**So Ordered.**

**Dated: April 10th, 2020**

Docket #0018 Date Filed: 4/10/2020

**Whitman L. Holt**
**Bankruptcy Judge**

**UNITED STATE BANKRUPTCY COURT**
**EASTERN DISTRICT OF WASHINGTON**

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|---|---|
| IN RE:<br>ASTRIA HEALTH, *et al*.<br>Debtors. | Lead Case No. 19-01189-11<br><br>Adv. Pro. Case No. 20-80005 – WLH |
| Washington State Nurses Association,<br>Plaintiff,<br>v.<br>SHC Medical Center–Yakima, Astria Health,<br>Defendants | **JOINTLY PROPOSED SCHEDULING ORDER** |

THIS MATTER having come before the Court on the status conference conducted on March 18, 2020 ("Status Conference") pursuant to the *Notice of*

**SCHEDULING ORDER**

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*Status Conference* issued by this Court on February 3, 2020 [Docket No. 2][1] with respect to the *Adversary Proceeding Complaint* filed January 1, 2020 [Docket No. 31] by Plaintiff Washington State Nurses Association ("WSNA" or "Plaintiff") and having considered the *Joint Status and Discovery Plan* filed on March 13, 2020 [Docket No. 10] (the "JSR") by Plaintiff and Defendant SCH Medical Center - Yakima ("Medical Center") and Defendant Astria Health ("Astria" and referred to with Medical Center as "Defendants" and individually a "Defendant," and referred to collectively with Plaintiff as the "Parties" and each a "Party"), and the arguments of counsel initially raised in the JSR concerning timing of Defendants' response to pending discovery propounded by Plaintiff on each Defendant on February 24, 2020 (collectively "Plaintiff's Discovery") and having considered but not determined the merits of the pending *Motion to Dismiss the Adversary Proceeding; Memorandum of Points and Authorities* filed by Defendants on March 4, 2020 [Docket No. 6] (the "Motion to Dismiss") other than to find that the Motion to Dismiss warrants limiting the scope of Plaintiff's Discovery prior to resolution of the Motion to Dismiss to objective, human resource related information concerning WSNA represented employee unpaid wages or benefits (the "Court's Discovery Ruling"), and finding that the Parties have agreed to the scope of Plaintiff's Discovery that fall within the Court's Discovery Ruling (the

[1] All references to the Docket are to the docket contained in the Adversary Proceeding.

**SCHEDULING ORDER**

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"Limited Discovery") as evidenced by the signatures of counsel to the Parties below, the Court finds and orders the following (the "Scheduling Order"):

1. **Limited Discovery**. Until the Court resolves the pending Motion to Dismiss or otherwise determines that discovery is appropriate, the Limited Discovery includes the following: Request for Admission 6) and Interrogatories 15) and 16) from WSNA's First Set of Discovery Requests to SHC Medical Center-Yakima, served February 24, 2020; and Request for Admission 7) and Interrogatories 15) and 16) from WSNA's First Set of Discovery Requests to Astria Health, served February 24, 2020; with the balance of Plaintiff's Discovery defined as the "Balance of Discovery." Specifically, the Limited Discovery requests applicable to each Defendant are as follows:

**Request for Admission 6) to Medical Center & 7) to Astria Health** Please admit that you have not paid any nurse previously employed by you any wages, PTO, health insurance contributions, retirement contributions, life insurance contributions, retirement contributions, disability plan contributions, or any other compensation by reason of employment after January 17, 2020.

**Interrogatory 15)** For each nurse terminated in January 2020, please state the nurse's name, employee identification number, job classification/title, base wage rate as of the termination (including BSN/certification pay,



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permanent charge nurse pay, and shift differential for personnel permanently assigned to evening or night shifts), and PTO balance as of the termination.

**Interrogatory 16)** For each nurse terminated in January 2020, please identify all health insurance contributions, retirement contributions, life insurance contributions, disability plan contributions, or other benefits you paid on their behalf in January 2020 or at any time thereafter.

2. Defendants have agreed to provide responses to the Limited Discovery by April 3, 2020; provided that a) nothing in this Scheduling Order limits the Defendants from raising any objection to any Limited Discovery request, the Balance of Discovery or any other discovery that may be propounded, and b) the Defendants reserves the right to supplement any response to the Limited Discovery after April 3, 2020.

**Additional Dates**:

3. The deadline to join any additional parties or amend pleadings is March 25, 2020.

4. Following entry of the Court's order on the Motion to Dismiss, if the Adversary Proceeding Complaint is not dismissed in its entirety, the following schedule shall apply to the extent not modified by agreement of the Parties or separate order of the Court:

a. **Balance of Plaintiff's Discovery**. Unless the Court orders otherwise or the Parties agree to a different date, the deadline



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for a Defendant to respond to the Balance of Discovery shall be 30 days after the Court enters a ruling denying the Motion to Dismiss. In the event that the Court disposes of some but not all of the issues or Counts contained in the Adversary Proceeding and the Parties disagree on the scope of appropriate requests under the Balance of Discovery, the Parties jointly or separately may file a request for a telephonic conference setting forth the disputed discovery requests at issue, and the reasoning of the moving Part(y)(ies) for the objection (the "Status Conference Notice"). The Status Conference Notice shall provide a response deadline of no less than fourteen (14) business days to reply and five (5) business days to reply as well as a proposed hearing date.

b. **Initial Disclosures**. 10 days from the date the Court rules on the Motion to Dismiss.

c. **Discovery cut off**. [WSNA's proposal: 90 days; Defendants' proposal: 120 days] from the date the Court rules on the Motion to Dismiss.

d. **WSNA's Motion for Summary Judgment**. [WSNA's proposal: 105 days; Defendants' proposal: 130 days] from the date the Court rules on the Motion to Dismiss.

e. **Defendants' Response & Cross-Motion for Summary Judgment**. 14 days from WSNA's Motion for Summary Judgment.

f. **WSNA's Reply & Cross-Motion Response**. 7 days from Defendants' Response and Cross-Motion.

g. **Defendants' Reply**. 7 days from the Reply and Cross-Motion Response.

5. The Court will ~~shall~~ hold a pre-trial conference as soon as practicable after ruling on any Motions or Cross-Motions for Summary Judgment.



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**Other Provisions of the JSR**

6. The Court recognizes without adopting all other provisions and statements contained within the JSR.

**Protective Order**

7. The Parties have filed a Stipulated Protective Order on April 1, 2020 [Docket No. 14], which governs confidential and other sensitive information.

///End of Order///



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