

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MISSISSIPPI ASSOCIATION OF HEALTH PLANS, INC. PLAINTIFF

VS. Civil Action No. 3:24-cv-379-HTW-LGI

MIKE CHANEY, IN HIS OFFICIAL
CAPACITY AS COMMISSIONER OF
INSURANCE OF MISSISSIPPI DEFENDANT

COMMISSIONER CHANEY'S RESPONSE IN OPPOSITION TO
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Commissioner Chaney, in his official capacity as Commissioner of Insurance for the State of Mississippi, files this response in opposition to Mississippi Association of Health Plans, Inc.'s ("MAHP") Motion for Preliminary Injunction [Dkt. 9], and in support would show unto the Court the following:

1. MAHP's motion for preliminary injunction should be denied because (1) MAHP's claims fail on the merits; and (2) MAHP flunks all remaining preliminary injunction requirements.

2. Commissioner Chaney adopts and incorporates by reference, as if fully and completely set forth herein, the arguments and authorities set forth in the Memorandum of Authorities in Support of Commissioner Chaney's Response in Opposition to Plaintiff's Motion for Preliminary Injunction, being filed contemporaneously herewith.

3. In further support of his response in opposition, Commissioner Chaney submits the following:

Exhibit “A”	2023 Arkansas House Bill No. 1261
Exhibit “B”	West Virginia Code § 16-4C-3
Exhibit “C”	Declaration of State Health Officer, Dr Daniel P. Edney, M.D.
Exhibit “D”	Blue Cross Blue Shield of Arkansas correspondence to Nevada County Ambulance Service dated December 28, 2023.

WHEREFORE, PREMISES CONSIDERED, Commissioner Chaney respectfully requests that the Court make and enter an Order denying MAHP’s motion for preliminary injunction [Dkt. 9] in its entirety.

THIS the 15th day of August, 2024.

Respectfully submitted,

MIKE CHANEY, in his official capacity as
Commissioner of Insurance of Mississippi,
DEFENDANT

By: LYNN FITCH, ATTORNEY GENERAL FOR
THE STATE OF MISSISSIPPI

By: s/James H. Hall
JAMES H. HALL (MSB #100303)
Special Assistant Attorney General

JAMES H. HALL (MSB #100303)
STEPHEN SCHELVER (MSB #101889)
STATE OF MISSISSIPPI
OFFICE OF THE ATTORNEY GENERAL
CIVIL LITIGATION DIVISION
Post Office Box 220
Jackson, Mississippi 39205-0220
Tel.: (601) 359-3815
Fax: (601) 359-2003
james.hall@ago.ms.gov
stephen.schelver@ago.ms.gov

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the ECF system, which shall provide notice thereof to all counsel of record.

This the 15th day of August, 2024.

/ s/ James H. Hall