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September 2, 2022

Via Electronic Mail

Mississippi Division of Medicaid

c/o Office of Procurement
Chief Procurement Officer (MSCANCHIP@medicaid.ms.gov)
Public Records Officer (RFI@medicaid.ms.gov)
Cody Smith (Cody.Smith@medicaid.ms.gov)

United Healthcare of Mississippi

c/o Dorsey & Whitney LLP
Alex Hontos (hontos.alex@dorsey.com)

Molina Healthcare of Mississippi

c/o Adams and Reese LLP
Philip Buffington, Jr. (phil.buffington@arlaw.com)

Amerigroup Mississippi, Inc.

c/o Foley & Lardner LLP
Robert Hosay (rhosay@foley.com)

Mississippi True d/b/a/ TrueCare

c/o Wise Carter Child & Caraway, P.A.
George Ritter (ghr@wisecarter.com)

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

All:

On August 23, 2022, Magnolia Health Plan (“Magnolia”) received notice from the Mississippi Division of Medicaid (“DOM”) that Public Records Act Requests (“PRRs”) were submitted by Molina Healthcare of Mississippi, Amerigroup Mississippi, Inc., Mississippi True d/b/a/ TrueCare, and United Healthcare of Mississippi (collectively referred to herein as “Requesting Parties”) in connection with DOM’s Coordinated Care Procurement, RFQ No. 20211210.

After reviewing the PRRs and the notice received from DOM that identified responsive information to the Requesting Parties’ PRRs, Magnolia has determined that the information contains trade secrets, confidential and proprietary commercial information, and confidential and proprietary financial information that is protected by the Mississippi Public Records Act. *See* Miss.

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Code Ann. § 25-61-9(1). Examples of this information include, but are not limited to, the following:

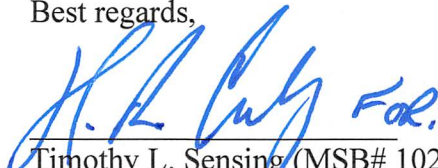
- Confidential financial information
- Confidential claims processing methods
- Confidential and proprietary information regarding trade secrets and proprietary technologies and processes
- Confidential payment strategies with subcontractors
- Confidential market information
- Confidential performance data
- Confidential metrics and data analytics
- Confidential cost containment information
- Confidential personnel data
- Confidential information concerning clients

This information is exempt from the Mississippi Public Records Act's presumption of accessibility and therefore may not be disclosed. *See* Miss. Code §§ 25-61-9(1), 79-23-1.

Accordingly, pursuant to Miss. Code Ann. § 25-61-9(7), Magnolia hereby gives notice to the Requesting Parties and to DOM that Magnolia intends to seek a protective order from the Chancery Court of Hinds County, Mississippi to prevent the release of its information protected by the Mississippi Public Records Act. Magnolia will seek a protective order after the seven (7) day waiting period prescribed in Public Procurement Review Board Rule 1-301 elapses.

Magnolia respectfully requests that DOM, upon receipt of this notice, immediately post it on the Mississippi procurement portal. This notice will be posted on the procurement portal for a minimum of seven (7) days before Magnolia files its petition for a protective order in accordance with Miss. Code Ann. § 25-61-9(7).

Best regards,



Timothy L. Sensing (MSB# 102575)

H. Rusty Comley (MSB# 102037)

Katie B. Lyons (MSB# 105904)

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