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Attorneys for UnitedHealth Defendants

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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

Plaintiff,

v.

UNITEDHEALTH GROUP, INC. *et al.*,

Defendants.

CASE NO. 2:16-cv-08697-FMO(SSx)

**NOTICE OF LODGING OF
SPECIAL MASTER'S ORDER
REGARDING RESOLVING
DISCOVERY ISSUES**

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on April 11, 2022, the Honorable Suzanne Segal (Ret.), Special Master in this Action, issued the attached Order Regarding Resolving Discovery Issues. Special Master Segal instructed the Parties to file the Order with the Court. A true and correct copy of the Order Regarding Resolving Discovery Issues is attached hereto.

Dated: April 12, 2022

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By: /s/ David J. Schindler
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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA *ex rel.*
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[Discovery Document: Referred to
Special Master Suzanne H. Segal]

**ORDER REGARDING
RESOLVING DISCOVERY
ISSUES**

1 For the reasons set forth in United's Proposal Regarding Discovery Issues, it
2 is HEREBY ORDERED that:

3 1. United shall undertake a re-review of documents withheld, in whole or
4 in part, on the basis of privilege that were not authored by an attorney or sent
5 exclusively to attorneys ("Re-Review Population"). United shall evaluate all
6 documents in the Re-Review Population by June 1, 2022, producing those
7 documents that it determines through its evaluation are not protected by privilege—
8 in whole or in part.

9 2. United will either produce documents from the Re-Review Population,
10 revise privilege log entries corresponding to withheld materials, or maintain its
11 assertion of privilege as reflected in existing privilege log entries. United will
12 evaluate any assertion of privilege that it maintains after June 1, 2022. All governing
13 law regarding privilege assertions shall apply to United's review.

14 3. Consistent with the Special Master's prior order, United's production
15 of documents shall not constitute a waiver of any applicable privilege or protection.
16 The government shall provide at least three business days' notice before it may use
17 any of these documents, including in depositions, briefing, and hearings. The
18 parties' prior agreements set forth in the parties' protective order and clawback
19 agreements shall apply.

20 4. United shall prioritize a review of documents associated with any
21 deponent that the government has noticed to be deposed, and the parties shall work
22 cooperatively in determining whether to further prioritize specific deponents.

23 5. If documents revealing information relevant to a particular individual
24 are produced after that individual has been deposed, then, upon a showing of good
25 cause, that individual's deposition may be re-opened. A re-opened deposition shall
26 be limited to the documents produced after the original deposition and closely related
27 issues.

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1 6. Fact discovery must be completed by July 5, 2022 with the following
2 two exceptions. First, between July 5, 2022 and October 5, 2022, the parties may
3 continue to take depositions of fact witnesses and raise deposition-related issues with
4 the Court. Second, between July 5, 2022 and October 5, 2022, the parties may
5 continue to raise with the Court discovery issues unresolved by this Stipulation and
6 Order. Nothing in this Order otherwise modifies deadlines set forth in the Court's
7 October 13, 2021 Order Granting Parties' Joint Request for Continuance of
8 Discovery Cut-Off, Pretrial, and Trial Dates (Dkt. 448).

9 7. If the parties continue to have discovery disputes, they should cooperate
10 in raising those disputes promptly before the Special Master.

11
12 IT IS SO ORDERED.

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15 Dated: 4/11/2022

DocuSigned by:
Hon. Suzanne Segal (Ret.)
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Special Master Suzanne H. Segal