



**Allegations in the Pleadings and Jury Demand**

Plaintiffs United States of America and the State of Ohio bring this antitrust action to challenge certain restrictions found in OhioHealth Corporation’s contracts with commercial health insurers. Plaintiffs allege that these restrictions impede competition among hospital providers and prevent insurers from offering money-saving health insurance plan options to employers and patients in the Columbus area. Plaintiffs United States and the State of Ohio bring a claim under Section 1 of the Sherman Act, 15 U.S.C. § 1, and Plaintiff State of Ohio brings a claim under Ohio’s Valentine Act, Ohio Revised Code §§ 13301.01 et seq. Plaintiffs seek injunctive relief to prohibit Defendant OhioHealth Corporation from enforcing these allegedly unlawful contract restrictions and to enjoin Defendant from engaging in similar contracting practices in the future. Defendant intends to move for dismissal of the complaint under Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted, and denies that any provision in its contracts with commercial health insurers have an adverse effect on competition. Plaintiffs intend to oppose the motion because the Complaint states claims for relief under the Sherman and Valentine Acts.

**Expert Disclosures**

Plaintiffs’ initial expert reports, if any, must be produced by **March 7, 2027**. Defendant’s expert reports, if any, must be produced by **April 4, 2027**. Plaintiffs’ rebuttal expert reports, if any, must be produced by **May 2, 2027**.

If an expert is retained or specially employed to provide expert testimony in the case or one whose duties as the party’s employee regularly involve giving expert testimony, the witness identification must consist of a report that conforms to Rule 26(a)(2), unless otherwise stipulated or ordered by the Court.

**Discovery Deadline and Limitations**

The parties may, without further leave of Court, agree to exceed the limitations on discovery established by the Federal Rules of Civil Procedure or the Local Rules of this Court. If the parties are unable to reach an agreement on any matter related to discovery, prior to filing a motion, they are directed to arrange an informal conference with the Court.

Fact discovery shall commence on **April 21, 2026**. The parties must make any requests for production of insurer claims data by **June 20, 2026**. All fact discovery shall be completed by **February 21, 2027**.

All expert discovery shall be completed by **May 16, 2027**. For purposes of complying with this Order, the parties must schedule their discovery in such a way as to require all responses to be served prior to the deadline and must also file any motions relating to discovery within the discovery period.

The parties do anticipate the production of ESI. The parties are in the process of discussing an ESI protocol. If ESI is necessary, the parties will agree to a method for conducting discovery of ESI. Specifically, the parties will confer in good faith regarding methods to conduct discovery of ESI and when they determine that such discovery is needed.

The parties intend to seek entry of a protective order or clawback agreement. The parties shall produce to the Court such order or agreement by **April 21, 2026**.

**Dispositive Motions**

Case dispositive motions must be filed by **June 13, 2027**. Oppositions to case dispositive motions must be filed by **July 11, 2027**. Replies to oppositions to case dispositive motions must be filed by **July 25, 2027**.

## **Settlement**

Plaintiff made a settlement demand on **March 6, 2026**. Defendants responded on **March 20, 2026**. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference in **September 2027**. In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement order which requires *inter alia* that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

Referral to court-facilitated mediation has no effect on the case schedule. All deadlines established in this Order will remain in place unless the parties move for and are granted a continuance or stay. In the event the parties schedule a private mediation, they may notify the Court and request to be excused from participation in court-facilitated mediation.

## **Other Matters**

### **Deposition Protocol:**

When any Side notifies the other Side about its intention to attempt to secure the deposition of a third party, the other Side may “cross notice” the deposition, provided they do so not later than 7 days after the notice of intent to secure the deposition was received. For a deposition that is “cross noticed,” each Side may use up to 3.5 hours on the record. If a third-party deposition is not “cross noticed,” the “noticing” side may use up to 5 hours on the record. The other Side may use up to two hours on the record. A “cross notice” counts against the crossnoticing Side’s deposition limit.

Privilege Logs:

The following privileged or otherwise protected communications may be excluded from privilege logs: (1) documents or communications sent solely between outside counsel for the Defendant (or persons employed or acting on behalf of such counsel); (2) documents or communications sent solely between counsel for Plaintiffs (or persons employed or acting on behalf of the United States Department of Justice or State of Ohio AG); and (3) documents or communications sent solely among inside counsel (acting in a purely legal capacity), or inside counsel (acting in a purely legal capacity) and outside counsel (or persons employed by or acting on behalf of counsel) for the Defendant. For each entry of the privilege log, all attorneys acting in a legal capacity with response to that document or communication will be marked with the designation ESQ after their names (including a space before and after the “ESQ”).

Attorney Fees:

Any party intending to seek attorney fees and costs as a prevailing party shall make quarterly reports to the other party disclosing the to-date accrued attorney’s fees and costs.

Computing Time:

If any date set in this Order falls on a Saturday, Sunday, or legal holiday, the date of the next business day will control.

**IT IS SO ORDERED.**

/s/ S. Courter M. Shimeall

**S. COURTER M. SHIMEALL  
UNITED STATES MAGISTRATE JUDGE**