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Via Electronic Mail:

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Re: Notice of and Reasons for Filing Petition for Protective Order

All:

On December 2, 2022, Change Healthcare Pharmacy Solutions, Inc. (“Change Healthcare”) received notice that Amerigroup Mississippi, Inc. (“Amerigroup”) submitted a public records request to the Mississippi Division of Medicaid (“DOM”), seeking “[a]ll documents related to the Universal Preferred Drug List (RFP #20210813) procurement, including, but not limited to, the blind RFP responses, DOM’s cancellation documents, the hearing transcript, and any communications between DOM employees, agents, or representatives relating to the cancellation[.]”

Change Healthcare hereby gives notice to the DOM and Amerigroup that Change Healthcare intends to seek a protective order from the Chancery Court of Hinds County, Mississippi to prevent the release of Change Healthcare’s unredacted proposal submitted in response to the public records request. *See* Miss. Code § 25-61-9(7).¹

¹ Change Healthcare provides this pre-petition notice out of an abundance of caution. In doing so, Change Healthcare does not concede that the requested information constitutes a “procurement contract” for purposes of the Mississippi Public Records Act, as Change Healthcare was not awarded the contract in connection with the DOM’s Request for Proposals No. 20210813 (“the RFP”). The DOM’s Office of Procurement recommended award of the contract in connection with the RFP to MedImpact Healthcare Systems, Inc. (“MedImpact”) on August 19, 2022.

Change Healthcare desires a protective order because its proposal is not a “procurement contract awarded by [a] state agenc[y]” under the Mississippi Public Records Act. *See* Miss. Code § 25-61-9(7) (noting certain procurement contract provisions “shall not be deemed to be a trade secret or confidential commercial or financial information” protected from public disclosure). The DOM has announced its intention to award the contract in connection with the RFP to MedImpact. Accordingly, Change Healthcare’s full, unredacted proposal is not subject to release under the provision of the Mississippi Public Records Act requiring the release of certain provisions in procurement contracts awarded by state agencies. *See id.*

Change Healthcare’s proposal also contains Change Healthcare’s trade secrets or confidential commercial or financial information and is therefore exempt from the Mississippi Public Records Act’s presumption of disclosure. *See* Miss. Code § 25-61-9(1)(a).

Unless Amerigroup withdraws or modifies its request, Change Healthcare will file its petition for a protective order in the Chancery Court of Hinds County, Mississippi on or before December 23, 2022.

I request the DOM immediately publish this notice on the Mississippi procurement portal in accordance with Mississippi Code § 25-61-9(7). Further, I request that any questions regarding this notice or the petition be directed to me.

Best regards,

/s/ Stevie F. Rushing
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