

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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**IN RE: CHANGE HEALTHCARE, INC.  
CUSTOMER DATA SECURITY BREACH  
LITIGATION**

Case No. 24-md-3108 (DWF/DJF)

**PRETRIAL ORDER NO. 23**

This Order Applies to All Actions

**ORDER SETTING PRETRIAL  
SCHEDULING CONFERENCE**

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Pursuant to Rule 16 of the Federal Rules of Civil Procedure, a pretrial conference will be held on **February 4, 2026 at 2:30 p.m. (CST)**, before United States Magistrate Judge Dulce J. Foster, by **Zoom Video**. The Court will circulate Zoom instructions a few days before the conference to lead counsel only. Attorneys who are entering an appearance at the conference must participate by video; other counsel and observers may listen to the proceedings by audio only and will receive separate dial-in instructions.

Counsel must meet in person or by videoconference before the scheduled pretrial conference pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 26.1. No later than **one week** before the pretrial conference, the parties must prepare and file a joint Rule 26(f) Report in compliance with the rules using the attached Rule 26(f) Report Template. A copy of the 26(f) Report in Word format should also be emailed to Magistrate Judge Foster at [foster\\_chambers@mnd.uscourts.gov](mailto:foster_chambers@mnd.uscourts.gov) at the time of the joint filing.

**In addition to the Rule 26(f) Report, each party must prepare a 1-2 page confidential letter describing any settlement discussions that have taken place, whether and when the party believes a settlement conference or private mediation might be most productive, and what discovery might be needed to maximize the chances of reaching a settlement in such a conference. The letter must be sent by email to Magistrate Judge Foster at [foster\\_chambers@mnd.uscourts.gov](mailto:foster_chambers@mnd.uscourts.gov) no later than one week before the pretrial conference.**

Counsel are expected to review and familiarize themselves, before the Rule 26(f) conference, with recent amendments to the Federal Rules of Civil Procedure and the Local Rules for this District. In addition, counsel should review the Court's Guide, "Discussion of Electronic Discovery at Rule 26(f) Conferences: A Guide for Practitioners." A copy of this guide may be found at <https://www.mnd.uscourts.gov/sites/mnd/files/eDiscovery-Guide.pdf>.

If the parties cannot reach agreement on any particular item regarding scheduling or discovery, they should set forth their separate positions in the Rule 26(f) Report for discussion at the pretrial conference. Lead counsel should be present for the conference and have authority to discuss all aspects of the 26(f) Report and scheduling conference topics. If this is not possible, substitute counsel with knowledge about the case and the Rule 26(f) Report should be arranged.

Failure by any party or counsel to comply with any part of this Order, including timely submission of the Rule 26(f) Report and settlement letter to Magistrate Judge Foster, may result in the postponement of the pretrial conference, an imposition of an appropriate sanction on the party, company, or attorney who failed to comply, or both.

Counsel should contact Magistrate Judge Foster's Courtroom Deputy at 612-664-5540 with respect to any matters concerning the pretrial conference.

Dated: December 23, 2025

*s/Dulce J. Foster*

DULCE J. FOSTER

United States Magistrate Judge

Attachment

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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[Plaintiff],

Civ. No. [ ] (DJF)

Plaintiffs,

v.

[Defendant],

**MDL  
RULE 26(f) REPORT  
TEMPLATE**

Defendant.

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The parties/counsel identified below conferred as required by Fed. R. Civ. P. 26(f) and the Local Rules, on \_\_\_\_\_ [in person/via video conference] and prepared the following report.

The initial pretrial conference required under Fed. R. Civ. P. 16 and 16.1 and LR 16.2 is scheduled for \_\_\_\_\_, 20\_\_\_\_, before United States Magistrate Judge Dulce J. Foster [in Courtroom 8E of the U.S. Courthouse, 300 South Fourth Street, in Minneapolis, Minnesota] [by Zoom].

(a) Multi-District Litigation Rule 16.1.

The Court has appointed leadership counsel, conducted multiple case management conferences, and issued case management orders in these MDL proceedings.

- (1) The Court directs the parties to review Fed. R. Civ. P. 16.1 and confer regarding any issues raised under the Rule that they believe still need to be addressed.
- (2) To the extent applicable, the parties shall discuss and address below whether the limits and schedules for discovery and motions in the Patient and Provider Tracks should be managed differently to maximize efficiency.
- (3) Pursuant to Fed. R. Civ. P. 16.1(4), the parties shall meet and confer regarding any other pretrial matter they wish to bring to the Court's attention that is not otherwise addressed herein.

(b) Rule 7.1 Disclosures.

The parties must comply with Rule 7.1, if applicable.

- (1) For plaintiffs: Rule 7.1 disclosures [have/have not] been made for each entity plaintiff.
- (2) For defendants: Rule 7.1 disclosures [have/have not] been made for each defendant.

## (c) Description of the Case.

- (1) Concise factual summary of plaintiffs' claims:
- (2) Concise factual summary of defendants' claims/defenses:
- (3) Statement of jurisdiction (including statutory citations):
- (4) Summary of factual stipulations or agreements:
- (5) A jury trial [has/has not] been demanded by [plaintiffs/defendants/all parties].

## (d) Pleadings.

The status of pleadings is as follows: [Statement as to whether there are any current plans for any party to move to amend pleadings.]

## (e) Other Fact Discovery.

[The parties should discuss their proposed plan using this form but may modify the form as appropriate to the needs of the case. To the extent that the parties cannot reach agreement on any particular item about scheduling or discovery, they should set forth their separate positions in their Rule 26(f) Report for discussion at the pretrial conference.]

The parties recommend that the Court establish the following fact discovery deadlines and limitations:

- (1) Deadline for initial disclosures under Fed. R. Civ. P. 26(a)(1): \_\_\_\_\_.
- (2) Deadline for the exchange of documents identified by each party's Rule 26(a)(1) initial disclosures: \_\_\_\_\_.
- (3) Interim deadline [if any] for the substantial completion of document production [to facilitate the scheduling and taking of depositions]: \_\_\_\_\_.
- (4) Deadline for service of deposition notices or subpoenas under Fed. R. Civ. P. 30(b)(6) \_\_\_\_\_. Any notice of 30(b)(6) deposition must be served at least \_\_\_\_ days before the scheduled deposition date.
- (5) Deadline for completion of mental or physical examinations under Fed. R. Civ. P. 35 \_\_\_\_\_.
- (6) Deadline for the close of all fact discovery [the parties must commence fact discovery in time to be completed by the following deadline]: \_\_\_\_\_.
- (7) The parties have discussed the scope of discovery, including relevance and proportionality, and propose that the Court limit the use and numbers of discovery procedures [per party/per side] as follows:

- (A) \_\_\_\_\_ interrogatories;
- (B) \_\_\_\_\_ document requests;
- (C) \_\_\_\_\_ requests for admissions;
- (D) \_\_\_\_\_ fact depositions (including Fed. R. Civ. P. 30(b)(6) depositions);
- (E) \_\_\_\_\_ other [please specify].

(8) The parties have discussed the need for mental or physical examinations under Fed. R. Civ. P. 35 and agree to the following [number and type of examinations]:  
\_\_\_\_\_.

(f) Expert Discovery.

(1) The parties anticipate that they [will/will not] require expert witnesses at the time of trial.

(A) The plaintiffs anticipate calling \_\_\_\_\_ [number] experts in the fields of:  
\_\_\_\_\_.

(B) The defendants anticipate calling \_\_\_\_\_ [number] experts in the fields of:  
\_\_\_\_\_.

(2) The parties propose that the Court establish the following plan for expert discovery:

(A) Initial experts.

(i) The identity of any expert who may testify at trial regarding issues on which a party has the burden of persuasion, or in a party's primary case (irrespective of burden), must be disclosed on or before \_\_\_\_\_.

(ii) The initial expert written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before \_\_\_\_\_.

(B) Rebuttal experts.

(i) Rebuttal expert reports shall be limited in scope to the topics addressed in initial expert reports. The identity of any experts who may testify in rebuttal to any initial expert must be disclosed on or before \_\_\_\_\_.

(ii) Any rebuttal expert's written report completed in accordance with Fed. R. Civ. P. 26(a)(2)(B) must be served on or before \_\_\_\_\_.

(C) All expert discovery must be completed by \_\_\_\_\_.

## (g) Other Discovery Issues.

## (1) Discovery of Electronically Stored Information (ESI).

The Court previously issued an ESI Order in this case ([ECF No. 243](#)), which shall govern the exchange of documents in this action.

## (2) Protective Order.

The Court previously entered a Protective Order and Qualified HIPAA Protective Order ([ECF No. 271](#)), which shall govern discovery in this action.

(3) Claims of Privilege or Protection. The Court's Protective Order and Qualified HIPAA Protective Order ([ECF No. 271](#)), addresses the exchange of privilege logs pursuant to [Fed. R. Civ. P. 26\(b\)\(5\)\(A\)](#) and claw-back procedures as required [Fed. R. Civ. P. 26\(f\)\(3\)\(D\)](#).

## (g) Proposed Motion Schedule.

The parties propose the following deadlines for filing motions:

- (1) Motions seeking to join other parties must be filed and served by \_\_\_\_\_.
- (2) Motions seeking to amend the pleadings must be filed and served by \_\_\_\_\_.
- (3) Non-dispositive motions related to expert discovery must be filed and served by \_\_\_\_\_.
- (4) Other non-dispositive motions, including motions related to fact discovery, must be filed and served by \_\_\_\_\_.
- (5) All dispositive motions must be filed and served (and heard or scheduled, depending on the District Judge assigned) by \_\_\_\_\_.

## (i) Insurance Carriers/Indemnitors.

[List all insurance carriers/indemnitors, including limits of coverage of each defendant or a statement that the defendant is self-insured.]

## (j) Settlement.

- (1) The parties must discuss settlement before the pretrial scheduling conference.
- (2) The parties propose that a settlement conference or private mediation be scheduled to take place before \_\_\_\_\_/after \_\_\_\_\_.
- (3) The parties have discussed whether alternative dispute resolution will be helpful to the resolution of this case and recommend the following: \_\_\_\_\_.

DATE: \_\_\_\_\_

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Plaintiff's Counsel

License #

Address

Phone #

DATE: \_\_\_\_\_

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Defendant's Counsel

License #

Address

Phone #

## UNITED STATES DISTRICT COURT

District of Minnesota

NOTICE, CONSENT, AND ORDER OF REFERENCE C  
EXERCISE OF JURISDICTION BY A UNITED STATES  
MAGISTRATE JUDGE

Plaintiff

V.

Case Number:

Defendant

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE  
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. § 636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

**CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with provisions of 28 U.S.C. § 636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party RepresentedSignaturesDate

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| _____ | _____ | _____ |
| _____ | _____ | _____ |
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NOTE: Please see "CONSENT TO DISPOSITION OF CASE BY MAGISTRATE JUDGE" in the Civil ECF Procedure Guide for instructions on filing this form. Generally, if joint, the form shall be filed electronically in ECF by one person on behalf of all parties under "Other Documents" as "Joint Consent to Proceed before Magistrate Judge before 8th Circuit." If separate, return the executed form to the District Judge's Courtroom Deputy by e-mail pursuant to the specific instructions in the "CONSENT TO DISPOSITION OF CASE BY MAGISTRATE JUDGE" section of the procedure guide.