

**State of New Hampshire  
Insurance Department**

**In Re: Petition of Margaret McCarthy**

**Docket No. Ins. 13-038-AR**

**PROCEDURAL ORDER  
CONTINUANCE OF HEARING and  
CONSIDERATION of MCCARTHY AFFIDAVIT of APRIL 15, 2014**

1. In my Ruling on Anthem's Request for Rehearing, issued on April 4, 2014, the Petitioner, Margaret McCarthy, was given until April 11, 2014 to submit any "legal or factual argument responsive to the Anthem Motion for Rehearing."
2. On this day the Petitioner, Margaret McCarthy, by email, transmitted to the Department an Affidavit signed by Margaret McCarthy. This Affidavit is submitted in response to a Reply Brief Upon Rehearing filed by Anthem on April 14, 2014.
3. By email submitted today in response, Anthem has objected to the late filing of this Affidavit, stating that it has not yet had any reasonable opportunity to review the assertions in the affidavit and consider whether any further response of submission is warranted. The email also said that if the Department is going to accept and consider the affidavit it respectfully requests additional time to decide if any response is necessary and if so to submit one.
4. Anticipating timely receipt of legal or factual information relevant to the issue of timeliness, I anticipated I would issue a dispositive Order on the timeliness of Margaret McCarthy's Request for Hearing on or before today, April 15, 2014.
5. In accordance with my April 4<sup>th</sup> Order, issuance of a determination as to the timeliness of the McCarthy Request for Hearing on or before April 15<sup>th</sup> was a condition precedent to commencing an adjudicative hearing on April 22, 2014.
6. Given the above developments, I cannot issue an Order on the timeliness of Petitioner McCarthy's Request for Hearing today, as I need time to evaluate the submission by Petitioner McCarthy.
7. Also as a consequence, the hearing that I had anticipated could proceed on April 22<sup>th</sup> should I find the Request for Hearing was timely, will need to be rescheduled. I will provide notice to the parties of the date of the continued hearing as soon as it can be set. Given my schedule, I do not anticipate the hearing can be rescheduled until, at earliest, the week of May 12<sup>th</sup> (again, assuming I find the Petitioner McCarthy's Request for Hearing was timely).

8. In the meantime, Anthem shall be provided an opportunity to file an objection to the filing of the Affidavit by Petitioner McCarthy, and shall file its objection by April 22, 2014.
9. Absent an extraordinary circumstance, no further submissions concerning the timeliness of the McCarthy Request for Hearing will be considered.

It is SO ORDERED.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Dated: 4-15-14

  
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Roger A. Seigny, Commissioner