

Cause No. GV 204523

The State of Texas

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In the District Court of

v.

Travis County, Texas

AmCare Health Plans of Texas,  
Inc. and AmCare Management,  
Inc.

200<sup>th</sup> District Court

*2006 NOV 21 PM 4:05*  
*Unrecorded*

**RECOMMENDATION OF SPECIAL MASTER**  
**Motion {As Amended} of MedImpact Healthcare Systems, Inc. for**  
**Relief from Stay and Modification of Injunction**

The Special Master has studied at length and in depth the voluminous briefing filed by the parties. The Master appreciates MedImpact's care in insuring it is in compliance with the Court's Permanent Injunction in this cause and the stay imposed by Section 21A.008(c)(1).

MedImpact has filed a Proof of Claim in this receivership proceeding triggering a statutory process that presently is being followed by the parties. That process should continue exclusively within this receivership proceeding.

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MedImpact is seeking to have any claim asserted against it by the Special Deputy Receiver consolidated with claims asserted by the Oklahoma and Louisiana receivers in federal district court in Oklahoma, with a further possible reference by the federal court to arbitration. However, at this time the Special Deputy Receiver has not formally asserted any claim against MedImpact. If the Special Deputy Receiver does hereafter assert a formal claim against MedImpact, then the Special Master is willing to reconsider MedImpact's motion (this willingness to reconsider should not be deemed as expressing



2

any opinion as to whether the motion has merit or not). But until there is an actual case or controversy commenced by the filing of an affirmative claim for relief by the Special Deputy Receiver against MedImpact, it is inappropriate to sanction a procedure whereby MedImpact engineers requiring the Special Deputy Receiver now to assert any claim against MedImpact and in a forum not necessarily of the Special Deputy Receiver's choosing.

THEREFORE, it is RECOMMENDED that the Motion (As Amended) of MedImpact Healthcare Systems, Inc. for Relief from Stay and Modification of Injunction be DENIED.

SIGNED at Austin, Texas, this 21<sup>st</sup> day of November, 2006.

original signed by

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Tom Collins  
Receivership Special Master