

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

**DISTRICT OF COLUMBIA,
Department of Insurance, Securities, and
Banking,**

Petitioner,

v.

**D.C. CHARTERED HEALTH PLAN,
INC.,**

Respondent.

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Civil No. 2012 CA 008227 2
Judge Melvin R. Wright

ORDER DENYING D.C. HEALTHCARE SYSTEMS, INC'S
MOTION TO COMPEL REHABILITATOR

This matter is before this Court upon D.C. Healthcare Systems, Inc.'s (hereinafter "DCHSI") Motion to Compel Rehabilitator to Pursue Chartered Claim Against the District of Columbia.

The DCHSI Motion requests that this Court compel the Rehabilitator to pursue a \$25.8 million claim against the District of Columbia in a manner different from the course of action in which the Rehabilitator has determined is appropriate to proceed. However, D.C. Code § 31-1312(c) authorizes the Rehabilitator to "take such action as deemed necessary or appropriate to reform and revitalize the insurer." This Court's role in the rehabilitation process is to supervise the Rehabilitator and review the Rehabilitator's actions for abuses of discretion, not to substitute the Court's judgment, or the judgment of a parent company, for that of the Rehabilitator. Here, this Court finds no abuse of discretion.

Additionally, DCHSI has not demonstrated the necessary elements to obtain injunctive relief. Importantly, DCHSI has not sufficiently shown how it or Chartered would be irreparably harmed by the Rehabilitator's decision to supersede the original claim before the CAB and

consolidate all of Chartered's claims against the District, now totaling over \$60 million, in a single proceeding.¹

Therefore, upon consideration of DCHSI's Motion to Compel, the opposition and reply thereto, and the entire record, it is this 9th day of May, 2013, hereby

ORDERED that DCHSI's Motion to Compel is **DENIED**.

SO ORDERED.

A handwritten signature in black ink, reading "Melvin R. Wright". The signature is written in a cursive style with a horizontal line underneath it.

Hon. Melvin R. Wright
Presiding Judge, Civil Division

¹ The Court views DCHSI's reasons underlying this argument as entirely speculative. The fact that Chartered is pursuing claims against the District does not guarantee a recovery. Also, this Court has yet to be provided with authority to support the assertion that the DHCF Medicaid Contract bidding and award process can be halted and completely undone by this Court so that Chartered can submit a competing bid.

Copies to:

Stephan J. Latour, Esq. E. Louise R. Phillips, Esq. D.C. Office of the Attorney General 441 Fourth Street, NW, 630 South Washington, D.C. 20001 louise.phillips@dc.gov	William P. White, Commissioner c/o Thomas M. Glassic General Counsel DISB, Office of the General Counsel 810 First Street, NE Suite 701 Washington, D.C. 20002 Thomas.glassic@dc.gov
Charles T. Richardson, Esq. Faegre Baker Daniels LLP 1050 K Street, NW Suite 400 Washington, D.C. 20001 crichardson@faegrebd.com	Daniel Watkins, Esq. Special Deputy Rehabilitator 1050 K Street, NW Suite 400 Washington, D.C. 20001 dwatkins@sunflower.com
David Killalea, Esq. Manatt, Phelps & Phillips, LLP 700 12 th Street, NW Suite 1100 Washington, D.C. 20005-4075 dkillalea@manatt.com	Joseph D. Edmondson, Jr, Esq. Foley & Lardner LLP 3000 K Street, NW Suite 600 Washington, D.C. 20007 jedmondson@foley.com
Steven I. Glover, Esq. Gibson, Dunn & Crutcher 1050 Connecticut Avenue, NW Washington, D.C. 20036 siglover@gibsondunn.com	