

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

LISA TORREY, et al.,

Plaintiffs

v.

INFECTIOUS DISEASES SOCIETY OF
AMERICA, et al.,

Defendants

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Civil Action No. 5:17-cv-00190-RWS

**JOINT REPORT OF THE PARTIES IN ADVANCE OF
MARCH 11, 2019 MOTIONS HEARING**

The Court has set a motions hearing for March 11, 2019. Pursuant to this Court's standing order requiring the parties to further meet and confer in advance of a hearing on discovery motions, the parties jointly submit this report.

I. DISCOVERY MOTIONS¹

A. Plaintiffs' Motion to Compel Discovery [Dkt. 138]

The parties remain at impasse. This motion will be impacted by and should be considered in conjunction with Plaintiffs' Motion for Extension of Time to Replead [Dkt. 123]. Furthermore, Defendants' Motion to Compel Depositions and Damages Computations [Dkt. 146] may involve overlapping issues.

B. Defendants' Motion to Compel Depositions and Damages Computations [Dkt. 146]

The parties remain at an impasse regarding Plaintiffs' depositions and damages computations. The impasse remains as a result of the parties' dispute about application of the four-year discovery period in the Court's Discovery Order [Dkt. 81], which has been briefed in connection with Plaintiffs' Motion to Compel Discovery [Dkt. 138]. Plaintiffs have offered to appear for their noticed depositions if Defendants agree in advance that Plaintiffs may question any Defendant witnesses regarding information beyond four years. Defendants have not agreed and Plaintiffs refused to appear for their noticed depositions if they were subject to questioning beyond four years. The parties have agreed that, if Defendants seek a second deposition of any Plaintiff, Defendants will seek leave of the Court.

¹ The Parties also met and conferred but remained at impasse on the following motions: Plaintiffs' Opposed Motion for Extension of Time to Replead [Dkt. 123]. Plaintiffs' Motion to Continue [Dkt. 148] also is pending.

C. Defendants' Motion to Compel E-Mail Discovery [Dkt. 152]

The parties have agreed regarding appropriate search terms. Therefore, this Motion is resolved and does not need to be considered at the hearing.

D. Motion for Independent Medical Examinations by Anthem, IDSA, and Defendant Doctors [Dkt. 154]

The parties remain at impasse but may conduct a further meet and confer after Plaintiffs file their opposition brief.

II. PROPOSED MOTION ORDER FOR HEARING

Because some motions are interrelated and address overlapping issues, the parties believe that hearing the pending motions in the following order would be most efficient, with motions 1-3 argued together:

1. Plaintiffs' Opposed Motion for Extension of Time to Replead [Dkt. 123]
2. Plaintiffs' Motion to Compel Discovery [Dkt. 138]
3. Plaintiffs' Motion to Continue [Dkt. 148]
4. Defendants' Mtn. to Compel Deposition Dates and Damages Computations [Dkt. 146]
5. Mtn. for Independent Medical Examinations by Anthem, IDSA, et al. [Dkt. 154]
6. Defendant Doctors' Renewed Mtn. to Dismiss for Lack of Pers. Juris. [Dkt. 151]

<p>Respectfully submitted,</p>	<p>SHRADER & ASSOCIATES, LLP</p> <p>BY: <i>/s/ Eugene Egdorf</i> EUGENE EGDORF State Bar No. 06479570 3900 Essex Lane, Suite 390, Houston, TX 77027 (713) 782-0000 phone (713) 571-9605 fax E-mail: gene@shraderlaw.com</p> <p>BY: <i>/s/ Lance Lee</i> LANCE LEE Texas Bar No. 24004762 5511 Plaza Drive Texarkana, Texas 75503 Telephone: 903.223.0276 Fax: 903.223.0210 Email: wlancelee@gmail.com</p> <p>RUSTY HARDIN & ASSOCIATES, LLP</p> <p>BY: <i>/s/ Ryan Higgins</i> RYAN HIGGINS State Bar No. 24007362 1401 McKinney St., Suite 2250 Houston, Texas 77010 (713) 652-9000 phone (713) 652-9800 fax Email: rhiggins@rustyhardin.com</p> <p>RUSTY HARDIN & ASSOCIATES, LLP</p> <p>BY: <i>/s/ Daniel R. Dutko</i> DANIEL R. DUTKO State Bar No. 24054206 1401 McKinney St., Suite 2250 Houston, Texas 77010 (713) 652-9000 phone (713) 652-9800 fax E-mail: ddutko@rustyhardin.com</p> <p>ATTORNEYS FOR PLAINTIFFS</p>
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<p>BAKER BOTTS L.L.P.</p> <p>By: <u>s/ Earl B. Austin</u> Earl B. Austin - <i>Lead Attorney</i> Texas Bar No. 01437300</p> <p>30 Rockefeller Plaza New York, New York 10112 Phone: (212) 408-2564 Fax: (212) 259-2564 Email: earl.austin@bakerbotts.com</p> <p>John B. Lawrence Texas Bar No. 24055825</p> <p>2001 Ross Avenue, Suite 600 Dallas, Texas 75201 Phone: (214) 953-6873 Fax: (214) 661-6873 Email: john.lawrence@bakerbotts.com</p> <p>Matthew G. Sheridan Texas Bar No. 24088404 910 Louisiana Street Houston, Texas 77002 Phone: (713) 229-1568 Fax: (713) 229-7968 Email: matthew.sheridan@bakerbotts.com</p> <p>HALTOM & DOAN</p> <p>Jennifer H. Doan Texas Bar No. 08809050 J. Randy Roeser Texas Bar No. 24089377 6500 Summerhill Road, Suite 100 Texarkana, TX 75503 Telephone: 903.255.1000 Facsimile: 903.255.0800 Email: jdoan@haltomdoan.com Email: rroeser@haltomdoan.com</p> <p><i>ATTORNEYS FOR DEFENDANT AETNA INC.</i></p>	<p>REED SMITH LLP</p> <p>BY: <u>/s/ Peter J. Chassman</u> Martin James Bishop Texas Bar No. 24086915 Peter John Chassman Texas Bar No. 00787233</p> <p>811 Main Street, Suite 1700 Houston, TX 77002 Phone: (713) 469-3885 Fax: (713) 469-3899 Email: mbishop@reedsmith.com Email: pchassman@reedsmith.com</p> <p>Debra H. Dermody (<i>pro hac vice</i>) William J. Sheridan (<i>pro hac vice</i>) 225 Fifth Avenue, Suite 1200 Pittsburgh, PA 15222-2716 Phone: (412) 288-3131 Fax: (412) 288-3063 Email: ddermody@reedsmith.com Email: wsheridan@reedsmith.com</p> <p><i>ATTORNEYS FOR DEFENDANT BLUE CROSS AND BLUE SHIELD OF TEXAS</i></p>
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<p>FOLEY & LARDNER LLP – LOS ANGELES</p> <p>BY: <u>/s/ Kimberly A. Klinsport</u> KIMBERLY A. KLINSPOORT Texas Bar No. 24096073 555 South Flower Street, Suite 3500 Los Angeles, CA 90071-2411 Phone: (213) 972-4500 Fax: (213) 486-0065 E-mail: kklinsport@foley.com</p> <p>FOLEY & LARDNER LLP - BOSTON</p> <p>Michael J. Tuteur (Admitted to E.D. Tex.) 111 Huntington Avenue, Suite 2500 Boston, MA 02199-7610 Phone: (617) 342-4000 Fax: (617) 342-4001 Email: mtuteur@foley.com</p> <p>FOLEY & LARDNER LLP – SAN FRANCISCO</p> <p>Eileen R. Ridley (Admitted to E.D. Tex.) 555 California Street, Suite 1700 San Francisco, CA 94104-1520 Phone: (415) 434-4484 Fax: (415) 434-4507 Email: eridley@foley.com</p> <p>ATTORNEYS FOR DEFENDANT ANTHEM, INC.</p>	<p>MORGAN, LEWIS & BOCKIUS LLP</p> <p>BY: <u>/s/ R. Brendan Fee</u> R. Brendan Fee (<i>pro hac vice</i>) brendan.fee@morganlewis.com Amy M. Dudash (<i>pro hac vice</i>) amy.dudash@morganlewis.com 1701 Market Street Philadelphia, PA 19103-2921 Phone: (215) 963-5000 Fax: (215) 963-5001</p> <p>Crystal R. Axelrod Texas Bar No. 24078170 1000 Louisiana Street, Suite 4000 Houston, TX 77002 Phone: (713) 890-5000 Fax: (713) 890-5001 Email: crystal.axelrod@morganlewis.com</p> <p>ATTORNEYS FOR DEFENDANT CIGNA HEALTH AND LIFE INSURANCE COMPANY, IMPROPERLY SUED AS CIGNA CORPORATION</p>
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<p>HOGAN LOVELLS US LLP</p> <p>By: <u>/s/ Benjamin F. Holt</u> BENJAMIN F. HOLT <i>Admitted pro hac vice</i> Virginia Bar No. 48388 D.C. Bar No. 483122 Benjamin.Holt@HoganLovells.com HOGAN LOVELLS US LLP 555 13th Street, NW Washington, D.C. 20004 Phone: (202) 637-5600 Fax: (202) 637-5910</p> <p>Matthew J. Piehl <i>Admitted pro hac vice</i> Virginia Bar No. 82518 D.C. Bar No. 1008726 Minnesota Bar No. 395942 Matthew.Piehl@HoganLovells.com HOGAN LOVELLS US LLP 80 South Eighth Street Suite 1225 Minneapolis, MN 55402 Phone: (612) 402-3000 Fax: (612) 339-5167</p> <p>Michael E. Jones Texas SBN 10929400 mikejones@potterminton.com POTTER MINTON, P.C. 110 North College, Ste. 500 Tyler, Texas 75702 Phone: (903) 597-8311 Fax: (903) 593-0846</p> <p>ATTORNEYS FOR DEFENDANTS UNITED HEALTHCARE SERVICES INC. AND UNITEDHEALTH GROUP INCORPORATED</p>	<p>KIRKLAND & ELLIS LLP</p> <p>BY: <u>/s/ Daniel E. Laytin</u> DANIEL E. LAYTIN (Admitted pro hac vice)</p> <p>BY: <u>/s/ Sarah J. Donnell</u> SARAH J. DONNELL (Admitted pro hac vice) 300 N. LaSalle Chicago, IL 6065 Phone: (312) 862-2000 Fax: (312) 862-2200 Email: dlaytin@kirkland.com</p> <p>ATTORNEYS FOR DEFENDANT BLUE CROSS AND BLUE SHIELD ASSOCIATION</p>
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<p>PILLSBURY WINTHROP SHAW PITTMAN LLP</p> <p><u>/s/ Ronald Casey Low</u> RONALD CASEY LOW State Bar No. 24041363 401 Congress Avenue, Suite 1700 Austin, TX 78701 Phone: (512) 580-9616 Fax: (512) 580-9601 Email: casey.low@pillsburylaw.com</p> <p>Alvin Dunn – Lead Attorney [I am checking with Casey Low on the formatting of our signature block.] Admitted Pro Hac Vice 1200 Seventeenth St. NW Washington, D.C. 20036 Tel: (202) 663-8000 Fax: (202) 663-8007 Email: alvin.dunn@pillsburylaw.com</p> <p><i>ATTORNEYS FOR DEFENDANTS INFECTIOUS DISEASES SOCIETY OF AMERICA, DR. GARY P. WORMSER, DR. RAYMOND J. DATTWYLER, DR. EUGENE SHAPIRO, DR. JOHN J. HALPERIN, DR. LEONARD SIGAL, AND DR. ALLEN STEERE</i></p>	<p>COOPER & SCULLY, P.C.</p> <p>BY: <u>/s/ Derek S. Davis</u> DEREK S. DAVIS State Bar No. 00793591 JOHN SCULLY State Bar No: 17936500</p> <p>900 Jackson Street, Suite 100 Dallas, Texas 75202 Phone: (214) 712-9500 Fax: (214) 712-9540 Email: derek.davis@cooperscully.com Email: john.scully@cooperscully.com</p> <p><i>ATTORNEYS FOR DEFENDANT KAISER FOUNDATION HEALTH PLAN, INC. improperly served as KAISER PERMANENTE, INC.</i></p>
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and forgoing document has been served on March 4, 2019, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per local rule CV-5(a)(3).

/s/ Matthew G. Sheridan
Matthew G. Sheridan