

1 JOSEPH H. HUNT
Assistant Attorney General, Civil Division
2 NICOLA T. HANNA
United States Attorney
3 DAVID M. HARRIS
DAVID K. BARRETT
4 ABRAHAM C. MELTZER
JOHN E. LEE (CBN 128696)
5 JACK D. ROSS (CBN 265883)
Assistant United States Attorneys
6 300 N. Los Angeles Street, Room 7516
Los Angeles, California 90012
7 Tel: (213) 894-3995; Fax: (213) 894-7819
Email: john.lee2@usdoj.gov
8 JAMIE YAVELBERG
ROBERT McAULIFFE
9 EDWARD CROOKE
LINDA McMAHON
10 JESSICA E. KRIEG
ZOILA E. HINSON
11 AMY L. LIKOFF
GREGORY A. MASON
12 MARTHA N. GLOVER
Attorneys, Civil Division, U.S. Department of Justice
13 P.O. Box 261, Ben Franklin Station
Washington, D.C. 20044
14 Tel: (202) 307-0486; Fax: (202) 307-3852
Email: robert.mcauliffe@usdoj.gov
15 JAMES P. KENNEDY, JR.
United States Attorney
16 KATHLEEN ANN LYNCH
Assistant United States Attorney (Admitted PHV)
17 138 Delaware Avenue
Buffalo, New York 14201
18 Tel: (716) 843-5830; Fax: (716) 551-3052
Email: kathleen.lynch@usdoj.gov
19 Attorneys for the United States of America

20 UNITED STATES DISTRICT COURT
21 FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

22 UNITED STATES OF AMERICA *ex*
23 *rel.* BENJAMIN POEHLING,

24 Plaintiffs,

25 v.

26 UNITEDHEALTH GROUP, INC., *et al.*,

27 Defendants.
28

No. CV 16-08697 FMO

ORDER GRANTING THE PARTIES'
JOINT REQUEST FOR A
CONTINUANCE OF DISCOVERY CUT-
OFF, PRETRIAL, AND TRIAL DATES

1 Upon stipulation of the parties and the recommendation of the Special Master, and
 2 good cause appearing, IT IS HEREBY ORDERED as follows:

3 1. All fact discovery shall be completed no later than June 4, 2021. Further fact
 4 discovery deadlines and requirements shall be as follows:

5 A. The United States shall complete production of remaining Track 1 non-
 6 privileged documents by July 15, 2020.

7 B. The United States shall complete production of HHS-OIG documents as
 8 proposed by the United States on May 8, 2020 by September 30, 2020.¹

9 C. The United States shall produce a segment of NexLP responsive, non-
 10 privileged documents from Track 2 by September 30, 2020. The United
 11 States provided UnitedHealth with a list of the custodians for such
 12 documents on June 1, 2020.²

13 D. Both parties shall complete document productions and privilege log
 14 productions no later than December 31, 2020.

15 E. The United States shall continue to produce privilege logs, including a
 16 comprehensive privilege log, every 30 days along with an accompanying
 17 production of documents that had been withheld as potentially privileged
 18 but subsequently identified as not privileged or subject to production with
 19 redactions or as privileged withheld slipsheets.

20 F. The parties shall submit a status report to the Special Master on June 30,
 21 2020 and every 60 days thereafter until the completion of fact discovery.

22
 23 ¹ There may be a limited number of hard copy documents and documents from
 24 non-network data sources (e.g., CDs) from HHS-OIG custodians that cannot be
 25 produced by September 30, 2020 due to restrictions on office access due to the COVID-
 26 19 pandemic. The United States shall produce these documents by December 31, 2020.

27 ² The United States currently does not have the information necessary to
 28 determine whether all responsive documents for the custodians on its June 1 list will be
 produced by September 30, 2020. Some, if not all, custodians may have additional
 responsive documents which will be produced between September 30 and December 31,
 2020. UnitedHealth reserves the right to seek assistance from the Special Master if it
 appears that the scope/timing of the government's production will compromise
 UnitedHealth's ability to defend itself.

1 2. All expert discovery shall be completed by October 5, 2021. The parties must
2 serve their Initial Expert Witness Disclosure no later than June 18, 2021. Rebuttal Expert
3 Witness Disclosure shall be served no later than August 19, 2021.

4 3. The parties shall complete their settlement conference before a private
5 mediator no later than December 4, 2020.

6 4. Any motion for summary judgment or other potentially dispositive motion
7 shall be filed no later than December 8, 2021. The hearing date on any such motion shall
8 be January 20, 2022 at 10:00 a.m. Further deadlines with respect to such motions shall
9 be as follows:

- | | | |
|----|---|------------------|
| 10 | A. Meet and confer deadline: | October 29, 2021 |
| 11 | B. Moving party's portion of joint brief due: | November 5, 2021 |
| 12 | C. Opposing party's portion of joint brief due: | December 3, 2021 |
| 13 | D. Moving party to finalize joint brief: | December 6, 2021 |
| 14 | E. Opposing party to sign and return brief: | December 7, 2021 |
| 15 | F. Supplemental brief due: | January 6, 2022 |

16 5. The parties shall file memoranda of contentions of fact and law; witness lists;
17 the Pretrial Exhibit Stipulation; and joint motions in limine no later than February 18,
18 2022.

19 6. The parties shall lodge their proposed Pretrial Conference Order and file the
20 Joint Jury Instructions; Disputed Jury Instructions; a joint proposed verdict form; a joint
21 statement of the case; proposed additional voir dire questions, if desired; and reply
22 memoranda to motions in limine no later than February 28, 2022.

23 7. The final pretrial conference and hearing on motions in limine is scheduled for
24 March 11, 2022, at 10:00 a.m.

25 8. The trial is scheduled to begin on Tuesday, March 29, 2022, at 9:00 a.m.

26 ///

27 ///

9. All other terms in the Scheduling and Case Management Order re: Jury Trial, filed June 5, 2019 (Dkt. 364), that are not inconsistent herewith shall remain in effect.

IT IS SO ORDERED.

Dated: June 8, 2020

/s/
FERNANDO M. OLGUIN
United States District Judge