

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

JOANNE BARROWS, et al.,

PLAINTIFFS

v.

Civil Action No. 3:23-CV-00654-RGJ-CHL

HUMANA, INC.,

DEFENDANT

* * * * *

SCHEDULING ORDER

The Court conducted a telephonic Fed. R. Civ. P. 16 scheduling conference in this matter on October 6, 2025, with the following counsel participating:

For Plaintiffs: Glenn A. Danas; Michael A. Boelter

For Defendants: Kevin D. Feder; Jason Yan; Burt Anthony Stinson; Michael Abate

Based on the Court's review of the Parties' Joint Rule 26(f) Report (DN 88), and the Court being otherwise sufficiently advised, it is hereby **ORDERED** that the following deadlines and conditions shall be observed in this action:

- (1) Initial disclosures pursuant to Rule 26(a)(1) shall be completed no later than **October 10, 2025**.
- (2) Any motion to amend pleadings or motion to join additional parties shall be filed no later than **October 10, 2025**.
- (3) On or before **October 30, 2025**, the Parties shall confer and agree on a proposed ESI protocol and file a copy of their agreement in the record.
- (4) The Court will require the Parties to file periodic status reports regarding their progress in discovery and against the deadlines contained herein. The Parties' first report shall be filed no later than **November 24, 2025**, and the Parties shall file

subsequent status reports every **forty-five days thereafter**. Each status report shall detail progress made in the case since submission of the previous report and shall address whether the Parties believe they are on track to meet the current deadlines.

- (5) Plaintiffs shall identify their expert(s) related to class certification in accordance with Rule 26(a)(2) on or before **June 25, 2026**. At the time expert reports and supplementation of the reports are exchanged, at least two proposed dates for the deposition of each expert witness within the following thirty days shall be provided.
- (6) Plaintiffs shall file their class certification motion on or before **June 25, 2026**.
- (7) On or before **August 20, 2026**, the Parties shall take any depositions of Plaintiffs' expert(s).
- (8) On or before **August 20, 2026**, the Parties shall complete all discovery on all issues related to named Plaintiffs and class certification.
- (9) On or before **September 23, 2026**, Defendant shall identify its expert(s) related to class certification. At the time expert reports and supplementation of the reports are exchanged, at least two proposed dates for the deposition of each expert witness within the following thirty days shall be provided.
- (10) On or before **September 23, 2026**, Defendant shall file its response to Plaintiffs' class certification motion.
- (11) On or before **November 20, 2026**, the Parties shall take any depositions of Defendant's expert(s).
- (12) On or before **December 22, 2026**, Plaintiffs shall file their reply, if any, in support of their class certification motion.

(13) Within **thirty days** of the Court's ruling on Plaintiffs' class certification motion, the Parties shall file a joint proposed amended scheduling order for the remainder of the case that includes their estimation of the length of any trial in this matter.

(14) This matter is set for a telephonic status conference before the undersigned on **February 17, 2026, at 11:30 AM ET.**¹ Counsel for the Parties shall connect to the conference by dialing 1-650-479-3207 and entering access code 2319 759 1660. Attendees should press # to skip entry of an attendee or host code.

(15) **Discovery Disputes.** **Motions on discovery and scheduling disputes may not be filed without first having a joint telephonic conference with the Magistrate Judge arranged through his or her chambers.** Counsel shall e-mail the undersigned's Case Manager, Theresa Burch, at theresa_burch@kywd.uscourts.gov, and copy all counsel of record to schedule the conference. Counsel shall include a short, non-argumentative statement regarding the general nature of the dispute (*e.g.* "Counsel would like to discuss the sufficiency of plaintiff's/defendant's responses to written discovery") but shall refrain from including substantive legal arguments or lengthy recitations of the facts underlying the dispute. Pursuant to Local Rule 37.1, prior to filing a discovery motion (*i.e.*, motion to compel, motion for sanctions *etc.*), all counsel must make a good faith effort to resolve extra judicially any dispute relating to discovery. The Court will not entertain discovery motions unless counsel have conferred – or attempted to confer – with other affected parties in an effort to resolve their dispute. The moving party must attach to every

¹ Counsel is advised that the Court is setting this conference telephonically as a convenience to and cost-saving measure for the Parties. But the telephonic conference is still a court proceeding for which the Court expects counsel to appear on time. Counsel is cautioned that non-appearance may result in the proceeding being rescheduled for an in-person conference that client representatives must attend and/or the issuance of sanctions pursuant to Fed. R. Civ. P. 16(f).

discovery motion a certification that counsel have conferred and are unable to resolve their differences. The certification must detail counsel's attempts to resolve the dispute.

(16) **Deadline Extensions.** No extensions of the deadlines set in this order, or any deadline set by the Federal Rules of Civil Procedure, shall be granted unless an appropriate motion is filed prior to expiration of the deadline in question, and upon a showing of good cause beyond the control of counsel in the exercise of due diligence. In the event all parties agree to extend a deadline set in this order, or a deadline contained in the Federal Rules of Civil Procedure, the parties must file a joint motion attaching the agreed order. This provision shall prevail over Joint Civil Local Rule 7.1 regarding motions to the extent inconsistent therewith.

(17) The undersigned is conducting settlement conferences both via Zoom and in person. The undersigned also remains available to conduct *ex parte* calls regarding settlement upon request. Any party who wishes to request either a settlement conference or an *ex parte* call regarding settlement shall e-mail the undersigned's Case Manager, Theresa Burch, at theresa_burch@kywd.uscourts.gov, copying all counsel of record, to request the same. If requesting a settlement conference, the parties shall confer and state in any request whether they prefer the conference be held in person or via Zoom.

(18) New attorneys often do not have many opportunities to appear and argue in court despite how valuable that experience can be during their early career. Judge Lindsay strongly encourages all attorneys and their clients to provide substantive speaking opportunities to less experienced attorneys. To encourage such opportunities, while oral argument is often unnecessary to resolve motions, Judge Lindsay will hold oral argument on a motion that has been submitted to him if the requesting party will commit to entrusting the argument to an attorney who graduated

from law school no more than seven years ago. Any party requesting oral argument shall do so via e-mail to Judge Lindsay's Case Manager, Theresa Burch, at theresa_burch@kywd.uscourts.gov and shall copy opposing counsel on the request.

A handwritten signature in black ink that reads "Colin H. Lindsay". The signature is written in a cursive style. Behind the signature is a faint, circular official seal of the United States District Court for the Western District of Kentucky.

Colin H Lindsay, Magistrate Judge
United States District Court

cc: Counsel of Record

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October 9, 2025