

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MARY E. ORMOND, et al.,)	
On Behalf of Themselves and)	
All Others Similarly Situated,)	
)	
Plaintiffs,)	
vs.)	NO. 1:05-cv-01908-TWP-TAB
)	
ANTHEM INC., et al.)	
)	
Defendants.)	

**ENTRY AND ORDER REGARDING CONFERENCE
HELD ON AUGUST 24, 2011**

This matter is before the Court for a conference to discuss pending matters. Plaintiffs appear by counsel, Dennis Paul Barron, Ed DeLaney, Eric Zagrans, Kathleen DeLaney, Peter R. Kahana, H. Laddie Montague, and Lynn L. Sarko. Defendants appear by counsel, Christopher G. Scanlon, Craig A. Hoover, Paul A. Wolfla, and Peter R. Bisio. Court Reporter is Fred Pratt. The following items were discussed and the following rulings are made:

1. The Court now finds that oral arguments on Defendants' Motion for Certificate of Appealability are not necessary. Therefore, Defendants' corresponding Motion for Oral Arguments (Dkt. 459) is **DENIED**. The Court will soon be ready to take up Defendants' Motion for Certificate of Appealability. Tentatively, the Court anticipates ruling on this Motion by mid to late September.

2. In light of today's discussion, the Court has determined that it would be unnecessarily burdensome to both the parties and the Court to exchange the *Jorling* trial date (December 5, 2011) with the *Ormond* trial date (June 18, 2012). Moreover, if the Court were to exchange the trial dates, it would foreclose the possibility of consolidating these matters for trial. Plaintiffs' Motion to Exchange Existing Trial Settings (Dkt. 448) is therefore **DENIED**. As it stands, each case will keep its respective trial setting. That said, both the parties and the Court agree that

Jorling will not be ready for trial in December 2011. At their earliest convenience, the parties should confer and file a motion and proposed order continuing the *Jorling* trial date.

3. The parties and the Court further discussed the possibility of consolidating *Ormond* and *Jorling* for trial. At this time, however, such a determination is premature, as class certification and summary judgment motions remain pending in *Jorling*. This issue will be discussed further in due course.

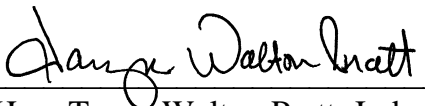
4. The Court appreciates that there is perhaps an unbridgeable chasm in the parties' respective settlement positions. But, as always, the parties are encouraged to reevaluate their positions and consider the benefits of settlement, which eliminates the risk, uncertainty, and rigors of a trial of this magnitude. At this time, however, the Court will not order mediation or schedule a settlement conference with the Magistrate Judge.

5. The parties are in agreement that Plaintiffs' Motion to Narrow the Class Definition (Dkt. 387) can be **DENIED** as moot.

6. Per Plaintiffs' request, special jury questionnaires will be used in this matter. This and other jury and courtroom related issues will be discussed in much greater detail at the final pretrial conference, which is scheduled for May 30, 2012 at 10:00 a.m. To reiterate, this matter remains set for trial by jury on June 18, 2012 at 9:00 a.m.

Date: 08/24/2011

Distribution attached.



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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