

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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TIARA YACHTS, INC.,

Case No. 1:22-cv-603

Plaintiff/Counter-Defendant,

Honorable Robert J. Jonker

v.

Magistrate Judge Ray Kent

BLUE CROSS BLUE SHIELD OF MICHIGAN,

Defendant/Counter-Plaintiff.

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**PLAINTIFF/COUNTER-DEFENDANT'S RENEWED MOTION TO COMPEL  
PRODUCTION OF INTERROGATORY RESPONSES AND DOCUMENTS**

Plaintiff/Counter-Defendant Tiara Yachts, Inc. ("Plaintiff" or "Tiara Yachts"), through its attorneys, VARNUM LLP, hereby moves this Court for an order compelling Defendant/Counter-Plaintiff Blue Cross Blue Shield of Michigan ("Defendant" or "BCBSM") to supplement its deficient responses to Tiara Yachts' First Set of Interrogatories and produce all responsive documents in response to Tiara Yachts' Amended First Set of Requests for Production of Documents. In support of this Motion, Plaintiff submits and incorporates the accompanying brief by reference.

Despite Tiara Yachts' efforts to reach a resolution, BCBSM still has not complied with its discovery obligations. Consequently, Plaintiff respectfully requests that this Court order BCBSM to: (A) produce all documents responsive to Tiara Yachts' Amended First Set of Requests for Production of Documents; (B) produce full and complete claims data for every claim submitted to Tiara Yachts' plan from 2016-2018; (C) supplement its responses to Tiara Yachts' Interrogatories to substantively respond to Interrogatory Nos. 1, 3, 5-6, and 11; (D) pay Tiara Yachts its reasonable

expenses, including attorneys' fees, pursuant to Federal Rule 37(a)(5); and (E) grant Tiara Yachts any other relief this Court deems equitable and just to remedy BCBSM's discovery abuses.

Respectfully submitted,

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Dated: July 7, 2026

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**BRIEF IN SUPPORT OF PLAINTIFF/COUNTER-DEFENDANT'S RENEWED  
MOTION TO COMPEL PRODUCTION OF INTERROGATORY RESPONSES AND  
DOCUMENTS**

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## **I. INTRODUCTION**

BCBSM still remains noncompliant with its discovery obligations. Prior motion practice, months of meet-and-confer efforts, and court-ordered conferences culminated in a second motion to compel that Tiara Yachts filed in January 2026. To resolve that motion, BCBSM made several representations about its impending document production and stipulated to compel discovery in April. The disputes to be resolved in that stipulation were:

- The parties disagreed on the scope of the search terms that BCBSM was to use to identify responsive documents. BCBSM wanted to limit its production to documents in which Tiara Yachts was specifically mentioned by including "AND (tiara OR s2)" in its search terms. This was unacceptable, as BCBSM's documents and communications regarding Flip-Logic and the Shared Savings Program ("SSP") are unquestionably relevant to Tiara Yachts' claims, and most—if not all—of these documents would discuss the programs generally, *not* specifically reference Tiara Yachts (or any individual BCBSM customer). To resolve this dispute, BCBSM agreed to produce responsive documents "even if Tiara Yachts is not specifically mentioned in the documents." But after stipulating that it will produce documents that do not reference Tiara Yachts, BCBSM proceeded to only produce documents that hit on search terms that included the "AND (tiara OR s2)" limiter.

- BCBSM wanted to limit its search for responsive documents to 2014 and later. This was unacceptable, because BCBSM's internal analyses and communications regarding the programs at issue in this lawsuit date back well before 2014. To resolve this dispute, BCBSM stipulated that it would search for and produce documents "without date limitation." BCBSM proceeded to not produce a single document from before 2014.

- BCBSM agreed to produce claims data for the data fields memorialized in an April 4, 2026 Excel spreadsheet. One of those fields is "ITS\_PRICING\_METHOD." BCBSM has since confirmed that this is one of the five data fields necessary to identify Flip-Logic claims. But when BCBSM produced the claims data, it wiped this data field, leaving the column completely blank.

- BCBSM agreed to continue to work to resolve BCBSM's responses to Tiara Yachts' Interrogatories. Tiara Yachts' Interrogatories request, among other things, that BCBSM identify (1) the claims that it believes were impacted by Flip-Logic and provide its calculation of the total amount paid on Flip-Logic claims, and (2) all claims related to Tiara Yachts and its Plan where BCBSM found the provider was overpaid and what, if anything, was done by BCBSM in response. BCBSM has outright refused. If BCBSM has an opinion regarding the impact of Flip-Logic, it must provide that to Tiara Yachts. If BCBSM identified any overpayments, it must disclose those and how they were addressed. If not, BCBSM must be barred from presenting any opinion or contesting Tiara Yachts' opinions at trial.

In sum, BCBSM has failed to follow through on its stipulation and left Tiara Yachts without critical discovery to which BCBSM has already agreed that Tiara Yachts is entitled. BCBSM has been dodging the discovery at issue since August 2025. BCBSM's delays have already necessitated two extensions to the discovery period. It is time for BCBSM's discovery gamesmanship, misrepresentations, and violations to finally be brought to an end.

## **II. BACKGROUND**

### **A. TIARA YACHTS' LAWSUIT**

Tiara Yachts sponsors a self-funded ERISA health benefit plan ("Plan") through which Tiara Yachts—not an insurer—pays for its employees' healthcare claims. *See* Compl. ¶¶1-12, (ECF No. 1, PageID.1-3). In doing so, Tiara Yachts, like most self-funded employers, contracts

with a claims administrator to adjudicate, process, and pay all healthcare claims in exchange for a fee. *Id.* at ¶12 (PageID.3).

Here, Tiara Yachts engaged BCBSM as its Plan's claims administrator. *Id.* at ¶1 (PageID.1). Pursuant to an administrative services contract ("ASC"), Tiara Yachts deposited plan assets into a BCBSM-controlled bank account ("Plan Assets") and BCBSM had broad discretionary authority and control over the administration of the Plan, including the adjudication and payment of claims from Plan Assets, which makes BCBSM an ERISA fiduciary. *Id.*, ¶¶15-21, 24-26 (PageID.3-4); *Tiara Yachts, Inc. v. BCBSM*, 138 F.4th 457, 466 (6th Cir. 2025).

Previously unknown to Tiara Yachts, BCBSM's claims-processing systems have long suffered from defects that predictably inflate, misdirect, and overpay claims. Compl. ¶¶37-108, ECF No. 1 (PageID.6-16). These are not isolated errors; rather, as detailed in the Complaint, one of BCBSM's prior employees (Dennis Wegner) uncovered these defects and filed a whistleblower lawsuit over the fact that BCBSM's systems are inherently flawed and BCBSM has knowingly paid grossly inflated and improper healthcare claims since at least 1997, while at the same time concealing these failures from its customers (including Tiara Yachts). *Id.*

For example, one of BCBSM's flawed systems (known as its NASCO system) used programming referred to as "flip logic" which allowed healthcare "providers [to] bill and get fully reimbursed for highly inflated cost of services." *Id.* ¶50 (PageID.7). In 2016 alone, this flawed system resulted in BCBSM processing \$26.7 million in payments on \$30.5 million in charges, when proper processing would have limited BCBSM's ASC customer exposure to \$7.1 million—**a \$23 million difference**. *Id.*, ¶55, (PageID.8); ECF No. 1-4, PageID.41. BCBSM knows that a majority, if not all, of its self-funded non-auto customers—including Tiara Yachts—have been impacted by this systems flaw, as BCBSM maintains a list of the very customers affected by this



problem (*Id.* ¶¶46-47 (PageID.7)); but BCBSM has never informed these customers, including Tiara Yachts, of such issues.

As further revealed in the *Comau* case, additional flaws in BCBSM's claims processing systems exist including, but not limited to, unbundling, upcoding, departures from standard guidelines, and excessive overpayments. *Id.* ¶¶101-108 (PageID.15-20). Rather than fix any of these defects, BCBSM implemented its SSP, which incentivizes BCBSM to engage in substantial self-dealing to profit from the errors its own claims processing systems create. *Id.* ¶¶70, 86 (PageID.9, 12); *Tiara Yachts*, 138 F.4th at 470. As confirmed by the Sixth Circuit, such classic self-dealing violates ERISA's duties of loyalty, prudence and prohibited transaction rules. *Tiara Yachts*, 138 F.4th at 468.

**B. TIARA YACHTS' DISCOVERY REQUESTS**

Against that backdrop, Tiara Yachts served BCBSM with eleven interrogatories seeking, among other things:

- Interrog. No. 1: Identification of all post-complaint filing communications that BCBSM had about Tiara Yachts or any of the allegations in the complaint.
- Interrog. No. 3: Identification of all claims related to Tiara Yachts and its Plan, where BCBSM found the provider was overpaid; and a description of what, if anything, was done by BCBSM in response.
- Interrog. Nos. 5-6: Identification of the ways in which Tiara Yachts and its Plan were impacted by BCBSM's flawed claims processing systems (including 'flip logic') along with specifying which claims were impacted.
- Interrog. No. 11: Identification of all BCBSM reports, communications, and investigations into issues and concerns raised by BCBSM employees since January 1, 2017, including those concerns discussed in Exhibit A and Exhibit C to Tiara Yachts' Complaint (ECF No. 1-2, PageID.25-29).

*See* Discovery Requests (ECF No. 87-4, PageID.1504-25).

Separately, and following this Court's Order on October 9, 2025, Tiara Yachts served on BCBSM twenty-two amended requests for production of documents. *See* 10/23/2025 Amended

RFPs, ECF No. 125-1, PageID.2002-2012. These revised requests fall into several categories of information squarely within BCBSM's possession and control:

- **Claims data:** A complete set of Tiara Yachts' and its Plan's claims data (RFP No. 2).
- **Provider disputes, policies, and training:** Routine communications with providers about disputed amounts, along with BCBSM's written policies, practices, systems, and employee training for identifying excessive, duplicative, or improper claims (RFP Nos. 3–5).
- **System design, NASCO flip logic, and customer disclosures:** Standard manuals and guides describing how BCBSM's systems process claims (including its NASCO "flip logic" program); materials from BCBSM "workgroups" investigating any claim system issues, including as applied to Tiara Yachts; any cost/benefit analyses; system-change histories; or disclosures to self-funded customers, including Tiara Yachts, about issues with BCBSM's systems (RFP Nos. 9–13).
- **Provider arrangements and Inter-Plan activity:** The fee schedules or negotiated agreements BCBSM had with providers who submit claims to Tiara Yachts' Plan, and any Inter-Plan Provider Investigation Requests exchanged between BCBSM and another BCBSM-related entity (i.e., the host plan) (RFP Nos. 15–16).
- **Account-management communications:** Ordinary account-team communications and the referenced script used with customer groups concerning any BCBSM system issues (RFP Nos. 17–18).
- **Payment Integrity and SSP:** Design and operation materials, BCBSM's decision-making for SSP, communications about scope, fees, and disclosures, and calculations of any claimed savings or avoided costs, including methodology and retained amounts (RFP Nos. 19–22).

Despite the fact that this discovery has been pending for almost a year, BCBSM still has not provided substantive responses to Tiara Yachts' Interrogatories, produced full and complete claims data, or made a meaningful production of the responsive documents in its possession and control.

**C. BCBSM's HISTORY OF CONCEALING EVIDENCE IN DISCOVERY**

BCBSM's present discovery posture fits a familiar pattern. In fact, this is Tiara Yachts' *third* motion to compel in this case on these same discovery issues. As Tiara Yachts' first motion to compel explained (ECF No. 87, PageID.1432-33), BCBSM has a long record of obstructing discovery and concealing evidence. In fact, a prior federal court in a substantially similar case saw right through BCBSM's prejudicial tactics, *compelling BCBSM to produce much of the same categories of information at issue in this case*. See, e.g., Order, *Comau v. BCBSM*, No. 19-cv-12623 (E.D. Mich., April 19, 2021) (ECF No. 87-1, PageID.1447-49) (ordering BCBSM to produce all claims data, materials concerning non-customer-specific overpayments, pre-2014 documents, and all requested Dennis Wegner materials). Indeed, in *Comau*, BCBSM eventually "produced over 20,000 documents" in discovery. (Ex. C to Tiara Yachts' Initial Motion to Compel, ECF No. 87-3, PageID.1490-1498). BCBSM has engaged in similar tactics to obstruct discovery here, and the same intervention is required.

**D. TIARA YACHTS IS FORCED TO FILE A SECOND MOTION TO COMPEL**

Tiara Yachts filed its second motion to compel in this case on January 28, 2026, after BCBSM again stated boilerplate objections and arbitrarily imposed unilateral limitations on Tiara Yachts' discovery, while failing to produce any responsive records. 11/24/2025 BCBSM's Answers to Amended RFPs, ECF No. 125-3, PageID.2031. That motion raised many of the same issues presented in this renewed motion. See ECF No. 125.

Tiara Yachts has worked extensively to obtain compliance with BCBSM's discovery

obligations without having to involve the Court.<sup>1</sup> These attempts have been ongoing since Tiara Yachts sent a formal letter to BCBSM on August 22, 2025, and continued after Tiara Yachts filed its second motion to compel in January. Tiara Yachts even agreed to adjourn the hearing on its second motion to compel *twice* to try to resolve the issues with BCBSM's discovery responses without taking the Court's time.<sup>2</sup>

There were four main issues with BCBSM's discovery responses that required Tiara Yachts to file its second motion to compel:

1. BCBSM had not complied with its document production obligations. BCBSM wanted to use search terms to identify responsive documents. Tiara Yachts was willing to accommodate that request. However, the search terms BCBSM proposed were not acceptable: BCBSM wanted to limit its production to documents in which Tiara Yachts was specifically mentioned by including "AND (tiara OR s2)" throughout its search terms. *See* BCBSM's Proposed Search Terms, **Exhibit A**. BCBSM's documents and communications regarding Flip-Logic and the SSP typically discuss the program and its impacts generally, without specifically referencing Tiara Yachts. Those documents are unquestionably relevant to Tiara Yachts' claims. Accordingly,

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<sup>1</sup> As outlined in Tiara Yachts' Certificate of Concurrence, this process included 8 "meet and confer" sessions, 7 letters, and dozens of emails and telephone conferences.

<sup>2</sup> The hearing on Tiara Yachts' second motion to compel was set for March 13, 2026. *See* Notice of Hearing, ECF No. 135, PageID.2147. When BCBSM appeared to be making progress toward an acceptable resolution to its discovery deficiencies, Tiara Yachts agreed to adjourn the hearing on its second motion to compel to April 2, 2026. *See* Re-Notice of Hearing, ECF No. 137, PageID.2149. When BCBSM still had not agreed to an acceptable resolution by the rescheduled hearing, Tiara Yachts agreed to adjourn the hearing on its second motion to compel again, to April 14, 2026, so that the Parties could finish working through a proposed stipulation. *See* Second Re-Notice of Hearing, ECF No. 139, PageID.2151.

Tiara Yachts proposed edits to BCBSM's search terms, removing some of the limiters that would exclude a vast majority of the responsive documents on Flip-Logic and the SSP Program and including additional terms to identify responsive documents. *See* Tiara Yachts' Redlines to Proposed Search Terms, **Exhibit B**. BCBSM refused to implement Tiara Yachts' proposed changes to the search terms and insisted that their limitations be included.

2. BCBSM wanted to limit its search for responsive documents to 2014 and later. Tiara Yachts could not agree to this limitation, because many of BCBSM's internal analyses and communications regarding these programs occurred prior to 2014.

3. BCBSM refused to produce Tiara Yachts' own claims data, first refusing to produce any data at all and then insisting upon a "94-field" list of fields to be produced. These arbitrary limitations were unacceptable for several reasons: *First*, the fields BCBSM included deliberately withheld key fields such as the "Billed Amount," the "Approved Charge Amount," and the "Discount Amount," among other fields. *Second*, the claims data is Tiara Yachts' own data. It is indisputably discoverable and necessary to adjudicate claims of systemic overpayment, fiduciary breach, causation, loss, and the scope of BCBSM's self-dealing. *Third*, ERISA's disclosure regimes obligate BCBSM to make such information available to Tiara Yachts. *See, e.g.*, 29 U.S.C. § 1108(b)(2)(B)(iv); 29 U.S.C. § 1185m(a)(1)(A)-(B). *Fourth*, Courts routinely compel complete datasets in analogous cases. *See, e.g.*, ECF No. 87-1, PageID.1447-49 (Order from *Comau* compelling complete production of the claims data). *Lastly*, a full production is not unduly burdensome, as BCBSM routinely supplies hundreds of fields to third-party auditors and consultants for similarly situated self-funded plans.

4. BCBSM objected and refused to provide any substantive response to Interrogatory Nos. 1, 3, 5-6, and 11.

**E. BCBSM ENTERS A STIPULATION COMPELLING DISCOVERY, THEN FAILS TO COMPLY WITH THE STIPULATION**

It finally appeared that a resolution to BCBSM's failure to comply with its discovery obligations would be possible after BCBSM agreed—the morning of the third scheduled hearing on Tiara Yachts' second motion to compel—to make concessions on each of the four issues outlined above. The parties submitted a stipulation (ECF No. 140, PageID.2152-2154) addressing these issues. It turns out, the stipulation was simply another delay tactic in a long pattern of BCBSM's discovery violations.

BCBSM stipulated that it would "make a substantial initial production" of documents by April 30, and that this production "will not be final, but rather the start of a 'rolling' document production[.]" ECF No. 140, PageID.2153. BCBSM proceeded to produce only 546 documents on April 30, many of which were simply reproductions from the Comau litigation. The documents were produced password-protected without the correct password, the production was misnumbered with incorrect Bates numbers, document "families" were not produced together, every document in the production was improperly designated "Confidential," and the documents were heavily redacted without basis.<sup>3</sup> After this deficient initial production, BCBSM took over three weeks to make a "rolling" production of an additional 310 documents. BCBSM then took over five weeks to make its "final" "rolling" production of 123 additional documents on June 22, 2026. These productions were also improperly redacted and designated "Confidential."

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<sup>3</sup> The "Confidential" designations and redactions are the subject of separate motions by Tiara Yachts. *See* ECF No. 151; ECF No. 155.

BCBSM entered into a stipulation the morning of the hearing on Tiara Yachts' motion to compel, representing that it would cure its discovery deficiencies over eight months after its discovery responses were due. BCBSM then took over two months to make a meager, issue-ridden production of less than 1,000 documents. Most importantly, though, BCBSM reneged on all four of the specific agreements that made the stipulation possible in the first place:

1. For the search terms, BCBSM agreed not to include the limiters excluding any documents that do not expressly reference "Tiara" or "s2" and agreed to produce responsive documents "even if Tiara Yachts is not specifically mentioned in the documents." ECF No. 140, PageID.2153. However, when BCBSM did not produce any new documents that did not specifically reference "Tiara" or "S2," counsel for Tiara Yachts inquired as to how BCBSM "identified the emails and documents that it recently produced" and what "combination of search terms and custodians was used." See 5/14/2026 Correspondence, **Exhibit C**. BCBSM did not respond. Counsel followed up two weeks later, "still waiting for information about how BCBSM filtered documents." See 5/29/2026 Correspondence, **Exhibit D**. BCBSM has now confirmed that, despite expressly agreeing to produce responsive documents "even if Tiara Yachts is not specifically mentioned in the documents," BCBSM nonetheless limited its search for documents by including the "AND (tiara OR s2)" limiters. *Id.* As a result, BCBSM has not even scratched the surface regarding the universe of responsive documents.

2. For the time-scope of BCBSM's production, BCBSM expressly agreed to produce responsive documents "without date limitation" after Tiara Yachts refused to accept BCBSM's attempts to arbitrarily limit its production to post-2014 documents and communications. *Id.* BCBSM proceeded to not produce a single document or communication from after 2014.

3. For Tiara Yachts' claims data, BCBSM agreed to produce claims data for every claim submitted to Tiara Yachts' plan from the years 2016-2018 for the 247 data fields memorialized in the April 4, 2026 Excel spreadsheet. See Data Fields Spreadsheet, **Exhibit E**; *id.* at PageID.2152. That includes the field "ITS\_PRICING\_METHOD." *Id.* When BCBSM produced the claims data, though, this field was left blank. BCBSM has now confirmed that the information that should be in this data field is critical to the analysis of Flip-Logic. See 6/19/2026 Correspondence, **Exhibit F**. In this email, BCBSM expands on its prior admittedly "incomplete" explanation of how Flip-Logic claims are identified in the claims data. *Id.* BCBSM explained that there are five data fields that identify Flip-Logic claims. *Id.* The third data field necessary for this analysis is "ITS\_PRICING\_METHOD"—the field that BCBSM left blank. *Id.*

4. As for the Interrogatory responses, BCBSM agreed to "continue to work to resolve" its responses to Tiara Yachts' Interrogatories. *Id.* at PageID.2153. BCBSM has done nothing of the sort. Tiara Yachts' efforts to obtain substantive responses to Interrogatory Nos. 1, 3, 5-6, and 11 have been met with outright refusal to provide any substantive information.

### **III. LAW AND ARGUMENT**

#### **A. GOVERNING LEGAL STANDARDS**

Under the Federal Rules, "Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case[.]" Fed. R. Civ. P. 26(b)(1). A matter is "relevant" for purposes of Rule 26(b)(1) if it "is reasonably calculated to lead to the discovery of admissible evidence." *Martinez v. McGraw*, 581 F. App'x 512, 517 (6th Cir. 2014). "The scope of discovery . . . is traditionally quite broad," *Lewis v. ACB Bus. Servs., Inc.*, 135 F.3d 389, 402 (6th Cir. 1998), designed to ensure "the gravamen of the dispute [is] brought frankly into the open for the inspection of the court," *Swierkiewicz v. Sorema N.A.*, 534



U.S. 506, 512-13 (2002). The modern discovery system makes trial "less a game of blind man's bluff and more a fair contest with the basic issues and facts disclosed to the fullest practicable extent." *U.S. v. Procter & Gamble Co.*, 356 U.S. 677, 682 (1958).

**B. BCBSM'S DOCUMENT PRODUCTION FAILS TO COMPLY WITH THE STIPULATION**

BCBSM is withholding responsive documents that could not be more relevant to Tiara Yachts' claims. The gravamen of Tiara Yachts' Complaint is that BCBSM first squandered Plan Assets through systemic flaws in its defective claims processing system and then profited off its misconduct by retaining a fee for catching its own error under the SSP. Tiara Yachts, 138 F.4th at 468. Accordingly, Tiara Yachts' RFPs seek information about BCBSM's claims processing systems, including design and operation, internal investigations, implementation of NASCO flip logic, and disclosures to customers regarding implications, as well as the SSP, including its design and implementation, rationale, and implications and calculations regarding Tiara Yachts' assets. *See* RFPs, ECF No. 125-1, PageID.2002-2012.

BCBSM has improperly cabined its search for documents (and, therefore, its production) to a narrow sliver of Tiara Yachts-specific documents. Any records about BCBSM's "general decision-making process" to implement its claims processing systems or SSP and any records involving the flaws or investigations of those systems are relevant, even if those documents do not specifically name Tiara Yachts. BCBSM agreed and stipulated that documents not mentioning Tiara Yachts would be produced—then withheld those documents anyway.

BCBSM has proven that it cannot be trusted to comply with its discovery obligations should it be given any discretion regarding its production. These discovery issues have dragged on for almost a year. Tiara Yachts has proposed reasonable, tailored search terms that would

identify responsive documents. *See Ex. B.* BCBSM should be compelled to run Tiara Yachts' search terms on the identified custodians and produce all "hits" on those terms within 7 days.

**C. BCBSM MUST SUPPLEMENT ITS CLAIMS DATA PRODUCTION**

BCBSM agreed to produce Tiara Yachts' claims data, including the "ITS\_PRICING\_METHOD" data field. *See Ex. E.* BCBSM scrubbed that field so that no information was included when the claims data was produced. Now, Tiara Yachts knows why: this data field is necessary to identify the claims that were impacted by the Flip-Logic program. *See Ex. F.* BCBSM's production of claims data must be supplemented to include this field, and all 247 data fields identified in *Ex. E* for every claim submitted to Tiara Yachts' plan from 2016-2018.

**D. BCBSM'S INTERROGATORY RESPONSES ARE INSUFFICIENT**

While withholding the data field necessary for Tiara Yachts to identify Flip-Logic claims, BCBSM is simultaneously refusing to provide Tiara Yachts with any information regarding its own opinion on the impacts of Flip-Logic on Tiara Yachts. Tiara Yachts has requested that BCBSM identify the claims that it believes were impacted by Flip-Logic and provide its calculation of the total amount paid on Flip-Logic claims. *See Interrogatory Nos. 5-6, ECF No. 125-2, PageID.2019-2021.* BCBSM has objected and refused to substantively respond. *Id.* Similarly, Tiara Yachts has requested that BCBSM identify all claims related to Tiara Yachts and its Plan where BCBSM found the provider was overpaid and what, if anything, was done by BCBSM in response. *See Interrogatory No. 3, ECF No. 125-2, PageID.2016-2017.* BCBSM has again objected and refused. *Id.*

This pattern holds true across many of BCBSM's responses to Tiara Yachts' Interrogatories. *See ECF No. 125-2.* A party is required to provide "full and complete responses" to interrogatories.

*Barron v. Univ. of Mich.*, 613 F. App'x 480, 484 (6th Cir. 2015). "[I]ncomplete and unhelpful answers that give [the opposing party] little ability to respond and build their case" are categorically insufficient. *Miller v. Joaquin*, 431 F. Supp. 3d 906, 922 (E.D. Mich. 2019); *see also Bass v. Jostens, Inc.*, 71 F.3d 237, 242 (6th Cir. 1995). Rather than comply with the Rules, BCBSM responded with boilerplate objections and virtually no substantive answers. Indeed, BCBSM objected to nearly every interrogatory as overly broad, unduly burdensome, and/or not proportional—without any explanation, much less the required specific showing, usually by affidavit, of why the demand is unreasonably burdensome. *Trier v. Genesee Cty.*, No. 2:17-CV-10236, 2017 WL 5897057, at \*3 (E.D. Mich. Aug. 2, 2017) ("a party objecting to a request ... as unduly burdensome must submit affidavits or other evidence to substantiate its objections.").

BCBSM also repeatedly invokes Rule 33(d), claiming that production of Tiara Yachts' claims data constitutes a "complete answer." That response is insufficient because the interrogatories seek BCBSM's own opinions and calculations regarding the issues in the case. The claims data cannot reveal BCBSM's position regarding how the data is to be interpreted. If BCBSM has a position on these issues, it must provide that opinion to Tiara Yachts. BCBSM's objections should be overruled, and BCBSM either be compelled to substantively respond to the Interrogatories or barred from presenting any evidence or contesting Tiara Yachts' opinions or calculations at trial.

#### **IV. CONCLUSION**

For the reasons set forth above, BCBSM should be ordered to: (A) run the search terms proposed by Tiara Yachts on the custodians identified by Tiara Yachts without date limitation, and produce all responsive documents that hit on those search terms within 7 days; (B) produce claims data including all 247 data fields identified in **Ex. E** for every claim submitted to Tiara Yachts' plan from 2016-2018; and (C) substantively respond to Tiara Yachts' Interrogatory Nos. 1, 3, 5-6,

and 11, including identifying each individual claim that was subject to flip logic and the total amount paid on claims as a result of the flip logic program.

Respectfully submitted,

**VARNUM LLP**

*Attorneys for Tiara Yachts, Inc.*

Dated: July 7, 2026

By: /s/ Aaron M. Phelps  
Perrin Rynders (P38221)  
Aaron M. Phelps (P64790)  
Herman D. Hofman (P81297)  
Gage M. Selvius (P85559)  
Bridgewater Place, P.O. Box 352  
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hdhofman@varnumlaw.com  
gmselvius@varnumlaw.com

**CERTIFICATE OF SERVICE**

I hereby certify that on July 7, 2026, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of the filing to all counsel of record.

/s/ Aaron M. Phelps

Aaron M. Phelps (P64790)

# ***EXHIBIT A***

**TIARA YACHTS SEARCH TERMS**

**Timeframe:** July 1, 2014 through April 16, 2021

**Custodians**

- Joan Bauman
- Whitney Briggs
- Kim Jones-Schneider
- Paul Ozdarski
- Allyson Rogers
- Marcia Varner
- Dale Domas
- Jennifer Kuhar
- Ashley Quinn
- Carol Gawronski
- Robert Hopper
- Nadiya Delaney

**Search Terms**

- “payment integrity” AND (tiara OR s2)
- “shared savings” AND (tiara OR s2)
- flip! AND logic AND (tiara OR s2)
- “non par” AND “out of state” AND (tiara OR s2)
- overpayment AND (tiara OR s2)
- provider AND overpayment AND (tiara OR s2)
- facility AND overpayment AND (tiara OR s2)
- professional AND overpayment AND (tiara OR s2)
- provider AND dispute AND (tiara OR s2)
- facility AND dispute AND (tiara OR s2)
- professional AND dispute AND (tiara OR s2)
- employee AND dispute AND (tiara OR s2)
- enrollee AND dispute AND (tiara OR s2)
- training /5 NASCO
- guide /5 NASCO
- “non par pay sub blue card claims” AND (tiara OR s2)
- schedule AND (tiara OR s2)
- account AND (tiara OR s2)
- terminat! AND (tiara OR s2)
- (return OR recover!) AND (tiara OR s2)

# ***EXHIBIT B***



## **TIARA YACHTS SEARCH TERMS**

**Timeframe:** ~~July~~ January 1, 2006~~14~~ through April 16, 2021

### **Custodians**

- Joan ~~Bauman~~ Bouman
- Whitney Briggs
- Kim Jones-Schneider
- Paul Ozdarski
- Allyson Rogers
- Marcia Varner
- Dale Domas
- Jennifer Kuhar
- Ashley Quinn
- Carol Gawronski
- Robert Hopper
- Nadiya Delaney
- Lori Shannon
- Jeffrey Connelly
- Gary Gavin
- David Malik
- Rod Begosa
- Dianne Malmgren
- Dennis Wegner
- Brendan Edwards
- Sarda Paul

### **Search Terms**

- “payment integrity” AND (tiara OR s2)
- “shared savings” AND (tiara OR s2)
- flip! AND logic ~~AND (tiara OR s2)~~
- “non par” AND “out of state” AND (tiara OR s2)
- overpayment AND (tiara OR s2)
- provider AND overpayment AND (tiara OR s2)
- facility AND overpayment AND (tiara OR s2)
- professional AND overpayment AND (tiara OR s2)
- provider AND dispute AND (tiara OR s2)
- facility AND dispute AND (tiara OR s2)
- professional AND dispute AND (tiara OR s2)
- employee AND dispute AND (tiara OR s2)
- enrollee AND dispute AND (tiara OR s2)

- training /5 NASCO
- guide /5 NASCO
- “non par pay sub blue card claims” ~~AND (tiara OR s2)~~
- schedule AND (tiara OR s2)
- account AND (tiara OR s2)
- terminat! AND (tiara OR s2)
- \_\_\_\_\_(return OR recover!) AND (tiara OR s2)

“payment integrity” OR “shared shavings” AND (“Pre-payment Forensic Billing Review” OR “Advanced Payment Analytics” OR “Subrogation” OR “Provider Credit Balance Recovery”)

Flip\* AND logic AND (non-par\* OR nonpar\*)

Flip\* AND logic AND (tiara or s2)

Abus\* AND (provider\* OR bill\*) AND (non-par OR nonpar\*)

“non-par pay sub” w/5 “Blue Card”

(non-par OR nonpar\*) AND (system or control or process) AND (fraud OR inflat\* OR improper OR over\* OR inapprop\* or appropriate\*)

(NASCO w/3 Classic) AND (flip OR “Blue Card” or BlueCard OR host) AND (nonpar OR non-par OR “out-of-state” or “out-of-network”)

(“pay” OR “at charge\*” OR “allowed amount”) AND (flip OR logic OR “out of network” OR “host plan”) AND (aware OR consent\* OR control OR global)

flip\* w/10 (non-par OR “non par” OR “out-of-network” OR “out of network” OR OON OR BlueCard OR “Blue Card”)

flip w/10 (“pay at charge” OR “100% of charge” OR “allow\* at 100%” OR “billed OR allow\*” OR (“host pricing” OR “host plan”))

(“Global Issues” OR “high impact”) AND workgroup

(“Global Issues” OR “high impact”) AND (BlueCard OR “Blue Card” OR flip OR non-par OR “non par” OR “host plan”)

(fiduciary OR ERISA) w/15 (lack OR failure OR breach OR oversight OR risk OR control) AND (BlueCard OR “Blue Card” OR non-par OR “non par” OR flip\*)

(“Host allowed” OR “host pricing” OR “host plan allowed”) AND (contradict\* OR conflict\* OR “in direct contradiction” OR “not consistent”) AND (flip OR BlueCard OR “Blue Card”)

(credit\* or reimburs\*) /10 (non-par\* OR nonpar\* OR Bluecard OR (out /4 (state or network)) OR (“out-of-state” OR “out-of-network” OR Host)

(process\* /10 “at charge”) AND (tiara OR s2)

(credit\* or reimburs\*) /10 (non-par\* or nonpar\* or Bluecard OR “Blue Card” or (out /4 (state or network)) or “out-of-state” or “out-of-network” or Host)

(Haberling or Hofmann or “advantageben.com” or Walsh or VanFaasen or Marzolf) AND (S2 or Tiara)

“flip k”

(“shared savings” w/10 (PCPM OR invoice OR “savings invoice” OR “detailed reporting” OR e-bookshelf)) AND (“retain 30%” OR “30% of each recovery”)

# ***EXHIBIT C***

**Selvius, Gage M.**

---

**From:** Rynders, Perrin  
**Sent:** Thursday, May 14, 2026 7:51 AM  
**To:** Mark J. Zausmer; Jason M. Schneider  
**Cc:** Phelps, Aaron M.; Hofman, Herman D.; Selvius, Gage M.; Lewis, Daniel  
**Subject:** BCBSM document production

Jason and Mark, I want to know how your client identified the emails and documents that it recently produced and has promised to produce by the end of this month. What combination of search terms and custodians was used? Are you producing all the results of those search terms and custodians, or withholding certain documents that hit, and if the latter how are you doing that?

I would like to meet and confer with you about this (in addition to the issue I just sent to you) at your earliest opportunity. As with the other issue, we can probably be available whenever you are.

**VARNUM**

Varnum LLP  
333 Bridge Street NW, Suite 1700  
Grand Rapids, Michigan 49504  
varnumlaw.com

**Perrin Rynders**  
Partner

**Direct:** 616-336-6734  
**Cell:** 616-481-1299  
**Email:** prynders@varnumlaw.com



\*\*\*\*\*

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\*\*\*\*\*

# ***EXHIBIT D***

**Selvius, Gage M.**

---

**From:** Jason M. Schneider <JSchneider@zausmer.com>  
**Sent:** Friday, May 29, 2026 1:38 PM  
**To:** Rynders, Perrin  
**Cc:** Selvius, Gage M.; Phillips, Isabella B.; Phelps, Aaron M.; Mark J. Zausmer; Lewis, Daniel  
**Subject:** RE: Tiara v. BCBSM - Proposed Discovery Extension

Perrin,

Responses to each of your questions:

1. My understanding from BCBSM is that the two fields we identified previously are the correct fields for identifying claims impacted by flip logic. That said, as I mentioned before, there is a technical issue with the calculation that BCBSM is trying to figure out. This is taking some time. I will provide more information as soon as I have it.
2. I have not had a chance to review the Comau spreadsheet yet. Aiming to get back to you next week on that.
3. As I mentioned on our last call, there will not be a production today. The re-production diverted resources from reviewing the remaining documents, and we will need a couple more weeks (which I also mentioned on our previous call but inadvertently did not include in the follow-up email on 5/19). I am not sure about the size of the production. You will note that the re-production included more documents than the initial one. I thought those would be part of the second production rather than the re-production.
4. As part of reviewing the Comau de-designations, we are going to consider de-designations of non-Comau documents. The Comau spreadsheet will be helpful as an analogy, and we've noted the documents you mentioned below as well.
5. We have considered this request. We examined documents collected from the custodians and search terms that you have a copy of and identified documents responsive to Tiara's RFPs "that relate or apply to Tiara Yachts, even if Tiara Yachts is not specifically mentioned in the documents, without date limitation," as stated in the stipulation on April 14. Beyond that description, the manner of the search we conducted is attorney work product.

Best,

**Jason M. Schneider**

Shareholder

**Zausmer** 

ATTORNEYS & COUNSELORS

32255 Northwestern Highway, Suite 225

Farmington Hills, MI 48334

Direct: (248) 254-4849

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---

**From:** Rynders, Perrin <prynders@varnumlaw.com>

**Sent:** Friday, May 29, 2026 1:06 PM

**To:** Jason M. Schneider <JSchneider@zausmer.com>

**Cc:** Selvius, Gage M. <gmselvius@varnumlaw.com>; Phillips, Isabella B. <ibphillips@varnumlaw.com>; Phelps, Aaron M. <amphelps@varnumlaw.com>; Mark J. Zausmer <MZausmer@zausmer.com>; Lewis, Daniel <daniel.lewis@aoshearman.com>

**Subject:** RE: Tiara v. BCBSM - Proposed Discovery Extension

**[EXTERNAL EMAIL]**

While I consider your proposal, let me address a few related details, the answers to which might affect my response:

1. Regarding the flip logic issue, my expectation is that BCBSM should easily and quickly answer our questions. I don't understand the delay and would like some insight into that. Also, what about my suggestion of having a BCBSM employee who understands this issue talk directly to our expert(s) to avoid potential problems with translation between technical novices such as us?
2. We have re-sent the Bodman spreadsheet and cover letter addressing the de-designation of numerous Comau documents that, when produced again in this matter, were marked as confidential. Is there any reason to not de-designate the same documents without further delay?
3. My understanding is that we will be getting BCBSM's largest production today. Are we on track for that? And how much do you believe will be left to produce after that?
4. More generally about confidentiality designations, I previously pointed out as just one example a document that was created for external distribution but nevertheless marked as confidential. Obviously, that designation was improper. BCBSM has also marked as confidential such non-confidential documents as routine contract documents. Such documents have often been used in my litigation against BCBSM without being designated as confidential or requiring submission to the court under seal. I plan to challenge BCBSM's blanket confidentiality designations. Do you want an opportunity to voluntarily de-designate anything before that happens?
5. I'm still waiting for information about how BCBSM filtered documents that met all search criteria (which I don't accept as proper, but we agreed to take up once your initial production is complete). What can you tell me regarding that?

---

**From:** Jason M. Schneider <JSchneider@zausmer.com>

**Sent:** Friday, May 29, 2026 11:19 AM

**To:** Rynders, Perrin <prynders@varnumlaw.com>

**Cc:** Selvius, Gage M. <gmselvius@varnumlaw.com>; Phillips, Isabella B. <ibphillips@varnumlaw.com>; Mark J. Zausmer <MZausmer@zausmer.com>; Lewis, Daniel <daniel.lewis@aoshearman.com>

**Subject:** Tiara v. BCBSM - Proposed Discovery Extension

Perrin,

BCBSM is still tracking down information in response to the flip-logic issues you raised with the claims data. We are aware that the expert report deadline is coming up, and that these issues will impact Tiara's and BCBSM's ability to submit timely expert reports.

As such, we think it would be appropriate to extend the current scheduling order deadlines.

A draft stipulation and order is attached. Let us know if you agree to submitting this for entry.



Best,

**Jason M. Schneider**

Shareholder



ATTORNEYS & COUNSELORS

32255 Northwestern Highway, Suite 225

Farmington Hills, MI 48334

Direct: (248) 254-4849

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# ***EXHIBIT E***

**DATA FIELDS FOR TIARA YACHTS ELECTRONIC CLAIMS DATA**

ACCESS\_FEE\_AMOUNT  
ACCIDENT\_DATE  
ADDITIONAL\_ADMIN\_COST  
ADJUSTMENT\_CODE  
ADJUSTMENT\_REASON\_CODE  
ADMISSION\_DATE  
ADMISSION\_DGN\_CD  
ADMISSION\_SOURCE\_CODE  
ADMISSION\_TYPE\_CODE  
ADMITTING\_DIAGNOSIS  
ALLOWED\_AMOUNT  
APPROVED\_AMT  
BENEFIT\_PACKAGE\_ID  
BILL\_PROV\_FIRST\_NAME  
BILL\_PROV\_LAST\_NAME  
BILLING\_PROVIDER\_ADDRESS1  
BILLING\_PROVIDER\_ADDRESS2  
BILLING\_PROVIDER\_CITY  
BILLING\_PROVIDER\_FIRST\_NAME  
BILLING\_PROVIDER\_ID  
BILLING\_PROVIDER\_LAST\_NAME  
BILLING\_PROVIDER\_LICENSE\_NUMBER  
BILLING\_PROVIDER\_MIDDLE\_INITIAL  
BILLING\_PROVIDER\_NPI\_NUMBER  
BILLING\_PROVIDER\_STATE  
BILLING\_PROVIDER\_TIN  
BILLING\_PROVIDER\_ZIP\_CODE  
CHARGED\_AMT  
Check Issue Date Key  
CHECK\_ID  
CHECK\_NUMBER  
CLAIM\_DISPOSITION\_CD  
CLAIM\_STATUS\_CD  
CLAIM\_TYPE\_CD  
CMS\_CONTRACT\_NUM  
COB\_INDICATOR  
COB\_SAVINGS  
COB\_SAVINGS\_INDICATOR  
COINSURANCE\_AMT  
COPAY\_AMT  
DEDUCTIBLE\_AMT  
DIAG\_CODE\_1

DIAG\_CODE\_10  
DIAG\_CODE\_2  
DIAG\_CODE\_3  
DIAG\_CODE\_4  
DIAG\_CODE\_5  
DIAG\_CODE\_6  
DIAG\_CODE\_7  
DIAG\_CODE\_8  
DIAG\_CODE\_9  
DISCHARGE\_DATE  
DISCHARGE\_STATUS\_CODE  
DISPOSITION\_CODE\_1  
DISPOSITION\_CODE\_2  
DOCNUM  
DRG\_INDICATOR  
DRUG\_DISPENSE\_QUANTITY  
EMERGENCY\_INDICATOR  
FACILITY\_CODE  
Group Number  
GROUP\_NAME  
GROUP\_SEG\_ID  
GRP\_LIAB\_AMT  
H\_PI\_ACTVITY\_CD  
H\_SP\_PRIC\_CND\_CD  
HCPCS\_PROC\_CD  
Home Plan Code  
HOST\_PLAN\_CODE  
ICD\_PROC\_CD\_SEQ\_1  
ICD\_PROC\_CD\_SEQ\_2  
ICD\_PROC\_CD\_SEQ\_3  
ICD\_PROC\_CD\_SEQ\_4  
ICD\_PROC\_CD\_SEQ\_5  
ICD\_PROC\_CD\_SEQ\_6  
ICD\_VER\_CD  
ICN\_CLAIM\_CONTROL\_NUM  
IN\_OUT\_OF\_PANEL\_INDICATOR  
ITS\_NETWORK\_AVAILABILITY  
ITS\_NETWORK\_TYPE  
ITS\_PRICING\_METHOD  
ITS\_PROV\_CLASSIFICATION  
ITS\_SCCF\_ID  
ITS\_SUPPLEMENTAL\_AMT  
LINE\_NUM  
MEDICARE\_ALB\_AMT

MEDICARE\_CINS\_AMT  
MEDICARE\_DED\_AMT  
MEDICARE\_INDICATOR  
MEDICARE\_LICENSE\_NUM  
MEDICARE\_PMT\_AMT  
MEMBER\_CONTRACT  
MEMBER\_DATE\_OF\_BIRTH  
MEMBER\_FIRST\_NAME  
MEMBER\_GENDER  
MEMBER\_ID  
MEMBER\_LAST\_NAME  
MI\_TAX\_AMT  
Michigan Tax Amount  
NASCO Activation Plan Code  
NASCO Calculated Group Liability Amount  
NASCO Claim Adjustment Reason Code  
NASCO Coordination of Benefit Code  
NASCO Medicare Allowed Amount  
NASCO Medicare Coinsurance Amount  
NASCO Medicare Deductible Amount  
NASCO Medicare Payment Amount  
NASCO Opayr Paid Amount  
NASCO Pre-Authorization Code  
NASCO Prorate Amount  
NATIONAL\_DRUG\_CD  
NETWORK\_CD  
NETWORK\_PAID\_INDICATOR  
NETWORK\_PROVIDER\_INDICATOR  
NON\_COVERED\_CHARGES  
NS\_MCAR\_PMT\_AMT  
OPAYR\_PAID\_AMT  
OTHER\_MEMBER\_LIABILITY\_AMT  
Package Code  
PAID\_AMT  
PAID\_DATE  
PARTICIPATING\_STATUS\_CD  
PATIENT\_DISCHARGE\_STATUS  
PAYEE\_DIRECTION\_CD  
PLACE\_OF\_SERVICE\_CD  
PRE\_AUTHORIZATION\_INDICATOR  
PREPAY\_REVSAV\_AMT  
PRINCIPAL\_DIAGNOSIS\_CODE  
PROC\_MODIFIER\_1  
PROC\_MODIFIER\_2

PROC\_MODIFIER\_3  
PROC\_MODIFIER\_4  
PROCEDURE\_CODE  
PROCESSED\_DRG\_CODE  
Processing Plan Code  
PROV\_NWK\_IND  
RBB\_EXCESS\_AMT  
RBB\_EXCESS\_OOP\_AMT  
RBB\_LN\_BNDL\_IND  
RBB\_MAX\_BENE\_ALWD\_AMT  
RBB\_OO\_POCKET\_IND  
RBB\_QUALIFIER\_CD  
RBB\_REMAINING\_AMT  
RBB\_TREATMENT\_CAT\_CD  
Received Date Key  
RECORD\_INDICATOR  
REFERRAL\_INDICATOR  
REFERRING\_PROVIDER\_FORM\_OF\_PRACTICE  
REFERRING\_PROVIDER\_ID  
Regular Complementary Claim Status  
RELATIONSHIP\_TYPE\_CODE  
REPORTED\_DRG\_CODE  
Revenue Code  
REVENUE\_CODE  
SANCTION\_AMOUNT\_1  
SANCTION\_AMOUNT\_2  
SANCTION\_AMOUNT\_3  
SANCTION\_AMOUNT\_4  
SANCTION\_CODE\_1  
SANCTION\_CODE\_2  
SANCTION\_CODE\_3  
SANCTION\_CODE\_4  
SECDY\_ALLW\_AMT  
SEGMENT\_CODE  
SERV\_PROV\_FIRST\_NAME  
SERV\_PROV\_LAST\_NAME  
SERV\_PROV\_NPI  
SERV\_PROV\_SPECIALTY  
SERV\_PROV\_STATE\_CD  
SERV\_PROV\_TAX\_ID  
SERV\_PROV\_TAXONOMY  
SERV\_PROV\_TYPE  
SERVICE\_FROM\_DATE  
SERVICE\_PROVIDER\_ADDRESS1

SERVICE\_PROVIDER\_ADDRESS2  
SERVICE\_PROVIDER\_CITY  
SERVICE\_PROVIDER\_CLASSIFICATION\_CODE  
SERVICE\_PROVIDER\_ID  
SERVICE\_PROVIDER\_LICENSE\_NUM  
SERVICE\_PROVIDER\_NPI\_NUM  
SERVICE\_PROVIDER\_SPECIALTY  
SERVICE\_PROVIDER\_STATE  
SERVICE\_PROVIDER\_SUB\_SPECIALTY  
SERVICE\_PROVIDER\_TIN  
SERVICE\_PROVIDER\_TIN\_SEQUENCE  
SERVICE\_PROVIDER\_TYPE  
SERVICE\_PROVIDER\_ZIP\_CODE  
SERVICE\_TO\_DATE  
SOURCE\_SYSTEM  
SRVLN\_STATUS\_CD  
STATEMENT\_FROM\_DATE  
STATEMENT\_TO\_DATE  
SUBSCRIBER\_FIRST\_NAME  
SUBSCRIBER\_LAST\_NAME  
SUBSCRIBER\_ZIP\_CODE  
TOTAL\_MEMBER\_LIABILITY\_AMT  
TRANSACTION\_TYPE\_CD  
TYPE\_OF\_BILL  
TYPE\_OF\_SERVICE\_CD  
UNITS  
WTHHOLD\_AMOUNT

|                      |                                                         |
|----------------------|---------------------------------------------------------|
| APPRV_CHRG_AMT       | Approved charges amount                                 |
| ATNG_PROV_CD         | Attending provider code                                 |
| ATNG_PROV_NPI_ID     | Attending provider NPI                                  |
| BILL_PROV_SPTY_CD    | Billing provider specialty code                         |
| BILL_PROV_TYPE_CD    | Billing provider type code                              |
| BILLED_AMT           | Billed amount                                           |
| BLU_CARD_ITS_HOME_CD | Blue Card ITS home code                                 |
| BLU_CARD_ITS_HOST_CD | Blue Card ITS host code                                 |
| CLM_ADJ_CD           | Claim adjustment code (distinct from adjustment reason) |
| DISC_AMT             | Discount amount                                         |
| H_PI_PRIC_CND_CD     | (Identified by finHealth, not on prior list)            |
| HIC_NUM              | Health Insurance Claim number                           |
| L_PI_ACTVTY_CD       | Local PI activity code                                  |
| L_PREPAY_REVSAV_A    | Local prepay revenue savings amount                     |
| L_SP_PRIC_CND_CD     | Local SP pricing condition code                         |
| MEM_MID_NME          | Member middle name                                      |
| MEM_SFX_NME          | Member suffix                                           |



|                         |                                         |
|-------------------------|-----------------------------------------|
| MJR_DGI_CTGY_CD         | Major diagnostic category code          |
| NS_BNFT_NWK_CD          | NASCO benefit network code              |
| NS_CTRL_PLAN_RTNT_AMT   | NASCO control plan retention amount     |
| NS_MCAR_PMT_2_AMT       | NASCO Medicare payment amount (second)  |
| NS_TIER_LVL_CD          | NASCO tier level code                   |
| OPAYR_ALB_AMT           | Other payer allowed amount              |
| ORIG_CLM_CTRL_NUM       | Original claim control number           |
| PMT_AMT                 | Payment amount (distinct from PAID_AMT) |
| PMT_LIAB_CD             | Payment liability code                  |
| POA_PRIN_CD_1           | Present on Admission code               |
| POA_PRIN_CD_10          | Present on Admission code               |
| POA_PRIN_CD_2           | Present on Admission code               |
| POA_PRIN_CD_3           | Present on Admission code               |
| POA_PRIN_CD_4           | Present on Admission code               |
| POA_PRIN_CD_5           | Present on Admission code               |
| POA_PRIN_CD_6           | Present on Admission code               |
| POA_PRIN_CD_7           | Present on Admission code               |
| POA_PRIN_CD_8           | Present on Admission code               |
| POA_PRIN_CD_9           | Present on Admission code               |
| RD_PROV_FIRST_NME       | Rendering provider first name           |
| RD_PROV_FORM_OF_PRAC_CD | Rendering provider form of practice     |
| RD_PROV_MID_NME         | Rendering provider middle name          |
| RD_PROV_ORG_NME         | Rendering provider org name             |
| RD_PROV_SFX_NME         | Rendering provider suffix               |
| SUBS_LST_MEM_SSN_NUM    | Subscriber last member SSN              |
| SUBS_MID_NME            | Subscriber middle name                  |
| SUBS_SSN_NUM            | Subscriber SSN                          |
|                         | Facility/Professional Indicator         |
|                         | In-Network/Out-of-Network Indicator     |
|                         | Adjudication Date                       |
|                         | Hospital Admission Source               |
|                         | Payment/Pricing Method                  |
|                         | Denial Code                             |
|                         | Adjustment Reason                       |
|                         | Remarks                                 |

Unless BCBSM warrants this field duplicates Service Provider First Name, and that Service Provider First Name is populated.

# ***EXHIBIT F***

**Selvius, Gage M.**

---

**From:** Jason M. Schneider <JSchneider@zausmer.com>  
**Sent:** Friday, June 19, 2026 9:42 PM  
**To:** Selvius, Gage M.; Rynders, Perrin  
**Cc:** Phillips, Isabella B.; Phelps, Aaron M.; Hofman, Herman D.; Mark J. Zausmer; Lewis, Daniel; Harner, Laura J.  
**Subject:** RE: Tiara v. BCBSM - Proposed Discovery Extension  
**Attachments:** BCBSM-Tiara PROD001 Confidentiality De-Designations (Final).xlsx

Gage,

As a follow-up to my email last week:

- 1) Document Production: The link to our document production is here: [Click here to open A&O Shearman Secure File Transfer](#). The password is =8ocaBA2i+e\*OQu4. This should be a complete production of responsive documents from BCBSM's custodial search.
- 2) Confidentiality: A list of documents that we agree to de-designate in accordance with my email last week is attached. Note that these include only the non-Comau population, as we previously provided de-designations from the Comau population.
- 3) Flip Logic: After further examination, I believe my prior explanations on this topic were incomplete. The first two relevant fields for identifying flip logic claims are PARTICIPATING\_STATUS\_CD and ITS\_PROV\_CLASSIFICATION. You first identify claims where BCBSM has designated the provider as participating. You do this by identifying claims in the PARTICIPATING\_STATUS\_CD field that are marked by either K (provider) or AB (facility).

Next, identify claims in combination with those designations above where the host plan designates the provider as non-participating. Those claims are identified by either a 3 (non-participating provider) or 9 (unsolicited provider) in the ITS\_PROV\_CLASSIFICATION field.

You would then narrow that data set to claims that are both priced and paid at charge by BCBSM. Claims that are priced by BCBSM at charge would have a 01 in the ITS\_PRICING\_METHOD field. You would then look at the subset of that subset where CHARGED\_AMT and APPROVED\_AMT are equal. Basically, my understanding is that the process is a series of data filtering until you reach the correct subset.

Apologies for any confusion on this topic, and I hope this method works. My prior understanding was that flip logic claims were shown just by the first two fields. I believe the explanation in my email aligns with direction that Sarah Cytkowski provided to Aaron Phelps in Comau on August 12, 2022.

- 4) Identifying Flip Logic Claims: We tried to determine whether BCBSM has already performed a calculation of Tiara/S2 claims that were subject to flip logic. We could not locate a complete analysis. As a result, our position remains that the parties are in an equal position to identify flip logic claims.

- 5) Depositions: The following dates work for Paul Ozdarski's deposition: 8/3, 8/6, 8/7, 8/10, 8/11.

We will get dates for Robert Hopper to you early next week.

We just learned that Dianne Malmgren is no longer with BCBSM. We are trying to get in contact with her.

- 6) Mediators: There are a few mediator names that we are discussing as potential alternatives to Lee Silver. I will follow up with you about this by next Thursday.

Best,

**Jason M. Schneider**

Shareholder

**Zausmer** >>

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**From:** Jason M. Schneider

**Sent:** Friday, June 12, 2026 4:52 PM

**To:** 'Selvius, Gage M.' <gmselvius@varnumlaw.com>; Rynders, Perrin <prynders@varnumlaw.com>

**Cc:** Phillips, Isabella B. <ibphillips@varnumlaw.com>; Phelps, Aaron M. <amphelps@varnumlaw.com>; Hofman, Herman D. <hdhofman@varnumlaw.com>; Mark J. Zausmer <MZausmer@zausmer.com>; Lewis, Daniel <daniel.lewis@aoshearman.com>

**Subject:** RE: Tiara v. BCBSM - Proposed Discovery Extension

Gage,

Our responses to the issues you raised below are as follows:

- 1) Confidentiality: Your request that we remove the Confidentiality tag on the entire production is unreasonable. There is also an underlying factual inaccuracy: we have already de-designated specific documents from the *Comau* production based on the list that you provided. As you know, your own request for de-designations of that document population did not encompass all the *Comau* documents.

That said, there are certain categories of documents that we will voluntarily de-designate: (1) S2 contract documents (ASCs, amendments, BDDs, etc.); (2) internal documents and communications related to Tiara's termination and settlement; and (3) external communications with S2 and Advantage Benefits. We will send you a list with Bates numbers as soon as possible.

- 2) Redactions: The redactions are appropriate. None of the redacted information is relevant to Tiara Yachts. All of it relates to other BCBSM customers. This was the same approach taken in *Comau*.

Indeed, your office has already, at least implicitly, agreed with this approach. In re-producing the *Comau* documents, you agreed certain spreadsheets that had all customer information except Comau's would be withheld, and that those same spreadsheets would instead be produced with all but S2's information redacted. Those spreadsheets have been re-produced in this exact manner. This agreed approach is the one taken with the broader population.

- 3) Next Production: We will make our next production by next Friday, June 19. Our April 30 production was a "substantial production of the documents [BCBSM] has already collected through its internal custodial search." The May 22 re-production was a supplement. The next production will be a complete or near-complete production of the responsive documents from this population. I do not think it will be a significant increase in the number of documents.
- 4) Flip Logic: We should have a response on this next week. I can assure you that this is not a matter of anyone dragging their feet. The issue is being actively worked on.
- 5) Depositions: We have reached out to Paul Ozdarski, Dianne Malmgren, and Robert Hopper. We do not have dates from them yet, but we should have them to you next week.
- 6) Mediation: We should have an answer on this next week as well. We are cognizant that Lee Silver books out pretty far in advance.

Best,

**Jason M. Schneider**

Shareholder

**Zausmer**

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**From:** Selvius, Gage M. <[gmselvius@varnumlaw.com](mailto:gmselvius@varnumlaw.com)>

**Sent:** Monday, June 8, 2026 9:21 PM

**To:** Jason M. Schneider <[JSchneider@zausmer.com](mailto:JSchneider@zausmer.com)>; Rynders, Perrin <[prynders@varnumlaw.com](mailto:prynders@varnumlaw.com)>

**Cc:** Phillips, Isabella B. <[ibphillips@varnumlaw.com](mailto:ibphillips@varnumlaw.com)>; Phelps, Aaron M. <[amphelps@varnumlaw.com](mailto:amphelps@varnumlaw.com)>; Hofman, Herman D. <[hdhofman@varnumlaw.com](mailto:hdhofman@varnumlaw.com)>; Mark J. Zausmer <[MZausmer@zausmer.com](mailto:MZausmer@zausmer.com)>

**Subject:** RE: Tiara v. BCBSM - Proposed Discovery Extension

[EXTERNAL EMAIL]

Jason,

The list of Bates numbered documents that were improperly designated "confidential" is all of them: BCBSM-Tiara 000001— BCBSM-Tiara 004513. Federal Rule 26(c) protects "a trade secret or other confidential research, development, or commercial information." You marked every single document in your production "confidential." On our review, not a single document contains "a trade secret or other confidential research, development, or commercial information." Similarly, the redactions in your

production are inappropriate. You have not provided a privilege log for your redactions. We do not concede that anything in your production is or could be properly designated as privileged, but it is readily apparent that essentially all of your redactions are not even arguably privileged information. We intend to file a motion to de-designate your confidential designations and to compel production of unredacted documents. As a compromise, we would allow you fix your production by removing the confidential designations and redacting only customer names. Once you redact customer names, those documents should not be marked as “confidential.” Please confirm that you will agree to these terms and reproduce the documents accordingly this week, or we will proceed with our motion.

Please provide an update regarding the date by which we will receive the remaining document production. We are now almost a month and a half past the date by which you stipulated that BCBSM would make a “substantial” production of documents, and you have made only a partial, improperly-redacted and mis-designated production of approximately 800 documents.

We still do not have an answer from you explaining your flip-logic analysis. You have identified two data fields that allegedly can be used to identify flip-logic claims: PARTICIPATING\_STATUS\_CD and ITS\_PROV\_CLASSIFICATION. We have two simple, fundamental questions: 1) What are the inputs in these two fields that, when read together, indicate that the claim was subject to flip-logic? 2) What is BCBSM’s position regarding which claims that were subject to flip-logic in the Tiara data? These questions are included in our interrogatories, which you have not adequately responded to. We will renew our motion to compel supplemental interrogatory responses if we do not get a full straight answer on this issue this week.

We are going to depose Paul Ozdarski, Dianne Malmgren, and Robert Hopper. Please provide a list of available dates for these depositions. If we do not have a list of their availability this week, we will set the depositions at a date and time convenient for our office.

As for your proposed stipulation, we agree that the current schedule is inadequate. However, we have concerns regarding whether the Court would agree on stipulation to extend the schedule as requested. Our view is that a motion to extend the scheduling order is the procedurally proper method to approach this extension. We intend to file a motion with the attached proposed schedule as an exhibit. Our proposed schedule primarily tracks with the dates outlined in your proposed stipulation, with two exceptions: first, we will try complete our expert report before the September 28 deadline, and we will provide our report to you once it is ready (rather than wait until the deadline). That allows us to move the case forward if your expert report deadline is tied to the date we actually provide our report. We thus propose that your expert report deadline be 30 days after the date we provide our expert report (i.e., if we provide our expert report July 28, your report would be due August 27; if we provide our expert report September 1, your report would be due October 1; if our report is not complete until the September 28 deadline in the proposed order, your report would be due October 28). We hope that this proposal will quell any concerns the Court may have regarding the length of the proposed extension. Given your offer to stipulate, we presume that you will concur in the relief sought and we intend to inform the Court that the motion is unopposed. Please let us know of any objections to that.

Second, we adjusted the deadline to conduct ADR from the end of January to mid-December, before the holidays. To that end, we have not yet agreed on a mediator in this case. We propose Lee Silver, but are open to suggestions. When we last spoke with Lee (in an unrelated matter), he had dates available in November and December, but that was about a week ago. We should agree on a mediator and get a date

scheduled for the mediation promptly so that we can ensure we are able to reserve a date on the mediator's calendar.

Gage

**VARNUM**

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\*\*\*\*\*

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**From:** Jason M. Schneider <[JSchneider@zausmer.com](mailto:JSchneider@zausmer.com)>

**Sent:** Friday, May 29, 2026 1:38 PM

**To:** Rynders, Perrin <[prynders@varnumlaw.com](mailto:prynders@varnumlaw.com)>

**Cc:** Selvius, Gage M. <[gmselvius@varnumlaw.com](mailto:gmselvius@varnumlaw.com)>; Phillips, Isabella B. <[ibphillips@varnumlaw.com](mailto:ibphillips@varnumlaw.com)>; Phelps, Aaron M. <[amphelps@varnumlaw.com](mailto:amphelps@varnumlaw.com)>; Mark J. Zausmer <[MZausmer@zausmer.com](mailto:MZausmer@zausmer.com)>; Lewis, Daniel <[daniel.lewis@aoshearman.com](mailto:daniel.lewis@aoshearman.com)>

**Subject:** RE: Tiara v. BCBSM - Proposed Discovery Extension

Perrin,

Responses to each of your questions:

1. My understanding from BCBSM is that the two fields we identified previously are the correct fields for identifying claims impacted by flip logic. That said, as I mentioned before, there is a technical issue with the calculation that BCBSM is trying to figure out. This is taking some time. I will provide more information as soon as I have it.
2. I have not had a chance to review the Comau spreadsheet yet. Aiming to get back to you next week on that.
3. As I mentioned on our last call, there will not be a production today. The re-production diverted resources from reviewing the remaining documents, and we will need a couple more weeks (which I also mentioned on our previous call but inadvertently did not include in the follow-up email on 5/19). I am not sure about the size of the production. You will note that the re-production included more documents than the initial one. I thought those would be part of the second production rather than the re-production.
4. As part of reviewing the Comau de-designations, we are going to consider de-designations of non-Comau documents. The Comau spreadsheet will be helpful as an analogy, and we've noted the documents you mentioned below as well.
5. We have considered this request. We examined documents collected from the custodians and search terms that you have a copy of and identified documents responsive to Tiara's RFPs "that



relate or apply to Tiara Yachts, even if Tiara Yachts is not specifically mentioned in the documents, without date limitation,” as stated in the stipulation on April 14. Beyond that description, the manner of the search we conducted is attorney work product.

Best,

**Jason M. Schneider**

Shareholder



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---

**From:** Rynders, Perrin <[prynders@varnumlaw.com](mailto:prynders@varnumlaw.com)>

**Sent:** Friday, May 29, 2026 1:06 PM

**To:** Jason M. Schneider <[JSchneider@zausmer.com](mailto:JSchneider@zausmer.com)>

**Cc:** Selvius, Gage M. <[gmselvius@varnumlaw.com](mailto:gmselvius@varnumlaw.com)>; Phillips, Isabella B. <[ibphillips@varnumlaw.com](mailto:ibphillips@varnumlaw.com)>; Phelps, Aaron M. <[amphelps@varnumlaw.com](mailto:amphelps@varnumlaw.com)>; Mark J. Zausmer <[MZausmer@zausmer.com](mailto:MZausmer@zausmer.com)>; Lewis, Daniel <[daniel.lewis@aoshearman.com](mailto:daniel.lewis@aoshearman.com)>

**Subject:** RE: Tiara v. BCBSM - Proposed Discovery Extension

**[EXTERNAL EMAIL]**

While I consider your proposal, let me address a few related details, the answers to which might affect my response:

1. Regarding the flip logic issue, my expectation is that BCBSM should easily and quickly answer our questions. I don't understand the delay and would like some insight into that. Also, what about my suggestion of having a BCBSM employee who understands this issue talk directly to our expert(s) to avoid potential problems with translation between technical novices such as us?
2. We have re-sent the Bodman spreadsheet and cover letter addressing the de-designation of numerous Comau documents that, when produced again in this matter, were marked as confidential. Is there any reason to not de-designate the same documents without further delay?
3. My understanding is that we will be getting BCBSM's largest production today. Are we on track for that? And how much do you believe will be left to produce after that?
4. More generally about confidentiality designations, I previously pointed out as just one example a document that was created for external distribution but nevertheless marked as confidential. Obviously, that designation was improper. BCBSM has also marked as confidential such non-confidential documents as routine contract documents. Such documents have often been used in my litigation against BCBSM without being designated as confidential or requiring submission to the court under seal. I plan to challenge BCBSM's blanket confidentiality designations. Do you want an opportunity to voluntarily de-designate anything before that happens?
5. I'm still waiting for information about how BCBSM filtered documents that met all search criteria (which I don't accept as proper, but we agreed to take up once your initial production is complete). What can you tell me regarding that?

---

**From:** Jason M. Schneider <[JSchneider@zausmer.com](mailto:JSchneider@zausmer.com)>

**Sent:** Friday, May 29, 2026 11:19 AM

**To:** Rynders, Perrin <[prynders@varnumlaw.com](mailto:prynders@varnumlaw.com)>

**Cc:** Selvius, Gage M. <[gmselvius@varnumlaw.com](mailto:gmselvius@varnumlaw.com)>; Phillips, Isabella B. <[ibphillips@varnumlaw.com](mailto:ibphillips@varnumlaw.com)>; Mark J. Zausmer

<[MZausmer@zausmer.com](mailto:MZausmer@zausmer.com)>; Lewis, Daniel <[daniel.lewis@aoshearman.com](mailto:daniel.lewis@aoshearman.com)>

**Subject:** Tiara v. BCBSM - Proposed Discovery Extension

Perrin,

BCBSM is still tracking down information in response to the flip-logic issues you raised with the claims data. We are aware that the expert report deadline is coming up, and that these issues will impact Tiara's and BCBSM's ability to submit timely expert reports.

As such, we think it would be appropriate to extend the current scheduling order deadlines.

A draft stipulation and order is attached. Let us know if you agree to submitting this for entry.

Best,

**Jason M. Schneider**

Shareholder

**Zausmer** »

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