

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE ANTHEM, INC. DATA BREACH
LITIGATION

Case No. 15-MD-02617-LHK
CASE MANAGEMENT ORDER

Interim Plaintiffs’ Counsel: Eve Cervantez; Andrew Friedman
Defendants’ Counsel: Craig Hoover; Desmond Hogan; Michael Maddigan; Maren Clouse; Chad Fuller

A case management conference was held on September 10, 2015. For a list of all counsel who appeared at the case management conference, see ECF No. 280.

A further case management conference is set for October 23, 2015, at 4:00 p.m. The parties shall file their joint case management statement by October 21, 2015, at 10:00 a.m. That joint statement shall propose the causes of action from the Consolidated Amended Complaint that will be the subject of the motion to dismiss. The Court is currently contemplating no more than a total of six causes of action in the motion to dismiss.

The Court will not stay discovery against any defendants, including the Blue Cross Blue Shield Association (“BCBSA”) and non-Anthem BCBSA licensees. Nor will the Court divide the MDL into two tracks, as proposed by counsel for the plaintiff in *Ross v. Blue Cross Blue Shield Ass’n et al.* (Case No. 15-CV-03744-LHK).

The page limits for the motion to dismiss and the motion for class certification shall be governed by the Court's Civil Local Rules: twenty-five (25) for the motion, twenty-five (25) for the opposition, and fifteen (15) for any reply. The Court is currently contemplating a total of no more than three causes of action in the motion for class certification. Each side is limited to three (3) *Daubert* motions in connection with class certification. The page limits are four (4) for the motions, four (4) for the oppositions, and three (3) for any replies.

The Court ruled on the motions for appointment of lead plaintiffs' counsel on September 11, 2015. ECF No. 284.

Accordingly, the case schedule is as follows:

Scheduled Event	Date
Deadline to File Protective Order	September 18, 2015
Start of Fact Discovery	September 21, 2015
Deadline for Defendants to Produce Mandiant Forensic Report	September 25, 2015
Deadline to File Consolidated Amended Complaint	October 19, 2015
Further Case Management Conference	October 23, 2015, at 4:00 p.m.
Deadline to Exchange Initial Disclosures	November 2, 2015
Deadline for Disclosures of Non-Party Interested Entities or Persons	November 2, 2015
Briefing Schedule on Motion to Dismiss	Motion: November 16, 2015 Opp'n: December 14, 2015 Reply: January 11, 2016
Hearing on Motion to Dismiss	February 4, 2016, at 1:30 p.m.
Deadline to File Second Consolidated Amended Complaint	30 Days After Ruling on Motion to Dismiss
Deadline to File Second Round Motion to Dismiss, if any	21 Days After Filing of Second Consolidated Amended Complaint
Deadline to File Opposition to Second Round Motion to Dismiss, if any	21 Days After Filing of Second Round Motion to Dismiss
Deadline to File Reply in Support of Second Round Motion to Dismiss, if any	14 Days After Filing of Opposition to Second Round Motion to Dismiss
Hearing on Second Round Motion to Dismiss, if any	May 26, 2016, at 1:30 p.m.

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Scheduled Event	Date
Close of Fact Discovery	October 17, 2016 (July 25, 2016) ¹
Identification of Plaintiffs' Experts for Class Certification and Report	November 7, 2016 (August 15, 2016)
Identification of Defendants' Experts for Class Certification and Report	November 28, 2016 (September 6, 2016)
Identification of Plaintiffs' Rebuttal Witnesses for Class Certification and Report	December 19, 2016 (September 26, 2016)
Last Day to Depose Experts (i.e., Close of Expert Discovery)	January 23, 2017 (October 31, 2016)
Last Day to Amend Pleadings/Add Parties	February 3, 2017 (November 14, 2016)
Deadline to File Motion for Class Certification and Opening <i>Daubert</i> Motions	February 17, 2017 (November 30, 2016)
Deadline to File Opposition to Motion for Class Certification and Oppositions to <i>Daubert</i> Motions	March 17, 2017 (January 6, 2017)
Deadline to File Reply in Support of Motion for Class Certification and <i>Daubert</i> Replies	April 14, 2017 (February 3, 2017)
Hearing on Motion for Class Certification and <i>Daubert</i> Motions	May 4, 2017, at 1:30 p.m. (February 23, 2017, at 1:30 p.m.)

IT IS SO ORDERED.

Dated: September 11, 2015



 LUCY H. KOH
 United States District Judge

¹ Dates in parentheses assume no second round motion to dismiss is filed.