

HONORABLE JUDGE ROBERT J. BRYAN

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,

Plaintiff,

vs.

BLUE CROSS BLUE SHIELD OF
ILLINOIS,

Defendants.

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

**STIPULATED MOTION IN RESPONSE TO
ORDER STAYING CASE (DKT. 171)**

On April 17, 2023 this Court entered an Order Staying Case (Dkt. 171) (“Stay Order”) and ordered the parties to “notify the Court within 10 days of the Ninth Circuit Court of Appeals’ decision in *Wit*” (Dkt. 171). The Ninth Circuit Court of Appeals issued a decision on August 22, 2023 in *Wit v. United Behavioral Health*, 58 F.4th 1080 (9th Cir. 2023) (attached hereto as Exhibit 1). The Stay Order states, “The parties’ pending motions (Dkts. 153 and 156) should be stricken to be renoted for consideration after a decision in *Wit* is issued, or after this stay is lifted.”

At the time of the Stay Order there were two Motions pending before Court: Plaintiffs’ Motion for Classwide Declaratory and Permanent Injunctive Relief, and Award of Individual Nominal Damages to Named Plaintiffs (Dkt. 153), and Defendant Blue Cross Blue Shield of Illinois’s Motion to Decertify the Class (Dkt. 156).

1 Parties are requesting that the Court re-note their Motions at Dkts. 153 and 156 on the
2 Court's calendar for October 20, 2023. The Parties have agreed to a briefing schedule on
3 Supplemental Briefing on the effects of *Wit* as follows:

- 4 • September 22, 2023 Parties file Supplemental Briefing on the effect of *Wit*;
- 5 • October 20, 2023 Parties file Replies in regard to Supplemental Briefing on the effect of
6 *Wit*.

7 Pursuant to Local rules, parties state they have met and conferred and there are no
8 objections from either party. A proposed order is being submitted with this motion.

9 DATED: September 1, 2023.

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*Counsel for Plaintiffs C. P., by and through his
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CERTIFICATE OF SERVICE

I certify that on the date indicated below I caused a copy of the foregoing document, STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171) 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:

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DATED this 1st day of September, 2023.

Kilpatrick, Townsend & Stockton LLP

By: /s/ Gwendolyn C. Payton
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Counsel for Defendant Blue Cross and Blue Shield of Illinois

HONORABLE JUDGE ROBERT J. BRYAN

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,	Plaintiff,
vs.	
BLUE CROSS BLUE SHIELD OF ILLINOIS,	Defendants.

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

**[PROPOSED] ORDER GRANTING
STIPULATED MOTION IN RESPONSE TO
ORDER STAYING CASE (DKT. 171)**

THIS MATTER having come before the below-signed Judge of the above-entitled Court upon the STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171) and the Court having considered the motion and the pleadings in this matter, and it appearing to be in the best interest of the case, therefore,

IT IS HEREBY ORDERED that STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171) is GRANTED. The stay in this case has now been lifted. Parties shall file their supplemental briefs on the effects of the *Wit* decision as stated below:

- September 22, 2023 Parties file Supplemental Briefing on the effect of *Wit*;
- October 20, 2023 Parties file Replies in regard to Supplemental Briefing on the effect of *Wit*.

CERTIFICATE OF SERVICE

I certify that on the date indicated below I caused a copy of the foregoing document, [PROPOSED] ORDER GRANTING STIPULATED MOTION IN RESPONSE TO ORDER STAYING CASE (DKT. 171) 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:

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DATED this 1st day of September, 2023.

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