HONORABLE JUDGE ROBERT J. BRYAN

### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

C. P., by and through his parents, Patricia Pritchard and Nolle Pritchard; and PATRICIA PRITCHARD,

Plaintiff.

VS.

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BLUE CROSS BLUE SHIELD OF ILLINOIS,

Defendants.

Case No. 3:20-cv-06145-RJB

STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171)

On April 17, 2023 this Court entered an Order Staying Case (Dkt. 171) ("Stay Order") and ordered the parties to "notify the Court within 10 days of the Ninth Circuit Court of Appeals' decision in Wit" (Dkt. 171). The Ninth Circuit Court of Appeals issued a decision on August 22, 2023 in *Wit v. United Behavioral Health*, 58 F.4th 1080 (9th Cir. 2023) (attached hereto as Exhibit 1). The Stay Order states, "The parties' pending motions (Dkts. 153 and 156) should be stricken to be renoted for consideration after a decision in Wit is issued, or after this stay is lifted."

At the time of the Stay Order there were two Motions pending before Court: Plaintiffs' Motion for Classwide Declaratory and Permanent Injunctive Relief, and Award of Individual Nominal Damages to Named Plaintiffs (Dkt. 153), and Defendant Blue Cross Blue Shield of Illinois's Motion to Decertify the Class (Dkt. 156).

STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171) – 1 KILPATRICK TOWNSEND & STOCKTON LLP 1420 FIFTH AVENUE, SUITE 3700 SEATTLE, WA 98101 (206) 626-7713 FAX: (206) 260-8946

1	Parties are requesting that the Cou
2	Court's calendar for October 20, 2023.
3	Supplemental Briefing on the effects of Wi
4	September 22, 2023 Parties file Sup
5	October 20, 2023 Parties file Replie
6	Wit.
7	Pursuant to Local rules, parties st
8	objections from either party. A proposed of
9	DATED: September 1, 2023.
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77	STIPULATED MOTION IN RESPONSE TO ORDE

Parties are requesting that the Court re-note their Motions at Dkts. 153 and 156 on the Court's calendar for October 20, 2023. The Parties have agreed to a briefing schedule on Supplemental Briefing on the effects of *Wit* as follows:

- September 22, 2023 Parties file Supplemental Briefing on the effect of Wit;
- October 20, 2023 Parties file Replies in regard to Supplemental Briefing on the effect of *Wit*.

Pursuant to Local rules, parties state they have met and conferred and there are no objections from either party. A proposed order is being submitted with this motion.

#### KILPATRICK TOWNSEND & STOCKTON LLP

By <u>s/Gwendolyn C. Payton</u>
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Counsel for Defendant Blue Cross and Blue Shield of Illinois

# SIRIANNI YOUTZ SPOONEMORE HAMBURGER, PLLC

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STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171) – 2

KILPATRICK TOWNSEND & STOCKTON LLP 1420 FIFTH AVENUE, SUITE 3700 SEATTLE, WA 98101 (206) 626-7713 FAX: (206) 260-8946

1	LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC	
2		
3	By <u>s/Omar Gonzalez-Pagan</u> Januifon C Pizar (Pro Has Vice)	_
4	By <u>s/Omar Gonzalez-Pagan</u> Jennifer C Pizer, (Pro Hac Vice) Omar Gonzalez-Pagan (Pro Hac Vice) jpizer@lambdalegal.org ogonzalez-pagan@lambdalegal.org	
5	ogonzalez-pagan@lambdalegal.org	
6	Counsel for Plaintiffs C. P., by and through his parents, Patricia Pritchard and Nolle Pritchard and PATRICIA PRITCHARD	ļ;
7	and PATRICIA PRITCHARD	
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27	STIPLIL A TED MOTION BY DESPONSE TO ORDER	11

**CERTIFICATE OF SERVICE** I certify that on the date indicated below I caused a copy of the foregoing document, 2 STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171) to be filed 3 4 with the Clerk of the Court via the CM/ECF system. In accordance with their ECF registration 5 agreement and the Court's rules, the Clerk of the Court will send e-mail notification of such filing 6 to the following attorneys of record: 7 Eleanor Hamburger SIRIANNI YOUTZ SPOONEMORE HAMBURGER 8 3101 WESTERN AVENUE STE 350 SEATTLE, WA 98121 9 206-223-0303 Fax: 206-223-0246 10 Email: ehamburger@sylaw.com 11 Jennifer C Pizer LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC 12 4221 WILSHIRE BLVD., STE 280 LOS ANGELES, CA 90010 13 213-382-7600 Email: jpizer@lambdalegal.org 14 Omar Gonzalez-Pagan 15 LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. (NY) 120 WALL STREET 16 19TH FLOOR NEW YORK, NY 10005 17 212-809-8585 Email: ogonzalez-pagan@lambdalegal.org 18 DATED this 1<sup>st</sup> day of September, 2023. 19 20 Kilpatrick, Townsend & Stockton LLP 21 By: /s/ Gwendolyn C. Payton Gwendolyn C. Payton, WSBA #26752 22 gpayton@kilpatricktownsend.com 23 Counsel for Defendant Blue Cross and Blue Shield of Illinois 24 25 26 CERTIFICATE OF SERVICE - 4

HONORABLE JUDGE ROBERT J. BRYAN

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

C. P., by and through his parents, Patricia Pritchard and Nolle Pritchard; and PATRICIA PRITCHARD,

Plaintiff.

VS.

BLUE CROSS BLUE SHIELD OF ILLINOIS,

Defendants.

Case No. 3:20-cv-06145-RJB

[PROPOSED] ORDER GRANTING STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171)

THIS MATTER having come before the below-signed Judge of the above-entitled Court upon the STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171) and the Court having considered the motion and the pleadings in this matter, and it appearing to be in the best interest of the case, therefore,

IT IS HEREBY ORDERED that STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171) is GRANTED. The stay in this case has now been lifted. Parties shall file their supplemental briefs on the effects of the *Wit* decision as stated below:

- September 22, 2023 Parties file Supplemental Briefing on the effect of Wit;
- October 20, 2023 Parties file Replies in regard to Supplemental Briefing on the effect of *Wit*.

[PROPOSED] ORDER GRANTING STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171) – 1 KILPATRICK TOWNSEND & STOCKTON LLP 1420 FIFTH AVENUE, SUITE 3700 SEATTLE, WA 98101 (206) 626-7713 FAX: (206) 260-8946

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1	Additionally, Plaintiffs' Motion for Classwide Declaratory and Permanent Injunctive Relief,					
2	and Award of Individual Nominal Damages to Named Plaintiffs (Dkt. 153), and Defendant Blue					
3	Cross Blue Shield of Illinois's Motion to Decertify the Class (Dkt. 156) have been re-noted to					
4	October 20, 2023.					
5	DATED this	day of	, 2023.			
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9			HONORABLE JUDGE ROBERT J. BRYAN			
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7		DANITING STIBLILATED MOTI	ON KILPATRICK TOWNSEND & STOCKTON LLP			

[PROPOSED] ORDER GRANTING STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171) – 2

1420 FIFTH AVENUE, SUITE 3700 SEATTLE, WA 98101 (206) 626-7713 FAX: (206) 260-8946

**CERTIFICATE OF SERVICE** I certify that on the date indicated below I caused a copy of the foregoing document, 2 [PROPOSED] ORDER GRANTING STIPULATED MOTION IN RESPONSE TO ORDER 3 4 STAYING CASE (DKT. 171) to be filed with the Clerk of the Court via the CM/ECF system. In accordance with their ECF registration agreement and the Court's rules, the Clerk of the Court 5 6 will send e-mail notification of such filing to the following attorneys of record: 7 Eleanor Hamburger SIRIANNI YOUTZ SPOONEMORE HAMBURGER 8 3101 WESTERN AVENUE STE 350 SEATTLE, WA 98121 9 206-223-0303 Fax: 206-223-0246 10 Email: ehamburger@sylaw.com 11 Jennifer C Pizer LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC 12 4221 WILSHIRE BLVD., STE 280 LOS ANGELES, CA 90010 13 213-382-7600 Email: jpizer@lambdalegal.org 14 Omar Gonzalez-Pagan 15 LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC. (NY) 120 WALL STREET 16 19TH FLOOR NEW YORK, NY 10005 17 212-809-8585 Email: ogonzalez-pagan@lambdalegal.org 18 DATED this 1<sup>st</sup> day of September, 2023. 19 20 Kilpatrick, Townsend & Stockton LLP 21 By: /s/ Gwendolyn C. Payton Gwendolyn C. Payton, WSBA #26752 22 gpayton@kilpatricktownsend.com 23 Counsel for Defendant Blue Cross and Blue Shield of Illinois 24 25 26 KILPATRICK TOWNSEND & STOCKTON LLP CERTIFICATE OF SERVICE - 3 1420 FIFTH AVENUE, SUITE 3700

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