

No. 19-2261, 2336

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

THE SHANE GROUP, ET AL.,

Plaintiffs-Appellees,

v.

BLUE CROSS BLUE SHIELD OF MICHIGAN,

Defendant-Appellee,

ADAC AUTOMOTIVE, ET AL.,

Objector-Appellant.

On Appeal from the United States District Court
for the Eastern District of Michigan, Southern Division,
No. 02:10-cv-14360-DPH-MKM

**PLAINTIFFS-APPELLEES/CROSS-APPELLANTS' STATUS REPORT
PURSUANT TO THIS COURT'S AUGUST 21, 2020 ORDER**

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Plaintiffs-Appellees/Cross-Appellants The Shane Group, Inc., Bradley A. Veneberg, Michigan Regional Council of Carpenters Employee Benefits Fund, Abatement Workers National Health and Welfare Fund, Monroe Plumbers & Pipefitter Local 671 Welfare Fund, Scott Steele, Anne Noah, and Susan Baynard (collectively, “Plaintiffs”) submit this Status Report as directed by this Court’s August 21, 2020 Order. Case No. 19-2336, ECF No. 42 at p. 3.

On August 21, 2020, this Court remanded the limited issue of the amount of Varnum’s fee award to the Eastern District of Michigan. *Id.* A mandate issued on September 16, 2020, Case No. 19-2336, ECF Nos. 46-47. On October 6, 2020, the parties (with the consent of the Varnum Objectors¹) filed a Joint Motion for Oral Argument on the Limited Issue Remanded to this Court by the Sixth Circuit, pursuant to the August 21, 2020 Order. *The Shane Group, Inc. et al v. Blue Cross Blue Shield of Michigan*, Case No. 10-14360, ECF No. 391.

Plaintiffs and BCBSM requested that the District Court set a hearing at the District Court’s earliest convenience to comply with this Court’s expectation of a “prompt decision” on these issues and the parties’ obligation to provide “a status report on the proceedings before the district court, beginning 60 days after entry of this order and recurring every 60 days thereafter.” Case No. 19-2336, ECF No. 42 at

¹ Counsel for the Varnum Objectors informed Plaintiffs that he agreed with requesting a hearing but did not agree with all of the wording of the motion.

p. 3. On October 13, 2020, the District Court set a hearing for oral argument on November 13, 2020 at 11:00 am remotely via Zoom. *The Shane Group, et al.*, ECF No. 392.

On October 19, 2020, Plaintiffs, BCBSM and the Varnum Objectors submitted a proposed Stipulated Order to the District Court stipulating to the following and requesting entry of the proposed order:

1. Plaintiffs, Defendant, and the Varnum Group are hereby authorized to mediate before Paul Calico, Chief Circuit Mediator, U.S. Sixth Circuit Court of Appeals, on all issues relating to the Varnum Group's objection and motion for fees.
2. Plaintiffs, Defendant, and the Varnum Group are directed to mediate as soon as possible, subject to Mr. Calico's availability. Mediation shall be complete by November 24, 2020.
3. The parties and the members of the Varnum Group shall attend the mediation unless they give full settlement authority to their counsel in this matter.
4. The hearing on issues relating to the Varnum Group's fee motion, currently scheduled for November 13, 2020, shall be continued to December 1, 2020 or as soon thereafter as the Court's calendar permits.

At the time of this submission, the above referenced Stipulated Order remains pending.

Plaintiffs, BCBSM and the Varnum Group are currently working on scheduling mediation with Mr. Calico pursuant to the terms of the stipulation as expeditiously as possible and will update this Court on the outcome in compliance with this Court's August 21, 2020 Order.

Dated: October 20, 2020

Respectfully submitted,

/s/ E. Powell Miller

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CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2020, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to all filing users indicated on the Electronic Notice List through the Court's electronic filing system.

I further certify that I will serve copies via First Class U.S. Mail and electronic mail upon the following:

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/s/ E. Powell Miller