

**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

**RESPONSE TO DEFENDANTS' MOTION FOR EXPEDITED BRIEFING SCHEDULE  
AND CROSS-MOTION TO SET A BRIEFING SCHEDULE**

Plaintiffs United States of America, and the States of Maryland, Illinois, New Jersey, and New York, respectfully request that the Court deny Defendants' Motion for an Expedited Briefing Schedule, ECF No. 79, and request an additional seven days beyond that permitted by the Local Rules, until January 29, 2025, to respond to Defendants' Motion to Dismiss, ECF No. 75, due to the intervening federal holidays as well as the need to fully respond to Defendants' incorrect and unnecessary motion.

On January 3, 2025, the parties filed a Joint Motion for a Proposed Schedule and Case Management Order ("proposed CMO"), ECF No. 72. After extensive negotiations, the Parties agreed on the majority of the proposed CMO provisions but requested assistance from the Court on several disputed provisions. One area of dispute relates to whether and to what extent Plaintiffs must provide, in advance of expert discovery, additional information regarding the geographic markets, even beyond the three detailed appendices attached to the complaint which specifically list the relevant geographies at issue in this case. *See id.* at ¶ 12; ECF No. 73 at pp. 10–13 (joint letter to the Court regarding the proposed CMO); Compl. App'x A–C.

The day after the Parties jointly filed the proposed CMO, Defendants—for the first time—informed Plaintiffs they intended to file a motion to dismiss based on geographic markets. The Parties engaged in discussions and Plaintiffs offered to gather and provide even more factual information in an effort to avoid an unnecessary motion. Defendants unilaterally terminated the Parties’ discussions and elected to file their Motion to Dismiss, ECF No. 75, before receiving additional information from Plaintiffs, and before this Court had an opportunity to even consider the Parties’ already-filed positions on geographic markets in the proposed CMO.

On January 10, 2025, the Parties met and conferred about Defendants’ request for an expedited briefing schedule for the Motion to Dismiss, and Plaintiffs’ request for 21 days to respond. After the Parties’ unsuccessful meet and confer, Defendants moved for an expedited briefing schedule. ECF No. 79.

Plaintiffs would be prejudiced if the Court granted Defendants’ motion for an expedited briefing schedule due to the shortened time to fully respond to Defendants’ flawed arguments in their Motion to Dismiss. Defendants only informed Plaintiffs of their proposed motion a few days before filing, and then timed their motion such that, in the 14 days allotted by the Local Rules for Plaintiffs to respond, two days include federal holidays: a National Day of Mourning for former President James Earl Carter and Martin Luther King Jr. Day. Plaintiffs’ modest request for an additional seven days to respond to a motion that Defendants apparently spent weeks preparing will not prejudice Defendants. *See* ECF No. 79 ¶ 4 (proposing no pause in discovery). There is no need to further shorten an already tight timeline for Plaintiffs’ response.

Accordingly, Plaintiffs respectfully request that the Court deny Defendants’ Motion for Expedited Briefing, in order to provide Plaintiffs with sufficient opportunity to address Defendants’ Motion to Dismiss. Plaintiffs request a short period of time—seven days—beyond

that contemplated in the Local Rules to respond to Defendants' Motion to Dismiss, permitting Plaintiffs to file their responsive brief 21 days after the motion was filed, on January 29, 2025. Plaintiffs propose Defendants' reply brief to be filed on February 10, 2025, consistent with the Local Rules. If Defendants wish to expedite briefing, they can certainly elect to file their reply sooner than required. *See* ECF No. 79 ¶ 5 n.1.

Respectfully submitted,

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