

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 REPORT ON DISCOVERY**

Pursuant to this Court's Order dated July 31, 2023 [ECF No. 179], Plaintiff and Defendants (the "Parties") provide the following Joint Report regarding the status of discovery in the captioned matter:

**I. REQUEST FOR EXTENSION TO SCHEDULE**

1. As detailed further below, the Parties have made significant progress on document and data discovery, including extensive third-party discovery.
2. Notwithstanding that significant progress, substantial document and data discovery remains ongoing both from the Parties, as well as from numerous third-parties. In addition, the Parties are currently meeting and conferring in connection with several outstanding disputes in an attempt to reach a resolution without involving the Court. Some additional motion practice with regard to at least third parties will be necessary.

3. In order to most efficiently proceed with deposition and expert discovery without the need for duplicative depositions after additional documents are produced, the Parties seek the Court's permission for an extension of all dates and deadlines in the schedule in this matter for 90 days. This would allow for the completion of document and data discovery, as well as the completion of the meet and confer process and any necessary motion practice for several matters currently in dispute, prior to the commencement of depositions. Under the current schedule, depositions are scheduled to begin on November 15.
4. The Parties are prepared to file a joint motion for extension of time, if needed, following any direction from the Court.

## **II. PARTY DISCOVERY**

1. *Party Document Productions.* The Parties have produced documents in substantial compliance with their First and Second Sets of Requests for the Production of Documents ("First RFPs" and "Second RFPs"). The most recent productions (in response to the Parties' Second RFPs) occurred on October 10, 2023.
2. On October 14, 2023, Plaintiff and Plaintiff's affiliate Trinity Health ("Trinity") informed Defendants that, as a result of prior disputes about such requests, Plaintiff and Trinity have not yet fully produced documents in response to six of the requests in Defendants' First RFPs. Plaintiff and Trinity have informed Defendants that they expect to produce the remaining documents in response to these six requests by November 10, 2023.
3. Both Parties have made extensive requests to each other for data and documents "sufficient to show" certain information. The Parties have been collecting material

responsive to these requests and have agreed to a simultaneous exchange of this data and information on a to-be-agreed upon date.

4. The Parties are meeting and conferring concerning Defendants' request for further information from Plaintiff and Trinity about the lack of availability of certain documents from certain former employees of Plaintiff and Trinity.
5. *Plaintiffs' Third Set of Requests for the Production of Documents.* On September 1, 2023, Plaintiff served its Third Set of Requests for the Production of Documents ("Third RFPs"). The Parties are currently negotiating the extent to which Defendants will respond to the Third RFPs, as well as Plaintiff's and Trinity's potential responses to potential reciprocal requests from Defendants. It is possible that the Parties will need the Court's assistance in resolving these issues. The Parties are currently exchanging search term hit reports and will likely know within the next 21 days whether they can resolve these issues without the Court's assistance.
6. *Documents Withheld as Privileged.* The parties are meeting and conferring regarding the privilege designations of certain documents listed on each other's first privilege logs (served in connection with the First RFPs). Privilege logs for documents responsive to the Second RFPs are due on November 9, 2023. Plaintiff believes that there are potential disputes with regard to several thousand claims of privilege by Defendants, though Defendants will be producing some of these disputed documents. Potential disputes also exist with regard to approximately 40 claims of privilege by Plaintiff. The Parties will endeavor to determine during the next 14 days whether they can resolve these disputes without motion practice.

7. *Documents Subject to Disputed Clawback Requests.* Both Plaintiff and Defendants have made requests to the other to “claw back” certain documents that they claim are privileged and were inadvertently produced by them, though Plaintiff today agreed to withdraw its clawback request. Plaintiff sent a letter to Defendants on October 24 challenging Defendants’ clawback requests as to 153 documents. The Parties are meeting and conferring over this clawback dispute.
8. There may be additional disputes with regard to documents that have been redacted on privilege grounds.

### **III. THIRD PARTY DISCOVERY**

There are a number of outstanding issues relating to third party discovery:

1. On November 3, 2022, Plaintiff served subpoenas on a number of managed care plans. Some of these plans have fully complied with these subpoenas, but there are still outstanding documents owed by a number of these plans. This includes supplemental data needed from ConnectiCare, supplemental “narrative” documents needed from Aetna, and narrative documents needed from Cigna and United. Cigna and United are currently engaged in the search process for documents. Aetna has not yet agreed to produce additional documents, so it is possible that motion practice will be necessary as to Aetna. In addition, Anthem made a supplemental production on Wednesday of last week, which needs to be reviewed. Anthem continues to meet and confer with Defendants regarding possible additional productions.
2. On October 31, 2022, Plaintiff served subpoenas on a number of area hospitals. Initial motion practice with regard to the response by The Bristol Hospital, Inc. has

been resolved, but the parties now have an additional dispute. Plaintiff will be filing an additional motion to compel this week.

3. Three related entities, all subsidiaries of Prospect Medical Holdings, Inc. (Prospect Waterbury, Inc., Prospect Rockville Hospital, Inc. and Prospect Manchester Hospital, Inc.) have refused to produce any documents in response to Plaintiff's subpoenas. Plaintiff will be filing a motion to compel with regard to these entities this week.
4. As a result of its review of documents produced by Defendants, Plaintiff concluded that it needed additional documents from six physician groups which are affiliated with, but not owned or employed by, Defendants. Subpoenas were served on these groups on September 7, 2023, and one additional subpoena is in the process of being served. Negotiations are ongoing with these parties regarding search terms and custodians. Some limited production has already been made by two of these physician groups. A third physician group agreed to search terms and is in the process of reviewing responsive documents, which it expects to produce within approximately two weeks. Plaintiff's counsel is continuing to work with counsel for the remaining physician groups in an effort to reach agreement on the scope of the response.
5. On August 15, 2023, Defendants served a subpoena on Press Ganey Associates, LLC. On October 16, 2023, Defendants filed a proceeding in the Northern District of Illinois to move to compel Press Ganey to comply with the subpoena. That court has not yet issued a schedule for motion practice, but Defendants and Press Ganey

have agreed that Press Ganey's opposition to Defendants' motion to compel will be due on Nov. 27 and Defendants' reply will be due on Dec. 14.

6. Defendants have also continued to negotiate with Plaintiff's affiliate SoNE regarding the scope of SoNE's production of documents relating to payor contracting. SoNE has not yet provided a date on which it expects to substantially complete production of documents related to payor contracting. The Court previously granted Defendants an extension until December 15, 2023 of their deadline to move to compel SoNE.

Dated: October 30, 2023

Respectfully submitted,

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