

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

TIARA YACHTS, INC.,

Plaintiff,

v.

BLUE CROSS BLUE SHIELD OF MICHIGAN,

Defendant.

Civil Action No.: 1:22-cv-603

Judge: Hon. Robert J. Jonker

Magistrate Judge: Ray Kent

**BCBSM’S RESPONSE TO PLAINTIFF’S MOTION TO AMEND
THE CASE MANAGEMENT ORDER**

Plaintiff Tiara Yachts, Inc. is correct that Defendant Blue Cross Blue Shield of Michigan (“BCBSM”) does not oppose extending the dates in the current Case Management Order. Indeed, BCBSM approached Tiara Yachts on May 29, 2026 with a stipulation to do so, in part due to its realization that Tiara Yachts’ expert deadline was forthcoming and that the parties were working through unresolved issues that would impact Tiara Yachts’ expert report. Rather than stipulate, Tiara Yachts responded 10 days later that it would prefer to file a motion on this topic, undoubtedly for an opportunity to air grievances.

While BCBSM supports the extension of the scheduling order dates that Tiara Yachts has presented in its motion, it is forced to respond to several points in the “Brief” that Tiara Yachts filed in support of its motion (ECF No. 144):

1. BCBSM complied with its production obligations under the parties’ April 14, 2026 joint stipulation (ECF No. 140). On April 30, 2026, it produced 546 documents that are responsive to Tiara Yachts’ requests for production. On May 22, 2026, it produced an additional 310 documents, for a total of 856 documents. Tiara Yachts has not presented any complaints about

missing substance—instead it presents only superficial complaints about numbers. BCBSM anticipates that an additional production will be made by June 19, 2026, and that it will not significantly increase the total number of documents. This will be a complete or near-complete production from the population of custodial documents that BCBSM has obtained through its initial list of custodians and search terms. Tiara Yachts has never presented a reasonable alternative list of custodians and search terms, despite having more than six months to do so.

2. BCBSM did not make a single redaction “without basis.” BCBSM redacted the names and confidential information of other customers, as it has done by court order in similar litigation involving Tiara Yachts’ counsel. None of the redactions relates to Tiara Yachts.

3. BCBSM’s April 30, 2026 (Thursday) document production was password-protected because it is necessary to transfer sensitive data over the internet in a secure manner. BCBSM’s cover email inadvertently did not include the password. Tiara Yachts’ counsel requested the password at 3:56pm on May 4, 2026 (Monday). BCBSM’s counsel provided the password 24 minutes later, at 4:20pm on the same date.

4. On May 12, 2026, counsel for Tiara Yachts raised several issues with BCBSM’s document production. The most substantial was that email attachments had been separated from their parent emails. BCBSM corrected that issue by the end of the following week, on May 22, 2026. That re-production added the 310 additional documents described above.

5. BCBSM’s April 30, 2026 production, which was its second production in this matter, incorrectly started with the Bates number BCBSM-Tiara000266 instead of BCBSM-Tiara000269. That issue was also corrected in the May 22, 2026 production.

6. BCBSM and Tiara Yachts have engaged in dialogue regarding BCBSM’s confidentiality designations. As of the date of Tiara Yachts’ motion, BCBSM had already removed

the confidentiality designations on a number of documents. BCBSM also intends to voluntarily remove the confidentiality designations on a number of other documents—but certainly not all of them, as Tiara Yachts has unreasonably requested—as will be communicated to Tiara Yachts separately from this filing.

BCBSM remains committed to working collaboratively with Tiara Yachts on the parties’ open discovery issues. It also reiterates its belief that the scheduling order should be extended to allow both parties and their experts sufficient time to adequately support their claims and defenses in this matter. Given the imminence of Tiara Yachts’ expert deadline, BCBSM respectfully requests that the Court enter the extension as soon as possible.

Respectfully submitted,

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