

STATE OF NORTH CAROLINA
DURHAM COUNTY

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
23 INS 00738

BLUE CROSS AND BLUE SHIELD OF)
NORTH CAROLINA,)
)
Petitioner,)
)
v.)
)
NORTH CAROLINA STATE HEALTH)
PLAN FOR TEACHERS AND STATE)
EMPLOYEES,)
)
Respondent,)
)
and)
)
AETNA LIFE INSURANCE COMPANY)
)
Respondent-Intervenor.)

JOINT MOTION TO DISPENSE WITH MEDIATED SETTLEMENT CONFERENCE

Pursuant to 26 NCAC 03 .0201(d), Petitioner Blue Cross and Blue Shield of North Carolina (“Blue Cross” or “Petitioner”), Respondent North Carolina State Health Plan for Teachers and State Employees (the “Plan” or “Respondent”), and Respondent-Intervenor Aetna Life Insurance Company (“Aetna” or “Respondent-Intervenor”) (Petitioner, Respondent, and Respondent-Intervenor are hereinafter collectively referred to as the “Parties”), by and through their respective undersigned counsel, jointly and timely submit this motion to dispense with a mediated settlement conference (hereinafter, “Motion”). In support of their Motion, the Parties respectfully show the following:

1. On March 29, 2023, the Tribunal issued an Order Appointing Mediator, ordering the Parties to complete a mediated settlement conference within 90 days of issuance of the Order.

2. Pursuant to 26 NCAC 03 .0201(d), a party may:

move the presiding Administrative Law Judge, within 10 days after the date of the Chief Administrative Law Judge's order, to dispense with the conference. Such motion shall state the reasons the relief is sought. For good cause shown, the presiding Administrative Law Judge may grant the motion.

3. The Parties have conferred and agree that, due to the nature of this dispute and the postures of the Parties, a mediated settlement conference would be futile because there is no reasonable likelihood that this contested case can be settled.

4. The subject of this contested case is a contract to provide third-party administrative services for the Plan ("TPA Contract"), which the Plan awarded to Aetna on December 14, 2022 (the "Award"), following a competitive procurement process pursuant to Request for Proposal No. 270-20220830TPAS (the "RFP").

5. In its Petition for Contested Case Hearing, Blue Cross prays this Tribunal: (1) to order that the TPA Contract be awarded to Blue Cross; and (2) in the alternative, vacate the Award to Aetna and order the Plan to conduct a new RFP process.

6. In contrast, Aetna and the Plan both seek to uphold the Award.

7. Because it is only practicable and desirable for one vendor to provide third-party administrative services for the Plan, there is no reasonable prospect that the Parties will be able to settle this dispute.

WHEREFORE, for good cause shown, the Parties jointly and respectfully request the Tribunal enter an order dispensing with the requirement of a mediated settlement conference.

Respectfully submitted, this the 6th day of April, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **JOINT MOTION TO DISPENSE WITH MEDIATED SETTLEMENT CONFERENCE** on the following via electronic transmission:

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This, the 6th day of April, 2023.

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