

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

URIEL PHARMACY HEALTH AND
WELFARE PLAN; URIEL PHARMACY,
INC.; HOMETOWN PHARMACY; AND
HOMETOWN PHARMACY HEALTH and
WELFARE BENEFITS PLAN, on their own
behalf and on behalf of all others similarly
situated,

Plaintiffs,

v.

ADVOCATE AURORA HEALTH, INC. and
AURORA HEALTH CARE, INC.,

Defendants.

Case No. 2:22-cv-610-LA

PLAINTIFFS' MOTION FOR PRETRIAL CONFERENCE AND STATUS REPORT

Plaintiffs, by undersigned counsel and pursuant to Federal Rule of Civil Procedure 16(a), respectfully move for a pretrial conference to update the Court on the progress of discovery and address the status of certain pending motions. Rule 16(a) permits the Court to, at its discretion, order attorneys for parties to appear before it on any matter that relates to case management, expedites the disposition of a proceeding, or discourages wasteful pretrial activities. As fact discovery has been ongoing since June 2023, and is set to close in three months, Plaintiffs request the opportunity to update the Court on the status of their discovery efforts and seek the Court's assistance in achieving a timely resolution of several pending disputes. Plaintiffs requested that Defendants join this motion or indicate whether it was opposed or unopposed by Defendants, but Defendants did not respond.

STATUS REPORT

In support of this Motion, Plaintiffs submit a Status Report outlining the status of discovery in this case and the currently unresolved issues before the Court. Plaintiffs respectfully submit this information to be used, at the Court's discretion, as a guide for the issues to be addressed at the requested conference.

1. Current Case Schedule

Discovery began in June 2023. Fact discovery is scheduled to close February 19, 2025, and expert discovery on August 13. Defendants issued their First Set of Requests for Production of Documents on August 15, 2023. Plaintiffs did so the following day, and issued a Second Set of Requests on June 10, 2024. Substantial production of documents responsive to these Requests was due September 18, 2024; both Parties met this deadline. Plaintiffs issued their First Set of Interrogatories on October 25, 2024. Both sides have also issued various subpoenas to assorted third parties. Depositions have begun and are ongoing.

2. Pending Disputes

In the course of the fact discovery described above, the Parties have submitted several motions to compel production of various documents, which are pending before the Court. These include:

- a. **Defendants’ Motion to Compel Production of “consideration of alternative health plans” from Plaintiffs** (ECF No. 67)
- b. **Plaintiffs’ Motion to Compel Production of “Merger Files” from Defendants** (ECF No. 97)
- c. **Motions to compel production of documents and data from third parties:**
 - i. ECF No. 87: Plaintiffs’ Motion to Compel Non-Party Atrium Health to Produce Documents
 - ii. ECF No. 107: Defendants’ Motion to Compel Non-Party ProHealth Care, Inc. to Produce Documents and Data by a Date Certain
 - iii. ECF No. 109: Defendants’ Motion to Compel Non-Party Network Health, Inc. to Produce Documents and Data by a Date Certain
 - iv. ECF No: 116: Defendants’ Motion to Compel Non-Party Anthem Blue Cross Blue Shield of Wisconsin to Produce Documents and Data by a Date Certain

Plaintiffs further submit that there may be additional discovery issues that will become ripe by the time of the requested status conference, and request that the Court, as appropriate and at the Court’s discretion, address any such issues at that time.

WHEREFORE, Plaintiffs respectfully request that the Court set this matter for a pretrial conference at the Court’s earliest convenience to address the issues identified above, as well as any other issues the Court deems appropriate.

Dated: November 19, 2024

Respectfully submitted,

/s/ Michael L. Wallin

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 19, 2024, a true and correct copy of the foregoing was filed with this Court via the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

Dated: November 19, 2024

/s/ Michael L. Wallin
Michaela L. Wallin