

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
23 INS 00738

<p>Blue Cross and Blue Shield of North Carolina Petitioner,</p> <p>v.</p> <p>North Carolina State Health Plan for Teachers and State Employees Respondent.</p>	<p>DESIGNATION OF MEDIATOR</p> <p>G.S. 150B-23.1 26 NCAC 03.0200</p>
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DEADLINE FOR COMPLETION OF MEDIATED SETTLEMENT CONFERENCE:

NOTE TO ATTORNEYS: Petitioner's attorney should check and fill out only one of the three Sections.

[] **SECTION 1 - SELECTION OF CERTIFIED MEDIATOR BY AGREEMENT PURSUANT TO 26 NCAC 03.0202(a)**

The above named contested case was referred to a mediated settlement conference. The parties have selected the mediator named below who has agreed to serve in this contested case and is certified pursuant to Rule 8 of the Supreme Court's Revised Rules of Mediated Settlement Conferences (December 1, 1993).

Name: _____

Address: _____

Telephone No.: _____

The parties and the mediator have agreed upon the mediator's rate of compensation as follows: (specify all terms of the compensation agreement.)

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SECTION 2 - NOMINATION OF NON-CERTIFIED MEDIATOR PURSUANT TO 26 NCAC 03.0202(b)

The above named case was referred to a mediated settlement conference. The parties nominate the non-certified mediator named below to conduct the mediated settlement conference. The mediator has agreed to serve and has agreed to mediate indigent cases without pay.

Name: _____

Address: _____

Telephone No.: _____

The parties petition the presiding Administrative Law Judge to approve the nomination and represent that the mediator is qualified to mediate this case by virtue of the following training, experience or other qualifications:

The parties and the mediator have agreed upon the mediator's rate of compensation as follows:
(specify all terms of the compensation agreement.)

[X]

SECTION 3 - MOTION FOR APPOINTMENT OF CERTIFIED MEDIATOR PURSUANT TO 26 NCAC 03.0202(c)

The above named contested case was referred to a mediated settlement conference.

After a full and frank discussion, the parties have been unable to agree upon the selection of a mediator.

The parties move the Presiding Administrative Law Judge to appoint a certified mediator to conduct the mediated settlement conference.

This the 8th day of March, 2023.

/s/ Stephen D. Feldman
Signature

Stephen D. Feldman
Please Print or Type Name

434 Fayetteville Street, Suite 1600
Raleigh, NC 27601
Address

(919) 239-2600
Telephone

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Designation of Mediator was served on the following through the OAH electronic filing system:

Joel Heimbach
North Carolina State Health Plan for Teachers and State Employees
3200 Atlantic Avenue
Raleigh, NC 27604

The undersigned also certifies that a copy of the foregoing Designation of Mediator was served on the following at the electronic mailing addresses shown below:

Lee M. Whitman
Benjamin N. Thompson
Wyrick Robbins Yate & Ponton LLP
4101 Lake Boone Trail, Suite 300
Raleigh, NC 27607
lwhitman@wyrick.com
bthompson@wyrick.com

Attorneys for Aetna Life Insurance Company

The undersigned also certifies that a copy of the foregoing Designation of Mediator has been served on the respondent by certified mail, return receipt requested, addressed to:

J. Benjamin Garner, Esq., designated agent for service of process
North Carolina State Health Plan for Teachers and State Employees
3200 Atlantic Avenue
Raleigh, NC 27604

This the 8th day of March, 2023.

/s/ Stephen D. Feldman
Stephen D. Feldman