

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

THE STATE OF TEXAS, TEXAS HEALTH
AND HUMAN SERVICES COMMISSION,

Plaintiffs,

v.

CHIQUITA BROOKS-LASURE, in her official
capacity as Administrator of the Centers for
Medicare & Medicaid Services, *et al.*,

Defendants.

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Case No. 6:21-cv-00191-JCB

PLAINTIFFS' DESIGNATION OF EXPERTS & NOTICE OF COMPLIANCE

In accordance with the Court's Scheduling Order (ECF 59) and December 22, 2021, Minute Order, Plaintiffs designate the following expert witnesses who will testify on issues for which Plaintiffs have the burden of proof.

I. Retained Testifying Experts

Plaintiffs designate and intend to call at trial the following expert, who is being disclosed in accordance with Federal Rule of Civil Procedure 26(a)(2)(B):

Dwight Steward, Ph.D.
Steward Research Group, Inc. d/b/a EmployStats
1920 East Riverside Dr.
Suite A120 #260
Austin, Texas 78741
512-775-9393
dsteward@employstats.com

II. Non-Retained Testifying Experts

Plaintiffs designate and intend to call at trial the following experts, who are being disclosed in accordance with Federal Rule of Civil Procedure 26(a)(2)(C):

Witness	Subject Matter & Summary of Facts and Opinions
<p>Brittani Bilse</p> <p>Ms. Bilse may be contacted through Plaintiffs' counsel.</p>	<p>In addition to her testimony as a fact witness, Ms. Bilse is expected to provide expert testimony on the process of preparing, negotiating, and garnering approval for demonstration projects and programs constituted under them and the operation of those projects and programs once they have been established. She will opine on how CMS's course of dealing with HHSC regarding approval of the state-directed payment programs demonstrates its bad faith; how CMS's rescission of the previously approved extension of Texas's demonstration project harmed the State, its Medicaid recipients, its providers, and the managed-care organizations that insure Medicaid recipients; the effect on the State, its Medicaid recipients, its providers, and the managed-care organizations that insure Medicaid providers should the current demonstration project end; and the amount of time it would take to negotiate and implement new demonstration projects and programs should the current demonstration project end. This testimony will be based on her knowledge, education, training, and experience, including as Director of 1115 Waiver Strategy for HHSC.</p>
<p>Victoria Grady</p> <p>Ms. Grady may be contacted through Plaintiffs' counsel.</p>	<p>In addition to her testimony as a fact witness, Ms. Grady is expected to provide expert testimony on the process of preparing, negotiating, and garnering approval for demonstration projects and programs constituted under them and the operation of those projects and programs once they have been established. She will opine on how CMS's course of dealing with HHSC regarding approval of the state-directed payment programs demonstrates its bad faith; how CMS's rescission of the previously approved extension of Texas's demonstration project harmed the State, its Medicaid recipients, its providers, and the managed-care organizations that insure Medicaid recipients; the effect on the State, its Medicaid recipients, its providers, and the managed-care organizations that insure Medicaid providers should the current demonstration project end; and the amount of time it would take to negotiate and implement new demonstration projects and programs should the current demonstration project end. This testimony will be based on her knowledge, education, training, and experience, including as Director of Provider Finance for HHSC.</p>

III. Notice of Disclosure

On February 18, 2022, Plaintiffs served on Defendants the disclosures required by Federal Rule of Civil Procedure 26(a)(2) and Local Rule CV-26(b).

Dated February 18, 2022

Respectfully submitted.

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JACK B. DISORBO
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Texas Bar No. 24120804

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on February 18, 2022, and that all counsel of record were served by CM/ECF.

/s/ Leif A. Olson