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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SUZANNE KISTING-LEUNG, *et al.*,

Plaintiffs,

v.

CIGNA CORPORATION, *et al.*,

Defendants.

Case No. 2:23-cv-01477-DAD-CSK

~~PROPOSED~~ **STIPULATED ORDER
REGARDING USE OF TECHNOLOGY
ASSISTED REVIEW**

1 Defendants the Cigna Group (f/k/a Cigna Corporation) and Cigna Health and Life Insurance
2 Company (together, “Cigna” or “Defendants”) and Samantha Dababneh, Randall Rentsch, and
3 Abdulhussein Abbas (collectively “Plaintiffs”) (individually, a “Party” and collectively, the
4 “Parties”), by and through their respective counsel, hereby stipulate as follows:

5 1) As set forth in the Parties’ Joint Scheduling Report Pursuant to Rule 26(f) (Dkt. 58),
6 filed on May 23, 2025, the Parties have agreed to utilize the same document custodians, search terms,
7 relevant time period, and technology assisted review protocol (“TAR Protocol”) as in *Snyder, et al.*
8 *v. The Cigna Group, Cigna Health and Life Ins. Co., and Cigna Health Mgmt., Inc.*, 3:23-cv-1451-
9 OAW (D. Conn. Nov. 2, 2023) (“*Snyder Action*”).

10 2) A copy of the TAR Protocol used in the *Snyder Action* is attached as Exhibit A.

11 3) The TAR Protocol sets forth various disclosure requirements that a Party intending to
12 use TAR must comply with. Section II.C requires that if a Party intends to use search terms to identify
13 responsive ESI, with or without the use of TAR, it must identify its custodians, date restrictions for
14 each custodian, keyword search terms to be used, and hit counts. Additionally, Section II.D requires
15 that a party choosing to use TAR disclose the names of its custodians and date range restrictions for
16 each custodian. Section III.B also requires that Cigna disclose the total number of documents
17 collected from each custodian, and the total number of documents in the TAR review set. The Parties
18 stipulate that Cigna has provided Plaintiffs with Cigna’s amended TAR disclosures (which list its
19 custodians, relevant time periods for each custodian and for its non-custodial documents, number of
20 documents collected from each custodian, and number of documents in the TAR review set), TAR
21 search terms, and final hit report from the *Snyder Action*, which the Parties agree fulfill Cigna’s
22 disclosure obligations with respect to Sections II.C, II.D, and III.B.

23 4) As further set forth in the Parties’ Joint Scheduling Report Pursuant to Rule 26(f), the
24 Parties are willing to meet and confer to discuss additional search terms specific to the named
25 Plaintiffs in this matter (such as names and plan sponsor information), and Plaintiffs agree to provide
26 such proposed search terms within 30 days of entry of this stipulation. The Parties will then meet and
27 confer regarding the additional proposed search terms, and to the extent they are unable to resolve
28

any disputes within 90 days of the entry of this Stipulation, any Party may file an appropriate motion for a determination by the Court.

5) Section III.A.3 also requires that Cigna disclose in writing its vendor, TAR Software with version, and general TAR process. Cigna's disclosure is as follows: Cigna's vendor is Consilio, and Cigna will be using TAR 2.0 protocols. Cigna's TAR software is Brainspace's Continuous Multimodal Learning version 6.8.1-42. To summarize its general process, a TAR 2.0 workflow ranks documents on how likely they are to be responsive so that they may be reviewed in a prioritized order. The parties further agree that this satisfies Cigna's disclosure obligations with respect to Section III.A.3.

6) The Parties agree that all references to the Local Rules of the District of Connecticut in the TAR Protocol should be stricken and replaced by references to the Local Rules of the Eastern District of California.

7) The Parties otherwise agree that the provisions set forth in the TAR Protocol attached as Exhibit A shall apply in the above-captioned matter. For the avoidance of doubt, this means that the Parties agree that the Validation Protocol Set forth in Section III.D is reasonable and appropriate. The Parties further agree that Cigna may use the same Validation Sample in both the *Snyder* Action and in the above-captioned matter, which Plaintiffs can evaluate pursuant to the terms of the TAR Protocol.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: September 3, 2025

Respectfully submitted,

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**Admitted Pro Hac Vice*

Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 3, 2025

By:



Honorable Chi Soo Kim

United States Magistrate Judge

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