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**Application for admission forthcoming*

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Of Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

KAREN STAPLETON, as guardian *ad litem*
for JANE STAPLETON; DAN McGEE, MD,
PhD, an individual and licensed medical
practitioner; and EUGENE EMERGENCY
PHYSICIANS, P.C., an Oregon professional
corporation;

Plaintiffs,

v.

PEACEHEALTH, a Washington nonprofit
corporation; APOLLOMD, INC., a Georgia
corporation; APOLLOMD BUSINESS
SERVICES, LLC; LANE EMERGENCY
PHYSICIANS LLC, an Oregon limited
liability corporation; and DOES 1 - 5;

Defendants.

Case No. 6:26-cv-00684-MTK

Plaintiffs Jane Stapleton, Dan Mcgee,
MD, PhD, and Eugene Emergency
Physicians, PC's

MOTION FOR EXPEDITED
DISCOVERY

Expedited Consideration Requested

CERTIFICATION

In compliance with LR 7-1, the parties made a good faith effort through video, email and telephone conferences to resolve the dispute and have been unable to do so.

MOTION

Pursuant to [FRCP 26](#), Plaintiffs move the Court for an order to allow expedited discovery in this matter.

This motion is supported by Plaintiffs' Complaint, the Declaration of Brad Anderson and the following memorandum of law.

MEMORANDUM OF LAW

I. **Introduction.**

This case involves the illegal corporate practice of medicine, current and ongoing violations of Oregon law, and current and ongoing harm to Plaintiffs and the community, necessitating preliminary injunctive relief to maintain the status quo prior to a trial on the merits. The factual and legal background is described in Plaintiffs' Motion for Preliminary Injunction and is incorporated herein.

II. **Points and Authorities.**

Pursuant to [FRCP 26](#), the Court may permit expedited discovery for good cause, which exists "where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party." [Am. LegalNet, Inc. v. Davis](#), 673 F. Supp. 2d 1063, 1066 (C.D. Cal. 2009); *see also* [Apple Inc. v. Samsung Elecs. Co.](#), 768 F. Supp. 2d 1040, 1044 (N.D. Cal. 2011) ("Courts in the Ninth Circuit generally use the 'good cause' standard to determine whether to permit discovery prior to a Rule 26(f) conference.").

“The good cause standard may be satisfied where a party seeks a preliminary injunction.” [Am. LegalNet, Inc., 673 F. Supp. 2d at 1066](#) (internal quotation marks omitted). Further, parties to a preliminary injunction hearing are charged with requesting use of the available expedited discovery rules to develop the record and their respective cases. *See, e.g., Stanley v. University of S. Cal., 13 F.3d 1313, 1326 (9th Cir. 1994)* (“Thus, the opportunity to conduct discovery was not denied; Coach Stanley simply did not avail herself of it prior to the hearing. Nothing precluded her from conducting discovery prior to the hearing on the preliminary injunction. She could have moved, *ex parte*, for an order shortening time within which to conduct depositions.”).

Here, expedited discovery is necessary in order for the parties to provide the Court with a clear and fair assessment of the underlying merits. Plaintiff, members of the Oregon Legislature and the Oregon Governor have all previously sought information from Defendants, including Defendants’ underlying contract, but Defendants have refused to produce them. Defendants have also refused to disclose whether they have any emergency medical providers qualified to provide emergency medical services in Lane County. As the precipice of the proposed transition of all current emergency physicians at all PeaceHealth hospitals in May and June approaches (with no known physicians to replace them), this information is critical to Plaintiffs’ Motion for Preliminary Injunction and the safety of the community.

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III. **Conclusion.**

For the reasons stated above, Plaintiffs respectfully request that the Court grant this motion for expedited discovery.

DATED: April 8, 2026.

HERSHNER HUNTER, LLP

By /s/ **Todd R. Johnston**

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