

THE HONORABLE ROBERT J. BRYAN

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

C. P., by and through his parents,  
Patricia Pritchard and Nolle Pritchard;  
and PATRICIA PRITCHARD,  
  
Plaintiffs,  
  
vs.  
  
BLUE CROSS BLUE SHIELD OF  
ILLINOIS,  
  
Defendant.

Case No. 3:20-cv-06145-RJB

**DEFENDANT BLUE CROSS BLUE SHIELD  
OF ILLINOIS'S MOTION TO VACATE  
THE COURT'S CLASS CERTIFICATION  
ORDER (DKT. 113)**

**NOTE ON MOTION CALENDAR:  
NOVEMBER 25, 2022**

1 Defendant Blue Cross Blue Shield of Illinois (“BCBSIL”) respectfully request that the  
2 Court provide clarification that the Court’s original November 9, 2022 order granting class  
3 certification (Dkt. 113) is vacated, and that a final class certification order will be reissued at a  
4 later date.

5 In its November 15, 2022 Order (Dkt. 119), the Court directed Plaintiffs to file a proposed  
6 amended order certifying the class on November 29, 2022, which is to identify the “class claims,  
7 issues [and] defenses.” Dkt. 119, at 3. BCBSIL understands that the entry of this amended order  
8 certifying the class will toll the deadline for filing an appeal of the Court’s class-certification  
9 decision pursuant to Fed. R. Civ. P. 23(f). BCBSIL seeks clarification that the existing order  
10 granting class certification is vacated and that certification of a plaintiffs’ class in this matter will  
11 be made pursuant to entry of the amended order granting class certification.  
12

13 Dated this 16<sup>th</sup> day of November, 2022.  
14

15 KILPATRICK TOWNSEND & STOCKTON LLP

16 By /s/ Gwendolyn C. Payton  
17 Gwendolyn C. Payton, WSBA No. 26752  
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19 John R. Neeleman, WSBA No. 19752  
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22 Seattle, WA 98101  
23 Telephone: (206) 626-7714  
24 Facsimile: (206) 623-6793

25 *Counsel for Blue Cross Blue Shield of Illinois*  
26  
27

**CERTIFICATE OF SERVICE**

I certify that on the date indicated below I caused a copy of the foregoing document, BLUE CROSS BLUE SHIELD OF ILLINOIS’S MOTION TO VACATE THE COURT’S CLASS CERTIFICATION ORDER (DKT 113), to be filed with the Clerk of the Court via the CM/ECF system. In accordance with their ECF registration agreement and the Court’s rules, the Clerk of the Court will send e-mail notification of such filing to the following attorneys of record:

<p><b>Eleanor Hamburger</b>                  SIRIANNI YOUTZ SPOONEMORE                  HAMBURGER                  3101 WESTERN AVENUE STE 350                  SEATTLE, WA 98121                  206-223-0303                  Fax: 206-223-0246                  Email: ehamburger@sylaw.com</p>	<p><input checked="" type="checkbox"/> by CM/ECF  <input type="checkbox"/> by Electronic Mail  <input type="checkbox"/> by Facsimile Transmission  <input type="checkbox"/> by First Class Mail  <input type="checkbox"/> by Hand Delivery  <input type="checkbox"/> by Overnight Delivery</p>
<p><b>Jennifer C Pizer</b>                  LAMBDA LEGAL DEFENSE AND                  EDUCATION FUND, INC                  4221 WILSHIRE BLVD., STE 280                  LOS ANGELES, CA 90010                  213-382-7600                  Email: jpizer@lambdalegal.org</p>	<p><input checked="" type="checkbox"/> by CM/ECF  <input type="checkbox"/> by Electronic Mail  <input type="checkbox"/> by Facsimile Transmission  <input type="checkbox"/> by First Class Mail  <input type="checkbox"/> by Hand Delivery  <input type="checkbox"/> by Overnight Delivery</p>
<p><b>Omar Gonzalez-Pagan</b>                  LAMBDA LEGAL DEFENSE AND                  EDUCATION FUND, INC. (NY)                  120 WALL STREET                  19TH FLOOR                  NEW YORK, NY 10005                  212-809-8585                  Email: ogonzalez-pagan@lambdalegal.org</p>	<p><input checked="" type="checkbox"/> by CM/ECF  <input type="checkbox"/> by Electronic Mail  <input type="checkbox"/> by Facsimile Transmission  <input type="checkbox"/> by First Class Mail  <input type="checkbox"/> by Hand Delivery  <input type="checkbox"/> by Overnight Delivery</p>

DATED this 16<sup>th</sup> day of November 2022.

KILPATRICK TOWNSEND & STOCKTON  
 LLP

By: /s/ Gwendolyn C. Payton  
 Gwendolyn C. Payton, WSBA #26752

*Counsel for Blue Cross Blue Shield of Illinois*

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Plaintiffs,

vs.

BLUE CROSS BLUE SHIELD OF  
ILLINOIS,

Defendant.

Case No. 3:20-cv-06145-RJB

**[PROPOSED] ORDER VACATING CLASS  
CERTIFICATION ORDER**

1 Upon Defendant Blue Cross and Blue Shield of Illinois's Motion to Vacate the Court's  
2 Class Certification Order (Dkt. 113), it is hereby:

3 ORDERED that the class certification order entered on November 9, 2022, Dkt. 113, is  
4 hereby vacated.

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7 **IT IS SO ORDERED.**

8 Dated this \_\_\_\_ day of \_\_\_\_\_, 2022.

9  
10 \_\_\_\_\_  
11 Hon. Robert J. Bryan

12 ***Presented By:***

13 KILPATRICK TOWNSEND & STOCKTON LLP

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27 *Counsel for Blue Cross Blue Shield of Illinois*

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DATED this 16<sup>th</sup> day of November 2022.

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 Gwendolyn C. Payton, WSBA #26752

*Counsel for Blue Cross Blue Shield of Illinois*