

STATE OF NEW HAMPSHIRE

DEPARTMENT OF STATE

_____))
IN THE MATTER OF:))
Local Government Center, Inc. et al) Case No.: C-2011000036
RESPONDENTS))
_____)

ORDER DENYING HEALTHTRUST, INC.’s MOTION FOR PARTIAL
RECONSIDERTION AND PROPERTY LIABILITY TRUST’S JOINDER TO SAME

1. On June 16, 2014 a decision was issued by the undersigned presiding officer in the above captioned matter denying motions for summary judgment filed by the Bureau of Securities Regulation (“BSR”) and by the HealthTrust, Inc. (“HT”) with which Property Liability Trust, Inc. (“PLT”) had joined.
2. On June 25, 2014 the Respondent HT filed a motion for partial reconsideration of the June 16, 2014 decision to which the Respondent PLT filed a notice of joinder in that request.
3. The undersigned presiding officer has reviewed the contents of the HT motion and PLT’s joinder notice, and the BSR’s objection to same and the attachments and exhibits attached thereto.
4. This administrative proceeding began with a BSR staff petition filed on September 2, 2010 alleging that these respondents or their predecessors in interest operated in a manner that did not comply with the relevant statutory provisions.

5. This same proceeding progressed through exhaustive preliminary pleadings, depositions, filings, hearings on procedure, hearings on substantive and dispositional matters, and ten days of presentation of testimonial and documentary evidence followed by a final administrative order finding these respondents or their predecessors in interest operated in a manner that violated the relevant statutes.

6. The final administrative order was appealed to the Supreme Court, accepted by the Supreme Court, argued before the Supreme Court, and a decision by the Supreme Court issued affirming the final administrative order, except for prospective matters involving future reserve rates and the purchase of reinsurance, that these respondents or their predecessors in interest violated the relevant statutes. (The Supreme Court also remanded the issue of the repayment of legal fees for future determination.)

7. Following the issuance of the Supreme Court decision this administrative proceeding was caused to continue with its focus shifting to the post decision consideration of whether or not these respondents or their predecessors in interest followed the final legal order issued on August 16, 2012 and affirmed in all relevant parts by the Supreme Court decision of January 10, 2014.

8. The BSR chose to state their regulatory conclusion that the order was not followed in a "Motion for Entry of Default Judgment," filed on February 6, 2014 which includes the substantive basis for this post decision matter.

9. The undersigned presiding officer has previously reviewed relevant contents of the file in rendering the recent decision denying all parties' requests for summary judgment, issued June 16, 2014.

10. The undersigned presiding officer finds that there continue to be genuine issues of material facts in dispute at this time and therefore,

DENIES the Motion for Reconsideration filed by the HealthTrust, Inc. as joined by Property Liability Trust, Inc.

So Ordered this 7th day of July, 2014.



Donald E. Mitchell, Esq., NH Bar#1773
Presiding Officer

cc: Barry Glennon, Esq.
Adrian S. LaRochelle, Esq.
Michael D. Ramsdell, Esq.
David I. Frydman, Esq.
Andru H. Volinsky, Esq.
Roy W. Tilsley, Jr., Esq.
Christopher G. Aslin, Esq.
Bruce Felmly, Esq.
Patrick Closson, Esq.
Richard J. Lehmann, Esq.
Charles G. Douglas, III, Esq.

Courtesy Copies to:

J. David Leslie, Esq.
Peter Baylor, Esq.