

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

JULIE A. SU,)	
Acting Secretary of Labor,)	
United States Department of Labor,)	CIVIL ACTION NO. 23-CV-00513
)	
Plaintiff,)	
)	District Judge William M. Conley
v.)	
)	
UMR, INC.,)	Magistrate Judge Anita M. Boor
)	
Defendant.)	

**JOINT MOTION FOR CONTINUANCE OF TRIAL DATE AND
EXTENSION OF PRETRIAL DEADLINES**

Plaintiff Julie A. Su, Acting Secretary of Labor, U.S. Department of Labor (“Plaintiff” or “Acting Secretary”) and Defendant UMR, Inc. (“Defendant” or “UMR”) (collectively, “parties”) hereby move for a continuance of the scheduled trial in this matter and commensurate extension of the pretrial deadlines. The parties state the following constitutes good cause for continuing the trial and extending pretrial deadlines:

1. The Acting Secretary filed a Complaint against UMR on July 31, 2023, alleging violations of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001 *et seq.* (“ERISA”). The Complaint alleges from January 1, 2015, through the present, UMR committed ERISA violations in connection with administering hospital emergency services (“ER”) claims, urinary drug screening (“UDS”) claims, and the associated adverse benefit determinations for thousands of participants. The Acting Secretary asserts that she seeks restoration of all losses suffered to the plans, including lost opportunity costs, reformation of UMR’s procedures for receiving, processing, and adjudicating ER and UDS claims, requiring UMR to comply with ERISA and reimburse

all participants whose ER and UDS claims were denied or partially denied from January 1, 2015 to present, and an injunction.

2. On September 29, 2023, UMR filed a Motion to partially dismiss the Complaint with respect to retrospective relief sought in the Complaint. The parties completed briefing on UMR's Motion in November 2023. A ruling on the Motion has not yet issued.
3. On November 3, 2023, the Court issued a Preliminary Pretrial Conference Order setting the trial for March 10 – 21, 2025 and setting various pretrial deadlines.
4. Since issuance of the Court's Order, the parties have engaged in discovery. The scope and complexities of the case require extensive discovery protocols and discussions between the parties. The parties expect full discovery in this matter will require them to review and exchange tens of thousands of pages of documents and depose numerous individuals.
5. Concurrently, the parties have also been diligently negotiating in hopes of reaching a settlement. They have exchanged settlement proposals as well as information needed to resolve outstanding issues with respect to a potential agreement.
6. The parties have agreed to mediate and have been diligently attempting to schedule a mediation to aid their settlement negotiations and have been exploring several options for a mediator, including both a private mediator and the Court's mediation program. To date, the Court's mediation program has been unable to identify a suitable mediator; thus, the parties are currently focused on engaging the services of a private mediator.
7. Scheduling of the mediation must account for the availability of several individuals from both parties as well as the mediator. Additionally, scheduling cannot be finalized until the Acting Secretary completes the procurement processes required to obtain a private

mediator. Nonetheless, in an effort to schedule the mediation as quickly as possible, the parties held September 25-25, 2024, with mediator Elliot Gordon while they await completion of the procurement process. In the meantime, the parties continue to attempt to make progress in their negotiations.

8. Given the parties' agreement to engage in mediation and the progress they've made in settlement discussions, the parties wish to focus their efforts and resources on reaching an amicable resolution of the case.
9. The parties believe that continuing the trial for a period of approximately six months and extending the pretrial deadlines accordingly would allow them to put all efforts toward settlement negotiations. Such a continuance and extension promote judicial economy and preserve the resources of the parties and the Court without unduly delaying proceedings.
10. To that end, the parties jointly propose the trial be continued and pretrial deadline extended as follows:
 - a. Proponent Expert Reports: November 18, 2024
 - b. Respondent Expert Reports: February 7, 2025¹
 - c. Dispositive Motions: February 28, 2025
 - d. Opposition to Dispositive Motions: April 4, 2025
 - e. Replies in support of Dispositive Motions: April 25, 2025
 - f. Discovery Deadline: July 3, 2025
 - g. Motions in Limine: July 18, 2025

¹ Plaintiff is required to complete a procurement process to retain a Respondent Expert. As a result of potential challenges with that procurement process, it is possible that the deadlines for expert reports will need to be modified. Consistent with the Court's November 3, 2023 Preliminary Pretrial Conference Order (Dkt. 19), "[t]he parties may agree among themselves to modify deadlines and procedures relating to experts, though all expert disclosures must be made no later than 60 days before trial, and expert discovery must be completed no later than 30 days before trial."

- h. Oppositions to Motions in Limine: August 11, 2025
- i. Settlement Letters: June 12, 2025
- j. First Final Pretrial Conference: On or around August 25, 2025
- k. Second Final Pretrial Conference: On or around September 1, 2025
- l. Trial: On or around September 8-12 and 15-19, 2025

Accordingly, for good cause shown, the parties respectfully request the Court grant their motion and continue the trial and extend the pre-trial deadlines as set forth herein.

Dated: June 25, 2024

For Defendant:

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