

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania,	:	
By Josh Shapiro, Attorney General;	:	
Pennsylvania Department of Insurance,	:	
By Jessica K. Altman, Insurance	:	
Commissioner and Pennsylvania	:	
Department of Health, By Rachel	:	
Levine, Secretary of Health,	:	
Petitioners	:	
	:	
v.	:	No. 334 M.D. 2014
	:	
UPMC, A Nonprofit Corp.;	:	
UPE, a/k/a Highmark Health,	:	
A Nonprofit Corp. and Highmark, Inc.,	:	
A Nonprofit Corp.,	:	
Respondents	:	

SCHEDULING ORDER II

AND NOW, this 12th day of March, 2019, after status/scheduling conference with counsel on March 7, 2019, it is **ORDERED and DECREED** that this Court’s Scheduling Order I dated February 25, 2019 shall be supplemented as follows:

- 1) Consistent with Pa. R.C.P. No. 213(b), in the absence of objection, in recognition of the public interest in and potentially far-reaching impact of the litigation, and in further recognition of the need for some resolution of a portion of this litigation before June 30, 2019, Count I of the Commonwealth’s Petition to Modify is severed from the other Counts of the Petition, and shall be litigated separately and expeditiously, as more fully set forth below; any dispositive orders pertaining to Count I of the Petition to Modify shall be deemed to include permission to appeal from this Court (“lower court”) pursuant to Pa.R.A.P. 1311, and contain the statement prescribed by 42 Pa. C.S. §702(b), without further application by the parties; and


- 2) Respondent UPMC shall have until the close of business on Monday, March 18, 2019, to file a reply brief in support of its Motion to Dismiss or Preliminary Objections; and

- 3) All interrogatories, requests for production, and requests for admissions shall be answered within 30 days after service. All documents being produced shall be produced as expeditiously as possible on a rolling basis with production commencing at the time the written responses are served; and

In the event litigation on Count I of the Petition to Modify goes forward after the Court decides Respondent UPMC's Motion to Dismiss or Preliminary Objections:

- 4) Respondent UPMC shall file an Answer to Count I of Commonwealth's Petition to Modify within 10 days of this Court's decision on the Motion to Dismiss or Preliminary Objections; and
- 5) Any new petitions to intervene shall be filed no later than the close of business on March 26, 2019; and
- 6) Petitioners shall be limited to a total of 15 depositions, and Respondent UPMC shall be limited initially to a total of 15 depositions, but for each deposition sought by Respondents Highmark (not to exceed 15), Respondent UPMC will be entitled to an additional deposition, the intention being that each "side" will be allowed an equal number of depositions; and
- 7) Any expert witness who will testify at any trial or fact-finding hearing shall prepare a signed expert report stating the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. All expert reports shall be served no later than the close of business on Monday, May 6, 2019; and
- 8) By the close of business on Monday, May 13, 2019, the parties shall file and serve pretrial memoranda consistent with the requirements of Pa. R.C.P. No. 212.2; a pretrial conference shall be held in Courtroom 3002 of the Pennsylvania Judicial Center, Third Floor, Harrisburg, Pennsylvania, commencing at 11:00 a.m. prevailing time on Monday, May 20, 2019; and
- 9) If needed, a non-jury trial on Count I of the Commonwealth's Petition to Modify shall commence Wednesday, May 29, 2019, in Courtroom 3002 of the Pennsylvania Judicial Center, at 10:00 a.m. prevailing time. The Commonwealth, as the moving party, shall arrange for court reporting services for the trial. The parties shall appear with exhibits

pre-marked and with sufficient copies for opposing counsel and the Court. The parties should be prepared to file proposed findings of fact and conclusions of law within five business days of the close of the record.

A handwritten signature in black ink, appearing to read 'Robert Simpson', is written over a horizontal line.

ROBERT SIMPSON, Judge

Certified from the Record

MAR 13 2019

And Order Exit