

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

IN RE DELTA DENTAL ANTITRUST
LITIGATION

This document relates to: ALL ACTIONS

CIVIL ACTION NO.

1:19-CV-06734

MDL No. 2931

Hon. Elaine E. Bucklo

SECOND AMENDED SCHEDULING ORDER

It is hereby ORDERED as follows for all actions filed in or transferred to this Court as part of MDL No. 2931:

- A. The Consolidated Amended Complaint (“CAC”), filed on November 26, 2019 (Doc. No. 96) is the operative class action complaint on behalf of all plaintiffs in this MDL. All other complaints filed in or transferred to as part of this MDL as of the date of this Order are hereby superseded by the CAC and no longer operative complaints.
- B. **Amendments.**
- (a) **Amendments.** The last day for any party to amend pleadings (including adding additional parties) absent good cause shown shall be: **October 25, 2022.**
- (b) **Amendments to Schedule.** The deadlines included herein may be modified: (1) by Court order; (2) by the parties’ joint written agreement, submitted to the Court for review and approved by the Court; or (3) by submitting a motion to modify the deadlines after making a good faith effort to meet and confer. The parties recognize that the COVID-19 pandemic may have a material effect on this litigation, including the dates provided herein, and they will work in good faith to address any challenges or delays that result therefrom.

- C. **Discovery Orders.** By **September 30, 2020**, the parties will present to the Court (i) a proposed preservation order; (ii) a proposed protective order; (iii) a proposed ESI protocol; and (iv) any stipulation regarding non-discoverability of expert communications and draft reports; such proposed orders/stipulations shall apply to all parties and all complaints consolidated in the MDL.
- D. Defendants shall answer or otherwise plead in response to the CAC by **October 30, 2020**.
- E. **Discovery.**
- (a) The parties shall present to the Court a joint stipulation and proposed order on production of transactional data/documents by **October 29, 2020**.
- (b) Disclosures pursuant to FED. R. CIV. 26(a)(1) to be made by **November 12, 2020**.
- (c) Absent good cause, motions to compel fact discovery shall be filed by **September 8, 2023**;
- (d) Subject to further Order of the Court, fact discovery is to be commenced in time to be completed by **October 19, 2023**, subject to the following limitations:
- 1) Any deposition notices pursuant to Fed. R. Civ. P. 30(b)(6) shall be served by **April 20, 2023**; and
- 2) No new written discovery shall be served by any party after **July 20, 2023**, absent leave of Court for good cause shown or by agreement of the parties.
- (e) **Fact Depositions**
- 1) Absent good cause shown, the maximum number of fact depositions, including depositions pursuant to Fed. R. Civ. P. 30(b)(6), per side is:
For Plaintiffs: 95 depositions inclusive of parties and third-parties.
For Defendants: 95 depositions inclusive of parties and third-parties.

- 2) No individual party shall be subject to more than ten (10) party depositions, including depositions pursuant to Fed. R. Civ. P. 30(b)(6).

F. **Class Certification.** The following schedule shall apply to motions for class certification:

- 1) The parties shall submit a joint proposal regarding page limitations on briefing for class certification motions and responses on or before **October 19, 2023.**
- 2) Plaintiffs shall file their motion for class certification and supporting memorandum and disclosures in support of class certification, and shall serve any class certification expert report(s) and, concurrently, any materials, data or information considered in forming the opinions contained in the report(s), on or before **November 13, 2023.**
- 3) Plaintiffs' class certification expert(s) shall be made available for deposition and deposed by **January 10, 2024.**
- 4) Defendants shall file oppositions to Plaintiffs' motion for class certification and supporting memorandum and disclosures in opposition to class certification, and shall serve any class certification expert report(s) and, concurrently, any materials, data or information considered in forming the opinions contained in the report(s), on or before **February 26, 2024.**
- 5) Defendants' class certification expert(s) shall be made available for deposition and deposed by **April 24, 2024.**
- 6) Plaintiffs shall file their reply in support of class certification and shall serve any rebuttal class certification expert report(s) and, concurrently, any materials, data and information considered in forming the opinions contained in the rebuttal report(s), on or before **June 19, 2024.** Rebuttal expert(s) shall be strictly limited to

responding to new matters raised in the report(s) or in the deposition(s) of Defendants' class certification expert(s). Defendants reserve the right to seek a deposition of any such rebuttal expert(s).

- 7) The parties shall submit a joint proposal regarding page limitations on briefing for *Daubert* motions for class certification experts and responses thereto on or before **July 19, 2024**. The Parties shall simultaneously serve *Daubert* motions for class certification experts challenging the other side's experts by **August 5, 2024**; *Daubert* oppositions shall be filed by **September 3, 2024**; and replies shall be filed by **September 17, 2024**.
- 8) The date for any hearing on Plaintiffs' motion for class certification shall be set by the Court upon completion of briefing.

G. **Merits Experts, Dispositive Motions, Other Pre-Trial Matters.** No later than 30 calendar days after the Court's ruling on the motion for class certification, the Parties shall meet and confer and provide to the Court a proposed amended Joint Case Schedule regarding the filing of dispositive motions, merits expert discovery, *Daubert* motions for merits expert reports, motions *in limine*, and other final pre-trial matters. To the extent the parties are unable to agree with respect to any aspect of the proposed amended Joint Case Schedule, the parties shall submit their respective positions on those aspects of the proposed order in a joint submission.

Entered on: 1/23/2023


Hon. Elaine E. Bucklo