

NOTICE OF ACTIONS REGARDING LIQUIDATION OF RIVERSTONE–NEXGEN MEWA

THIS IS AN IMPORTANT LEGAL NOTICE. READ IT CAREFULLY.

To: Sponsoring Employers
Participating Employees
Providers of Medical Services

From: Receivership Management, Inc., Court-Appointed Independent
Fiduciary of the Riverstone–NexGen MEWA and Participating
Plans (“Riverstone–NexGen MEWA”)

Date: May 10, 2019

This provides Notice of actions (“Notice”) regarding the liquidation of the Riverstone–NexGen MEWA and recent rulings of the Federal Court in the case of Acosta v. Riverstone Capital, LLC, et al., Docket #2-19-cv-00778-MWF-MAA (C.D. Cal) (“Court”). Attached is the Revised Liquidation Plan (“Liquidation Plan”) approved by the Court on May 9, 2019. It sets deadlines for submitting and processing medical provider invoices and the liquidation of the Riverstone–NexGen MEWA. The Liquidation Plan also establishes a May 28, 2019 deadline for all medical providers to the participating employees/dependents covered under the Riverstone–NexGen MEWA to submit medical invoices to the applicable third-party administrator (Hawaii Mainland Administrators or S&S Healthcare Strategies).

PLEASE NOTE attached are the Court’s Orders that approved the Liquidation Plan and ordered various protections under § 28 U.S.C. 1651 (“All Writs Act”). Under the attached Orders, medical provider invoices submitted after May 28, 2019 are untimely. **As a result, all medical providers who receive this Notice are enjoined and prohibited from pursuing collection (i.e. collection includes but is not limited to transferring to another entity for collection, reporting any non-payment to credit reporting agencies, sending bills for the prohibited amounts, calling to attempt to collect the prohibited amounts or any other collection activities) of any or all of the amounts covered by the untimely medical provider invoices from the participating employee/dependent (i.e. the patient), the Sponsoring Employer and/or the Riverstone–NexGen MEWA Liquidation Estate assets.**

The Liquidation Plan also will determine how the assets of the Riverstone–NexGen MEWA Liquidation Estate are liquidated and disbursed. To accomplish this purpose, the Liquidation Plan establishes Proof of Claim (“POC”) procedures, which the Independent Fiduciary will use in its determination. **The attached Orders also enjoin and prohibit any person or entity from pursuing a claim against the Riverstone–NexGen Liquidation Estate’s assets in any forum other than through the POC procedures established by the Independent Fiduciary in the Liquidation Plan.**

The Independent Fiduciary, on or before **November 1, 2019**, will post on the website dedicated to the Riverstone–NexGen matter (www.receivermgmt.com/riverstone-nexgenhealthplan) (“Riverstone Website”) the POC Form and Instructions for submitting a claim (i.e. a POC Claim) against the Riverstone–NexGen Liquidation Estate’s assets. You are instructed to view this Website for information regarding the POC Claim process and to obtain the forms and instructions. **The POC Claim deadline is January 31, 2020.** This means all POC Claims must be postmarked by no later than this date to be timely. POC Claims will not be accepted by phone, fax or email – only US Mail postage paid.

On or before May 17, 2019, the Independent Fiduciary will post on the above-noted website the approved release form for Sponsoring Employers to utilize in relation to finalization of negotiated claims with providers – see attached Revised Liquidation Plan at p. 7, fn. 4 and p. 9, fn. 7.

You are further instructed to view the Riverstone Website for information regarding the liquidation process. Additionally, you should check, or have your counsel monitor the court filings in the Court action referenced above. If this Notice and attachments, and the Riverstone Website does not answer any questions you may have, you may also contact the Independent Fiduciary at:

Receivership Management, Inc.
510 Hospital Drive, Suite 490
Madison, TN 37115
(615) 370-0051

and/or

Robert E. Moore, Jr.
at rmoore@receivermgmt.com
(referencing “Riverstone” in the subject line of your e-mail)

This Notice is given to the Sponsoring Employers using available e-mail and mailing address information, and to the Participating Employees and Providers of Medical Services using mailing address information, provided to the Independent Fiduciary by the third-party administrators. In order to enhance the providing of notice, the Independent Fiduciary requests that every recipient of this Notice use their best efforts to give this Notice and attachments to all other affected individuals/entities– e.g. the Sponsoring Employers (as part of their fiduciary duties to their Participating Employees) should provide this Notice and attachments to all current and former Participating Employees; all Participating Employees should provide this Notice to each of their providers of medical services; and the providers of medical services should provide this Notice to other providers who have provided medical services to the participating employee/dependent.

Robert E. Moore, Jr., President
Receivership Management, Inc.
Court-Appointed Independent Fiduciary