

1 DAVID DEATON (S.B. # 205713)
 ddeaton@omm.com
 2 STEPHEN M. SULLIVAN (S.B. # 245314)
 ssullivan@omm.com
 3 CAITLIN M. BAIR (S.B. # 256994)
 cbair@omm.com
 4 DIMITRI D. PORTNOI (S.B. # 282871)
 dportnoi@omm.com
 5 ANNE STEINBERG (S.B. # 300797)
 asteinberg@omm.com
 6 KYLE M. GROSSMAN (S.B. #313952)
 kgrossman@omm.com
 7 ELIZABETH ARIAS (S.B. #318283)
 earias@omm.com
 8 O'MELVENY & MYERS LLP
 Two Embarcadero Center
 9 San Francisco, California 94111
 Telephone: (415) 984-8700
 10 Facsimile: (415) 984-8701

K. LEE BLALACK, II (admitted *pro hac vice*)
 lblalack@omm.com
 O'MELVENY & MYERS LLP
 1625 Eye Street, N.W.
 Washington, D.C. 20006
 Telephone: (202) 383-5300
 Facsimile: (202) 383-5414

11 *Attorneys for Defendants*

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 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**
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 18 UNITED STATES OF AMERICA ex rel.
 RONDA OSINEK,

19 Plaintiff,

20 v.

21 KAISER PERMANENTE, et al.,

22 Defendants.
 23

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

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

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 27 (CAPTION CONTINUED)
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1 Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, the United States of America;
2 Defendants Kaiser Foundation Health Plan, Inc. (“KFHP”), Kaiser Foundation Health Plan of
3 Colorado (“KFHP-CO”), The Permanente Medical Group, Inc. (“TPMG”), Southern California
4 Permanente Medical Group (“SCPMG”), Colorado Permanente Medical Group, P.C. (“CPMG”),
5 Kaiser Foundation Health Plan of the Northwest (“KFHP-NW”), Kaiser Foundation Hospitals
6 (“KFH”), and Northwest Permanente, P.C. (“NW PMG”) (collectively, “Defendants”); and
7 Relators James Taylor, M.D., Gloryanne Bryant, and Victoria Hernandez (collectively,
8 “Relators”) hereby recite, stipulate, and request as follows:

9 WHEREAS, the Court, by Order dated February 15, 2022 [Dkt. No. 184], issued a Case
10 Management and Pretrial Order setting forth the case schedule, providing a general fact discovery
11 deadline of March 25, 2024.

12 WHEREAS, the Court, by Order dated April 3, 2024 [Dkt. No. 332], issued an Amended
13 Case Management and Pretrial Order setting forth the case schedule, providing a general fact
14 discovery deadline of July 15, 2025.

15 WHEREAS, the Parties have completed substantial discovery, including exchanging
16 responses to hundreds of written discovery requests, producing over 2.5 million documents, and
17 completing over 70 depositions.

18 WHEREAS, the Parties cannot complete all remaining fact discovery by the existing
19 deadline of July 15, 2025.

20 WHEREAS, the Parties agree that they require additional time to complete their responses
21 to previously-served written discovery requests and certain specified depositions that cannot be
22 scheduled by July 15, 2025.

23 WHEREAS, the Parties agree that they will not serve any new written discovery requests
24 during the extended discovery period, such as requests for production, interrogatories, or requests
25 for admission.

26 WHEREAS, the Parties agree that the only additional depositions to be completed are:
27 (1) depositions already noticed by the Parties pursuant to Federal Rule of Civil Procedure
28 30(b)(6), (2) certain specified Rule 30(b)(1) depositions that have already been noticed or

1 requested but not yet noticed, (3) Rule 30(b)(1) depositions of certain healthcare providers listed
2 in Plaintiff United States’ responses to Defendant KFHP’s Interrogatory Nos. 1, 2, and 4, and
3 (4) Rule 30(b)(1) depositions of witnesses newly disclosed during the extension period or who
4 were newly disclosed as of June 13, 2025 in Plaintiff United States’ Second Amended and
5 Supplemental Disclosures.¹

6 WHEREAS, the Parties agree to complete certain document and data productions by the
7 following deadlines: (1) Defendant TPMG will produce medical records responsive to Plaintiff
8 United States’ Sixth and Seventh Sets of Requests for Production (“RFPs”) by August 1, 2025;
9 (2) Defendants and Relators will complete document productions in Relators’ non-intervened
10 cases (3:18-cv-01347-EMC; 3:21-cv-03894-EMC) by September 5, 2025, except for Defendants
11 KFHP-CO and CPMG’s production of certain data and medical records in response to Relator
12 Taylor’s RFPs; (3) the United States will complete document productions in Relators’ non-
13 intervened cases (3:18-cv-01347-EMC; 3:21-cv-03894-EMC) by September 15, 2025; (4)
14 Defendants will produce documents in response to Plaintiff United States’ RFP Nos. 32 or 51
15 associated with any healthcare provider or diagnosis on the Plaintiff United States’ responses to
16 KFHP’s Interrogatories Nos. 1, 2, and 4 by September 30, 2025; and (5) As outlined in Footnote
17 4, Defendants KFHP-CO and CPMG will complete productions of certain data and medical
18 records in response to Relator Taylor’s RFPs by November 4, 2025 in 3:21-cv-03894-EMC.

19 WHEREAS, the Parties require a limited extension to the fact discovery deadline for the
20 purpose of completing this outstanding discovery.

21 THE PARTIES HEREBY STIPULATE that, in view of the foregoing, there is good cause
22 under Rule 16(b)(4) to extend the deadlines in the Case Management Order approximately four
23 (4) months, subject to the Court’s approval, as provided below:
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28 ¹ Nothing about this agreement alters the limits on the number of fact depositions to which the Parties agreed in the Joint Case Management and Rule 26(f) Report [Dkt. No. 150].

	CURRENT DEADLINE	AMENDED DEADLINE
Discovery Deadlines		
Deadline for Defendant TPMG to produce medical records responsive to Plaintiff United States' Sixth and Seventh Sets of RFPs	None	8/1/2025
Deadline for Defendants and Relators to complete document productions in Relators' non-intervened cases (3:18-cv-01347-EMC; 3:21-cv-03894-EMC) ²	None	9/5/2025
Deadline for the United States to complete document productions in Relators' non-intervened cases (3:18-cv-01347-EMC; 3:21-cv-03894-EMC)	None	9/15/2025
Deadline for Defendants to produce documents in response to Plaintiff United States RFP Nos. 32 or 51 associated with any healthcare provider or diagnosis on the Plaintiff United States' responses to KFHP's Interrogatories Nos. 1, 2, and 4 ³	None	9/30/2025

² This deadline will not apply to the production of medical records and data responsive to RFPs served by Relator Taylor. Defendants must produce any such medical records and data by November 4, 2025.

³ Defendants will not be allowed to introduce documents produced in response to RFP Nos. 32 and 51 during the depositions of healthcare providers listed in the United States' responses to Defendant KFHP's Interrogatories 1, 2 and 4 unless those documents were produced at least seven (7) calendar days prior to said healthcare provider deposition. The failure to produce a document responsive to RFP Nos. 32 or 51 seven (7) days before a related healthcare provider deposition will not limit Defendants' ability to produce that document after the deposition or otherwise rely on it in the litigation. Defendants have informed the United States that it is very likely there will be documents responsive to RFP Nos. 32 and 51, relevant to healthcare providers listed in Plaintiff United States' responses to KFHP's Interrogatories Nos. 1, 2 and 4, and produced after the depositions of those healthcare providers if the depositions take place before September 30, 2025. Because Defendants have provided this information to Plaintiff United States and offered to schedule all such relevant healthcare provider depositions after September 30, 2025 to ensure Plaintiff United States has all of the documents potentially relevant to those depositions at the time of those examinations, Defendants will object to any efforts by Plaintiff

STIPULATION TO AMEND CASE MGMT.
ORDER AND [PROPOSED] ORDER
CASE NO. 3:13-CV-03891-EMC et al.

	CURRENT DEADLINE	AMENDED DEADLINE
Deadline for Defendants KFHP-CO and CPMG to complete productions of certain data and medical records in response to Relator Taylor's RFPs in 3:21-cv-03894-EMC ⁴	None	11/4/2025
General Fact Discovery Deadline	7/15/2025	11/17/2025
Deadline for Plaintiffs' Designation of Experts and Service of Affirmative Expert Reports	9/4/2025	1/30/2026
Deadline for Defendants' Designation of Experts, Service of Affirmative Expert Reports, and Service of Rebuttal Expert Reports	11/10/2025	4/3/2026
Deadline for Plaintiffs' Service of Rebuttal Expert Reports	1/22/2026	6/5/2026
Close of Expert Discovery	3/5/2026	7/17/2026
FRE 702 Motions		
Deadline for filing Federal Rule of Evidence 702 motions	3/30/2026	8/10/2026

United States to reopen healthcare provider depositions based on Defendants' production of such documents after those depositions occur. Plaintiff United States reserves its right to reopen any of these provider depositions scheduled between July 15, 2025 and September 30, 2025 on the basis of later produced documents responsive to RFP Nos. 32 and 51 but must seek leave of court pursuant to Rule 30 consistent with the Protocol for Depositions of Fact Witnesses in Consolidated Actions executed by the Parties.

⁴ Defendants KFHP-CO and CPMG and Relator Taylor have agreed to negotiate in good faith between now and August 1, 2025 to reach agreement on a total number of medical records that Relator Taylor will request from Defendants KFHP-CO and CPMG. Once the parties reach such agreement, Relator Taylor will (a) promptly identify medical records by patient identifier and encounter date, and (b) with respect to medical records related to Relator Taylor's Natural Language Processing ("NLP") theory of liability, Relator Taylor will identify those medical records within three weeks of Defendants KFHP-CO and CPMG's production of 2009-2014 date-of-service CMS submission data corresponding to NLP files that Defendants KFHP-CO and CPMG have produced. Defendants KFHP-CO and CPMG expect to produce CMS submission data corresponding to NLP files on or around August 1, 2025. Defendants KFHP-CO and CPMG must complete their production of medical records (if Defendants KFHP-CO and CPMG reach agreement with Relator Taylor by August 1, 2025 regarding production of medical records) and other data in response to Relator Taylor's RFPs by November 4, 2025.

	CURRENT DEADLINE	AMENDED DEADLINE
Deadline for oppositions to Federal Rule of Evidence 702 motions	5/8/2026	9/21/2026
Deadline for replies in support of Federal Rule of Evidence 702 motions	5/29/2026	10/13/2026
Provisional hearing date on Federal Rule of Evidence 702 motions	N/A	N/A
Dispositive Motions		
Deadline for filing all dispositive motions	6/19/2026	11/2/2026
Deadline for oppositions to dispositive motions	8/18/2026	12/28/2026
Deadline for replies in support of dispositive motions	10/16/2026	2/26/2027
Provisional Hearing Date on Dispositive Motions [and FRE 702 Motions]	12/10/2026	4/22/2027
Pretrial Meet-and-Confer Motions in Limine	2/1/2027	6/11/2027
Parties serve moving papers	2/11/2027	6/21/2027
Parties serve oppositions	2/18/2027	7/1/2027
Moving parties file paired sets	2/22/2027	7/8/2027
Deadline for Joint Pretrial Statement and Trial Briefs	2/22/2027	7/8/2027
Deadline for Objections	3/4/2027	7/19/2027
Pretrial Conference	3/16/2027	8/3/2027
Start of Trial	4/19/2027 8:30 am	8/30/2027 8:30 am

IT IS SO STIPULATED.

DATED: July 14, 2025

Respectfully submitted,

/s/ K. Lee Blalack, II

K. LEE BLALACK, II

DAVID DEATON

STEPHEN M. SULLIVAN

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CAITLIN M. BAIR
DIMITRI PORTNOI
ANNE STEINBERG
KYLE M. GROSSMAN
ELIZABETH A. ARIAS

Attorneys for Defendants

BRETT A. SHUMATE
Assistant Attorney General

CRAIG H. MISSAKIAN (CABN 125202)

United States Attorney

DAVID M. DEVITO
Assistant United States Attorney

/s/ Laurie A. Oberembt

JAMIE ANN YAVELBERG
EDWARD C. CROOKE

BRADEN CIVINS

ARTHUR S. DI DIO

GARY R. DYAL

MICHAL FISHMAN

MARTHA N. GLOVER

SETH W. GREENE

RACHEL C. KARPOFF

LAURIE A. OBEREMBT

JONATHAN T. THROPE

United States Department of Justice

Civil Division

Commercial Litigation Branch

Attorneys for the United States of America

/s/ Max Voldman

MARY INMAN

HAMSA MAHENDRANATHAN

HALLIE NOECKER

MICHAEL RONICKHER

ELIZABETH SOLTAN

MAX VOLDMAN

Whistleblower Partners

Attorneys for Relator James M. Taylor

/s/ Roger A. Lewis

ROGER A. LEWIS

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DAVID E. MORRISON
W. KYLE WALTHER
Goldberg Kohn Ltd.

SONYA Z. MEHTA
Siegel, Yee, Brunner & Mehta

*Attorneys for Relators Gloryanne Bryant
and Victoria M. Hernandez*


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

~~PROPOSED~~ ORDER

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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: August 7, _____, 2025



The Honorable Edward M. Chen
United States District Judge