

STATE OF NORTH CAROLINA  
COUNTY OF DURHAM

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
23 INS 00738

<p>Blue Cross and Blue Shield of North Carolina Petitioner,</p> <p>v.</p> <p>North Carolina State Health Plan for Teachers and State Employees Respondent.</p> <p>and</p> <p>Aetna Life Insurance Company, Respondent-Intervenor.</p>	<p><b>ORDER DENYING MOTIONS FOR SUMMARY JUDGMENT</b></p> <hr/> <p><b>ORDER DENYING MOTION TO EXCLUDE PETITIONER'S EXPERTS</b></p>
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Upon consideration of Respondent's Motion for Summary Judgment, Respondent's Memorandum in Support of Motion for Summary Judgment, accompanying appendices, exhibits, and filings thereto, Respondent-Intervenor's Motion for Partial Summary Judgment and Memorandum in Support of its Motion for Partial Summary Judgment, Petitioner's Responses in Opposition to Motions for Summary Judgment, accompanying appendices, exhibits, and filings thereto, Respondent's Reply Brief in Support of Motion for Summary Judgment, Respondent-Intervenor's Notice of Filing, arguments by counsel thereto on January 17, 2024, N.C.G.S. § 1A-1, Rule 56 of the North Carolina Rules of Civil Procedure and applicable North Carolina case law, but without good cause shown, the Tribunal hereby **DENIES** Respondent's Motion for Summary Judgment and hereby **DENIES** Respondent-Intervenor's Motion for Partial Summary Judgment.

Upon consideration of Respondent's Motion to Exclude Petitioner's Purported Expert Witnesses, accompanying exhibits thereto, Petitioner's Response in Opposition to Exclude Petitioner's Expert Witnesses, arguments by counsel thereto on January 17, 2024, N.C.G.S. § 1A-1, Rules 702 and 403 of the North Carolina Rules of Civil Procedure, but without good cause shown, the Tribunal hereby **DENIES** Respondent's Motion to Exclude the opinion testimony of Petitioner's expert witness, Gregory Russo, on health care finance issues.

Since Petitioner has withdrawn its designation of Mary Karen Wills as an expert in its case, did not rely on Ms. Wills' opinion in its summary judgment response and will not rely on Ms. Wills' opinions in the hearing on the merits of this case, the Tribunal hereby **DENIES** Respondent's Motion to Exclude Ms. Wills' expert testimony based on mootness.

The Tribunal will hold a hearing on the merits of this contested case on **February 13, 2024 through February 16, 2024** and **February 19, 2024 through February 23, 2024** at the Office of Administrative Hearings in Raleigh, North Carolina.

SO ORDERED, this the 24th day of January, 2024.



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MELISSA OWENS LASSITER  
ADMINISTRATIVE LAW JUDGE

## CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

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This the 24th day of January, 2024.



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