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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA ex rel.
 RONDA OSINEK,

 Plaintiff,

 v.

 KAISER PERMANENTE, et al.,

 Defendants.

Case No. 3:13-cv-03891-EMC

**STIPULATION TO AMEND THE
 CASE MANAGEMENT ORDER AND
~~PROPOSED~~ ORDER**

(CAPTION CONTINUED)

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UNITED STATES OF AMERICA ex rel.
GLORYANNE BRYANT and VICTORIA
HERNANDEZ,

Plaintiff,

v.

KAISER PERMANENTE, et al.,

Defendants.

Case No. 3:18-cv-01347-EMC
**STIPULATION TO AMEND THE
CASE MANAGEMENT ORDER AND
~~PROPOSED~~ ORDER**

UNITED STATES OF AMERICA ex rel.
JAMES M. TAYLOR,

Plaintiff,

v.

KAISER PERMANENTE, et al.,

Defendants.

Case No. 3:21-cv-03894-EMC
**STIPULATION TO AMEND THE
CASE MANAGEMENT ORDER AND
~~PROPOSED~~ ORDER**

Pursuant to the Court's Order, Dkt. No. 329, the parties have met and conferred and stipulate to the following extension of deadlines and amendment of the Case Management Order, and respectfully request that the Court enter the below Proposed Order.

	CURRENT DEADLINE	AMENDED DEADLINE
United States' Deadline to Serve Discovery for Documents and Information Needed to Respond to KFHP's Interrogatory Nos. 1, 2, and 4¹	None	Served 2/14/2024
Defendants' Deadline to Produce Documents and Respond to the United States' Discovery Requests²	None	8/12/2024
United States' Deadline to Respond to KFHP Interrogatory Nos. 1, 2, and 4³	None	4/11/2025

¹ The United States' Third Set of Written Interrogatories to Defendants and Fourth Set of Requests for Production of Documents to Defendants ("United States' Discovery Requests"), served on February 14, 2014, are filed at Dkt. No. 327-1 at 107-14 and 116-27.

² Defendants will begin making rolling productions in response to the United States' Fourth Set of Requests for Production of Documents to Defendants ("Fourth Set") in March 2024. Defendants' productions of medical records and related queries, as those terms have been defined by the parties, will contain a metadata field identifying the patient using the medical record number ("MRN") listed in the Fourth Set. This MRN labeling requirement does not apply to any medical records or related queries that Defendants have already produced to the United States in this matter. By the August 12, 2024 deadline, Defendants will certify to the United States that, consistent with Defendants' Responses and Objections to the Fourth Set dated March 15, 2024 and any agreements reached by the parties regarding those objections, they have substantially completed their production of documents regarding the patient encounters identified in the Fourth Set, except for Request No. 51, which is not subject to the August 12, 2024 deadline.

³ With respect to Interrogatory No. 1, the United States will identify the alleged false claims for payments.

With respect to Interrogatory No. 2, the United States will provide the same categories of information that it previously provided for the alleged false claims identified in its Complaint, namely, the date of service, the ICD code for the alleged false claims, and a description of why each claim is allegedly false: because the condition did not coexist at the time of the visit, because the condition did not require or affect patient care treatment or management, or both.

With respect to Interrogatory No. 4, the United States will identify which of the alleged false claims it identified in response to Interrogatory No. 1 will be in the sample or samples for the extrapolation that it intends to offer in this case.

For any patient encounter for which Defendants do not provide the certification required in footnote 2 of this Stipulation and Order by the August 12, 2024 deadline, the United States'

	CURRENT DEADLINE	AMENDED DEADLINE
General Fact Discovery Deadline	3/25/2024	7/15/2025
Deadline for Plaintiffs' Designation of Experts and Service of Affirmative Expert Reports	None	9/4/2025
Limited Purpose Fact Discovery Deadline⁴	None	9/9/2025
Deadline for Defendants' Designation of Experts, Service of Affirmative Expert Reports, and Service of Rebuttal Expert Reports	5/24/2024	11/10/2025
Deadline for Plaintiffs' Service of Rebuttal Expert Reports	7/23/2024	1/22/2026
Close of Expert Discovery	9/13/2024	3/5/2026
FRE 702 Motions		
Deadline for filing Federal Rule of Evidence 702 motions	10/4/2024	3/30/2026
Deadline for oppositions to Federal Rule of Evidence 702 motions	12/4/2024	5/8/2026
Deadline for replies in support of Federal Rule of Evidence 702 motions	1/25/2024	5/29/2026

deadline to respond to KFHP Interrogatory Nos. 1, 2, and 4 for that specific patient encounter will automatically be extended by the same number of calendar days as the number of calendar days beyond the August 12, 2024 deadline that are necessary for Defendants to certify that their production is substantially complete as to that specific encounter. In the event that the United States contends that Defendants have not completed the production of required documents for any patient encounter previously certified by Defendants as substantially complete, the automatic extension of this April 11, 2025 deadline will not apply. In the event that the United States' April 11, 2025 deadline to respond to KFHP Interrogatory Nos. 1, 2, and 4 as to any patient encounter is extended—automatically by operation of this Stipulation and Order or by future Court order—the parties reserve the right to seek extension of the deadline in this Stipulation and Order for limited purpose fact discovery to account for any such extension. Nothing in this Stipulation and Order will be construed to limit the United States' right to supplement or amend its responses consistent with the requirements of the Federal Rules of Civil Procedure. Nothing in this Stipulation and Order will be construed to limit Defendants' right to object to any such supplementation or amendments.

⁴ This deadline extends fact discovery only for discovery concerning the particular patient encounters identified by the United States in response to KFHP's Interrogatory Nos. 1, 2, and 4.

	CURRENT DEADLINE	AMENDED DEADLINE
Provisional hearing date on Federal Rule of Evidence 702 motions	2/7/2025	N/A
Dispositive Motions		
Deadline for filing all dispositive motions	2/14/2025	6/19/2026
Deadline for oppositions to dispositive motions	4/15/2025	8/18/2026
Deadline for replies in support of dispositive motions	6/13/2025	10/16/2026
Provisional Hearing Date on Dispositive Motions [and FRE 702 Motions]	8/12/2025	12/8/2026 10
Pretrial Meet-and-Confer	10/28/2025	2/1/2027
Motions in Limine		
Parties serve moving papers	11/7/2025	2/11/2027
Parties serve oppositions	11/14/2025	2/18/2027
Moving parties file paired sets	11/18/2025	2/22/2027
Deadline for Joint Pretrial Statement and Trial Briefs	11/18/2025	2/22/2027
Deadline for Objections	11/28/2025	3/4/2027
Pretrial Conference	1/20/2026	3/16/2027
Start of Trial	2/17/2026 8:30 am	4/19/2027 8:30 am

1 IT IS SO STIPULATED.

2 DATED: March 29, 2024

Respectfully submitted,

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/s/ K. Lee Blalack, II

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* In compliance with Civil Local Rule 5-1(i)(3), the filer attests that all signatories have concurred in the filing of this document.

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~~PROPOSED~~ ORDER **AS MODIFIED**

PURSUANT TO STIPULATION, IT IS SO ORDERED that the Case Management Order is hereby amended. The parties shall adhere to the above amended case schedule.

Dated: April 3, 2024


The Honorable Edward M. Chen
United States District Judge