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May 4, 2026

**BY ECF**

Hon. Edgardo Ramos  
United States District Court – Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: *Jane Doe et al. v. Carelon Behavioral Health, Inc.***  
**Civil Action No. 1:25-cv-03489-ER**

Dear Judge Ramos:

This office represents Defendant Carelon Behavioral Health, Inc. (“Carelon”) in the above-captioned matter.

Pursuant to the Court’s direction at the April 28, 2026 status conference in this matter, the parties met and conferred to propose a scheduling order for this matter with discovery completing by April 28, 2027. While the parties were able to reach agreement on much of the schedule, they were unable to reach agreement on the timing for Plaintiffs to seek certification of a class in this putative class action. Carelon thus submits herewith a separate proposed scheduling order that differs materially from Plaintiffs’ proposed scheduling order only with respect to Paragraph 15, addressing a motion for class certification, and requires that class certification be sought by November 8, 2026, along with related deadlines. Carelon’s order also omits Plaintiffs’ proposed Paragraph 14 for consistency with Paragraph 15, and because it is unnecessary considering the other terms of the proposed scheduling order.

Rule 23 requires the Court to determine whether to certify the action as a class action at “an early practicable time.” Fed. R. Civ. P. 23(c)(1)(A). “The reason for th[e] rule [that class determinations be made early] is plain: fundamental fairness requires that a defendant named in a suit be told promptly the number of parties to whom it may ultimately be liable for money damages.” *Saravia v. 2799 Broadway Grocery LLC*, No. 12 CIV. 7310 PAC, 2014 WL 2011720, at \*2 (S.D.N.Y. May 16, 2014) (alterations in original) (quoting *Siskind v. Sperry Ret. Program, Unisys*, 47 F.3d 498, 503 (2d Cir.1995)). While some “[p]re-certification discovery is often necessary in order to provide the court with sufficient information to determine whether certification is appropriate,” *Rahman v. Smith & Wollensky Rest. Grp., Inc.*, No. 06 CIV 6198 LAK JCF, 2007 WL 1521117, at \*3 (S.D.N.Y. May 24, 2007), the Court should only “delay a certification ruling until information necessary to reach an informed decision is available,” *see Saravia*, 2014 WL 2011720, at \*2.

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Plaintiff's proposal to delay class certification to May 2027, a month after all discovery is completed, does not comply with Rule 23's requirements and would force Carelon to defend this action for over a year without knowing whether it faces class claims or individual claims of three members. *See, e.g., Kapiti v. Kelly*, No. 07 CIV. 3782 RMB/KNF, 2008 WL 3874310, at \*3 (S.D.N.Y. Aug. 18, 2008) (concluding class certification sought "nearly a year after the Complaint was filed and barely one month before the close of discovery" was untimely). Both Carelon's and the Court's resources will be wasted if Carelon is forced to fully litigate this action as to a class that Plaintiffs allege consists of "many thousands" of members, only for the Court to ultimately deny certification.

Plaintiffs' assertion that Carelon seeks a timely class certification decision to "circumvent," this Court's decision not to order bifurcation, ECF No. 28 at 1, is baseless. Carelon proposed bifurcation as one means to ensure a prompt class certification decision and manage the litigation burden on the parties and Court pending a certification decision. But the Court's decision not to bifurcate discovery does not excuse Plaintiffs from seeking class certification once "enough pre-certification discovery is provided" for the Court to determine whether "each Rule 23 requirement has been met." *See Benavides v. Serenity Spa NY Inc.*, 166 F. Supp. 3d 474, 490 (S.D.N.Y. 2016). And Plaintiffs do not even assert that six months does not permit them adequate time to conduct any required discovery directed to Rule 23's requirements. And while Plaintiffs contend no other "ghost network" case has proceeded to class certification after six months, in each such case defendant Centene Corp. stipulated to those dates. *Wilson*, 20-cv-484 (W.D. Tex.), ECF No. 41; *Duff*, 19-cv-750 (S.D. Ohio), ECF No. 23; *Havrilla*, 22-cv-4126 (N.D. Ill), ECF No. 156-1. One defendant's agreement to delay class certification in those cases provides no basis for excusing Plaintiffs' compliance with Rule 23's requirements here.

Carelon accordingly respectfully requests the Court enter the attached proposed scheduling order, which requires Plaintiffs to file any motion for class certification by November 8, 2026, along with related deadlines for class-certification expert discovery, but otherwise imposes the same deadlines on discovery as Plaintiffs' proposed order.

Respectfully submitted,

TROUTMAN PEPPER LOCKE LLP

By:   
Matthew J. Aaronson

*Attorneys for Defendant Carelon Behavioral Health, Inc.*

cc: All counsel of record (via ECF)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JANE DOE, as mother of MINOR DOE,  
HANNAH LANDERER, and STEVEN  
MARKS, on behalf of themselves and all  
others similarly situated

Plaintiffs,

v.

CARELON BEHAVIORAL HEALTH, INC.,

Defendant.

Civil Action No. 1:25-cv-03489 (ER)

**[PROPOSED] CIVIL CASE  
DISCOVERY PLAN AND  
SCHEDULING ORDER**

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case is to be tried to a jury.
3. Joinder of additional parties must be accomplished by May 28, 2026.
4. Amended pleadings may be filed until May 28, 2026.
5. First interrogatories shall be served no later than May 28, 2026, and responses thereto shall be served within thirty (30) days thereafter, unless that deadline is extended by mutual agreement of the parties. The provisions of Local Civil Rule 33.3 shall apply to this case.
6. First request for production of documents, if any, shall be served no later than May 28, 2026.
7. Non-expert depositions shall be completed by November 20, 2026.
  - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
  - b. Depositions shall proceed concurrently.

- c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
8. Any further interrogatories, including expert interrogatories, shall be served no later than January 29, 2027.
9. Requests to Admit, if any, shall be served no later than January 29, 2027.
10. Expert reports shall be served no later than January 29, 2027.
11. Rebuttal expert reports shall be served no later than March 19, 2027.
12. Expert depositions shall be completed by April 28, 2027.
13. **ALL DISCOVERY SHALL BE COMPLETED BY April 28, 2027.**
14. [Omitted.]
15. Plaintiffs shall file any motion for class certification no later than November 8, 2026. Defendants shall file their opposition to the motion for class certification within 42 days of the filing of Plaintiffs' motion. Plaintiffs shall file any reply in support of the motion for class certification within 28 days of the filing of Defendants' opposition.
  - a. If Plaintiff intends to rely on expert testimony to support class certification, any class certification expert disclosure and report shall be served no later than September 9, 2026. Class certification rebuttal disclosures and reports shall be served no later than October 9, 2026.
16. Any motions shall be filed in accordance with the Court's Individual Practices.
17. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
18. The Magistrate Judge assigned to this case is the Hon. Sarah L. Cave.
19. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
20. The next case management conference is scheduled for April 28, 2027 at 11:00 AM.

SO ORDERED.

Dated: New York, New York

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Edgardo Ramos, U.S. District Judge