) on non-consecutive days.

Thanks and best wishes.

*Stephen W. Schwab*

DLA Piper LLP (US)

Chicago T. 312.368.2150 (Tie 810)

Phila. T +1 215.656.3305

M. 847.366.5490

stephen.schwab@dlapiper.com

Please consider the environment before printing this email.

---

**From:** Svirsky, Gary [<mailto:gsvirsky@omm.com>]

**Sent:** Tuesday, August 18, 2015 7:27 PM

**To:** Schmidt, Benjamin M.; Schwab, Stephen W.; Christian, Douglas; Harold S. Horwich Esq. ([harold.horwich@morganlewis.com](mailto:harold.horwich@morganlewis.com)); [javelle@morganlewis.com](mailto:javelle@morganlewis.com); Benjamin J. Cordiano ([benjamin.cordiano@bingham.com](mailto:benjamin.cordiano@bingham.com)); Warren, Steve; Leonard, Thomas ([Thomas.Leonard@obermayer.com](mailto:Thomas.Leonard@obermayer.com)); Richard P. Limburg ([richard.limburg@obermayer.com](mailto:richard.limburg@obermayer.com)); Caryn M. Glawe ([caryn.glawe@faegrebd.com](mailto:caryn.glawe@faegrebd.com)); 'charlie.richardson@faegrebd.com'; Paul M. Hummer ([phummer@saul.com](mailto:phummer@saul.com)); Elizabeth Goldstein ([egoldstein@dilworthlaw.com](mailto:egoldstein@dilworthlaw.com)); James S. Gkonos ([jgkonos@saul.com](mailto:jgkonos@saul.com)); Bradshaw, Mark D. ([MDB@stevenslee.com](mailto:MDB@stevenslee.com)) ([MDB@stevenslee.com](mailto:MDB@stevenslee.com))

**Cc:** James R. Potts ([jpotts@cozen.com](mailto:jpotts@cozen.com)); Buchholz, Carl; Risk, Jayne Anderson

**Subject:** RE: Deposition Scheduling

Stephen, we agree with the below and emphasize that while it is useful to discuss approaches to making discovery work for everyone, it is premature to commit to dates and numbers of witnesses for us, particularly since we have not seen any documents from the Rehabilitator yet. We will try to get you more definite information as soon as we can.

Gary

---

**From:** Schmidt, Benjamin M. [<mailto:SchmidtB@ballardspahr.com>]

**Sent:** Tuesday, August 18, 2015 7:51 PM

**To:** 'Schwab, Stephen W.'; Christian, Douglas; Harold S. Horwich Esq. ([harold.horwich@morganlewis.com](mailto:harold.horwich@morganlewis.com)); [javelle@morganlewis.com](mailto:javelle@morganlewis.com); Benjamin J. Cordiano ([benjamin.cordiano@bingham.com](mailto:benjamin.cordiano@bingham.com)); Warren, Steve; Leonard, Thomas ([Thomas.Leonard@obermayer.com](mailto:Thomas.Leonard@obermayer.com)); Richard P. Limburg ([richard.limburg@obermayer.com](mailto:richard.limburg@obermayer.com)); Caryn M. Glawe ([caryn.glawe@faegrebd.com](mailto:caryn.glawe@faegrebd.com)); 'charlie.richardson@faegrebd.com'; Paul M. Hummer ([phummer@saul.com](mailto:phummer@saul.com)); Elizabeth Goldstein ([egoldstein@dilworthlaw.com](mailto:egoldstein@dilworthlaw.com)); James S. Gkonos ([jgkonos@saul.com](mailto:jgkonos@saul.com)); Svirsky, Gary; Bradshaw, Mark D. ([MDB@stevenslee.com](mailto:MDB@stevenslee.com)) ([MDB@stevenslee.com](mailto:MDB@stevenslee.com))

**Cc:** James R. Potts ([jpotts@cozen.com](mailto:jpotts@cozen.com)); Buchholz, Carl; Risk, Jayne Anderson

**Subject:** RE: Deposition Scheduling

Stephen,

We've discussed some approaches to scheduling depositions. Those approaches differ so we haven't yet reached an understanding. As several counsel indicated, it's premature to commit to either the number or dates of depositions for witnesses not yet identified per the case management order, but we will continue our dialogue on those depositions.

With regard to Mr. Cantilo's deposition, September 30 is too early to start given the document production schedule. We could accommodate your original request to hold his deposition on October 1-2 if a third day (if necessary) may be scheduled TBD at a later date. There are good reasons for this including in the event that the third day is found unnecessary, or conversely if it is necessary and/or certain documents are not produced until after the first days of his deposition (as unfortunately occurred in the last hearing with Mr. Mohoric and certain other witnesses of the Rehabilitator). Reserving the third day is more efficient and will provide more flexibility.

The majority of the party witness depositions should be held from October 22-November 2, but we can consider feathering in a couple of depositions earlier if there end up being more depositions than anticipated. I understand that Columbus and Veterans Days are court holidays, but we would schedule depositions on those days unless a specific scheduling conflict for counsel or a witness arises.

Regards,  
Ben

---

**From:** Schwab, Stephen W. [mailto:Stephen.Schwab@dlapiper.com]  
**Sent:** Tuesday, August 18, 2015 5:11 PM  
**To:** Christian, Douglas (Phila); Schmidt, Benjamin M. (Phila); Harold S. Horwich Esq. (harold.horwich@morganlewis.com); jlavelle@morganlewis.com; Benjamin J. Cordiano (benjamin.cordiano@bingham.com); Steve Warren (swarren@omm.com); Leonard, Thomas (Thomas.Leonard@obermayer.com); Richard P. Limburg (richard.limburg@obermayer.com); Caryn M. Glawe (caryn.glawe@faegrebd.com); 'charlie.richardson@faegrebd.com'; Paul M. Hummer (phummer@saul.com); Elizabeth Goldstein (egoldstein@dilworthlaw.com); James S. Gkonos (jgkonos@saul.com); Svirsky, Gary (gsvirsky@omm.com); Bradshaw, Mark D. (MDB@stevenslee.com) (MDB@stevenslee.com)  
**Cc:** Patrick H. Cantilo (phcantilo@cb-firm.com); James R. Potts (jpotts@cozen.com); Buchholz, Carl; Risk, Jayne Anderson  
**Subject:** Deposition Scheduling  
**Importance:** High

Ladies and Gentlemen:

Thanks for our teleconf this morning re scheduling depositions.

The following reflects our understanding of potential client representative, fact (which may overlap with client rep) and expert witness depositions. Note that [ ] indicates the number of requested/noticed, possible or anticipated witnesses:

Party	Client Representative	Fact	Expert
Rehabilitator		[5]	
PTAC/Woznicki	[2]		[1]
Broadbill	[1]	[1]	[2]
9 Health Insurers	[9]*	[1-2]	[2]
Policyholders Committee	1		1
NOLHGA	1		1
Agents	[1]		[1]

\* In dispute

The attached reflects the following proposed schedule (which represents an amalgam of various proposals):

Cantilo: 9/30-10/2 (Note: This ensures all 3 days are completed in the same week, for the convenience of all.)  
 Robinson: 10/9  
 Vinas: 10/13 (the 12th is Columbus Day)  
 Tax: 10/15

PwC: 10/20 (possibly flipped with the Tax witness)

Expert witness depositions would be taken 11/12 – 24 (the 11th is Veterans Day) and depositions of client representatives and fact witnesses would be feathered in between 10/5 and 11/2, and possibly on 11/9 or 10. No depositions would be taken 11/3-6 in view of the Ballard attorneys' scheduled trial. Thanks to NOLHGA's counsel who have already provided potential dates.


The foregoing is reflected in the attached revised draft Deposition Calendar, which is forwarded to you in Word format so that you can make insertions.

The Court's most recent CMO and her comments reflect that the schedule in the CMO is subject to change "for good cause shown."

The various intervenor parties will take up the foregoing with their clients and potential witnesses. We ask the everyone to do their best to respond by the end of the week. We understand that it is August (people are taking summer vacation and kids are resuming school between now and Labor Day), but are doing our best to ensure that the parties do not inadvertently work themselves into scheduling conflicts.

Thanks and best wishes.

*Stephen W. Schwab*  
DLA Piper LLP (US)  
203 N. LaSalle St. 19<sup>th</sup> fl.  
Chicago, IL 60601  
Chicago T. 312.368.2150 (Tie 810)  
Phila. T. +1 215.656.3305  
F. 312.630.7343  
M. 847.366.5490  
stephen.schwab@dlapiper.com  
www.dlapiper.com

 Please consider the environment before printing this email.

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to [postmaster@dlapiper.com](mailto:postmaster@dlapiper.com). Thank you.  
Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to [postmaster@dlapiper.com](mailto:postmaster@dlapiper.com). Thank you.

## DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this

communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to [postmaster@dlapiper.com](mailto:postmaster@dlapiper.com). Thank you.  
Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to [postmaster@dlapiper.com](mailto:postmaster@dlapiper.com). Thank you.