

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-MD-02994-RAR

In re:

**MEDNAX SERVICES, INC.,
CUSTOMER DATA SECURITY BREACH LITIGATION**

This Document Relates to All Actions

AMENDED FIFTH SCHEDULING ORDER¹

THIS CASE consists of six civil actions that have been consolidated for pretrial proceedings in this Court pursuant to 28 U.S.C. § 1407. Unless instructed otherwise by subsequent order, all pretrial proceedings in this case shall be conducted in Courtroom 205C at the U.S. Courthouse, 299 E. Broward Boulevard, Fort Lauderdale, Florida. The parties shall adhere to the following schedule:

June 8, 2022. The parties shall file all motions to amend pleadings or to join parties.

March 10, 2023. All fact discovery shall be completed.

March 31, 2023. The parties shall exchange expert witness summaries or reports.

May 26, 2023. The parties shall exchange rebuttal expert witness summaries or reports.

May 31, 2023. The parties shall select a mediator in accordance with Local Rule 16.2; schedule a time, date, and place for mediation; and jointly **file a proposed order scheduling mediation via CM/ECF** in the form specified on the Court's website. In addition to filing the joint proposed order, the parties shall also email the order to ruiz@flsd.uscourts.gov in Word format. **The email subject line must include the case number as follows: XX-CIV-XXXX-RAR.** If the parties cannot agree on a mediator, they shall notify the Clerk in writing as soon as the impasse becomes clear, and the Clerk shall designate a certified mediator on a blind rotation basis. Counsel for all parties shall

¹ A previous version of this Order required the parties to select a mediator in accordance with Local Rule 16.2 and schedule a time, date, and place for mediation by May 31, 2022. *See* [ECF No. 110]. All other deadlines remain unchanged.

familiarize themselves with, and adhere to, all provisions of Local Rule 16.2.² Within **seven (7) days** of the mediation, the parties shall file a joint mediation report with the Court. The report shall indicate whether the case settled (in full or in part), whether it was adjourned, or whether the mediator declared an impasse. If mediation is not conducted, the case may be stricken from the trial calendar, and other sanctions may be imposed.

June 30, 2023. All discovery, including expert discovery, shall be completed.

July 17, 2023. Plaintiffs shall file their motion for class certification.

August 31, 2023. Defendants shall file their response to Plaintiffs' motion for class certification.

September 28, 2023. Plaintiffs shall file their reply brief in support of their motion for class certification.

October 31, 2023. The parties must have completed mediation and filed a mediation report.

No later than thirty (30) days after the Court's ruling on Plaintiffs' motion for class certification, the parties shall file all pre-trial motions, including motions for summary judgment, and Daubert motions. Each party is limited to filing one Daubert motion. If a party cannot address all evidentiary issues in a 20-page memorandum, it must petition the Court for leave to include additional pages. **The parties are reminded that Daubert motions must contain the Local Rule 7.1(a)(3) certification.**

Good Faith Conferral. For the purposes of compliance with the good faith conferral requirement of Local Rule 7.1(a)(3), the parties are instructed that a single e-mail exchange with opposing counsel shall not constitute a good faith effort under the Local Rules. The parties are instructed to confer either telephonically or in person.

Discovery. For the reasons stated at the May 18, 2022 Status Conference, [ECF No. 109], the discovery stay in this matter is hereby lifted. The parties may stipulate to extend the time to answer interrogatories, produce documents, and answer requests for admissions. The


² Pursuant to Local Rule 16.2(e), the appearance of counsel and each party (or the representatives of each party with full authority to enter into a full and complete compromise and settlement) is mandatory. The Court may impose sanctions against parties and/or counsel who do not comply with these attendance or settlement authority requirements. The mediator shall report non-attendance to the Court and may recommend the imposition of sanctions for non-attendance.

parties shall not file with the Court notices or motions memorializing any such stipulation unless the stipulation interferes with the deadlines set forth above. Stipulations that would so interfere may be entered into only with the Court's approval. *See* FED. R. CIV. P. 29. The parties are reminded that discovery materials enumerated in Local Rule 26.1(b) shall not be filed until they are used in the proceeding or the Court orders their filing. Strict compliance with the Local Rules is expected, particularly with respect to motion practice. *See* S.D. FLA. L.R. 7.1.

Discovery Disputes. The parties shall not file any written discovery motions, including motions to compel, for protective order, or for sanctions, without the consent of the Court. Counsel must actually confer and engage in reasonable compromise in a genuine effort to resolve their discovery disputes before seeking the Court's intervention. The Court may impose sanctions, monetary or otherwise, if it determines that a party has improperly sought or withheld discoverable material in bad faith. If, after conferring, the parties are unable to resolve their discovery dispute without Court intervention, they **shall not file written motions**. Rather, the parties shall email **mednaxMDL@flsd.uscourts.gov** notifying the Court of their discovery dispute and the Court will schedule a telephonic hearing in order to resolve the matter.

Settlement Notification. If this matter is settled, counsel shall inform the Court promptly via telephone (954-769-5560) and/or e-mail (ruiz@flsd.uscourts.gov). In addition, counsel must promptly file a stipulation of settlement.

DONE AND ORDERED in Fort Lauderdale, Florida, this 25th day of May, 2022.



RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE