

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 MOTION

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 the motion to disqualify that Respondent, the North Carolina State Health Plan (the Plan), has filed in this contested case.

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 April 25, the Plan filed a motion to disqualify Blue Cross’s counsel, Robinson, Bradshaw & Hinson, P.A., from this contested case.

2. The motion alleges that Robinson Bradshaw's representation of Blue Cross NC involves a concurrent-client conflict of interest. It makes that allegation even though Robinson Bradshaw does not represent, and has never represented, the Plan.

3. The motion makes a number of claims about the relationship between the Plan and other state officials and entities.

4. Preparing a succinct and helpful response to these claims reasonably requires more time than the ten days allowed by Rule 03.0115(a).

5. During the ten-day response period defined by Rule 03.115(a), lead counsel for Blue Cross NC has a brief due in the North Carolina Court of Appeals.

6. In addition, that response period overlaps with a busy interval of written discovery in this case. The deadline for document production in this case is May 26. Expected activities over the next ten days include responses to interrogatories, document requests, and requests for admissions, discussions of the Plan's April 25 responses to written discovery, and other time-sensitive discovery efforts.

7. 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 disqualify, making the response due on May 19, 2023.

This 27th day of April, 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 27th day of April, 2023.

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