

**ATTACHMENT 4: AFFIDAVIT OF MATTHEW W. SAWCHAK**

STATE OF NORTH CAROLINA  
DURHAM COUNTY

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
23 INS 738

BLUE CROSS AND BLUE )  
SHIELD OF NORTH CAROLINA, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
NORTH CAROLINA STATE )  
HEALTH PLAN FOR )  
TEACHERS AND STATE )  
EMPLOYEES, )  
 )  
Respondent, )  
 )  
and )  
 )  
AETNA LIFE INSURANCE )  
COMPANY, )  
 )  
Respondent-Intervenor. )

AFFIDAVIT OF  
MATTHEW W. SAWCHAK

Matthew W. Sawchak, being duly sworn, says:

1. I am an adult citizen of North Carolina. I am not incompetent.
2. I have been a member in good standing of the North Carolina State

Bar since December 1989.

3. I am a shareholder in Robinson Bradshaw & Hinson, P.A. I joined the firm in April 2020.

4. I am the most senior lawyer who represents Blue Cross and Blue Shield of North Carolina (Blue Cross NC) in this contested case. Based on my role in the case, I have personal knowledge of the matters stated in this affidavit, except

for the matters stated based on my reading or based on information and belief. I believe that the matters I have stated based on my reading or based on information and belief are true.

5. On March 9, 2023, counsel for Blue Cross NC, the North Carolina State Health Plan for Teachers and State Employees (the Plan), and Aetna Life Insurance Company (Aetna) held a video call to discuss their positions on the appropriate forum for this proceeding. I participated in that call. During the call, counsel for the Plan did not mention any ethical concerns about Robinson Bradshaw's representation of Blue Cross NC or mention the possibility of a future motion to disqualify Robinson Bradshaw.

6. On March 20, the Plan filed its prehearing statement with this Tribunal. Based on my reading, that prehearing statement does not mention any ethical concerns about Robinson Bradshaw's representation of Blue Cross NC or mention the possibility of a future motion to disqualify Robinson Bradshaw.

7. On March 23, counsel for Blue Cross NC, the Plan, and Aetna held a call to discuss their positions on, and negotiate, proposed scheduling for this contested case. I participated in that call. During the call, counsel had a candid discussion of the nature of this case and the lawyers' scheduling concerns in the months ahead. During that call, counsel for the Plan did not mention any ethical concerns about Robinson Bradshaw's representation of Blue Cross NC or mention the possibility of a future motion to disqualify Robinson Bradshaw.

8. The parties' March 23 call and related exchanges of drafts resulted in the March 24 filing of a Joint Statement on Proposed Dates for Contested-Case Hearing in this Tribunal. Based on my reading, neither any draft of that joint statement, nor the filed statement itself, mentions any ethical concerns about Robinson Bradshaw's representation of Blue Cross NC or mentions the possibility of a future motion to disqualify Robinson Bradshaw.

9. On April 4, counsel for Blue Cross NC and the Plan had an in-person meeting to discuss discovery. Although I did not attend that meeting, I am aware of the events at the meeting. I am informed and believe that during the meeting, counsel for the Plan did not mention any ethical concerns about Robinson Bradshaw's representation of Blue Cross NC or mention the possibility of a future motion to disqualify Robinson Bradshaw.

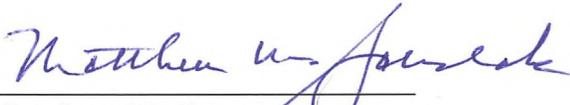
10. On April 10, counsel for all parties appeared before the Tribunal by phone for a scheduling conference. I attended that conference. During the conference, counsel for the Plan did not mention any ethical concerns about Robinson Bradshaw's representation of Blue Cross NC or mention the possibility of a future motion to disqualify Robinson Bradshaw.

11. On April 17, counsel for the parties held a phone conference to negotiate a proposed protective order. Although I did not attend that conference, I am aware of the events at the conference. I am informed and believe that during the conference, counsel for the Plan did not mention any ethical concerns about

Robinson Bradshaw's representation of Blue Cross NC or mention the possibility of a future motion to disqualify Robinson Bradshaw.

12. On the afternoon of April 24, Justice Bob Edmunds at Fox Rothschild emailed me to set up a phone call with me and Justice Edmunds's partner Marc Hewitt. Justice Edmunds and Mr. Hewitt represent the Plan in this case. Justice Edmunds, Mr. Hewitt, and I spoke by phone later that afternoon. During that call, Justice Edmunds and Mr. Hewitt informed me that the Plan would be filing a motion to disqualify Robinson Bradshaw from this case, most likely the next day.

Further affiant sayeth not.

  
Matthew W. Sawchak

Sworn to and subscribed before me,  
this the 29<sup>th</sup> day of May, 2023.

  
Notary Public

My commission expires: NOVEMBER 15, 2025

(Notary Stamp/Seal)

