

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: CIGNA CORP SECURITIES : CIVIL ACTION  
LITIGATION : NO. 02-8088

**MEMORANDUM AND ORDER RE: “PRICING GUIDELINES” DOCUMENTS**

A discovery issue arose through an exchange of letters dated August 9 and 10, 2006 concerning documents that Plaintiffs desire from CIGNA and assert have not yet been produced, and their impact on the scheduled deposition for David M. Cordani, a CIGNA executive, followed by an unrecorded telephone conference.

As to the documents, the Court ruled that Defendants shall serve promptly a declaration by an appropriate executive or manager for CIGNA, subject to penalties of perjury, specifically describing whether or not CIGNA has the documents which Plaintiffs refer to as “pricing guidelines” and whether they have been produced. If CIGNA has these documents, however CIGNA may refer to them, in its possession, custody or control, the Court directs that they be produced forthwith. If CIGNA asserts that it does not have these documents, Plaintiffs are given leave to question all deponents scheduled for next week and/or other deponents who may be noticed for deposition, either by name or by function, pursuant to F. R. Civ. P. 30(b)(6), within the next week.

If this issue has not been resolved by counsel, the Court will hold a hearing on the issue on Friday, August 18, 2006 (the last day of fact discovery) at 10:00 a.m. in Courtroom 3A. At that time counsel shall present any declarations, depositions and/or live witnesses (whose identity is made known to opposing counsel at least 24 hours prior) relevant on this issue.

As to the deposition of Mr. Cordani, the parties dispute whether he is knowledgeable about these so-called “pricing guidelines” documents. Plaintiffs desire to postpone his deposition from its scheduled date of August 11, 2006 until after they receive the “pricing guidelines” documents. However, it appears that Plaintiffs intended to depose Mr. Cordani on other topics, some of which Plaintiffs assert may be directly, indirectly or only tangentially related to the “pricing guidelines” documents, or perhaps even unrelated. The Court directed that Plaintiffs proceed with the deposition of Mr. Cordani on August 11, 2006 on all issues on which Plaintiffs can question him for which Plaintiffs do not need the “pricing guidelines” documents.

Assuming the document Plaintiffs refer to as the “pricing guidelines” documents are produced to Plaintiffs, the Court reserves, without any current ruling, the issue of whether Mr. Cordani will have to testify further about those documents, and that decision may depend on the showing which the parties make at the hearing as to whether Mr. Cordani is knowledgeable about these documents or the subject matter of the documents.

BY THE COURT:

s/Michael M. Baylson

---

Michael M. Baylson, U.S.D.J.

Dated: August 11, 2006