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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

5 **CHRISTOPHER CORCORAN, ET AL.,**

6 Plaintiffs,

7 vs.

8 **CVS HEALTH, ET AL.,**

9 Defendants.

CASE NO. 15-cv-03504-YGR

**ORDER GRANTING IN PART PLAINTIFFS’
ADMINISTRATIVE MOTION RE: MOTION TO
SUBSTITUTE CLASS REPRESENTATIVES AND
FOR CERTIFICATION OF NEW YORK AND
ARIZONA CLASSES**

Re: Dkt. No. 386

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11 On August 19, 2019, the Court held a further case management conference in the above-
12 captioned action. (*See* Dkt. No. 370.) During the conference, the Court indicated that it would
13 allow plaintiffs “a very short, very short period of time . . . to identify an appropriate plaintiff or
14 plaintiffs and any appropriate discovery and motion practice” relevant to the proposed New York
15 and Arizona classes. (Dkt. No. 373 at 5:24-25–6:1-12.) The Court set a deadline for plaintiffs’
16 motion to substitute the class representatives for the proposed New York and Arizona classes of
17 September 9, 2019. (*Id.* at 13:7-9.) Plaintiffs so filed. (*See* Dkt. No. 376.) Therein, plaintiffs
18 identified Messrs. Joseph Luzier and Aaron Allen as proposed class representatives for the New
19 York class. (*Id.* at 3.)

20 According to plaintiffs’ counsel, unexpected circumstances have caused a slight delay.
21 Thus, now before the Court is plaintiffs’ administrative motion regarding the September 9, 2019
22 motion to substitute class representatives.¹ (Dkt. No. 386 (“Admin Motion”.) Specifically,
23 plaintiffs represent that proposed representatives Luzier and Allen “are no longer able to proceed
24 as proposed plaintiffs and class representatives for the proposed New York class due to
25 unexpected medical issues that arose after the Motion to Substitute was filed on September 9,
26 2019.” (*Id.* at 2.) Based thereon, plaintiffs now seek leave of Court to file an amended motion to

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28 ¹ Plaintiffs also submit a motion to file a portion of this motion under seal in light of the
personal health information contained therein. (Dkt. No. 385.) The Court **GRANTS** that motion.


1 substitute, replacing Luzier and Allen with Stephen Sullivan as the proposed New York class
2 representative. (*Id.* at 3.) Plaintiffs assert, and defendants do not dispute (*see* Dkt. No. 388
3 (“Opp.”)), that they informed defendants that Sullivan’s discovery responses would be served on
4 the morning of September 30, 2019 and that Sullivan would be available for deposition on
5 October 4, 9, 10, or 11, 2019. (Admin Motion at 4.) Plaintiffs also proposed continuing the
6 deadline for defendants’ response to the amended motion to substitute to October 14, 2019. (*Id.*)
7 However, plaintiffs have not filed, as an exhibit to the administrative motion or otherwise, the
8 amended motion to substitute that they would like to file. On Friday, October 4, 2019, defendants
9 filed their opposition to the pending administrative motion.² (Opp.)

10 In light of the Luzier and Allen’s health issues, and the speed with which plaintiffs moved
11 to substitute, the Court finds the good cause standard satisfied. (*See* Admin Motion.) *See Branch*
12 *Banking & TR. Co. v. D.M.S.I., LLC*, 871 F.3d 751, 764-65 (9th Cir. 2017) (“The good cause
13 standard of Rule 16(b) primarily considers the diligence of the party seeking the amendment.”).
14 However, the Court is not convinced that the proposed schedule provides sufficient time for the
15 defendants. Accordingly, the Court **GRANTS IN PART** plaintiffs’ administrative motion.
16 Defendant’s opposition to the motion to amend is vacated pending further Court order. The
17 parties shall meet and confer and provide the Court with a proposed scheduling order no later than
18 close of business on Wednesday, October 9, 2019.

19 This Order terminates Docket Numbers 385, 386, and 387.

20 **IT IS SO ORDERED.**

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22 Dated: October 7, 2019


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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27 ² Defendants also submit a motion to file a portion of this opposition under seal in light of
28 the personal health information contained therein. (Dkt. No. 387.) The Court **GRANTS** that
motion.