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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CAVE CONSULTING GROUP, INC.,  
Plaintiff,  
v.  
OPTUMINSIGHT, INC.,  
Defendant.

Case No. [15-cv-03424-JCS](#)

**ORDER GRANTING MOTION FOR  
LEAVE TO FILE MOTION FOR  
RECONSIDERATION**

Re: Dkt. No. 358

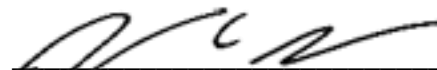
Plaintiff Cave Consulting Group, Inc. (“CCGroup”) seeks leave to file a motion for reconsideration of this Court’s previous order dated August 28, 2019 granting summary judgment on, among other issues, CCGroup’s ability to show antitrust damages based on lost profits in light of the Court’s decision to exclude opinions on that issue offered by CCGroup’s expert witness Dr. Sullivan. CCGroup contends Defendant OptumInsight, Inc. did not seek summary judgment on that issue and the Court did not provide notice that it intended to raise the issue sua sponte. *See* dkt. 358. CCGroup raises at least a colorable argument of error warranting reconsideration. The motion for leave to file is GRANTED.

In addition to accepting arguments on the issue of reconsideration, to the extent the motion might be granted, the Court also hereby provides notice under Rule 56(f) of the Federal Rules of Civil Procedure of the Court’s intent to consider sua sponte whether summary judgment should be granted on the issue of whether CCGroup can show market damages. CCGroup may revise its proposed motion for reconsideration to account for this change in the scope of issues to be addressed.

The Court will address the briefing schedule for CCGroup’s motion for reconsideration at the case management conference set for 2:00 PM today.

**IT IS SO ORDERED.**

Dated: October 4, 2019

  
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JOSEPH C. SPERO  
Chief Magistrate Judge