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**SUNNYVALE IMAGING CENTER**

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10 Attorneys for Defendant  
**CIGNA HEALTH AND LIFE INSURANCE**  
 11 **COMPANY**

12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**

16	SUNNYVALE IMAGING CENTER,	)	<b>CASE NO. 12-cv-03404 LHK</b>
17		)	
17	Plaintiff,	)	<b>JOINT REQUEST FOR AND</b>
18		)	<b><del>PROPOSED</del> ORDER CONTINUING</b>
18	vs.	)	<b>ALL DATES BY SIXTY DAYS DUE</b>
19		)	<b>TO SIGNIFICANT INCREASE IN</b>
19	CIGNA HEALTH AND LIFE INSURANCE	)	<b>NUMBER OF CLAIMS AT ISSUE IN</b>
20	COMPANY, a Connecticut Corporation, and	)	<b>CASE</b>
20	DOES 1-10, inclusively,	)	
21		)	
21	Defendants.	)	

22  
 23 This case is unlike most ERISA cases because it involves hundreds of separate claims  
 24 for payment of medical benefits for MRI services provided to hundreds of different patients, all  
 25 of whom are participants in different employee benefit plans.

26 In its Complaint in this case, Plaintiff Sunnyvale Imaging Center (“Plaintiff”) asserted  
 27 that it is in the business of providing MRI and related services to patients, it provided such  
 28 services to persons who were either insured by Defendant Cigna Health and Life Insurance

1 Company (“Defendant”) or whose medical plan was administered by Defendant, it is an out-of-  
2 network provider that does not have a reimbursement rate contract with Defendant, that it  
3 submitted claims to Defendant for payment, and that Defendant either did not pay or underpaid  
4 approximately two-hundred and fourteen (214) of those claims.

5 Last month, Plaintiff identified an additional one-hundred and seventy-two (172) claims  
6 that are now at issue in this case. These new claims almost double the number of claims that  
7 were previously at issue in the case and bring the total number of claims to approximately  
8 three-hundred and eighty-six (386) claims.

9 The increasing number of claims at issue in this case has hindered the parties’ ability to  
10 prepare for mediation under the current schedule because each claim requires an individual  
11 analysis. For each claim, the parties must determine the amount the patient’s benefit plan  
12 allows for out-of-network MRIs and related services, the amount of the patient’s co-insurance  
13 and co-pay, the amount of the patient’s deductible and whether or not it has been satisfied, the  
14 amount that has already been paid, and to whom the payment was sent (*i.e.*, the patient or the  
15 Plaintiff). This is a labor-intensive and time-consuming process. The parties continue to work  
16 cooperatively and diligently to perform this process.

17 The parties have not previously requested the continuance of any of the dates set by the  
18 Court in this case. This is the first request.

19 The parties also participated in a telephone conference with the Court-appointed  
20 mediator, George Wailes, and he was also of the opinion that more investigation into the claims  
21 was needed for the mediation to be productive.

22 For these reasons, the parties request that the Court continue all of the pre-trial and trial  
23 dates by approximately sixty (60) days so that the parties can continue their analysis and  
24 preparation for mediation. Specifically, the parties request the following:

- 25 1. Completion of Court-sponsored mediation to be continued from April 19, 2013  
26 to June 14, 2013;
- 27 2. Close of fact discovery continued from June 14, 2013 to July 26, 2013;
- 28 3. Opening expert reports continued from June 28, 2013 to August 8, 2013;

4. Rebuttal expert reports continued from July 12, 2013 to August 23, 2013;
5. Close of expert discovery from July 26, 2013 to September 9, 2013;
6. Last day to file dispositive motions continued from August 8, 2013 to October 10, 2013;
7. Last day to hear dispositive motions continued from September 19, 2013 to November 14, 2013;
8. Pre-trial conference continued from November 7, 2013 to January 9, 2014;
9. Trial continued from December 2, 2013 to February 3, 2014.

The parties respectfully submitted this request and assert that good cause exists for granting the requested relief.

Dated: April 8, 2013

**LAW OFFICE OF JAMES M. BARRETT**

By: /S/ James M. Barret  
James M. Barret  
Attorney for Plaintiff  
SUNNYVALE IMAGING CENTER

Dated: April 8, 2013

**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**

By: /S/ Donald P. Sullivan  
Donald P. Sullivan  
Attorney for Defendant  
CIGNA LIFE AND HEALTH  
INSURANCE COMPANY, INC.

**~~PROPOSED~~ ORDER**

For good cause shown, the Court hereby grants the parties' joint request and modifies the scheduling order in this case as follows:

1. Completion of Court-sponsored mediation to be continued from April 19, 2013 to June 14, 2013;
2. Close of fact discovery continued from June 14, 2013 to July 26, 2013;
3. Opening expert reports continued from June 28, 2013 to August 16, 2013;

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4. Rebuttal expert reports continued from July 12, 2013 to September 6, 2013;
5. Close of expert discovery from July 26, 2013 to September 27, 2013;
6. Last day to file dispositive motions continued from August 8, 2013 to October 17, 2013;
7. Last day to hear dispositive motions continued from September 19, 2013 to December 12, 2013
8. Pre-trial conference continued from November 7, 2013 to January 30, 2014;
9. Trial continued from December 2, 2013 to February 18, 2014.

**IT IS SO ORDERED:**

Date: April 18, 2013

  
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The Hon. Lucy H. Koh  
United States District Judge