

October 6, 2005

VIA E-MAIL AND US MAIL

Alessandro A. Iuppa, Superintendent
ATTN: Vanessa J. Leon, Docket No. INS-05-700
Bureau of Insurance
Maine Department of Professional & Financial Regulation
34 State House Station
Augusta, ME 04333-0034

RE: In Re: Review of Aggregate Measurable Cost Savings Determined by Dirigo Health for the First Assessment Year
Docket No. INS-05-700

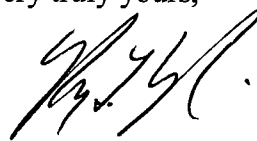
Dear Superintendent Iuppa:

Enclosed for filing in the above-referenced matter please find the original and one (1) copy of the following documents:

1. Filing Cover Sheet; and
2. Response of the Maine Automobile Dealers Association Insurance Trust and the Bankers Health Trust to the Dirigo Health Agency's Objections to Their Information Request.

Thank you for your attention to this matter.

Very truly yours,



Roy T. Pierce

RTP:lm

cc: John Kelly (Via U.S. Mail & Email)
Thomas C. Sturtevant, Jr., Esq. (Via U.S. Mail & Email)
William H. Laubenstein, III, Esq. (Via U.S. Mail & Email)
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STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE

IN RE: REVIEW OF AGGREGATE)
MEASURABLE COST SAVINGS)
DETERMINED BY DIRIGO)
HEALTH FOR THE FIRST) FILING COVER SHEET
ASSESSMENT YEAR)
DOCKET NO. INS-05-700)

TO: Alessandro Iuppa, Superintendent of Insurance
Attn: Vanessa J. Leon

Date Filed: October 6, 2005

Names of Parties: Maine Automobile Dealers Association Insurance Trust
and Bankers Health Trust

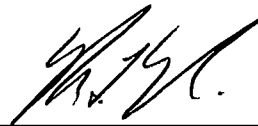
Document Title: Response of the Maine Automobile Dealers Association Insurance Trust
and the Bankers Health Trust to the Dirigo Health Agency's Objections to
Their Information Request

Document Type: Position Regarding Discovery Dispute

Confidential: No

Dated: October 6, 2005

Respectfully submitted,



Bruce C. Gerrity, Bar No. 2047
Roy T. Pierce, Bar No. 7541

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STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE

IN RE: REVIEW OF AGGREGATE)	RESPONSE OF THE MAINE
MEASURABLE COST SAVINGS)	AUTOMOBILE DEALERS
DETERMINED BY DIRIGO)	ASSOCIATION INSURANCE TRUST
HEALTH FOR THE FIRST)	AND THE BANKERS HEALTH
ASSESSMENT YEAR)	TRUST TO THE DIRIGO HEALTH
)	AGENCY'S OBJECTIONS TO THEIR
DOCKET NO. INS-05-700)	INFORMATION REQUEST

NOW COME the Intervenors, the Maine Automobile Dealers Association Insurance Trust and the Bankers Health Trust (collectively, "the Trusts"), by and through their undersigned counsel, and respond to the Dirigo Health Agency's ("Dirigo") objections to their Information Requests.

DIRIGO'S GENERAL OBJECTIONS

Dirigo's general complaint is that it will be an enormous burden for it to respond to 85 information requests within the deadline for doing so. In his Procedural Order, however, the Superintendent did not place any limitation¹ on the number of information requests that could be served by a party to this proceeding. Moreover, it was the Superintendent who selected the five-day response period now confronting Dirigo.

Since he has ruled that the deadlines in P.L. 2005, ch. 400, § B-2 are not mandatory (see Order on Motion to Dismiss at 2), Dirigo could ask the Superintendent to postpone the hearing scheduled to begin on October 24, 2005, in order to provide it additional time in which to respond to the Information Requests. The Trusts would not object to such a request.

¹ Dirigo's reliance to the Maine and Federal Rules of Civil Procedure for the limitations on the number of interrogatories that may be served by a party is misplaced. In the civil litigation context, parties have an additional means of discovery, *i.e.*, depositions, not available here. To place an artificial limitation on the only discovery device available to the parties in a case of this magnitude and complexity would be unfair.

DIRIGO'S SPECIFIC OBJECTIONS

In addition to its general complaint regarding the burden of responding in a compressed timeframe, Dirigo has specifically objected to 16 of the Trusts' 85 Information Requests on grounds of relevance and undue burden. The Trusts' responses to those specific objections are as follows:

Request No. 32: Dirigo does not object to the Trusts' request for tape recordings of the meetings of Dirigo's Board of Directors, but, nevertheless finds it necessary to note that Dirigo has provided transcripts of those meetings to the Trusts.² Given the number of instances in the transcripts where "(inaudible)" is noted, the tapes serve as an important check on the accuracy of the transcripts provided.

Request Nos. 37-44: These requests seek information about the compensation of Dirigo's lead experts in this matter. Such information bears directly on the credibility of those witnesses, and, under M.R.Civ.P. 26(a)(4)(A)(i), such information is discoverable as a matter of course in civil actions filed in this state.

Request Nos. 45-46: Given their breadth, Dirigo's objection to these requests as being unduly burdensome is well-taken.

Request Nos. 62-64: These requests seek information bearing directly on both the legitimacy of the methodology utilized by the Dirigo Board in making its determination of aggregate measurable cost savings and the credibility of those involved in its preparation and/or adoption. Savings offset payments can be imposed only if it is determined that there were, in fact, aggregate measurable cost savings as a result of the operation of the Dirigo Health Program. The Trusts are entitled to discover what role, if any, Dirigo's need for savings offset payments to

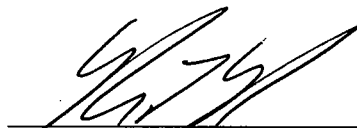
² The Trusts were billed \$3,000.00 for the transcripts.

ensure its survival played in the creation and adoption of the methodology that yielded the predicate for such savings offset payments. In addition, Dirigo has offered nothing but its bare assertion that responding to Request Nos. 62-64 would be unduly burdensome.

Request Nos. 83-85: In his Order denying the Trusts' motion to dismiss, the Superintendent relied on what he believed to be an untimely request by certain of the Intervenors for an adjudicatory hearing before the Dirigo Board. The Trusts plan to once again raise the failure of the Dirigo Board to hold an adjudicatory hearing at the appropriate time. Request Nos. 83-85 will elicit information demonstrating that the determination that the Dirigo Board would not hold an adjudicatory hearing had long since been made.

Dated: October 6, 2005

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing document was served on all counsel of record via first class mail and electronic mail as follows:

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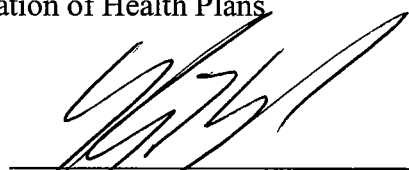
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Dated: October 6, 2005



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