

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

EDISON RUNYAN, Individually and
on behalf of all others similarly
situated

PLAINTIFF

V.

Civil No. 08-6034

TRANSAMERICA LIFE INSURANCE
COMPANY

DEFENDANT

O R D E R

Currently before the Court is the defendant's **Motion for Joint Case Management Conference and Coordinated Discovery in Related Actions (Doc. 18)**, the plaintiff's **Opposition (Doc. 21)**, and the defendant's **Reply (Doc. 23)**. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. On May 21, 2008, the Court entered an order staying this action pending a decision by the Judicial Panel on Multidistrict Litigation (MDL) on the defendant's motion to transfer this action for coordinated and consolidated pretrial proceedings with six other similar actions. The actions involve supplemental cancer insurance policies administered by the defendant or its affiliate.

2. On August 11, 2008, the MDL Panel denied the defendant's motion to transfer, finding that the cases involved "the proper interpretation of the term 'actual charges' in certain 'cancer only' insurance policies issued by

defendants." It also found that this was a legal issue and, as such, the need for extensive overlapping discovery was unlikely. (Doc. 17.)

3. Given the MDL panel's ruling, the stay previously imposed by the Court is no longer in effect. The defendant now moves the Court to conduct a joint case management conference for the purpose of coordinating discovery and pretrial scheduling in this case and three other cases:

- * Pipes v. Life Investors Ins. Co of America, Inc., Case No. 1:07-cv-00035 (E. D. Ark.) (Hon. Susan Webber Wright);
- * Mitchell v. Life Investors Ins. Co. of America, Inc., Case No. 4:07-cv-0484 (W.D. Ark.) (Hon. Harry Barnes); and
- * Adams v. Equity National Life Ins. Co., Case No. 2:07-cv-00154 (E.D. Ark.) (Hon. Brian Miller).

4. The defendant filed similar motions for a joint case management conference in each of the above cases. On September 22, 2008, Judge Miller denied the motion filed in the Adams case. On September 25, 2008, Judge Wright denied the motion in the Pipes case. This Court agrees with the findings of Judge Miller and Judge Wright that a joint case management conference and coordinated discovery are unwarranted.

Accordingly, defendant's **Motion (Doc. 18)** is hereby **DENIED**. An initial scheduling order will issue forthwith.

IT IS SO ORDERED this 14th day of October, 2008.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE