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May 5, 2023

VIA EMAIL

Cody Smith, Attorney II
Mississippi Division of Medicaid
550 High Street, Suite 1000
Jackson, MS 39201
Cody.Smith@medicaid.ms.gov

Re: Notice of Intent to Seek Protective Order

Cody:

Medical Transportation Management, Inc. (“MTM”) received notice from the Mississippi Division of Medicaid (“DOM”) that Balch & Bingham LLP, acting on behalf of its client ModivCare, submitted a request to obtain records maintained by DOM related to IFB #20230113 and RFX #3160005602 (collectively “the IFB”). ModivCare requested the full unredacted proposal that MTM submitted in response to the IFB.¹

MTM has reviewed ModivCare’s request and determined that at least some of the responsive information includes MTM’s trade secret, or otherwise confidential and proprietary information including without limitation sensitive financial information and information regarding legal matters (collectively, the “Confidential Information”).² The Confidential Information is exempt from disclosure under the Public Records Act and should not be disclosed by DOM. Miss. Code Ann. §§ 25-61-9(1) and 79-23-1. MTM gives notice that it intends to seek a protective order from the Hinds County Chancery Court shielding the Confidential Information.³

¹ MTM has no objection to the DOM producing MTM’s bid protest, to the extent not already produced.

² MTM intends to seek protection for its legal matters because both ModivCare and Verida seek protection for their matters. MTM does not waive its right to argue that all three parties’ legal matters should be produced.

³ Compliance with Miss. Code Ann § 25-61-9(7) is not required of MTM because it was unsuccessful in its bid and not awarded a contract by DOM. Nevertheless, MTM provides this notice out of an abundance of caution, MTM does not waive its rights to argue that Miss. Code Ann. § 25-61-9(7) is inapplicable to it.

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MTM respectfully requests that DOM immediately publish this notice on the Mississippi Procurement Portal.

Best regards,



BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

Dean Sterling Kidd, Shareholder

DSK01:sks