

BEFORE THE NEW MEXICO OFFICE OF SUPERINTENDENT OF INSURANCE

IN THE MATTER OF
GOSPEL LIGHT MENNONITE
CHURCH MEDICAL AID PLAN,
DBA LIBERTY HEALTHSHARE,

Docket No. 2021-0085

Respondent.

APPLICATION FOR SUBPOENAS

1. Applicant, Gospel Light Mennonite Church Medical Aid Plan, dba Liberty HealthShare, is the Respondent in the above-entitled matter.
2. Applicant requests the Hearing Officer issue subpoenas to appear for the September 14, 2022, hearing in this matter as follows:

Russell Toal
Superintendent of the Office of Insurance
1120 Paseo De Peralta #4
Santa Fe, NM 87501

Angelica Anaya Allen
Director, Consumer Services Division
1120 Paseo De Peralta #4
Santa Fe, NM 87501

Viara Ianakieva
Life and Health Bureau Chief
1120 Paseo De Peralta #4
Santa Fe, NM 87501

3. Applicant submits proposed subpoenas with this application.

Respectfully submitted,

COMMONWEALTH LAW OFFICES, P.C.

By: /s/ J. Michael Sharman

J. Michael Sharman

246 E. Davis Street, Suite 200

Culpeper, VA 22701

Tel: (540) 727-1007

Email: mikesharman@verizon.net

Pro Hoc Vice

HARRISON, HART & DAVIS LLC

By: /s/ Daniel J. Gallegos

Daniel J. Gallegos

Carter B. Harrison IV

924 Park Avenue SW, Suite E

Albuquerque, NM 87102

Tel: (505) 369-6599

Fax: (505) 341-9340

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SUBPOENA TO APPEAR

SUBPOENA FOR¹
 APPEARANCE FOR PERSON FOR TRIAL
 SUBPOENA FOR DOCUMENTS OR OBJECTS²
 INSPECTION OF PREMISES²

TO: Russell Toal
Superintendent of the Office of Insurance
1120 Paseo De Peralta #4
Santa Fe, NM 87501

YOU ARE HEREBY COMMANDED TO APPEAR as follows:

PLACE: Via Zoom
<https://us02web.zoom.us/j/88235838786?pwd=S2w5dW9tNjQwNE1XR0tOczdTS2xtUT09>
Meeting ID: 882 3583 8786
Passcode: 109950

DATE: September 14, 2022

TIME: 9:00 a.m.

testify at hearing

IF YOU DO NOT COMPLY WITH THIS SUBPOENA you may be held in contempt of court and punished by fine or imprisonment.

Date: _____

Hearing Officer

RETURN FOR COMPLETION BY SHERIFF OR DEPUTY

I certify that on the _____ day of _____, _____, in _____ County, I served this subpoena on _____ by delivering to the person named a copy of the subpoena, a witness fee in the amount of \$_____ and mileage in the amount of \$_____.

Deputy Sheriff

RETURN FOR COMPLETION BY OTHER PERSON MAKING SERVICE

I, being duly sworn, on oath say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that on the _____ day of _____, _____, in _____ County, I served this subpoena on _____ by delivering to the person named a copy of the subpoena, the statutory witness fee and mileage in the amount of \$_____.

Person making service

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2022.

Judge, notary or other officer authorized to administer oaths

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Attorneys for the Respondents

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2. *A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.*
3. *If a person's attendance is commanded one full day's per diem must be tendered with the subpoena, unless the subpoena is issued on behalf of the state or an officer or agency thereof. Mileage must also be tendered at the time of service of the subpoena as provided by the Per Diem and Mileage Act. Payment of per diem and mileage for subpoenas issued by the state is made pursuant to regulations of the Administrative Office of the Courts.*
4. *To be completed only if the subpoena is commanding production of documents and things or inspection of premises before trial. If the subpoena is commanding production of documents and things or inspection of premises before trial, it must be served on each party in the manner provided by Rule 1-005. If service is by a party, an affidavit of service must be used instead of a certificate of service.*

PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

Subject to Subparagraph (2) of paragraph D below, a person commanded to produce and permit inspection and copying may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (1) fails to allow reasonable time for compliance;
- (2) requires a person who is not a party or an officer of a party to travel to a place more than one hundred miles from the place where that person resides, is employed or regularly transacts business in person, except as provided below, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (3) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (4) subjects a person to undue burden.

If a subpoena:

- (1) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (2) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (3) requires a person who is not a party or an officer of a party to incur substantial expense to travel,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

DUTIES IN RESPONDING TO SUBPOENA

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

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SUBPOENA FOR¹
 APPEARANCE FOR PERSON FOR TRIAL
 SUBPOENA FOR DOCUMENTS OR OBJECTS²
 INSPECTION OF PREMISES²

TO: Angelica Anaya Allen
Director, Consumer Services Division
1120 Paseo De Peralta #4
Santa Fe, NM 87501

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PLACE: Via Zoom
<https://us02web.zoom.us/j/88235838786?pwd=S2w5dW9tNjQwNE1XR0tOczdTS2xtUT09>
Meeting ID: 882 3583 8786
Passcode: 109950

DATE: September 14, 2022

TIME: 9:00 a.m.

testify at hearing

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Date: _____

Hearing Officer

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I certify that on the _____ day of _____, _____, in _____ County, I served this subpoena on _____ by delivering to the person named a copy of the subpoena, a witness fee in the amount of \$_____ and mileage in the amount of \$_____.

Deputy Sheriff

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I, being duly sworn, on oath say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that on the _____ day of _____, _____, in _____ County, I served this subpoena on _____ by delivering to the person named a copy of the subpoena, the statutory witness fee and mileage in the amount of \$_____.

Person making service

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2022.

Judge, notary or other officer authorized to administer oaths

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By: /s/ J. Michael Sharman

J. Michael Sharman

246 E. Davis Street, Suite 200

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Email: mikesharman@verizon.net

Pro Hoc Vice

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Subject to Subparagraph (2) of paragraph D below, a person commanded to produce and permit inspection and copying may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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