

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**HUMANA INC., et al.,**

Plaintiffs,

v.

**ROBERT F. KENNEDY, JR., et al.,**

Defendants.

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Case No. 4:23-cv-909-O

**DEFENDANTS' BRIEF IN SUPPORT OF THEIR MOTION  
FOR LEAVE TO FILE A 30-PAGE REPLY  
IN SUPPORT OF THEIR CROSS-MOTION FOR SUMMARY JUDGMENT**

Plaintiffs have filed a total of 91 pages of briefing in support of their motion for summary judgment. Defendants respectfully seek the Court's leave to file a total of 80 pages, including a 30-page reply, in support of their cross-motion for summary judgment. Plaintiffs take no position on this motion for leave to file a 30-page reply.

In accordance with this Court's order, ECF No. 38, the parties are following a four-brief schedule for their cross-motions for summary judgment. Under Local Civil Rule 56.5(b), a "principal" summary judgment brief is limited to 50 pages, and a reply brief is limited to 25 pages. Plaintiffs accordingly filed a 50-page brief in support of their motion for summary judgment, including about 32 pages of introduction and argument, ECF No. 44, and Defendants responded with a 50-page brief in opposition to Plaintiffs' motion and in support of Defendants' cross-motion, including about 29 pages of introduction and argument, ECF No. 62. Because Plaintiffs' second brief was a "response to Defendants' cross-motion for summary judgment," as well as a "reply in support of their motion for summary judgment," ECF No. 38 at 2, they filed another "principal" brief under the local rules, submitting 41 pages of introduction and argument, ECF No. 68.

Defendants' reply is due this Friday, March 21, ECF No. 70, and will need to respond to an argument that is significantly longer than what either party presented in their opening briefs. Good cause therefore exists for a five-page enlargement of the page limit set out in Local Civil Rule 56.5(b), from 25 to 30 pages. An enlargement of the page limit is further justified by the public importance of this case, which concerns the government's authority to recover improper payments in the Medicare Advantage program, through which insurers were paid more than \$450 billion in 2023.

Respectfully submitted,

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Date: March 19, 2025