

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>IN RE: BLUE CROSS BLUE SHIELD</b>  <b>ANTITRUST LITIGATION</b> <b>(MDL NO.: 2406)</b>	} } } } }	<b>Master File No.: 2:13-CV-20000-RDP</b>  <b>This document relates to all cases.</b>
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**THIRD AMENDED SCHEDULING ORDER**

This matter is before the court on Subscriber Plaintiffs' Motion to Continue Class Certification Deadlines. (Doc. # 1546). After careful consideration and consultation with Judge Putnam regarding the status of discovery, it is **ORDERED** as follows:

1. Subscriber Plaintiffs' Motion to Continue Class Certification Deadlines. (Doc. # 1546) is **GRANTED**.
2. By now, based upon the previous deadlines, discovery should be substantially completed.
3. Fact discovery in the prioritized proceedings **SHALL** be completed by **December 1, 2017**. This extension of the discovery period is designed to allow the parties time to conclude discovery *already initiated*. **The extended deadline SHALL NOT be used as an opportunity to initiate any new discovery.**
4. **Class Certification Discovery:**
  - a. Class certification expert discovery is to be commenced in time to allow the parties to meet all deadlines set forth below.
  - b. All reports from retained experts on class certification under Fed. R. Civ. P. 26(a)(2):
    - Due from Plaintiffs **upon filing of any class certification motion;**

- Due from Defendants **upon filing of any opposition** to class certification motion;
- Rebuttal due from Plaintiffs **upon filing of any reply** to class certification motion.
- The parties **SHALL** complete the depositions of any expert on class certification issues **within thirty (30) days of receipt of the expert's report** provided that any deposition regarding a rebuttal report **SHALL** be taken **within fourteen (14) days of service of the rebuttal report**.

5. **Class Certification Motions:** Motions for class certification and materials in support **SHALL** be filed **on or before January 15, 2018**. The parties are reminded that early filing does not mean that the Motion will receive independent consideration by the court.

- Opposition briefs **SHALL** be due **on or before April 3, 2018**.
- Reply briefs **SHALL** be due **on or before May 18, 2018**.

6. Any ***Daubert* motions** seeking to exclude any class certification expert witness **SHALL** be filed **within seventy-five days of disclosure of the expert's report**.

- Opposition briefs **SHALL** be filed **within forty-five days of any *Daubert* Motion**.
- Reply briefs **SHALL** be filed **within forty-five days of any opposition brief**.

7. **Damages and Merits Expert Reports and Discovery** are:

- Due from Plaintiffs **on or before January 31, 2018**.
- Due from Defendants **on or before April 3, 2018**.
- Rebuttals due from Plaintiffs **on or before May 18, 2018**.

- The parties **SHALL** complete the deposition of any expert on merits and damages issues **within thirty (30) days of that expert's report** provided that any deposition regarding a rebuttal report **SHALL** be taken **within eighteen (18) days of service of the rebuttal report**.

14. **Dispositive Motions:** All potentially dispositive motions on issues of liability and materials in support and supporting expert reports under Fed. R. Civ. P. 26(a)(2) are **due on or before April 13, 2018**. The parties will meet and confer as to an appropriate briefing schedule after such a Motion or Motions is filed, and present a schedule or competing proposals to the court **within 7 days after the filing of any potentially dispositive motion**.

15. **Pretrial Conference and Trial:** The court will set a pretrial conference at its discretion a reasonable time after the ruling on class certification and/or dispositive motions.

**DONE** and **ORDERED** this September 21, 2017.

  
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**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE