

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

VICTORIA ROSS, individually and on behalf
of herself and all others similarly situated,

Plaintiff,

vs.

UNIVERSITY OF PITTSBURGH MEDICAL
CENTER,

Defendant.

Case No. 1:24-cv-00016

JURY TRIAL DEMANDED

PLAINTIFFS' MOTION FOR STATUS CONFERENCE

Pursuant to Federal Rules of Civil Procedure 16 and 26 (“Rule 16” and “Rule 26”), Plaintiffs request that the Court order the parties to meet and confer in order to file with the Court a report in accordance with Rule 26(f), and thereafter hold a status conference in accordance with Rule 16 to address the extent of permissible discovery, to address providing for the disclosure, discovery, or preservation of electronically stored information, and to address any other matters the Court deems appropriate.

UPMC’s Position

Plaintiffs’ counsel have conferred with counsel for Defendant University of Pittsburgh Medical Center (“UPMC”). UPMC’s stated position is that Plaintiffs have not provided UPMC with grounds to move forward with a status conference or discovery while UPMC’s motions (discussed *infra*) remain pending. UPMC stated that it intends to oppose Plaintiffs’ motion.

Background

Plaintiffs filed their operative Amended Complaint (ECF No. 31) on May 23, 2024. Defendant UPMC filed a Motion to Strike Plaintiffs' Class Allegations (ECF Nos. 35 & 39) and a Motion to Dismiss Plaintiffs' Complaint (ECF No. 36 & 40) on July 22, 2024. Plaintiffs subsequently filed separate responses to Defendant's Motion to dismiss (ECF Nos. 42 & 43) and Defendant's Motion to Strike (ECF Nos. 44 & 45) on September 5, 2024. Defendant filed replies to Plaintiffs' response papers (ECF Nos. 53 & 55) on October 7, 2024.¹ The Court heard Oral Argument on Defendant's Motion to Strike and Motion to Dismiss on January 28, 2025. To date the Court has not ruled on either motion.

Request for Status Conference

The Court's Local Rules defers requiring the parties to file a report in accordance with Federal Rule of Civil Procedure 26(f) and scheduling an Initial Case Management Conference until after the filing of an Answer by the defendant, which Answer will not be due unless or until the Court denies the Defendant's pending motions. Accordingly, despite the fact that Plaintiffs allege that UPMC's anticompetitive conduct is ongoing, the parties have not yet addressed UPMC's discovery obligations, including its obligation to preserve potentially relevant evidence. Considering the above facts, Plaintiffs respectfully request that the court enter an order requiring the parties to meet and confer in order to prepare and file with the Court a report pursuant to Fed.R.Civ.P. 26 and scheduling an Initial Case Management Conference after the filing of such report in order to consider:

¹ On September 30, 2024, The United States Department of Justice filed a Statement of Interest (ECF No. 50) opposing dismissal of Plaintiffs' Complaint.

- a. Requiring UPMC to preserve all potentially relevant documents and electronically stored information regarding its acquisition of competitor health care hospital systems and regarding its employment practices;
- b. Allowing Plaintiffs to obtain document and electronically stored information discovery limited to allegations contained in the Amended Complaint regarding Defendant's exclusionary and/or restrictive employment practices. Allowing this limited discovery now will not prejudice Defendant even if the Court were to grant Defendant's motions with leave for Plaintiffs to amend because this discovery will allow Plaintiffs to substantiate their factual allegations; and
- c. Any other matters that the Court believes may aid in resolution of this litigation.

Dated: August 24, 2026

Respectfully submitted,

/s/ Daniel C. Levin

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiffs' Motion for Status Conference was served on this 24th day of August 2026, upon all counsel of record via the Court's electronic notification system.

/s/ Daniel C. Levin
Daniel Levin, Esquire

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JURY TRIAL DEMANDED

PROPOSED ORDER SETTING STATUS CONFERENCE

UPON CONSIDERATION of Plaintiffs' Motion for Status Conference, it is HEREBY
ORDERED that:

1. The parties shall meet and confer in order to prepare and, on or before _____, 2026,
file with the Court a report in accordance with Fed.R.Civ.P. 26(f);
2. The Court shall hold an Initial Case Management Conference on _____, 2026 in order
to consider:
 - a. the scope of UPMC's obligation to preserve all potentially relevant documents
and electronically stored information regarding its acquisition of competitor
health care hospital systems and regarding its employment practices;
 - b. whether to allow Plaintiffs to obtain document and electronically stored
information discovery limited to allegations contained in the Amended Complaint
regarding Defendant's exclusionary and/or restrictive employment practices and
 - c. any other matters that the Court believes may aid in resolution of this litigation.

The Court's Clerk shall circulate log-in information in advance of the Status Conference for any counsel electing to attend remotely.

Dated: _____

IT IS SO ORDERED.

HONORABLE SUSAN PARADISE BAXTER
UNITED STATES DISTRICT JUDGE