

No. 17-898 T
Judge Lydia Kay Griggsby

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HIGHMARK INC. & SUBSIDIARIES,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

JOINT STATUS REPORT

Pursuant to the Court's Order of January 2, 2019, the parties herewith submit this report stating their views on the schedule for further proceedings.

The Court's Scheduling Order entered on May 8, 2018, set specific deadlines for completion of fact and expert discovery activities, with all discovery to close on July 1, 2019. In the circumstances described below, the parties have agreed that it would be appropriate, assuming the Court's concurrence, to extend each of those dates by a period of six months.

The parties have been conducting fact discovery diligently, and, as the current schedule contemplates, depositions and expert discovery are to take place after the completion of fact discovery (currently scheduled to close today, February 1, 2019). At the time of the government shutdown, on December 21, 2018, fact discovery was still ongoing, but it was delayed by the stay of proceedings in this case that was necessitated by the shutdown.

Unfortunately, although government offices officially reopened on January 28, 2019, defendant's attorney of record was unable to return to work at that time, as in the interim he was diagnosed with a serious illness for which he is currently receiving extensive medical care. The proposed schedule takes this situation into account, as well as the time lost during the shutdown.

Assuming the Court's approval of a six-month extension of the current schedule, the proposed amended schedule would be as follows:

Close of fact discovery.	August 1, 2019
The parties shall file a Joint Status Report regarding the status of fact discovery.	August 15, 2019
Plaintiff shall disclose its experts and reports.	September 2, 2019
The government shall disclose its experts and reports.	October 1, 2019
Completion of expert depositions.	November 15, 2019
The parties shall disclose any rebuttal expert reports.	December 5, 2019
Completion of rebuttal expert depositions.	January 31, 2020 ¹
Close of all discovery.	January 31, 2020
The parties shall file a Joint Status Report regarding the status of discovery and their respective views on how this matter should proceed, including, if warranted, a schedule for the filing of dispositive motions.	February 28, 2020

¹ This date would be extended by seven months, in order to take the holiday season into account.

Respectfully submitted,

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February 1, 2019

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February 1, 2019

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