

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

**BRIAN WHITLEY, Individually and
on Behalf of All Others Similarly Situated**

PLAINTIFF

v.

No. 4:16-cv-624-DPM

**BAPTIST HEALTH; BAPTIST HEALTH
HOSPITALS; DIAMOND RISK
INSURANCE LLC; CONTINENTAL
CASUALTY COMPANY; ADMIRAL
INSURANCE COMPANY; ADMIRAL
INDEMNITY COMPANY; IRONSHORE
INDEMNITY, INC.; and IRONSHORE
SPECIALTY INSURANCE COMPANY**

DEFENDANTS

ORDER

Baptist's motion to stay discovery, *No. 139*, is partly granted, and partly denied, with instructions. First, Baptist need not respond to Whitley's fourth set of discovery requests. They're premature because they're so comprehensive. Second, Baptist must audit the current spreadsheet information and give Whitley its best estimate of how many members may be in the class. Third, counsel must meet and confer in person (video conference will do) about all discovery issues beyond the numerosity clarification. Fourth, if the Court of Appeals allows the interlocutory appeal of *No. 138*, this Court will *sua sponte* stay any discovery beyond the numerosity clarification. Fifth, the Court

reminds the parties to follow the Scheduling Order's provision about discovery disputes. Sixth, the Court reminds the parties of their joint report due by 15 November 2019 on numerosity and notice issues. *No 138 at 21-22.*

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

25 October 2019