

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**JOHN S. WILLIAMS, PAUL F. REEVES,  
ERIK S. GRAVES, and TAMMY D. DAY,  
on behalf of themselves and all others  
similarly situated,**

**Plaintiffs,**

**v.**

**Case No.: 3:09cv225/MCR/MD**

**BLUE CROSS AND BLUE SHIELD  
OF FLORIDA, INC.,**

**Defendant.**

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**ORDER**

This action is brought under the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. § 1001, *et seq.* ("ERISA"), for breach of fiduciary duty and declaratory and injunctive relief (doc. 13). The parties participated in a telephone conference on July 26, 2010, regarding the status of the plaintiffs' Motion to Certify a Class of Cancer Patients Who Were Denied Radiology Benefits Known as Diagnostic CT (doc. 83) and the necessity of an evidentiary hearing on the same. Jack de la Piedra appeared on behalf of the Plaintiffs; Daniel Alter appeared on behalf of the defendant. Although the parties informed the court they do not believe there are disputed factual issues necessitating an evidentiary hearing, they advised the court that three hours would be a sufficient amount of time in which to conduct such a hearing. The court directed the plaintiffs to file a reply to the defendant's response to their motion to certify on or before August 30, 2010. Counsel for the plaintiffs informed the court that the plaintiffs intend to file a motion for leave to file new evidence in support of their reply. The court directed

plaintiffs' counsel to do so on or before Monday, August 2, 2010, and counsel for the defendant to respond no later than August 13, 2010. Once the court reviews plaintiffs' reply, it will inform the parties whether it intends to conduct an evidentiary hearing on plaintiffs' motion to certify.

**DONE AND ORDERED** this 28th day of July, 2010.

*s/ M. Casey Rodgers*

**M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE**