

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LUMBERMEN'S INC., et al.,

Plaintiffs,

Civil Action No.
12-CV-15606

vs.

Honorable Patrick J. Duggan

BLUE CROSS AND BLUE SHIELD
OF MICHIGAN,

Defendant.

**OPINION AND ORDER GRANTING
PLAINTIFFS' MOTION TO LIFT STAY**

On December 21, 2012, Plaintiffs filed this lawsuit – one of more than fifty nearly identical civil actions filed in this District – against Defendant Blue Cross Blue Shield of Michigan (“BCBSM”) alleging violations of state and federal law arising out of BCBSM’s administration of Plaintiffs’ self-funded employee health benefit plans. A bench trial was held in one of the related actions before the Honorable Victoria A. Roberts, who ruled in favor of the plaintiffs and awarded them more than five million dollars, plus costs, interest, and attorney fees. *See Hi-Lex Controls, Inc. v. Blue Cross & Blue Shield of Mich.*, No. 11-CV-12557, 2013 WL 2285453 (May 23, 2013). BCBSM appealed.

On July 24, 2013, this Court stayed the present case “until such time as the

appeals process in *Hi-Lex*, including any appeal and proceeding on writ of certiorari to the United States Supreme Court, is exhausted.” *Lumbermen’s, Inc. v. Blue Cross & Blue Shield of Mich.*, No. 12-CV-15606, 2013 WL 3835339, at *2 (E.D. Mich. Jul. 24, 2013). On May 14, 2014, the Sixth Circuit issued an opinion affirming the judgment issued by Judge Roberts in *Hi-Lex*, and the United States Supreme Court denied certiorari on October 20, 2014. *See Hi-Lex Controls, Inc. v. Blue Cross Blue Shield of Mich.*, 751 F.3d 740 (6th Cir. 2014), *cert. denied*, --- S. Ct. ---, 2014 WL 3965217 (Oct. 20, 2014).

Because the *Hi-Lex* litigation is now concluded, Plaintiffs’ motion to lift the stay is **GRANTED**.¹ The Court will issue a notice setting a date and time for a status conference in this matter. At the status conference, the parties should be prepared to discuss the next steps in this case, including the status of the pending dispositive motion.

SO ORDERED.

¹ A few days before the Supreme Court denied certiorari in the *Hi-Lex* case, BCBSM filed a brief opposing Plaintiffs’ motion to lift the stay, arguing that the Court should not lift the stay until the writ of certiorari is adjudicated. Because the Supreme Court has now adjudicated the writ, BCBSM’s sole argument in opposition to lifting the stay is moot.

Dated: October 30, 2014

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Counsel of Record