

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

GUARDIAN FLIGHT LLC, et al.,

Plaintiffs,

v.

**AETNA LIFE INSURANCE
COMPANY et al.,**

Defendants.

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Civil Action No. 3:24-cv-00680-MPS

JURY TRIAL DEMANDED

JOINT STATUS REPORT

Plaintiffs Guardian Flight, LLC (“Guardian Flight”), REACH Air Medical Services, LLC (“REACH”), CALSTAR Air Medical Services, LLC (“CALSTAR”), Med-Trans Corporation (“Med-Trans”), Air Evac EMS, Inc. (“Air Evac”), and AirMed International LLC (“AirMed”) (collectively “Plaintiffs”) and Defendants Aetna Life Insurance Company, Aetna Health and Life Insurance Company, and Aetna Health, Inc. (collectively “Aetna”), and Defendant Cigna Health and Life Insurance Company (“Cigna”) file this joint status report pursuant to the Court’s Scheduling Order (Doc. 100) and would respectfully show as follows:

CASE STATUS

Currently, the only motions pending before the Court are Aetna’s and Cigna’s motions to dismiss. Plaintiffs have issued written discovery to both Aetna and Cigna. The parties had good faith meetings and were able to resolve some, but not all, of the dispute. Accordingly, they called chambers on September 3, 2024, and will be submitting letters to the court by September 6, 2024.

Plaintiff’s additional statement:

Plaintiffs have provided Defendants with draft deposition notices for a 30(b)(6) witness of each mid-October, 2024, along with a request to discuss the scope and timing of the depositions. This was done in accordance with Rule 30(b)(6), which requires a good faith conference about the

matters for examination and allows it to be done before a notice is formally served. *See also* O'Connor's Federal Rules, Ch. 6-F at § 3.2.(2)(b) ("If the party noticing the deposition and the organization begin to confer before service of the deposition notice, the party noticing the deposition should provide a draft of the proposed list of matter for examination, which can be refined as the parties confer."). Plaintiffs anticipate deposing another employee of each in November. Plaintiffs are on track for their damages disclosure on October 1, 2024. The only circumstance potentially interfering with the parties' compliance with the scheduling order is Defendants' failure to produce the documents requested, which are needed in advance of the October depositions.

Aetna's additional statement (in which Cigna joins):

Aetna and Cigna have not been served with any notice of deposition, but Plaintiffs sent a draft deposition notice (for the first time) along with the Joint Status Report. By circulating draft deposition notices with the Joint Status Report, Plaintiffs seemingly try to get Aetna and Cigna to agree to discovery without actually serving discovery or, alternatively (and prematurely), place a potential "discovery dispute" on the Court's radar. Aetna and Cigna will respond accordingly, pursuant to the Federal Rules of Civil Procedure, when properly served and both reserve all objections and, if necessary, the right to seek a protective order or other relief appropriate under the Rules.

INTEREST IN SETTLEMENT REFERRAL

The parties are not interested in referral to a United States Magistrate Judge or to the District's special masters program for settlement purposes.

TRIAL

The parties do not consent to a trial before a United States Magistrate Judge. Plaintiffs estimate the length of trial to be 3-5 days. Aetna and Cigna further provide that, to the extent that

any claims survive the Defendants' motions to dismiss, there is no issue triable to a jury on Plaintiffs' federal claims and reserve all rights to move to strike the jury demand, accordingly.

Dated: September 5, 2024

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Dated: September 5, 2024

Respectfully Submitted,

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Dated: September 5, 2024

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CERTIFICATE OF SERVICE

I certify that on September 5, 2024, a true and correct copy of the foregoing was served electronically on all counsel of record.

/s/ Adam T. Schramek
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