

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DR. ROBERT L. MEINDERS, D.C., LTD,)
)
Plaintiff,)

v.)

Case No. 3:14-cv-548-DRH-DGW

UNITEDHEALTHCARE, INC., et al.,)
)
Defendants.)

ORDER

WILKERSON, Magistrate Judge:

Now pending before the Court is the Motion to Modify Briefing filed by Plaintiff on April 29, 2016 (Doc. 77). The Motion is **GRANTED IN PART and DENIED IN PART**.

On February 18, 2016, this Court set forth a briefing schedule that directed cross motions for summary judgment to be filed on May 18, 2016 with responses due on June 15, 2016. Plaintiff now seeks to modify that schedule to allow for the filing of a motion to dismiss or to excuse Plaintiff from filing a motion for summary judgment. When this matter was remanded from the Seventh Circuit Court of Appeals, the District Court was directed to permit limited discovery in order for Plaintiff to fully respond to Defendants’ assumption theory. In particular, Plaintiff was permitted to proceed with discovery to refute or contest the declaration of Colleen Van Ham that supported a claim that an arbitration clause in a Provider Agreement could be enforced against Plaintiff. In light of the presence of some factual statements that (presumably) would be used to support a motion, this Court set a summary judgment briefing schedule. Based on Defendants’ response to this pending motion, they have no objection to filing such a motion. Such a motion would obviate the necessity of converting a motion to dismiss to one for summary judgment, which would result in some delay in resolving this matter.

However, the Court has reconsidered in light of Judge Herndon's September 24, 2015 Order (Doc. 44). The parties are hereby **DIRECTED** to file briefs on the issues outlined in the Seventh Circuit's Mandate by **May 18, 2016**. Those briefs can seek whatever relief the parties believe is appropriate (whether it be dismissal or judgment or some other relief). The parties shall respond to the opposing briefs by **June 15, 2016**.

For the foregoing reasons, the Motion to Modify Briefing filed by Plaintiff on April 29, 2016 (Doc. 77) is **GRANTED IN PART** to the extent that the parties are directed to file briefs and not cross-motions for summary judgment **and DENIED IN PART** to the extent that Plaintiff seeks to be excused from filing a brief.

IT IS SO ORDERED.

DATED: May 16, 2016



DONALD G. WILKERSON
United States Magistrate Judge