

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

PAIGE STILL,

Plaintiff,

vs.

AMERICAN UNITED LIFE INSURANCE
COMPANY and DISABILITY
REINSURANCE MANAGEMENT
SERVICES, INC. ,

Defendants.

CIVIL ACTION

Case No. 7:14-cv-40 (HL)

**AMENDED SCHEDULING
AND DISCOVERY ORDER**

The parties to this action jointly agree to the following amended scheduling and discovery report' containing deadlines and limitations as follows:

I. Nature of the Case:

Plaintiff sues Defendants for benefits under a disability insurance policy that she alleges have been denied her by the Defendants in breach of the policy. Plaintiff also alleges a bad faith count against Defendants under Official Code of Georgia Annotated § 13-4-6. Defendants deny these allegations.

II. Counsel of Record:

The following individually-named attorneys are hereby designated as lead counsel for the parties:

Plaintiff:

Eric L. Buchanan (BPR #018568)
Hudson T. Ellis (BPR #28330)
414 McCallie Avenue
Chattanooga, TN 37402
Telephone: (423) 634-2506
Facsimile: (423) 634-2505
ebuchanan@buchanandisability.com
ellish@buchanandisability.com

Defendants:

S. Russell Headrick
Richard N. Bien
2345 Grand Blvd., Suite 2200
Kansas City, MO 64108-2618
Telephone: (816) 460-5303
Facsimile: (816) 292-2001
rheadrick@lathropgage.com
rbien@lathropgage.com

Gregory T. Talley
Coleman Talley LLP
910 North Patterson Street
Valdosta, GA 31601
Telephone: (229) 671-8221
Facsimile: (229) 333-0885
greg.talley@colemantalley.com

III. Discovery

A. Initial Disclosures

The parties have already made their respective initial disclosures.

B. Time for Discovery

The time for discovery in this case shall expire on February 19, 2015. The parties are authorized to begin discovery once the Rule 26(f) conference is held.

No discovery request may be served unless the response to the request can be completed within the time specified by the rules and within the discovery period. Except by written consent of the parties first filed with the Court, no deposition shall be scheduled beyond the discovery period.

If a party believes that more time for discovery is needed, an appropriate motion may be filed setting forth good cause for an extension.

Plaintiff served their First Set of Interrogatories and Requests for Production of Documents to Defendants on July 21, 2014, with an original response deadline of August 25. Defendants served their First Set of Interrogatories and First Set of Requests for Production of Documents on July 24, 2014, with an original response deadline of August 26. The parties agree the amended deadline to respond to Plaintiff's written discovery will be October 24, 2014 and the amended deadline to respond to Defendants' written discovery will be October 27, 2014.

C. Subjects of Discovery

The parties intend to conduct discovery regarding non-privileged matters relevant to the claims and defenses of the parties.

D. Electronically Stored Information

The parties have discussed the disclosure and discovery of electronically stored information (“ESI”). Defendants have represented that relevant ESI principally consists of claims notes and claim-related emails. Defendant further represents that this ESI has been incorporated into the insurance claim file and will be produced to Plaintiff in PDF format. The Plaintiff will review the information provided to determine whether it is adequate or whether it is necessary to produce the ESI in a format that preserves all data and/or metadata associated with the record.

The parties also discussed the need for preserving all ESI relevant to the claim in its native format until the instant litigation is resolved. The Plaintiff will provide Defendants with a separate litigation hold letter listing categories of documents that should be preserved.

E. Privilege Claims

The parties will abide by Federal Rules of Civil Procedure 26(b)(5) in asserting and disputing privilege claims. Further, the parties agree that any claim for privilege shall be made at least 45 days prior to the trial of this matter.

F. Changes to Discovery Limitations

Due to the document-intensive nature of this case, the parties request that the number of allowable requests for production be increased to 25. Otherwise, the parties believe that the limitations provided in the Court’s Local Rules are appropriate for this litigation.

G. Other Discovery Matters

The parties do not believe any other orders regarding discovery should be issued at this time.

H. Expert Witnesses

Any party who desires to use the testimony of any expert witness will be required to designate the expert according to the following schedule:

The Plaintiff must disclose the identity of any expert witnesses on or before November 21, 2014.

The Defendants must disclose the identity of any expert witnesses on or before December 21, 2014.

If the Defendants designate an expert where the Plaintiff has not previously designated an expert, the Plaintiff shall have 30 days from the designation of the Defendants' expert within which to designate a rebuttal expert witness.

The parties agree to abide by Fed. R. Civ P. 26(a)(2) when designating any witness that may present evidence at trial under Fed. Rule of Evid. 702, 703, or 705.

Any designated expert witness must be available to be deposed during the discovery period.

Any supplemental expert reports must be served on or before January 30, 2015. No additional supplemental reports may be disclosed or provided after this date without leave of Court.

IV. Motion Deadlines

- A. All motions to join other parties or to otherwise amend the pleadings must be filed as soon as the need for joinder or amendment is discovered. The deadline to file any motion to amend is January 20, 2015.
- B. All dispositive motions shall be filed on or before April 5, 2015.
- C. All Daubert motions must be filed on or before March 23, 2015.

The parties are instructed not to file Daubert motions as part of dispositive motions.

V. Other Matters

- A. The parties agree that requests for admission that are propounded solely to authenticate documents as provided for under Federal Rule of Civil Procedure 36(a)(1)(B) are excluded from Local Rule 36's limitation on the number of requests to admit that can be propounded.
- B. The parties are limited by the Local Rules to 25 interrogatories (L. R. 33.1) and 15 requests for admissions (L. R. 36). The parties have requested that the Court increase the limit of requests for production to 25.

The parties may not exceed these limits without filing a motion and receiving written permission from the Court.

- C. All applications to the Court for orders shall be presented in the form of written motions filed pursuant to the Local Rules. Letters, faxes, and telephone calls will not be accepted in lieu of a properly filed motion unless requested or otherwise authorized by the Court.
- D. Any request for leave of absence should be filed in the form of a motion. The Court will not consider notices filed pursuant to Uniform Superior Court Rule 16.
- E. Do not send courtesy copies of letters, motions, or briefs to the Court.

F. This Scheduling and Discovery Report must be filed as a .pdf document.

G. This schedule shall not be modified except upon a showing of good cause and by leave of Court.

This 13th day of August, 2014.

**ERIC BUCHANAN & ASSOCIATES,
PLLC**

/s/ Eric L. Buchanan

Eric L. Buchanan
ebuchanan@buchanandisability.com

/s/ Hudson T. Ellis

Hudson T. Ellis
ellish@buchanandisability.com
414 McCallie Avenue
Chattanooga, TN 37402
(423) 634-2506
(423) 634-2505 facsimile

Attorneys for the Plaintiff

LATHROP & GAGE LLP

/s/ S. Russell Headrick

S. Russell Headrick
rheadrick@lathropgage.com

/s/ Richard N. Bien

Richard N. Bien
rbien@lathropgage.com
2345 Grand Boulevard, Suite 2200
Kansas City, MO 64108
(816) 460-5303
(816) 292-2001 facsimile

COLEMAN TALLEY LLP

/s/ Gregory T. Talley

GREGORY T. TALLEY
Georgia Bar No. 696705
greg.talley@colemantalley.com
910 N Patterson Street
Valdosta, GA 31601
(229) 242-7562
(229) 333-0885 facsimile

Attorneys for the Defendants

The Court, having reviewed the information contained in the Scheduling and Discovery Report completed and filed jointly by the parties to this action, hereby ADOPTS the parties plan and MAKES IT THE ORDER OF THE COURT.

SO ORDERED, this 13th day of August, 2014.

s/ Hugh Lawson

HUGH LAWSON
United States Senior District Judge