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CONCORD, NEW HAMPSHIRE 03302-1137

November 8, 2021

HAND-DELIVERED

Linda Zalinskie, Clerk
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301

Re: Docket: Ins. No. 21-058-EP
In Re: BlueCross BlueShield of Tennessee

Dear Clerk Zalinskie:

Enclosed please find an original and three copies each of my special appearance and a Motion to Defer the November 8, 2021 Hearing.

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink that reads "Bryan K. Gould".

Bryan K. Gould, Esq.

BKG:bmb/Encs.

cc: J. Christopher Marshall, Esq.
Joshua S. Hilliard, Esq.
Seth M. Zoracki, Esq.

NEW HAMPSHIRE INSURANCE DEPARTMENT

SPECIAL
ATTORNEY APPEARANCE or WITHDRAWAL

Docket No. (if known): Ins. No. 21-058-EP

Respondent Name or Case Name: Blue Cross Blue Shield of Tennessee

SPECIAL
 APPEARANCE

WITHDRAWAL

Please **ENTER** my appearance as
Counsel for special
Blue Cross Blue Shield of Tennessee

Please **WITHDRAW** my appearance as
Counsel for _____

I confirm that neither I nor any member of my
law firm have been retained by the Department
of Insurance or the Commissioner of Insurance.

Notice of Withdrawal sent to my client on:
_____ at the following address:

I hereby certify that I provided a copy of this original request to the Department and a copy to all other
known parties to this matter in accordance with Ins 204.09.

Signed: Bryan K. Gould

Name: Bryan K. Gould NH Bar #: 8165

Firm Name: Cleveland, Waters and Bass Email: (see also below) gouldb@cwbp.com

Physical Address: Two Capital Plaza, 5th Floor, Concord, NH

Mailing Address (if different): P.O. Box 1137, Concord, NH 03302-1137

Phone: 603-224-7761

Email Consent: By checking this box, I consent to delivery by email in accordance with Ins 204.09(c).
Please send communications and documents to the above email address.

Date: 11-8-21

Signature: Bryan K. Gould

*If you do not consent to delivery by email, all communications will be sent to you by personal delivery
at your physical address or by United States Postal Service first class mail to your mailing address.*

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In Re: BlueCross BlueShield of Tennessee
Docket No.: Ins. No. 21-058-EP**

ASSENTED-TO MOTION TO DEFER NOVEMBER 8, 2021 HEARING

BlueCross BlueShield of Tennessee (the “Respondent”) hereby moves, with the assent of the New Hampshire Insurance Department (the “Department”), to defer the November 8, 2021 hearing currently scheduled in the above-captioned administrative proceeding on the terms set forth in this motion. In support of this assented-to motion, the Respondent states as follows:

1. On October 1, 2021, the Department commenced the above-captioned administrative proceeding by issuing an Order to Show Cause and Hearing Notice.

2. In the Order to Show Cause, the Department alleges, among other things, that the Respondent (a) violated NH RSA 400-A:14, by failing to provide coverage to consumer B.C. for medically necessary fertility treatment, in contravention of NH RSA 417-G:2; and (b) violated NH RSA 417:4, I(h) by refusing to cover medically necessary fertility treatment for B.C., though required to by law.

3. In the Notice of Hearing, the Respondent was directed to appear at the Department on November 8, 2021 from 1PM to 3PM for the purpose of participating in an adjudicatory proceeding and resolving the issues articulated in the Order to Show Cause (the “NHID Administrative Hearing”).

4. On November 2, 2021, the Respondent filed a Verified Complaint in U.S. District Court for the Eastern District of Tennessee in the case captioned, *BlueCross BlueShield of Tennessee, Inc. v. Christopher R. Nicolopoulos, in his official capacity as Commissioner of the New Hampshire Insurance Department*, No. 21-cv-00271-JRG-CHS (the “E.D. Tenn. Action”).

5. On November 2, 2021, the Respondent also filed in the E.D. Tenn. Action a Motion for Temporary Restraining Order and Preliminary Injunction (the “TRO/PI Motion”).

6. Following discussions with counsel for the Department, the Department has agreed to defer the NHID Administrative Hearing, and not take any other enforcement action against the Respondent concerning the facts at issue in the Order to Show Cause, until final resolution of the E.D. Tenn. Action.

7. The Respondent has agreed to withdraw the TRO/PI Motion in the E.D. Tenn. Action.

8. Aside from the withdrawal specified in paragraph 7, the terms set forth in this motion are not intended to affect, modify, waive, or release any claim or defense in the E.D. Tenn. Action. Without limiting the foregoing, the Respondent acknowledges that the Commissioner reserves all rights to assert any and all defenses or objections to the E.D. Tenn. Action, the District Court's jurisdiction in the E.D. Tenn. Action, and the venue of the E.D. Tenn. Action.

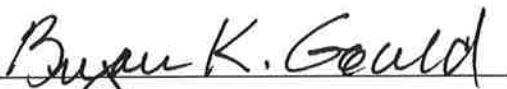
9. The Department acknowledges that the Respondent reserves all rights to assert any and all defenses or objections in this proceeding, including lack of personal jurisdiction over the Respondent.

10. The Department assents to the above terms and the relief requested in this motion.

Respectfully submitted,

BlueCross BlueShield of Tennessee,
By Its Attorneys,

Date: 11/8/21

By: 
Bryan K. Gould, Esq. (NH Bar No. 8165)
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CERTIFICATE OF SERVICE

I hereby certify that the within motion has been sent by U.S. Mail, postage prepaid, and by e-mail transmission, to all parties to the proceeding in compliance with Ins 205.03. The following individuals received copies of this motion:

Joshua S. Hilliard, Esq. joshua.s.hilliard@ins.nh.gov
Compliance & Enforcement Counsel
New Hampshire Insurance Department
21 South Fruit Street, Suite 14
Concord, NH 03301

J. Christopher Marshall, Esq. j.c.marshall@doj.nh.gov
Assistant Attorney General
Department of Justice
33 Capitol Street
Concord, NH 03301

Date: 11/8/21


Bryan K. Gould, Esq.