

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

UNITEDHEALTH GROUP
INCORPORATED, *et al.*,

Defendants.

Case No. 1:24-cv-03267-JKB

Judge James K. Bredar

**DEFENDANTS' MOTION FOR EXPEDITED BRIEFING SCHEDULE ON
MOTION TO DISMISS**

Defendants UnitedHealth Group Incorporated (“UHG”) and Amedisys, Inc. respectfully move for an expedited briefing schedule in connection with their January 8, 2025 Motion to Dismiss [ECF No. 75], and state as follows:

1. Plaintiffs the United States of America and the States of Maryland, Illinois, New Jersey, and New York brought this action against Defendants on November 12, 2024, challenging a proposed merger between Defendants.

2. As discussed further in the parties’ Joint Report and Motion for a Scheduling and Case Management Order [ECF No. 72] and Proposed Schedule and Case Management Order [ECF No. 72-1], the parties are seeking an accelerated schedule, as is typical for prospective government merger challenges.

3. The accelerated schedule is particularly important given Defendants’ deadline to close on their merger agreement, which, as has been publicly reported, is set for December 31, 2025.

4. Defendants' Motion to Dismiss addresses a threshold pleading issue with important implications for the entire case, namely Plaintiffs' failure to identify the geographic markets that are at issue in this litigation. The parties have been unable to resolve this issue informally, but the issue must be addressed at the outset of the case. Since fact discovery is proceeding while the motion is pending, a prompt resolution will avoid costly delays, particularly in third-party and expert discovery.

5. Given the time sensitivity, Defendants respectfully request a modest adjustment to the briefing schedule, with Plaintiffs' opposition to the Motion to Dismiss to be filed on or before January 21, 2025, and with Defendants' reply to be filed within five business days thereafter.¹

6. Defense counsel conferred with Plaintiffs' counsel on January 10, 2025 about the subject matter of this motion. Plaintiffs' counsel oppose the requested scheduling adjustment.

7. The proposal would not prejudice Plaintiffs, particularly given that the parties have been in discussions for weeks about the pleading deficiency that is the subject of the Motion to Dismiss. The filing of a motion to dismiss was contemplated in the joint CMO that was filed last week. ECF No. 72-1 at 1 (setting the deadline for "Responsive pleadings (*i.e.*, answer or ***motion to dismiss in whole or in part***" (emphasis added))).

WHEREFORE, Defendants respectfully request that the Court grant their Motion for Expedited Briefing Schedule on Motion to Dismiss.

¹ Under the Local Rules, Plaintiffs' opposition ordinarily would be due on January 22, 2025, fourteen days after the filing of the Motion to Dismiss. Defendants seek to expedite the opposition deadline from fourteen days to ten days after the filing of the Motion to Dismiss. Due to intervening weekends and the federal holiday on January 20, this works out to a January 21 filing date. Defendants will bear the brunt of the request for expedited briefing by filing their reply within five business days after the opposition brief is filed.

Respectfully submitted,

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