

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**AETNA, INC., *et al.*,
Plaintiff,**

v.

**MEDNAX, INC., *et al.*,
Defendants.**

:
:
: **Civil action**
:
: **No. 18-2217**
:
:
:
:

ORDER

AND NOW, this ___ day of March, 2021, upon consideration of Defendants' Unopposed Motion for an Extension of Time, it is hereby ORDERED that Defendants' Motion is GRANTED.

Mednax shall have until March 29, 2021, to file its response to Aetna's motion for sanctions (D.E. 264).

BY THE COURT:

Hon. Wendy Beetlestone
United States District Judge

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p>AETNA, INC., <i>et al.</i>, Plaintiff,</p> <p>v.</p> <p>MEDNAX, INC., <i>et al.</i>, Defendants.</p>	<p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p>	<p>Civil action</p> <p>No. 18-2217</p>
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**DEFENDANTS’ UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND
TO AETNA’S MOTION FOR SANCTIONS**

On March 1, 2021, Plaintiffs Aetna, Inc., *et al.*, (“Aetna”) filed a motion for sanctions, charging Defendants Mednax, Inc; Pediatrix Medical Group, Inc; and Mednax Services, Inc. (“Mednax”) with spoliation of evidence. Mednax requests a 14-day extension of the deadline to respond, from March 15, until and including March 29, 2021. Aetna does not oppose this requested extension. In support of this request, Mednax states as follows:

1. Just over a year ago, at a February 28, 2020, hearing before this Court, counsel for Aetna reported that it planned to file a motion for sanctions, based upon alleged spoliation of evidence. *See* Aetna Motion at 1 n.2. Aetna filed its motion on March 1, 2021. The motion is thirty pages long and attaches 22 exhibits containing over 240 pages. The motion includes an extensive background section, which cites (incompletely, we submit) to a record dating back nearly six years. Aetna levels serious charges of bad faith against multiple respected lawyers and law firms, asks for an evidentiary hearing, and seeks an extraordinary jury instruction that Mednax “destroyed evidence and that but for this destruction of evidence, email records would have been available and those email records would have supported Aetna’s position in this case.” Motion at 27.

2. Mednax submits that it should be afforded longer than the fourteen days allotted under the Rules to respond.

First, the size and length of Aetna's submission (which Aetna plainly has been preparing for quite some time), is alone an adequate basis for granting the requested relief. Mednax is entitled to prepare a careful response to Aetna's recitation of the relevant facts, in addition to responding to Aetna's legal contentions. Especially in light of the serious nature of the charges and the requested relief, additional time to respond is appropriate.

Second, the parties are in the process of scheduling nearly twenty expert depositions between now and April 13. Those depositions (both taking and defending) will require substantial amounts of attention from counsel. While we do not ask to postpone responding to Aetna's motion until after expert discovery is closed, we do submit that at least some amount of additional time is warranted in light of counsel's imposing, competing obligations.

Third, the extension will not upset the litigation schedule. Aetna does not seek additional discovery by its motion—indeed, fact discovery concluded many months ago—but rather an order *in limine*, in the form of a jury instruction. But the parties are still in expert discovery; no trial date is yet on the calendar. Nor will the two-week extension cause any prejudice to Aetna; it has consented.

3. Mednax accordingly requests an extension of time, from March 15, through and including March 29, to submit its response to Aetna's motion.

Respectfully submitted,

Dated: March 3, 2021

BY: GARY A. ORSECK

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Medical Group, Inc., and Mednax Services, Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was served on all counsel of record via the Court's electronic filing system.

/s/ GARY A. ORSECK