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Gold Coast Health Plan

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Attorneys for State of California

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

**In the Matter of the Investigation of
GOLD COAST HEALTH PLAN**

**SUBPOENA TO PRODUCE PAPERS,
BOOKS, ACCOUNTS, AND
DOCUMENTS (CAL. GOV. CODE
SECTION 11181, et seq.)**

**TO: Tracy McGinley, Clerk of the Board, Ventura County Medi-Cal Managed Care
Commission (VCMGCC), ITS AGENT FOR SERVICE OF PROCESS, AND ITS
ATTORNEYS:**

NOTICE:

() You are served as an individual.

() You are served as (or on behalf of) the person
doing business under the fictitious name of

(x) You are served on behalf of : GOLD COAST HEALTH PLAN

Pursuant to the powers conferred upon the Attorney General of the State of California as
head of the Department of Justice by Article 2, Chapter 2, Part 1, Division 3, Title 2 of the
Government Code of California (Cal. Gov. Code § 11181 et seq.), and under the written
delegation of authority granted to the undersigned to conduct this investigation.

1 YOU ARE HEREBY COMMANDED to produce to Deputy Attorney General Rita L.
2 Hanscom at 1455 Frazee Road, Suite 315, San Diego, CA 92108, on August 11, 2014, before the
3 close of business of 5:00 p.m. PST, then and there at times thereafter, as you may be notified, to
4 produce those papers, books, accounts and documents related to the business dealings between
5 **GOLD COAST HEALTH PLAN and AFFILIATED COMPUTER SERVICES, INC.**, which
6 are more fully described herein, and which are in **GOLD COAST HEALTH PLAN's** custody,
7 possession or control, whether or not the present location of any of the documents designated is in
8 California.

9 If you have any questions, you may contact Rita L. Hanscom at (619) 688-6831.

10 **FAILURE TO COMPLY WITH THE COMMANDS OF THIS SUBPOENA WILL**
11 **SUBJECT YOU TO THE PROCEEDINGS AND PENALTIES PROVIDED BY LAW.**

12 Issued under my hand this 14th day of July, 2014.

13 

14 RITA L. HANSCOM
15 Deputy Attorney General

16 To the person served:

17 You are hereby served in the within investigation on behalf of **GOLD COAST HEALTH**
18 **PLAN** as a person upon whom a subpoena must be served to effect service upon such (a)
19 corporation(s) under Section 416.10 of the Code of Civil Procedure.
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1 GOLD COAST HEALTH PLAN (hereafter "GOLD COAST") IS HEREBY
2 COMMANDED to produce at 1455 Frazee Rd., Ste. 315, San Diego, California 92108, on the
3 11th day of August, 2014, before the close of business at 5:00 p.m., then and there at times
4 thereafter, as you may be notified, the following described documents related to the business
5 dealings of GOLD COAST and AFFILIATED COMPUTER SERVICES ("ACS") as more fully
6 described below, which are in the custody, possession or control of GOLD COAST, whether or
7 not the present location of any such document is in the State of California. If you have any
8 questions, you may contact Rita Hanscom at (619) 688-6831.

9 FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SUBPOENA WILL
10 SUBJECT YOU TO LIABILITY FOR PROCEEDINGS AND PENALTIES PROVIDED BY
11 LAW.

12 DEFINITIONS

13 The terms "YOU" and "YOUR" mean: (i) Gold Coast Health Plan and any of its current or
14 former principals, owners, officers, directors, shareholders, agents, employees, representatives,
15 accountants, consultants, or attorneys; (ii) any other persons acting or purporting to act on their
16 behalf; (iii) any predecessors, successors, subsidiaries, parents, assignees or affiliates of the
17 foregoing; and (iv) VCMMCC, as defined below.

18 "ACS" means: (i) Affiliated Computer Services and any of its current or former principals,
19 owners, officers, directors, shareholders, agents, employees, representatives, accountants,
20 consultants, or attorneys; (ii) any other persons acting or purporting to act on their behalf; and (iii)
21 any predecessors, successors, subsidiaries, parents, assignees or affiliates of the foregoing.

22 "VCMMCC" means: (i) Ventura County Medi-Cal Managed Care Commission (whether or
23 not additionally titled "dba Gold Coast Health Plan") and any of its current or former
24 commissioners, members, principals, officers, directors, agents, employees, representatives,
25 accountants, consultants, or attorneys; (ii) any other persons acting or purporting to act on their
26 behalf; and (iii) any predecessors, successors, subsidiaries, parents, assignees or affiliates of the
27 foregoing.

28 "DHCS" means California Department of Health Care Services.

1 “DOCUMENTS” refer to, without limitation, originals, duplicates, and non-identical copies
2 of “writings” as defined in Evidence Code section 250, et seq. For purposes of illustration only,
3 “document” includes: (a) any written, printed, electronically generated/retained or recorded
4 material or electronic data of writings of every kind and description that are fixed on any tangible
5 thing, including but not limited to typed or handwritten papers; books; drafts; reports; letters;
6 envelopes; post-its; electronic mail; telephone messages; voice mail; appointment calendars;
7 address lists; drawings; photographs; correspondence; marketing materials; business cards; sales
8 pitch books; newspaper clippings; memoranda; notes; agenda of meetings; summaries; outlines;
9 calendars; diaries; transcripts or notes of telephone conversations, meetings or interviews; tape
10 recordings; drafts of agreements and contracts; agreements; contracts; supplements, amendments
11 and modifications of contracts; files; results of investigations; court papers; bank records;
12 minutes; accounting work papers and reports; ledgers; business records; financial reports;
13 financial statements; facsimile transmissions; invoices; charts; graphs; directories; file folders,
14 file tabs and labels appended to or containing any documents; logs; and transcriptions. Without
15 limiting the generality of the above and for purposes of illustration only, a tangible thing on
16 which documents may be fixed includes, but is not limited to, paper; audio tapes or cassettes;
17 phonographic media; photographic media (including but not limited to prints, films, slides,
18 videos, microfilm, and digitally recorded photographs); computer media (including but not
19 limited to hard disks, floppy disks, compact disks and magnetic tapes of any kind); and optical
20 media.

21 “COMMUNICATION(S)” means every disclosure, transfer, exchange, or transmission of
22 information, whether oral, written, or electronic, and whether face to face, by
23 telecommunications, computer, mail, telecopier, facsimile machine, or otherwise.

24 “AGREEMENT” means any verbal or written agreement, contract or memorandum of
25 understanding, including any attachments or amendments thereto.

26 “Any” and “each” should be understood to include and encompass “all.”

27 “And” and “or” should be understood as interchangeable.

INSTRUCTIONS

For the purposes of this subpoena, the following instructions shall apply:

Unless otherwise indicated, the time period covered by this subpoena is from January 1, 2010 up to five days before YOUR full compliance with this subpoena. Any documents relating to this time period are to be produced, regardless of whether the documents came into existence before or during this period.

At the date, time and location for production of the documents requested, YOU should provide a declaration or affidavit. It should state that a diligent search for all requested documents has been conducted and that the affiant or declarant was in charge of the search or otherwise monitored and reviewed the search sufficiently to be able to represent under oath that such a search was conducted. It should identify or incorporate by reference attachments or other information required by the definitions, and state that all such information about the documents has been provided. It should be signed under oath by the person most knowledgeable about the documents and YOUR efforts to comply with the subpoena. If different people are the most knowledgeable about portions of the search (e.g., one person is most knowledgeable about documents contained in computer media and a different person is most knowledgeable about documents contained on paper) each should sign an affidavit or declaration identifying the numbered requests for documents for which that person is the most knowledgeable.

Unless otherwise indicated, for any document stored in a computer, including all electronic mail messages, YOU should produce the document in the original electronic file format in which it was created (e.g., Microsoft email should be provided in its original format, which would have the .pst suffix, not in a tif file; spreadsheets should be in their original file form, such as an Excel file and word-processed documents should be in their original file format, such as a Word or WordPerfect file), together with instructions and all other materials necessary to use or interpret the data. Electronic mail messages should be provided, even if only available on backup or archive tapes or disks. Computer media should be accompanied by (a) an identification of the generally available software needed to open and view the documents or (b) a copy of the software needed to open and view the document. Note, however, that if a print-out from a computer

1 document is a non-identical copy of the electronic form in which it was created (non-identical as
2 described in the definition of "Document," by way of example, but not limitation, because it has a
3 signature, handwritten notation, or other mark or attachment not included in the computer
4 document), both the electronic form in which the document was created and the original print-out
5 should be produced.

6 For each document contained in an audio or video medium, YOU should provide both the
7 tape, disk or other device from which the audio or video can be played and the transcript of the
8 document.

9 Unless otherwise indicated, for each document, other than those stored in a computer
10 medium, YOU should produce the original as defined in Evidence Code section 255, except that
11 YOU may submit photocopies on white paper (color photocopies if the original was in color) in
12 lieu of original documents, provided that such copies are accompanied by an affidavit of an
13 officer of LCF stating that the copies are true, correct and complete copies of the original
14 documents. If there is in YOUR possession, custody or control no original, but only a copy or
15 photographic record thereof, then YOU should produce a true and legible copy of each such
16 document.

17 If a document is responsive to this subpoena and is in YOUR control, but is not in YOUR
18 possession or custody, in addition to obtaining and producing the document, identify the person
19 who had possession or custody of the document, their telephone number and current business and
20 residence addresses.

21 If any document subpoenaed is no longer in YOUR possession, custody, control or care,
22 YOU should provide a written statement identifying the document with specificity, stating
23 whether it is lost or missing, has been destroyed, has been transferred to others, or has otherwise
24 been disposed of. The written statement should also identify the person who disposed of the
25 document, explain the circumstances and authorization for the disposition and the approximate
26 date of the disposition of the document. If there are no documents responsive to a document
27 request, as to each such document request, YOU should include a statement to that effect in the
28 accompanying declaration or affidavit.

1 All documents requested to be produced in this subpoena should be brought before the
2 Department of Justice at the time and place specified above, including any documents with
3 respect to which YOU intend to assert any privilege. YOU may then and there assert the
4 privilege before the Department of Justice and withhold the specific documents involved pending
5 determination by the superior court of a petition filed by the Attorney General seeking production
6 of the documents to which YOU claim the privilege, or YOU may waive YOUR privilege and
7 release the documents to the Department of Justice. If any data bases or spreadsheets contain
8 certain fields which YOU claim are privileged, YOU should also bring before the Department of
9 Justice at the time and place specified a copy of the data base or spreadsheet in which the fields
10 claimed privileged have been made inaccessible. If such removal from access to those fields
11 would cause information in the other fields in the data base or spread sheet to become un-linked
12 or otherwise affect the ability to access information in the remaining fields, YOU should insert a
13 field with identification numbers or codes sufficient to maintain all links and to allow all
14 information in the remaining fields to be accessed as easily as if the original field had not been
15 made inaccessible. If YOU assert a privilege to portions of any paper documents, YOU should at
16 the time and place specified bring before the Department of Justice a copy redacted according to
17 YOUR asserted privileges.

18 Documents provided should be complete and, unless privileged, un-redacted, submitted as
19 found in YOUR files (e.g., documents that in their original condition were stapled, clipped,
20 attached as a "post-it," or otherwise fastened together shall be produced in the same form).

21 Each document produced pursuant to this subpoena should be identified according to the
22 numbered request in the subpoena to which it is responsive. In lieu of indicating on each
23 document the request to which it is responsive, on the date set for production, YOU may instead
24 provide an index if YOU provide it in both paper and in electronic form (such as a computerized
25 spread sheet in Excel or a Word or WordPerfect document set up in a table format) of all
26 documents YOU produce, as long as this index shows by document control number the request(s)
27 to which each document or group of documents is responsive. Responsive documents from each
28 person's files should be produced together, in one box or in consecutive boxes, or on one disk or

consecutive disks. Mark each page of a paper document and each tangible thing containing audio, video, computer or other electronic documents (e.g. cassette, disk, tape or CD) with corporate identification and consecutive document control numbers (e.g., LCF 00001, LCF CD 001, LCF audio tape 001). Number each box of documents produced and mark each with the name(s) of the person(s) whose files are contained therein, the requests(s) to which they are responsive, and the document control numbers contained therein.

For data produced in spreadsheets or tables, include in the declaration or affidavit the identification of the fields and codes and a description of the information contained in each coded field.

The document requests contained in this subpoena should be deemed to include a request for all relevant documents in the personal files, including but not limited to files contained on laptops, palm devices, home computers and home files of all YOUR officers, employees, accountants, agents and representatives, including sales agents who are independent contractors, and unless privileged, attorneys.

If any documents are withheld from production based on a claim of privilege, provide a log under oath by the affiant or declarant, that includes each document's authors, addressees, date, a description of each document, all recipients of the original and any copies, and the request(s) of this subpoena to which the document is responsive. Attachments to a document should be identified as such and entered separately on the log. For each author, addressee, and recipient, state the person's full name, title, and employer or firm, and denote all attorneys with an asterisk. To the extent the claim of privilege relates to any employee, agent, representative, or outside attorney, identify the person's name, division, and organization. Include the number of pages of each document and in the description of the document, provide sufficient information to identify its general subject matter without revealing information over which a privilege is claimed. For each document withheld under a claim that it constitutes or contains attorney work product, also state whether YOU assert that the document was prepared in anticipation of litigation or for trial and, if so, identify the anticipated litigation or trial on which the assertion is based. Submit all non-privileged portions of any responsive document (including non-privileged or redactable

1 attachments) for which a claim of privilege is asserted (except where the only non-privileged
2 information has already been produced in response to this instruction), noting where redactions in
3 the document have been made.

4 Whenever necessary to bring within the scope of this subpoena documents that might
5 otherwise be construed as outside its scope:

- 6 (a) the use of the verb in any tense shall be construed as the use of that verb in all other
7 tenses;
- 8 (b) the use of a word in its singular form shall be deemed to include within its use the plural
9 form as well; and
- 10 (c) the use of the word in its plural form shall be deemed to include within its use the
11 singular form as well.

12 **DOCUMENTS SUBPOENAED**

13 1. All contracts, all DOCUMENTS and COMMUNICATIONS RELATING TO any
14 contract, contract amendment, task order, agreement, including attachments or exhibits, between
15 YOU and ACS between January 1, 2010 and the present.

16 2. All DOCUMENTS and COMMUNICATIONS RELATING TO the "Implementation
17 Payment" referred to in the ACS-VCMMCC – Task Order #1 Section 2.8 as part of the Master
18 Work Agreement FINAL 6-17-2010. Types of documents responsive to this request may include:

- 19 a. The initial communication proposing the implementation payment by ACS,
- 20 b. Subsequent communications RELATING TO terms of payment, characterization of
21 the payment, repayment,
- 22 c. Transmittal documents, checks, receipts, acknowledgment of receiving payment from
23 ACS,
- 24 d. All DOCUMENTS and COMMUNICATIONS recording the use of any payments
25 received from ACS,
- 26 e. All DOCUMENTS and COMMUNICATIONS indicating the total amount of money
27 received from ACS,
- 28 f. The finalized Project Plan and RTM referred to as Attachment "D," in ACS-

VCMMCC – Task Order #1 Section 2.1 of the Master Work Agreement FINAL 6-17-2010.

- g. All DOCUMENTS and COMMUNICATIONS RELATING TO anticipated future repayment by YOU to ACS.
- h. All DOCUMENTS and COMMUNICATIONS RELATING TO anticipated future contracts between YOU and ACS.
- i. All DOCUMENTS and COMMUNICATIONS between YOU and DHCS RELATING TO any monetary payment YOU received from ACS.
- j. All DOCUMENTS and COMMUNICATIONS between YOU and VCMMCC RELATING TO any monetary payment YOU received from ACS.

3. All DOCUMENTS and COMMUNICATIONS RELATING TO any payments not included in Interrogatory # 2 above, made by ACS to YOU between January 1, 2010 and the present. This request includes, but is not limited to, email, correspondence, notes, bank statements, deposit records, ledgers, statements of accounts, expense reports, and reimbursement records.

4. All DOCUMENTS and COMMUNICATIONS RELATING TO any loans, letters of credit, notes, bonds, certificates, mortgages, leases or other debt instruments made to, including repayment by, YOU for the time period January 1, 2010 to present.

5. All DOCUMENTS and COMMUNICATIONS RELATING TO any request for proposals (RFPs) or bid process prepared by YOU involving any contract with ACS. Types of documents responsive to this request may include:

- a. Correspondence, memos, emails, directives or instructions outlining any requirement to prepare RFPs for administrative services to be provided to YOU.
- b. Correspondence, memos, emails, directives or instructions outlining the content of a RFP for administrative services to be provided to YOU.
- c. The published RFP for administrative services to be provided to YOU.
- d. Correspondence, memos, emails, or other documents generated by YOU or received from ACS as a result of the RFP, including the responsive bid or inquiries about the

1 bidding process.

2 6. All ACS reports RELATING TO YOUR claims receivable aging or claims aging for
3 the time period July 1, 2011 to present.

4 7. All ACS reports RELATING TO YOUR claims receivables or accounts receivables
5 for the time period July 1, 2011 to present.

6 8. All YOUR monthly bank statements for the time period July 1, 2011 to present.

7 9. All checks issued from YOU to Earl Greenia, Darlane Johnsen, and Terri Stanley.

8 10. All independent audit reports of YOU.

9 10. All monthly statements from all credit cards paid by YOU.

10 11. All YOUR financial statements or other financial representations made by YOU
11 provided to VCMMCC.

12 12. YOUR bylaws and any other guidelines or policies which specify when YOU must
13 seek approval from VCMMCC.

14 13. YOUR current, and any prior, organizational charts.

15 14. All VCMMCC monthly bank statements or other financial DOCUMENTS which
16 reflect receipt of funds from ACS and/or reflect transfer of payments to GOLD COAST
17 HEALTH PLAN from ACS.

18 Dated: July 14, 2014

Respectfully submitted,

19 KAMALA D. HARRIS
20 Attorney General of California

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22 RITA L. HANSCOM
23 Deputy Attorney General
24 *Attorneys for State of California*
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DECLARATION OF SERVICE BY OVERNIGHT COURIER

RE: Gold Coast Health Plan

No.: OAH No. 2012080548

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 11455 Frazee Road, Suite 315, San Diego, CA 92108.

On July 14, 2014, I served the attached **SUBPOENA TO PRODUCE PAPERS, BOOKS, ACCOUNTS, AND DOCUMENTS (CAL. GOV. CODE SECTION 11181, et seq.)** by placing a true copy thereof enclosed in a sealed envelope with **Federal Express**, addressed as follows:

TRACI R. MCGINLEY
Gold Coast Health Plan
711 East Daily Drive, Suite 106
Camarillo, CA 93010

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 14, 2014, at San Diego, California.

Rachel Chang
Declarant


Signature