

## NOTICE AND REASONS FOR PROTECTIVE ORDER

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

**TO: UnitedHealthcare of Mississippi, Inc.**  
c/o Alex Hontos ([hontos.alex@dorsey.com](mailto:hontos.alex@dorsey.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](mailto:ghr@wisecarter.com))  
John P. Sneed ([jps@wisecarter.com](mailto:jps@wisecarter.com))

Ladies and Gentlemen:

On August 10, 2022, UnitedHealthcare of Mississippi, 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, Alex Hontos ([hontos.alex@dorsey.com](mailto:hontos.alex@dorsey.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 15<sup>th</sup> day of September, 2022.

**TrueCare**

By:  \_\_\_\_\_  
George H. Ritter  
John P. Sneed  
**Wise Carter Child & Caraway**  
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**VIA ELECTRONIC MAIL**

Mississippi Division of Medicaid  
Attn: Public Records Officer  
550 High Street  
Suite 1000  
Jackson, MS 39201-1399  
Fax: 601-576-6342  
Email: [RFI@medicaid.ms.gov](mailto:RFI@medicaid.ms.gov)

**Re: Public Records Act Request Under the Mississippi Public Records Act**

Dear Sir or Madam:

This law firm represents UnitedHealthcare of Mississippi, Inc. ("United"). On behalf of United, we submit this public records request under the Mississippi Public Records Act (Miss. Code § 25-61-1 et seq.). Government data carries a presumption that it is public. United seeks the records described below within seven working days after the request as required by Mississippi Division of Medicaid ("DOM") policy and Miss. Code § 25-61-5.

1. All applications, bids, offers, proposals, or other responses to Request for Qualifications No. 20211210 (the "RFQ");
2. All evaluation criteria, evaluation ratings or scorings, scoring sheets, bidder ranking documents or spreadsheets, and interim and final scoring and evaluation documents related to the evaluative process for responses to the RFQ, including drafts of such documents;
3. All internal planning or training documents related to the RFQ, including training documents related to the evaluative process for responses to the RFQ;
4. All documents identifying persons responsible for evaluating and/or scoring any aspect of RFQ bid submissions, including bios, job titles, responsibilities, duties, and scope of assignment;
5. All documents and communications related to internal bid submission evaluation and/or scoring meetings, including agendas, meeting minutes, notes, and documents created as a result of such meetings related to the RFQ;
6. All bid tabulations and similar documents related to the RFQ;

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7. Internal documents, communications, notes, and memoranda, including drafts, related to any decisions to select any vendor for contract negotiations or award related to the RFQ;
8. Internal documents, communications, notes, and memoranda, including drafts, related to any decisions not to select any vendor for contract negotiations or award under the RFQ;
9. Communications with any vendors or offerors regarding the RFQ, before and after the selection decisions were made including, but not limited to, requests for clarifications;
10. All oral presentations made by any vendors or offerors regarding the RFQ;
11. Communications with any vendors regarding oral presentations made by any vendors or offerors regarding the RFQ;
12. Internal documents, communications, and memoranda related to oral presentations made by any vendors or offerors regarding the RFQ;
13. All resulting contracts and communications related to the negotiation of contracts awarded as a result of the RFQ;
14. Copies of any protests filed in connection with the RFQ or award decisions arising from the RFQ;
15. Copies of any responses to any protests filed in connection with the RFQ or award decisions as a result of the RFQ; and
16. All documents disclosed pursuant to any public records request made related to the RFQ or the award decisions arising from the RFQ by an RFQ offeror other than UnitedHealthcare of Mississippi, Inc.

I am willing to pay fees for this request. If you estimate the fees will exceed \$500, please inform me before processing the request.

If you deny any or all of this request, please cite each specific exemption to the Public Records Act that you believe justifies the refusal to release the information and notify me of the appeal procedures available to me under the law. Further, if some of the records responsive to this request are available before others, I ask that you provide those records on a rolling basis to expedite the disclosure of records.



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Cordially yours,

DORSEY & WHITNEY LLP

  
Alex P. Hontos  
Partner

cc: Mary Margaret Gay - Gay, Jones & Kuhn, PLLC