

Blue Cross & Blue Shield of Rhode Island :  
v. :  
Beverly E. Najarian, Director of the :  
Department of Administration, in her official :  
capacity as the Chief Purchasing Officer for :  
the State of Rhode Island and Providence :  
Plantations :

**ORDER**

The defendants and intervenor UnitedHealthcare of New England, Inc. (United) have appealed a Superior Court hearing justice’s December 3, 2004 Order and Final Judgment in this case granting the request of plaintiff Blue Cross & Blue Shield of Rhode Island (Blue Cross) for permanent injunctive relief. The hearing justice in the order which is the subject of this appeal *inter alia* permanently enjoined the state defendants from completing and implementing the award of the state contract for health plan administration to United. Counsel for the parties conferred with the Chief Justice on December 6, 2004 on various issues related to this matter and, in particular, on a number of motions filed by the state defendants and United, including a motion for stay, a motion for suspension of the Superior Court injunction, and a motion to expedite the appeal, and these motions were subsequently referred to the full Court for consideration. Following the Court’s careful review of the memoranda and papers filed by counsel, we hereby direct that the following Order shall enter:

1. The motion for stay is granted in part as to Paragraph 3 of the Superior Court's Order and Final Judgment relating to resolicitation of the state's contract for health plan administration. This stay of the resolicitation provisions of Paragraph 3 shall remain in effect until further Order of this Court. The motion for stay and for suspension of the permanent injunctive relief granted in Paragraph 2 of the Superior Court Order and Final Judgment is denied.
2. The provisions of Paragraph 6 of the Superior Court Order and Final Judgment directing the state and United to post bonds are reaffirmed as stated therein, and such bonds shall remain posted and in effect until further Order of this Court.
3. Based upon the representations of its counsel, Blue Cross, as the current provider of health plan administration on behalf of the state's eligible employees, retirees, and their respective dependents, will continue to provide such services and coverage on a temporary basis while this appeal is pending and until further Order of this Court. Such continued coverage shall be in accordance with terms to be negotiated between Blue Cross and the appropriate state officials.
4. The motion to expedite this appeal is granted, and the appeal is hereby assigned for oral argument to **January 18, 2005**, at 9:30 a.m. The respective parties shall each have 30 minutes for argument and appellants shall have ten (10) minutes for rebuttal. The case is further assigned for full briefing. The appellants shall file their briefs on or before **December 17, 2004**. Responsive briefs shall be filed on or before **January 4, 2005**. Reply briefs will be due on or before **January 7, 2005**. Under no circumstances will any brief, memorandum, or other filing be accepted by this Court after **January 7, 2005**.

Justice Goldberg did not participate.

Entered as an Order of this Court this **7<sup>th</sup>** day of **December 2004**.

By Order,

S/S  
Clerk