

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SAINT FRANCIS HOSPITAL AND MEDICAL
CENTER, INC.,

Case No. 22-cv-00050-SVN

Plaintiff,

v.

HARTFORD HEALTHCARE CORPORATION,
HARTFORD HOSPITAL, HARTFORD
HEALTHCARE MEDICAL GROUP, INC.,
INTEGRATED CARE PARTNERS, LLC,

Defendants.

JOINT MOTION AND REPORT ON SCHEDULING AND PENDING DISPUTES

Pursuant to this Court's order dated April 14, 2023 (Doc. 109) the parties hereto, by and through their counsel, hereby file this Joint Motion concerning the schedule in the case and report on pending discovery disputes:

I. SCHEDULE FOR DISCOVERY

Given the status of discovery, the parties believe that the commencement of fact witness depositions should be delayed until November 16, 2023. Given that delay, and after adjustment of all other scheduled dates in a commensurate manner (but adding four additional weeks for depositions in light of the likely difficulty in selecting depositions during the holidays), the parties believe that the following revised schedule is appropriate for discovery in this matter:

1. Fact witness depositions to commence on November 16, 2023 and to conclude on March 8, 2024.
2. Plaintiff will designate all trial experts and provide their reports to Defendants by April 5, 2024.

3. Defendants will designate all trial experts and provide their reports to Plaintiff by June 12, 2024.
4. Plaintiff's reply expert reports will be provided to Defendants by August 6, 2024.
5. Expert depositions will conclude by September 5, 2024.
6. Discovery will be completed by September 5, 2024.

Deposition discovery will need to be delayed until November 16 because of the substantial amount of document discovery and review that remains, including the following:

1. Hartford HealthCare recently substantially completed production of documents in response to Saint Francis' First Request for Production of Documents. The most recent production of Hartford HealthCare involved hundreds of thousands of unique documents. This follows earlier productions of approximately 50,000 and 75,000 documents, respectively. It will take Saint Francis several months to review these documents for substance (a process that is significantly more time-intensive than the review for responsiveness which took Hartford HealthCare 90 days), followed by analysis regarding the identity of the necessary deponents and preparation for those depositions based on these documents.
2. Saint Francis is not scheduled to complete substantial production of its responses to Hartford HealthCare's First Request for Production of Documents until July 9. Substantial time will be necessary after that date for both parties to review the documents for substance and prepare for depositions.
3. Hartford HealthCare and Saint Francis have not agreed on search terms, custodians or resolved Defendants' extensive objections to Saint Francis' Second Request for Production of Documents. These issues will need to be resolved,

potentially involving the need for a motion to compel, and then at least several months may be needed for production and review of these documents, as well as assessment of these documents for depositions and deposition preparation. While the parties anticipate that the volume of documents and review time for the Second Request will be shorter than for the First Request, given the fact that the process is at an earlier stage, the completion date is likely to be similar. In order to avoid unnecessary delay, the parties agree to commence their efforts at search and production if there are any, and as to, undisputed search terms, custodians and requests while disputed matters, if any, are pending. Any necessary motions to compel will be promptly filed.

4. Hartford HealthCare has just served its Second Request for Production of Documents on Saint Francis. The parties will need to engage in the process of objections, if any, resolution of those objections, negotiation of search terms and custodians, production of documents, and then review of documents in connection with these requests in order to prepare for depositions. This process will likely be about 30 days behind the time involved in the production and review of documents in connection with Saint Francis' Second Request.

Saint Francis believes that there is a possibility that, depending on the substance and timing of this Court's decision on Saint Francis' Motion to Strike Defendants' Fifth, Sixth and Seventh Affirmative Defenses (Doc. No. 107), this schedule might need to be further adjusted. If this Court were to grant that motion, but without prejudice, and in response Defendants were to include additional disclosures that might require further document discovery, it is possible that that could

cause further delays in the schedule. Hartford HealthCare has a different view and does not believe there will need for additional delay depending on the Court's ruling on the motion to strike.

Hartford HealthCare believes that, depending on the timing and substance of Saint Francis' responses to Hartford HealthCare's outstanding questions contained in an email to Saint Francis' counsel on May 2, 2023 regarding the availability and/or retrievability of materials in files of or related to former Saint Francis and Trinity employees and/or current or former employees of Saint Francis' affiliate SoNE for whom Saint Francis has not produced documents, this schedule might need to be further adjusted and motions to compel or other relief may be required. Saint Francis has a different view of this ongoing dispute and its likely impact.

With these exceptions, the parties believe that they will be able to complete discovery consistent with this schedule without further requests for an extension..

II. PENDING DISCOVERY DISPUTES

Saint Francis has filed a motion to compel, and Hartford HealthCare anticipates filing its own motion to compel shortly, with regard to the parties' discovery disputes concerning Saint Francis' and Hartford HealthCare's First Requests, respectively.

Saint Francis has also filed motions to compel production of documents from University of Connecticut Health Center and The Bristol Hospital, Inc. in connection with its subpoenas to those entities. The parties have filed a stipulation and order relating to the Motion to Quash filed by the Connecticut Hospital Association, which would resolve that motion if entered.

Other third parties, including Saint Francis' affiliate SONE, are producing or have agreed to produce documents, and Saint Francis and Hartford HealthCare are still discussing disputes regarding production with a few other third parties. The parties hope to resolve those issues or file motions to compel with regard to those entities and, if necessary SoNE, as soon as possible.

Dated: May 15, 2023

Respectfully submitted,

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