

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF INSURANCE, SECURITIES AND BANKING**

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IN THE MATTER OF	)	
	)	
Surplus Review and Determination	)	Order No.: 14-MIE-012
for Group Hospitalization and Medical	)	
Services, Inc.	)	

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**GROUP HOSPITALIZATION AND MEDICAL SERVICES, INC.’S RESPONSE TO  
D.C. APPLESEED’S REQUEST FOR BRIEFING SCHEDULE**

On February 13, D.C. Appleseed filed a document requesting “an opportunity to be heard” on GHMSI’s motion to stay remedial proceedings. Appleseed asked the DISB to set a schedule under which it would have ten days – until February 23 – to file a response to GHMSI’s short, straightforward stay motion, and GHMSI would have until March 5 to file a reply.

The DISB should deny that request and grant the stay. This is a regulatory proceeding involving, at its core, the DISB and GHMSI – not Appleseed. Appleseed was granted participatory rights in the surplus-review process, but that does not mean it should be given full briefing opportunities at every subsequent stage. Appleseed is similarly situated to any other District resident. There is no reason it should be responding to GHMSI’s procedural motions.

Moreover, the schedule Appleseed requests would prejudice GHMSI. If the DISB denies the stay, GHMSI likely will move for a stay in court. And it will need to do so far enough in advance of the DISB’s March 16 remedial-plan deadline so that the court has time to adjudicate the motion. Appleseed’s request seeks to “run out the clock,” such that briefing before the DISB would continue until just days before March 16. There is no reason for such a delay.

The DISB thus should deny Appleseed’s request to respond. In the alternative, if it grants the request, it should order (i) that Appleseed file its opposition to GHMSI’s stay motion

by this Thursday, February 19 and serve GHMSI electronically the same day, and (ii) that any GHMSI reply be filed within two business days thereafter, by Monday, February 23. Finally, if the DISB accepts Appleseed's proposed schedule (or any schedule with longer deadlines than those GHMSI has suggested above), GHMSI respectfully requests that DISB extend by three weeks the deadline for GHMSI to submit a remedial plan, even before DISB has adjudicated GHMSI's stay motion. The plan would then be due on April 6.

Respectfully submitted,

/s/ E. Desmond Hogan  
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*Counsel for Group Hospitalization  
and Medical Services, Inc.*

February 17, 2015

**CERTIFICATE OF FILING AND SERVICE**

On February 17, 2015, I caused the foregoing Response to D.C. Appleeed's Request for Briefing Schedule to be sent by electronic mail to the following:

Adam Levi, Assistant General Counsel  
D.C. Department of Insurance and Securities, Securities and Banking  
810 First Street, NE, Suite 701  
Washington, D.C. 20002  
Phone: 202-442-7759

I also served, by electronic mail, the following:

Walter Smith  
Executive Director  
D.C. Appleeed Center for Law and Justice, Inc.  
1111 14th Street NW, #510  
Washington, D.C. 20005

/s/ Kathryn L Marshall  
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Kathryn L. Marshall