

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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IN RE: AETNA UCR LITIGATION,	: MDL No. 2020
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	: Master File No. 07-cv-3541 (FSH) (PS)
	:
This Document Relates To: North	: <u>ORDER</u>
Peninsula Surgical Center, L.P.	:
Case No. 2:09-cv-3972-FSH-PS	: Date: November 18, 2010
	:
	:

HOCHBERG, District Judge

This matter comes before the Court on the November 16, 2010 request of plaintiff North Peninsula Surgical Center, L.P. (“NPSC”) for a scheduling conference with the Court, and

it appearing that NPSC filed a putative class action against Aetna in the Central District of California challenging certain of Aetna’s alleged methodologies for paying claims by out-of-network medical facilities, including using the Ingenix database; and

it appearing that on August 10, 2009, the Judicial Panel for Multidistrict Litigation transferred NPSC’s case to this Court for consolidated proceedings as a tag along case to the Aetna-MDL; and

it appearing that a central allegation in the Aetna-MDL is Aetna’s alleged use of the Ingenix database to determine reimbursement rates for out-of-network health provider claims; and

it appearing that NPSC contends that discovery has revealed that Aetna did not use the Ingenix database to determine rates paid to facilities such as NPSC; and

it appearing that NPSC intends to file an amended complaint that omits any reference to the Ingenix database; and

it appearing that NPSC contends that its revised claims against Aetna would be excluded from the class definition set forth in plaintiffs' most recent omnibus motion for class certification, filed on November 8, 2010, whereas its claims had been included within the class definition set forth in a prior class certification motion; and

it appearing that a scheduling conference is not necessary at this time;

IT IS on this 18th day of November, 2010, **ORDERED** that NPSC may move before this Court for a suggestion of remand to the transferor District Court, the Central District of California, within thirty (30) days of this Order. Defendants may file a response within fourteen (14) days of NPSC's motion.

IT IS SO ORDERED.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.