

CAUSE NO. D-1-GN-23-008361

THE TEXAS DEPARTMENT OF	§	IN THE DISTRICT COURT OF
INSURANCE,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
BRIGHT HEALTHCARE INSURANCE	§	
COMPANY OF TEXAS	§	
<i>Defendant.</i>	§	455th JUDICIAL DISTRICT

**ORDER GRANTING SPECIAL DEPUTY RECEIVER’S MOTION TO CONFIRM
SPECIAL MASTER’S RECOMMENDATION AND FOR ENTRY OF ORDER
GRANTING THE MOTION TO ENFORCE PERMANENT INJUNCTION AGAINST
BRIGHT HEALTH MANAGEMENT, INC.**

The Court heard the *Motion to Confirm Special Master’s Recommendation and for Entry of Order Granting the SDR’s Motion to Enforce Permanent Injunction Against Bright Health Management, Inc.* (the “SDR Motion to Confirm”) filed by CANTILO & BENNETT, L.L.P., Special Deputy Receiver of Bright Healthcare Insurance Company of Texas (the “SDR” and “BHCOT,” respectively) and the Motion to Reject Special Master’s Recommendations, For Entry of a Reasonable ESI Order, and For a Trial De Novo (“BHM Motion to Reject”) and Objections to the Memorandum Recommendation and Report of Special Master (the “BHM Objections”) both filed by Respondent Bright Health Management, Inc. (“BHM”). The SDR appeared by and through its counsel. BHM appeared by and through its counsel. When called for hearing, the parties announced ready.

On June 28, 2024, the SDR filed its *Motion to Enforce Permanent Injunction Against Bright Health Management, Inc.* (the “Motion to Enforce”). On July 12, 2024, BHM filed its *Objection and Response to Motion to Enforce Permanent Injunction Against Bright Health*

Management, Inc. and Cross-Motion for Entry of Order Governing Electronically Stored Information (“BHM Response and ESI Cross-Motion”).

The Motion to Enforce was submitted to the Special Master appointed in this cause in accordance with the Order of Reference to Master (“Order of Reference”). The Special Master issued a *Memorandum Recommendation and Report of Special Master Regarding Special Deputy Receiver’s Motions to Enforce Permanent Injunction Against Bright Health Management, Inc. and to Strike the Testimony of Angela O’Neal and Bright Health Management, Inc.’s Cross Motion for Entry of Order Governing Electronically Stored Information* (the “Special Master’s Recommendation”) under Rule 171 of the Texas Rules of Civil Procedure, which is incorporated.

The Court admits into evidence the Special Master’s Recommendation, all exhibits admitted into evidence by the Special Master at the hearing on the SDR's Motion to Enforce and BHM's Objections and ESI Cross Motion and the transcript of the hearing.

Having considered the pleadings, the evidence, the exhibits, the arguments of counsel, the Special Master’s Recommendation, and the applicable law, the Court finds that the SDR Motion to Confirm should be granted, the BHM Motion to Reject and BHM Objections should be denied, and the SDR’s Motion to Enforce should be granted as set forth in the Special Master’s Recommendation and hereby issues this Order.

All capitalized terms used herein shall have the same meaning as used in the SDR Motion to Enforce.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED as follows:

1. The Master’s Recommendation is CONFIRMED;
2. The SDR’s Motion to Enforce against BHM is GRANTED;
3. BHM’s Motion to Reject is DENIED;

4. BHM's Objections are DENIED;
5. The Court orders that the term "BHICOT books and records" shall mean all business records in the possession or control of BHM that refer to or relate to, in any manner to BHICOT, including but not limited to emails;
6. BHM shall produce all BHICOT books and records to the SDR without expense to the SDR within ninety (90) days, including but not limited to, the following specific items or categories of materials:
 - a. All BHICOT related emails to or from BHICOT officers and directors Jeff Craig, Jay Matushak, Eric Halverson, and Jeff Scherman;
 - b. All records maintained in the Office 365 data suite: SharePoint, OneDrive, and Teams for all BHICOT officers and directors;
 - c. All BHICOT related emails from any BHM employee, affiliate, agent, or vendor;
 - d. All books and records relating to all debts owed to BHICOT by BMH affiliate, Neuehealth Partners Texas RBE, LLC;
 - e. All books and records relating to all debts owed by BHICOT to the federal government;
 - f. A complete set of the BHICOT Board of Directors minutes, resolutions, and all other corporate books and records, including but not limited to any informal recordation of Board matters as testified to by Mr. Craig;
 - g. An organizational chart identifying those individuals, including job title, dates of employment, and e-mail account(s), and a separate list of all e-mail accounts, including individual accounts and accounts associated with a

business unit or function such as “claims” or “potential security incident;”
who provided services under the BHICOT — BHM MSA, regardless of
what entity/entities employed the person;

7. The SDR may seek turnover of additional categories of BHICOT books and records not specifically identified in this Order;
8. All costs incurred with the turn over of the records and information described in this Order shall be borne solely by BHM and the SDR shall not be responsible for any expense associated with the production;
9. BHM shall file a Status Report with the Court and Special Master every twenty (20) days during the ninety (90) day period updating the Court in detail of the efforts made in the prior twenty-day period and for the next twenty-day period to comply with the terms of this Order;
10. To the extent BHM withholds documents or information from turnover to the SDR based on an assertion of privilege, it is to maintain a detailed privilege log regarding same. The log must be regularly updated and provided to SDR counsel at least every twenty (20) days from entry of this Order;
11. The SDR’s Motion to Strike the Testimony of Angela O’Neal is denied;
12. BHM’s ESI Cross-Motion is denied; and
13. This Order constitutes a final order fully resolving all issues relating to the Motion of Enforce and the ESI Cross-Motion.

Signed on May 6, 2025.


JUDGE PRESIDING