

STATE OF MAINE

SUPERIOR COURT

Kennebec _____, ss.
 Docket No. AP-09-29

DISTRICT COURT

Location _____
 Docket No. _____

Anthem Health Plans of Maine, Inc., d/b/a
 Anthem Blue Cross and Blue Shield

Plaintiff

v.

Superintendent of Insurance, Respondent, and
 Attorney General of the State of Maine,
 Party-in-Interest

Defendant

**APPLICATION FOR TRANSFER TO
 BUSINESS AND CONSUMER DOCKET**

I/We submit this application for transfer of the above-captioned case to the BCD, based on the following information:

NAME OF EACH PARTY SUBMITTING THIS APPLICATION:	Plaintiff	Defendant
Anthem Health Plans of Maine, Inc., d/b/a Anthem Blue Cross and Blue Shield	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>

1. Is at least one party a business entity? Yes No

2. List all plaintiffs and their counsel:

PLAINTIFF(S)	COUNSEL (NAME AND ADDRESS)	E-MAIL ADDRESS
Anthem Health Plans of Maine, Inc., d/b/a Anthem Blue Cross and Blue Shield	Christopher T. Roach, Esq. Nikolas P. Kerest, Esq.	croach@pierceatwood.com; nkerest@pierceatwood.com
_____	Pierce Atwood LLP, One Monument Square Portland, ME 04101	_____
_____	_____	_____

3. List all defendants and their counsel:

DEFENDANT(S)	COUNSEL (NAME AND ADDRESS)	E-MAIL ADDRESS
Superintendent of Insurance	Thomas C. Sturtevant, Jr., Esq., 6 State House Station, Augusta, ME 04333	Tom.Sturtevant@maine.gov
Attorney General of the State of Maine (Party-in-Interest)	Christina M. Moylan, Esq., 6 State House Station, Augusta, ME 04333	Christina.Moylan@maine.gov
_____	_____	_____

4. List any other cases with which this case is or may need be consolidated or coordinated:

CASE CAPTION	DOCKET NUMBER	CURRENT COURT LOCATION
N/A	_____	_____
_____	_____	_____
_____	_____	_____

5. What is the subject matter of the primary cause of action in this case:

- | | |
|---|--|
| <input type="checkbox"/> Breach of Contract | <input type="checkbox"/> Breach of Warranty |
| <input type="checkbox"/> Breach of Fiduciary Duty | <input type="checkbox"/> Class Action |
| <input type="checkbox"/> 80B Appeal involving a business entity | <input checked="" type="checkbox"/> 80C Appeal involving a business entity |
| <input type="checkbox"/> Internal governance of a business entity | <input type="checkbox"/> Securities transactions |
| <input type="checkbox"/> Shareholder derivative action | <input type="checkbox"/> Confidential or trade secret |
| <input type="checkbox"/> Intellectual property | <input type="checkbox"/> Financial transactions |
| <input type="checkbox"/> U.C.C. transactions | <input type="checkbox"/> Unfair trade practices |
| <input type="checkbox"/> Antitrust or other trade regulations | <input type="checkbox"/> Commercial real estate |
| <input type="checkbox"/> Other (describe): _____ | |

6. What is the status of this case:

	YES	NO	NOT YET DETERMINED
a. Has service of the complaint been completed on all parties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are the pleadings closed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is discovery completed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Is class action status sought?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Scheduled for trial? If so, when?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Pretrial held?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Case management conference held?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Jury trial?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Bench trial?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. ADR been attempted?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. Is file sealed (partial / entire)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. Will post-judgment judicial supervision be needed? ...	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>


7. What is the estimated length of trial (in days)? This is a Rule 80C appeal so there will be no trial.

8. Identify nature and number of any pending pretrial motions: _____

9. Identify any novel and/or complex legal issues in this case: This case considers the limits of the Superintendent's authority under Maine's statutes governing individual insurance rates.

10. Do all of the parties appearing in the case agree to a transfer? YES NO Plaintiff has requested consent to transfer from the Superintendent, and as of this filing, has not received a positive or negative response.

CERTIFICATION OF SERVICE BY ATTORNEY OR PARTY SUBMITTING APPLICATION

I hereby certify that a copy was mailed/delivered to all counsel and pro se parties of record on this date
 SIGNED:  DATE 10/7/09

ORDER (For BCD Court Use Only)

The above Application having been considered, it is ORDERED as follows:

- The case is ACCEPTED for transfer. The case file shall be transferred forthwith from the court in which the case is now pending to the BCD.
- The case is NOT ACCEPTED for transfer.

SIGNED (BCD Justice/Judge) _____ DATE _____

PLEASE NOTE THE FOLLOWING:

- A. Failure to supply complete and accurate information may disqualify a case for consideration for transfer to the BCD.
- B. Information that does not fit on this form should be attached to a separate sheet and numbered to correspond to the inquiries on the form.
- C. This application should be filed with the court in which the case is currently pending.