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United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:20-cv-11927-IT

Instituto Mexicano del Seguro Social v. Fresenius Medical Care AG & Co. KGaA. et al

Date Filed: Oct 26, 2020
Status: Closed
Nature of suit: 370 Other Fraud
Demand: \$9,999,000
Assigned to: [Judge Indira Talwani](#)
Cause: 28:1332 Diversity-Breach of Contract
Date terminated: 2021-06-23
Jurisdiction: Diversity
Jury demand: Plaintiff

Parties and Attorneys

Plaintiff

Instituto Mexicano del Seguro Social

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TERMINATED: 05/27/2021

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Docket Entries

Numbers shown are court assigned numbers.

Entry #	Filing Date	Description
1	Oct 30, 2020	COMPLAINT against FRESENIUS MEDICAL CARE HOLDINGS, INC., FRESENIUS MEDICAL CARE AG & CO. KGaA., filed by INSTITUTO MEXICANO DEL SEGURO SOCIAL. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit Summons, # 3 Exhibit Summons)(Danieli, Chris) (Entered: 10/30/2020)
2	Oct 30, 2020	ELECTRONIC NOTICE of Case Assignment. Judge Indira Talwani assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Judith G. Dein. (Danieli, Chris) (Entered: 10/30/2020)
3	Oct 30, 2020	Filing fee/payment: \$ 400.00, receipt number 0101-8481003 for 1 Complaint (Danieli, Chris) (Entered: 10/30/2020)
4	Oct 30, 2020	Summons Issued as to FRESENIUS MEDICAL CARE AG & CO. KGaA., FRESENIUS MEDICAL CARE HOLDINGS, INC.. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Danieli, Chris) (Entered: 10/30/2020)
5	Nov 19, 2020	NOTICE of Appearance by Maria R. Durant on behalf of FRESENIUS MEDICAL CARE HOLDINGS, INC. (Durant, Maria) (Entered: 11/19/2020)
6	Nov 19, 2020	NOTICE of Appearance by William H. Kettlewell on behalf of FRESENIUS MEDICAL CARE HOLDINGS, INC. (Kettlewell, William) (Entered: 11/19/2020)
7	Nov 25, 2020	Assented to MOTION for Extension of Time to January 15, 2021 to File A Responsive Pleading by FRESENIUS MEDICAL CARE HOLDINGS, INC..(Durant, Maria) Modified on 11/25/2020: Corrected event type (Kelly, Danielle). (Entered: 11/25/2020)
8	Nov 25, 2020	Judge Indira Talwani: ELECTRONIC ORDER: ALLOWING 7 Assented to Motion for Extension of Time to January 15, 2021 to File A Responsive Pleading. (Kelly, Danielle)

Entry #	Filing Date	Description
		(Entered: 11/25/2020)
9	Jan 5, 2021	MOTION for Leave to Appear Pro Hac Vice for admission of Catherine E. Stetson Filing fee: \$ 100, receipt number 0101-8576919 by Fresenius Medical Care Holdings, Inc.. (Attachments: # 1 Affidavit Affidavit of Catherine E. Stetson)(Kettlewell, William) (Entered: 01/05/2021)
10	Jan 5, 2021	Judge Indira Talwani: ELECTRONIC ORDER entered ALLOWING 9 Motion for Leave to Appear Pro Hac Vice Added Catherine E. Stetson. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Vieira, Leonardo) (Entered: 01/05/2021)
11	Jan 13, 2021	NOTICE of Appearance by Katherine B. Wellington on behalf of Fresenius Medical Care Holdings, Inc. (Wellington, Katherine) (Entered: 01/13/2021)
12	Jan 13, 2021	MOTION for Extension of Time to January 21, 2021 to File a Responsive Pleading by Fresenius Medical Care Holdings, Inc..(Durant, Maria) Modified on 1/13/2021: Corrected event type (Kelly, Danielle). (Entered: 01/13/2021)
13	Jan 13, 2021	NOTICE of Scheduling Conference: Scheduling Conference set for 2/8/2021 03:15 PM in Remote Proceeding : Boston before Judge Indira Talwani. Teleconference #: (888)-808-6929 access code: 8523158. (MacDonald, Gail) (Entered: 01/13/2021)
14	Jan 15, 2021	Judge Indira Talwani: ELECTRONIC ORDER entered granting 12 Motion for Extension of Time to Answer re 1 Complaint Fresenius Medical Care Holdings, Inc. answer/ response due 1/21/2021. (MacDonald, Gail) (Entered: 01/15/2021)
15	Jan 21, 2021	MOTION to Dismiss Complaint by Fresenius Medical Care Holdings, Inc..(Durant, Maria) (Entered: 01/21/2021)
16	Jan 21, 2021	MEMORANDUM in Support re 15 MOTION to Dismiss Complaint filed by Fresenius Medical Care Holdings, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F Part 1 pg 1-91, # 7 Exhibit F Part 1A pg 92-183, # 8 Exhibit F Spanish Version)(Durant, Maria) (Entered: 01/21/2021)
17	Jan 21, 2021	CORPORATE DISCLOSURE STATEMENT by Fresenius Medical Care Holdings, Inc. identifying Corporate Parent Fresenius Medical Care AG & Co KGaA. (Durant, Maria) Modified on 1/21/2021 to correct docket entry text (MacDonald, Gail). (Entered: 01/21/2021)
18	Feb 1, 2021	JOINT STATEMENT re scheduling conference Rule 16(b)&(d). (Valcourt, Matthew) (Entered: 02/01/2021)
19	Feb 1, 2021	CERTIFICATION pursuant to Local Rule 16.1 . (Kettlewell, William) (Main Document 19 replaced on 2/3/2021) (MacDonald, Gail). (Entered: 02/01/2021)
20	Feb 8, 2021	Electronic Clerk's Notes for proceedings held before Judge Indira Talwani: Scheduling Conference held on 2/8/2021. Case called. Court had colloquy with counsel. Return of service on Fresenius Medical Care AG & Co. KGaA or a motion for extension of time to serve due 2/25/2021. Counsel to confer and file a joint proposed schedule by 2/12/2021. (Court Reporter: Robert Paschal at rwp.reporter@gmail.com.) (Attorneys present: Matthew J. Valcourt, Mark Maney (pro hac appearance to be filed), Maria R. Durant, William H. Kettlewell) (MacDonald, Gail) (Entered: 02/08/2021)

Entry #	Filing Date	Description
21	Feb 12, 2021	MOTION for Leave to Appear Pro Hac Vice for admission of Mark Maney Filing fee: \$ 100, receipt number 0101-8634117 by Instituto Mexicano del Seguro Social. (Attachments: # 1 Text of Proposed Order Order Motion Pro Hac Vice)(Valcourt, Matthew) (Entered: 02/12/2021)
22	Feb 12, 2021	CERTIFICATION pursuant to Local Rule 16.1 . (Valcourt, Matthew) (Entered: 02/12/2021)
23	Feb 12, 2021	CORPORATE DISCLOSURE STATEMENT by Instituto Mexicano del Seguro Social. (Valcourt, Matthew) (Entered: 02/12/2021)
24	Feb 12, 2021	AFFIDAVIT OF SERVICE Executed by Instituto Mexicano del Seguro Social. Fresenius Medical Care AG & Co. KGaA served on 11/9/2020, answer due 11/30/2020. Acknowledgement filed by Instituto Mexicano del Seguro Social. (Valcourt, Matthew) (Entered: 02/12/2021)
25	Feb 12, 2021	Judge Indira Talwani: ELECTRONIC ORDER ALLOWING 21 Motion for Leave to Appear Pro Hac Vice Added Mark Maney. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Kelly, Danielle) (Entered: 02/12/2021)
26	Feb 12, 2021	Amended JOINT STATEMENT re scheduling conference and Status Report on Motion to Dismiss bifurcation. (Valcourt, Matthew) (Entered: 02/12/2021)
27	Feb 13, 2021	AFFIDAVIT OF SERVICE Executed by Instituto Mexicano del Seguro Social. Fresenius Medical Care Holdings, Inc. served on 11/9/2020, answer due 1/21/2021. Acknowledgement filed by Instituto Mexicano del Seguro Social. (Valcourt, Matthew) (Entered: 02/13/2021)
28	Feb 18, 2021	Judge Indira Talwani: ORDER entered. SCHEDULING ORDER. Please see attached Status Conference set for 10/18/2021 02:15 PM in Remote Proceeding : Boston before Judge Indira Talwani. This conference will be held by telephone. The parties are instructed to call 888-808-6929 and enter Code: 8523158 to be connected to the court's teleconference system.Plaintiff's opposition to Defendant Fresenius Medical Care Holdings, Inc.'s Motion to Dismiss 15 shall be filed no later than March 1, 2021. (Kelly, Danielle) (Entered: 02/19/2021)
29	Mar 1, 2021	MEMORANDUM in Opposition re 15 MOTION to Dismiss Complaint filed by Instituto Mexicano del Seguro Social. (Valcourt, Matthew) (Entered: 03/01/2021)
30	Mar 3, 2021	NOTICE of Appearance by William D. Weinreb on behalf of Fresenius Medical Care AG & Co. KGaA (Weinreb, William) (Entered: 03/03/2021)
31	Mar 3, 2021	Proposed Joint STIPULATION For Enlargement of Time to Respond To Complaint by Fresenius Medical Care AG & Co. KGaA. (Weinreb, William) (Additional attachment(s) added on 3/4/2021: # 1 Text of Proposed Order) (Kelly, Danielle). (Main Document 31 replaced on 3/4/2021) (Kelly, Danielle). Modified on 3/4/2021: Corrected event type to reflect motion for extension of time (Kelly, Danielle). (Entered: 03/03/2021)
32	Mar 8, 2021	Judge Indira Talwani: ORDER entered Order Granting 31 Joint Stipulation for Enlargement of Time to Respond to Complaint. (Kelly, Danielle) (Entered: 03/08/2021)
33	Mar 10, 2021	MOTION for Leave to File a Reply to Plaintiffs' Opposition to Motion to Dismiss by

Entry #	Filing Date	Description
		Fresenius Medical Care Holdings, Inc..(Durant, Maria) (Entered: 03/10/2021)
34	Mar 11, 2021	Judge Indira Talwani: ELECTRONIC ORDER Allowing 33 Motion for Leave to File a Reply to Plaintiffs' Opposition to Motion to Dismiss.Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (Kelly, Danielle) (Entered: 03/11/2021)
35	Mar 11, 2021	NOTICE of Appearance by Shaun M. Donnelly on behalf of Fresenius Medical Care Holdings, Inc. (Donnelly, Shaun) (Entered: 03/11/2021)
36	Mar 11, 2021	REPLY to Response to 15 MOTION to Dismiss Complaint filed by Fresenius Medical Care Holdings, Inc.. (Durant, Maria) (Entered: 03/11/2021)
37	Mar 15, 2021	NOTICE issued to Attorneys Catherine E Stetson & Mark Maney regarding mandatory use of ECF in compliance with Local Rule 5.4. Failure to comply may result in the imposition of sanctions. Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Kelly, Danielle) (Entered: 03/15/2021)
38	May 3, 2021	NOTICE by Instituto Mexicano del Seguro Social Regarding Amendment (Maney, Mark) (Entered: 05/03/2021)
40	May 14, 2021	Transcript of Telephonic Scheduling Conference held on February 8, 2021, before Judge Indira Talwani. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Robert Paschal at rwp.reporter@gmail.com. Redaction Request due 6/4/2021. Redacted Transcript Deadline set for 6/14/2021. Release of Transcript Restriction set for 8/12/2021. (Coppola, Katelyn) (Entered: 05/18/2021)
41	May 14, 2021	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Coppola, Katelyn) (Entered: 05/18/2021)
39	May 17, 2021	Joint MOTION to Modify Scheduling Order and Request for Discovery Conference by Fresenius Medical Care AG & Co. KGaA.(Weinreb, William) (Entered: 05/17/2021)
42	May 19, 2021	Judge Indira Talwani: ELECTRONIC ORDER granting Joint Motion for Modification of Scheduling Order and Request for Discovery Conference 39 . Plaintiff may respond to Defendant Fresenius Medical Care Holdings, Inc.'s Motion to Dismiss 15 and to Defendant Fresenius Medical Care & Co. KGaA's anticipated Motion to Dismiss in a single consolidated response filed no later than June 7, 2021. The parties shall complete initial disclosures required by Fed. R. Civ. P. 26(a)(1) by June 28, 2021. The clerk shall set a discovery conference. (Kelly, Danielle) (Entered: 05/19/2021)
43	May 24, 2021	NOTICE of Appearance by Stacylyn May Doore on behalf of Fresenius Medical Care AG & Co. KGaA (Doore, Stacylyn) (Entered: 05/24/2021)
44	May 24, 2021	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , MOTION to Dismiss for

Entry #	Filing Date	Description
		Lack of Jurisdiction (Responses due by 6/7/2021) by Fresenius Medical Care AG & Co. KGaA.(Weinreb, William) (Entered: 05/24/2021)
45	May 24, 2021	MEMORANDUM in Support re 44 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction filed by Fresenius Medical Care AG & Co. KGaA. (Weinreb, William) (Entered: 05/24/2021)
46	May 24, 2021	AFFIDAVIT of Stacylyn Doore in Support re 44 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss for Lack of Jurisdiction filed by Fresenius Medical Care AG & Co. KGaA. (Attachments: # 1 Exhibit A)(Weinreb, William) (Entered: 05/24/2021)
47	May 24, 2021	CORPORATE DISCLOSURE STATEMENT by Fresenius Medical Care AG & Co. KGaA. (Weinreb, William) (Entered: 05/24/2021)
48	May 26, 2021	MOTION to Withdraw as Attorney by Fresenius Medical Care Holdings, Inc..(Donnelly, Shaun) (Entered: 05/26/2021)
49	May 27, 2021	Judge Indira Talwani: ELECTRONIC ORDER ALLOWING 48 Motion to Withdraw as Attorney. Attorney Shaun M. Donnelly terminated. (Kelly, Danielle) (Entered: 05/27/2021)
50	Jun 8, 2021	ELECTRONIC NOTICE of Hearing. Case Management/Discovery Conference set for 6/18/2021 02:30 PM in Remote Proceeding : Boston before Judge Indira Talwani. This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html . For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov .(MacDonald, Gail) (Entered: 06/08/2021)
51	Jun 11, 2021	Assented to MOTION to Reschedule re 50 Notice of Hearing,,, by Fresenius Medical Care AG & Co. KGaA.(Weinreb, William) Modified on 6/14/2021 (Jones, Sherry). (Entered: 06/11/2021)
52	Jun 15, 2021	Judge Indira Talwani: ELECTRONIC ORDER entered granting 51 Motion to Continue. Case Management/Discovery Conference set for 6/18/21 is RESET for 6/24/2021 04:00 PM in Remote Proceeding : Boston before Judge Indira Talwani. This hearing will be conducted by video conference. Counsel of record will receive a video conference invite at the email registered in CM/ECF. If you have technical or compatibility issues with the technology, please notify the session's courtroom deputy as soon as possible.Access to the hearing will be made available to the media and public. In order to gain access to the hearing, you must sign up at the following address: https://forms.mad.uscourts.gov/courtlist.html . For questions regarding access to hearings, you may refer to the Court's general orders and public notices available on www.mad.uscourts.gov or contact media@mad.uscourts.gov . (MacDonald, Gail) (Entered: 06/15/2021)
53	Jun 23, 2021	NOTICE of Voluntary Dismissal by Instituto Mexicano del Seguro Social (Valcourt, Matthew) (Entered: 06/23/2021)
54	Jun 23, 2021	ELECTRONIC NOTICE Canceling Hearing. Due to the filing of 53 NOTICE of

Entry #	Filing Date	Description
		Voluntary Dismissal, the Case Management Conference set for 6/24/2021, is canceled and this case will be closed. (MacDonald, Gail) (Entered: 06/23/2021)