

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.)

CONSENT MOTION FOR
EXTENSION OF TIME TO RESPOND
TO RESPONDENT’S MOTION TO
EXCLUDE EXPERT WITNESSES

Pursuant to this Tribunal’s Rule 03.0115(a) and Rule 6(b) of the North Carolina Rules of Civil Procedure, Petitioner Blue Cross and Blue Shield of North Carolina (Blue Cross NC) moves for a 14-day extension of its time to respond to Respondent North Carolina State Health Plan for Teachers and State Employees’ (the Plan’s) Motion to Exclude Blue Cross NC’s Expert Witnesses.

Counsel for the Plan consents to the extension sought in this motion.

In support of this motion, Blue Cross NC states as follows:

1. On the evening of December 21, 2023, the Plan filed a motion under Rule 702 of the North Carolina Rules of Evidence to exclude the opinions, reports,

and testimony of two expert witnesses designated by Blue Cross NC. That motion spans 35 pages of text, plus an additional 165 pages of exhibits.

2. Under this Tribunal's Rule 03.0115(a), Blue Cross NC's response to the Plan's motion to exclude is due on January 2, 2024.

3. The Plan and Respondent-Intervenor Aetna Life Insurance Company filed separate motions for summary judgment on December 15, 2023. Under the Tribunal's current scheduling order for this case, Blue Cross NC's responses to these motions for summary judgment are due on January 11, 2024.

4. In light of the ongoing work involved in preparing responses to the summary judgment motions, as well as the upcoming holidays, Blue Cross NC reasonably requires more than ten days allowed by Rule 03.0115(a) to prepare a sufficient response to the Plan's motion to exclude.

5. Counsel for Blue Cross NC and counsel for the Plan have conferred on this extension request. The Plan consents to the extension sought in this motion.

For the reasons stated above, Blue Cross NC respectfully requests that this Tribunal order a 14-day extension of Blue Cross NC's time to respond to the Plan's motion to exclude, making the response due on January 16, 2024.

This 22nd day of December, 2023.

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Counsel for Blue Cross and Blue Shield of
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CERTIFICATE OF SERVICE

I certify that today, I caused this motion to be filed through this Tribunal's electronic-filing system. Under Rule 03.0501(4), the system will electronically serve the motion on the following counsel:

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This 22nd day of December, 2023.

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