

No. 19-14096

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

OSCAR INSURANCE COMPANY OF FLORIDA,
Plaintiff-Appellant,

v.

BLUE CROSS AND BLUE SHIELD OF FLORIDA, ET AL.,
Defendants-Appellees.

On Appeal from the United States District Court
for the Middle District of Florida, No. 6:18-cv-01944 (Byron, J.)

JOINT CORRECTED MOTION TO EXTEND BRIEFING SCHEDULE

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November 7, 2019

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**APPELLANT'S CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

Pursuant to and 11th Cir. R. 26.1-1 and Fed. R. App. P. 26.1, the undersigned hereby certifies that the persons and entities listed below have an interest in the outcome of this case. Appellant Oscar Insurance Company of Florida is a wholly owned subsidiary of Mulberry Health Inc., which is not publicly traded. Other than as identified, Oscar Insurance Company of Florida has no parent corporation, and no publicly held entity holds 10% or more of its stock.

1. Blue Cross and Blue Shield of Florida, Inc. (Defendant-Appellee)
2. Byron, Paul G. (District Judge)
3. Carroll, Catherine M.A. (Counsel to Plaintiff-Appellant)
4. Chesler, Evan R. (Counsel to Defendants-Appellees)
5. Conner, Timothy (Counsel to Defendants-Appellees)
6. Cravath, Swaine & Moore LLP (Counsel to Defendants-Appellees)
7. DeMasi, Karin A. (Counsel to Defendants-Appellees)
8. Eckles, Paul M. (Counsel to Plaintiff-Appellant)
9. Florida Health Care Plan, Inc. (Defendant-Appellee)
10. GuideWell Mutual Holding Corporation (Parent of Defendant-Appellee)

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11. Health Options Inc. (Defendant-Appellee)
12. Hoffman, Jerome W. (Counsel to Defendants-Appellees)
13. Holland & Knight LLP (Counsel to Defendants-Appellees)
14. Kennedy, Lauren Roberta (Counsel to Defendants-Appellees)
15. Kidd, Embry J. (Magistrate Judge)
16. Kuhlmann, Patrick (Counsel for the United States)
17. Lamb, Kevin (Counsel to Plaintiff-Appellant)
18. Lisagar, Matthew (Counsel to Plaintiff-Appellant)
19. Long, Sarah A. (Counsel to Plaintiff-Appellant)
20. McDonald Toole Wiggins, PA (Counsel to Plaintiff-Appellant)
21. McDonald, Francis M., Jr. (Counsel to Plaintiff-Appellant)
22. Menitove, Michael H. (Counsel to Plaintiff-Appellant)
23. Mulberry Health Inc. (Parent of Plaintiff-Appellant)
24. Oscar Insurance Company of Florida (Plaintiff-Appellant)
25. Reinhart, Tara L. (Counsel to Plaintiff-Appellant)
26. Schindel, Rebecca J. (Counsel to Defendants-Appellees)
27. Skadden, Arps, Slate, Meagher & Flom LLP (Counsel to Plaintiff-Appellant)

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28. Sunshine, Steven C. (Counsel to Plaintiff-Appellant)
29. Van Denver, Drew (Counsel to Plaintiff-Appellant)
30. Varney, Christine A. (Counsel to Defendants-Appellees)
31. Waxman, Seth P. (Counsel to Plaintiff-Appellant)
32. Wilmer Cutler Pickering Hale and Dorr LLP (Counsel to Plaintiff-Appellant)

The undersigned certifies that no publicly traded company or organization is known to have an interest in the outcome of this case or appeal.

Respectfully submitted,

/s/ Seth P. Waxman

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DEFENDANTS-APPELLEES' CERTIFICATE OF INTERESTED
PERSONS AND CORPORATE DISCLOSURE STATEMENT

The undersigned hereby disclose the following pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1:

1. Defendants-Appellees Blue Cross and Blue Shield of Florida, Inc., Health Options Inc. and Florida Health Care Plan Inc. (collectively, "Defendants") are, directly or indirectly, wholly owned subsidiaries of GuideWell Mutual Holding Corporation.
2. In addition to the trial judges, attorneys, persons, associations of persons, firms, partnerships and corporations identified by Plaintiff-Appellant Oscar Insurance Company of Florida ("Oscar") in its Certificate of Interested Persons and Corporate Disclosure Statement, Defendants also identify the following persons or entities as having an interest in the outcome of this case or appeal:
 - a. Negrette, Jeffrey J. (Counsel for the United States of America)¹
3. The undersigned certifies that no publicly held corporation owns 10% or more of any of Defendants' stock.

¹ Mr. Negrette filed a notice of appearance on behalf of the United States of America ("Government") in the case below and participated in the oral argument on Defendants' Dispositive Motion to Dismiss for Failure to State a Claim. As noted before the district court, Defendants dispute the Government's purported interest in this case. *See* Defs.' Response to the Statement of Interest of the United States of America at 2-3 (ECF No. 92). Nevertheless, the undersigned have listed Mr. Negrette on this form because he appeared in the case below.

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November 7, 2019

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by

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Florida Health Care Plan Inc.*

JOINT CORRECTED MOTION TO EXTEND BRIEFING SCHEDULE

The parties jointly move under 11th Cir. R. 31-2 and Fed. R. App. P. 26(b) to extend the time for filing appellant and appellees' briefs.

1. The current briefing schedule is set by operation of 11th Cir. R. 31-1(a) and provides that appellant's opening brief shall be filed on or before November 25, 2019. Appellees' brief would then be due December 26, 2019, and appellant's reply brief would be due January 16, 2020.

2. The parties have agreed to a proposed modified briefing schedule, under which: appellant's opening brief shall be filed on or before December 16, 2019; appellees' brief shall be filed on or before February 18, 2020; and appellant's reply brief shall be filed on or before March 23, 2020.

3. This motion is the first request by any party to extend the time to file a brief in this appeal.

4. Good cause exists for this motion. An extension is necessary due to the press of other business including, for appellant's counsel: a brief in opposition due November 8, 2019, in *U.S. Agency for International Development v. Alliance for Open Society International, Inc.*, No. 19-177 (U.S.); a response brief due November 12, 2019, in *Virginia Automobile Dealers Ass'n v. Holcomb*, No. 1110-19-2 (Va. Ct. App.); an opening brief due November 19, 2019, in *Poet Biorefining, LLC v. EPA*, No. 19-1139 (D.C. Cir.); an opening brief due November 22, 2019, in

Hardeman v. Monsanto Co., No. 19-16636 (9th Cir.), and an opening brief due on December 23, 2019, in *Alston v. NCAA*, No. 19-15566 (9th Cir.) In addition, appellees' counsel are scheduled to participate in two different trials during the month of January 2020 and appellant's counsel is scheduled to participate in a trial in February.

5. The court should therefore enter the proposed briefing schedule set forth above.

Respectfully submitted,

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November 7, 2019

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CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because it contains 307 words, not including the parts exempted by Fed. R. App. P. 32(f) and 11th Cir. R. 32-4.

This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in proportionally spaced typeface using Microsoft Word 2010 in 14 point Times New Roman font. As permitted by Fed. R. App. P. 32(a)(7)(B), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

/s/ Seth P. Waxman

SETH P. WAXMAN

November 7, 2019

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of November, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Seth P. Waxman

SETH P. WAXMAN