

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

SAINT FRANCIS HOSPITAL AND MEDICAL
CENTER, INC.,

Plaintiff,

Case No. 22-cv-00050-SVN

v.

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

Defendants.

JOINT REPORT REGARDING DISCOVERY

The parties hereto, pursuant to this Court's orders dated December 14, 2022 and February 17, 2023, hereby report to the Court regarding the status of discovery in this matter.

Timing Of Party Discovery

The parties are proceeding with the process of responding to each other's initial requests for production of documents. The parties reached agreement on search terms and custodians applicable to Plaintiff's First Request for Production of Documents to Defendants on February 3rd. Defendants are still working on the selection of search terms and custodians applicable to Defendants' First Set of Requests for Production of Documents from Plaintiff Saint Francis Hospital and Medical Center, Inc. The parties have agreed that document production by each party will commence 45 days after agreement on search terms and custodians applicable to that party's documents and will be substantially completed within 90 days of such agreement. The parties also agree that if the disparity in the "start dates" (agreement on search terms and custodians) and between Plaintiffs' production deadline and Defendants' production deadline exceeds 30 days, the parties will meet and confer to determine whether an adjustment of the deadlines is warranted.

Scope Of Party Discovery

The parties do not have any discovery disputes to raise to the Court at this time. However, the parties are continuing to meet and confer regarding several topics for which they have not yet reached full agreement, including, but not limited to:

- Affirmative Defenses: Defendants filed their Answer and Affirmative Defenses on February 27, 2023. In a letter dated March 1, 2023, Saint Francis informed Defendants that there may be a dispute regarding the adequacy of pleading certain affirmative defenses asserted by Defendants in their Answer that would impact Saint Francis's ability to conduct discovery concerning those defenses. Defendants are evaluating Saint Francis' position and will respond next week. The parties will promptly inform the Court if this dispute cannot be resolved. They will also promptly inform the Court as to the effect of this dispute on the completion of discovery.
- Changes In Discovery As A Result Of The Court's Order On Defendants' Motion to Dismiss: The parties have had discussions regarding the extent to which the scope of discovery in this case should be impacted by this Court's dismissal of certain of Saint Francis' claims. The parties will either resolve this issue, or inform the Court regarding their dispute, within one week.
- Document Retention: The parties have had discussions regarding Defendants' questions about the availability of documents for certain former employees of Plaintiff who were employed during time periods relevant to the Amended Complaint (but departed Plaintiff one year or more prior to the filing of this action).

Non-Party Discovery.

Plaintiffs and/or Defendants have served subpoenas to certain non-parties, including hospitals or other healthcare providers, payors, and Plaintiff's affiliate Southern New England Healthcare ("SoNE"), and are negotiating with those non-parties concerning their objections. With respect to the hospitals and payors, most of these negotiations appear to be proceeding at a reasonable pace, with upcoming productions expected. To date, there has been a partial production of documents to Plaintiffs by three entities responding to subpoenas, copies of which Plaintiffs are providing to Defendants. In a few cases, it is possible that there may be disputes with these non-parties that will require the Court's attention, but they are not yet fully ripe.

With respect to SoNE, Defendant and SoNE are continuing to meet and confer, but have not yet been able to reach agreement on certain subjects concerning SoNE's production, including the number of documents that SoNE should be expected to review.

Next Steps

The parties will bring these party and non-party discovery issues to the Court's attention promptly if they remain unresolved. The foregoing items may have an impact on the ability of the parties to complete discovery in accordance with the currently applicable schedule. The parties propose that they report to the Court within 30 days as to the potential impact on that schedule of the ongoing discovery efforts and efforts to resolve the above disputes.

Date: March 3, 2023

Respectfully submitted,

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