

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Commonwealth of Pennsylvania,	:	
By Josh Shapiro, Attorney General;	:	
Pennsylvania Department of Insurance,	:	
By Jessica K. Altman, Insurance	:	
Commissioner and Pennsylvania	:	
Department of Health, By Rachel	:	
Levine, Secretary of Health, ¹	:	
Petitioners	:	
	:	
v.	:	No. 334 M.D. 2014
	:	
UPMC, A Nonprofit Corp.;	:	
UPE, a/k/a Highmark Health,	:	
A Nonprofit Corp. and Highmark, Inc.,	:	
A Nonprofit Corp.,	:	
Respondents	:	

SCHEDULING ORDER I

AND NOW, this 25th day of February, 2019, upon consideration of the Commonwealth's Petition to Modify Consent Decrees, Respondent UPMC's Motion to Dismiss Petition to Modify or Preliminary Objections in the Nature of Demurrer, and Memorandum in Support, Motion to Request Status Conference and responses thereto, and Application for Leave to Intervene, and in recognition of the public interest in and potentially far-reaching impact of the litigation, and in further recognition of the need for some resolution of the current stage of litigation before June 30, 2019, it is **ORDERED** and **DECREED** as follows:

- 1) Motion to Request Status Conference is **GRANTED**, and the conference shall be held on Thursday, March 7, 2019, 1:00 p.m.

¹ Under Pennsylvania Rule of Appellate Procedure 502(c), when a public officer is a party to an appeal or other matter in an appellate court in his official capacity and during its pendency ceases to hold office, "his successor is automatically substituted as a party." Proceedings following the substitution shall be in the name of the substituted party. Id. When this action was commenced in 2014, Kathleen G. Kane was the Attorney General for the Commonwealth of Pennsylvania, Michael Consedine was the Insurance Commissioner, and Michael Wolf was the Secretary of Health. The caption substitutes the names of the current office holders for the names of the former officer holders that held these offices at the time this action was commenced in 2014. Id.

prevailing time, En Banc Courtroom, 5th Floor, Pennsylvania Judicial Center, Harrisburg, Pennsylvania; and

- 2) Commonwealth shall file its brief in response to Respondent UPMC's Motion to Dismiss or Preliminary Objections, and Memorandum in Support, by Monday, March 11, 2019; the Motion will be decided promptly on the papers, without oral argument; and
- 3) Discovery may commence immediately unless leave of court is required by Pa. R.C.P. No. 4007.2, and, in the absence of dismissal of the Petition to Modify, continue so as to be completed by May 1, 2019; applications relating to discovery shall be filed so as to be decided and discovery completed in advance of May 1, 2019; and
- 4) Pursuant to Pa. R.C.P. No. 2329, hearing on the Application for Leave to Intervene shall be held immediately after, and at the same location as the status conference scheduled for March 7, 2019.



ROBERT SIMPSON J.

Certified from the Record

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And Order Exit