

NOTICE AND REASONS FOR PROTECTIVE ORDER

(Pursuant to Section 25-61-9 of the Mississippi Code of 1972 and applicable law)

TO: Magnolia Health Plan, Inc.
c/o Tim Sensing (tsensing@watkinseager.com)

and

CT Corporation System
645 Lakeland Drive East, Suite 101
Flowood, Mississippi 39232

Mississippi Division of Medicaid
c/o Cody Smith
Attorney II
Mississippi Division of Medicaid
550 High Street, Suite 1000
Jackson, Mississippi 39201

FROM: TrueCare
c/o George H. Ritter (ghr@wisecarter.com)
John P. Sneed (jps@wisecarter.com)

Ladies and Gentlemen:

On August 22, 2022, Magnolia Health Plan, Inc. ("Requestor"), issued a public records request ("PRR") to Mississippi Division of Medicaid ("DOM") seeking information ("Information") relating to DOM's Request for Qualifications No. 2021 1210 (the "RFQ"), including confidential information of, among others, TrueCare and its contractors and/or subcontractors, as identified in Requestor's letter to DOM, a true copy of which is attached hereto as Exhibit 1.

Please take notice that pursuant to Section 25-61-9(7) of the Mississippi Code of 1972, TrueCare hereby gives notice to Requestor of TrueCare's intent to seek a protective order from the Chancery Court of Hinds County, Mississippi, First Judicial District, seeking to protect TrueCare's confidential and proprietary information and trade secrets contained in the Information subject to the PRR. This notice is provided to Requestor pursuant to the Mississippi Rules of Civil Procedure by service on Requestor's agent for service of process, CT Corporation System. Notice is also being provided by email to Requestor's representative who made the request, Tim Sensing (tsensing@watkinseager.com).

Further and pursuant to Section 25-61-9(7), TrueCare intends to seek a protective order regarding the redacted portions of the proposal it submitted to DOM in response to the Coordinated Care Procurement. These redacted portions contain exempt "trade secrets" and

“confidential commercial and financial information” pertaining or belonging to TrueCare and its contractors and/or subcontractors, that is not subject to public disclosure pursuant to Miss. Code Ann. § 25-61-9(1). Examples include, but are not limited to, the following:

- Confidential commercial and financial information
- Trade secrets
- Proprietary and confidential methods utilized in providing healthcare services
- Market information
- Historical performance data
- Population health data
- Claims processing methods and related data
- Scorecard metrics and data analytics
- Encounters timeliness data and tracking methods
- Claim collection, validation and submission data and methods
- Cost avoidance data
- Claim trend data
- Employment staffing and personnel personal data
- Data protection and cyber security information

As the foregoing Information and any other related Information is protected, none of it may be disclosed to the Requestor (or otherwise) pursuant to the Mississippi Public Records Act exemptions, including those found in Sections 25-61-1 and 79-23-1(1) of the Mississippi Code of 1972.

Unless Requestor withdraws or modifies its PRR within seven (7) days, TrueCare will file its petition or complaint for a protective order in the Chancery Court of Hinds County, Mississippi (First Judicial District) and will issue process to both Requestor and DOM. This notice and reasons will be posted on the Mississippi procurement portal (MAGIC) for a minimum of seven (7) days before TrueCare files its petition or complaint for a protective order in accordance with the requirements of the applicable statutes and rules.

Any questions related to this notice and reasons or the petition for protective order itself shall be directed to the undersigned counsel for TrueCare.

This the 13th day of September, 2022.

TrueCare

By:  _____

George H. Ritter

John P. Sneed

Wise Carter Child & Caraway

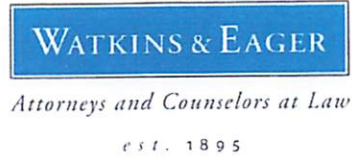
P. O. Box 651

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Mailing Address:
P.O. Box 650
Jackson, Mississippi 39205
Telephone: (601) 965-1900
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TIMOTHY L. SENSING
DIRECT DIAL: (601) 965-1813
E-MAIL: tsensing@watkinseager.com

August 22, 2022

Via Electronic & U.S. Mail

Public Records Officer
Division of Medicaid, Office of the Governor
550 High Street, Suite 1000
Jackson, Mississippi 39201

Re: Public Records Request of Magnolia Health Plan

Dear Public Records Officer:

We represent Magnolia Health Plan and are writing to request that the Division of Medicaid (“DOM”) provide us with the following materials pursuant to the Mississippi Public Records Act (Miss. Code Ann. §25-61-1 et seq.).

1. Copies of all protests and supporting or attached information submitted by any Offeror related to DOM’s Request for Qualifications #20211210 (“RFQ”).
2. Copies of any Requests for Information and Public Records Request to DOM by any Offeror or Protestor on an ongoing basis.
3. Copies of any documents provided by DOM in response to any Requests for Information and Public Records Requests from an Offeror or Protestor on an ongoing basis.

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Please let me know if you have any questions about the information requested herein or if further clarification is necessary.

Sincerely,

Watkins & Eager PLLC



Tim Sensing

TLS/tgk
c: Aaron Sisk