

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED HEALTHCARE SERVICES,
INC.; UNITEDHEALTHCARE
INSURANCE COMPANY; and UMR,
INC.,

Plaintiffs,

v.

HOSPITAL PHYSICIAN SERVICES
SOUTHEAST, P.C.; INPHYNET
PRIMARY CARE PHYSICIANS
SOUTHEAST, P.C.; and REDMOND
ANESTHESIA & PAIN TREATMENT,
P.C.,

Defendants.

Case No. 1:23-cv-05221-JPB

**DEFENDANTS' MOTION TO STAY
PENDING RESOLUTION OF MOTION TO DISMISS**

Defendants Hospital Physician Services Southeast, P.C., Inphynet Primary Care Physicians Southeast, P.C., and Redmond Anesthesia & Pain Treatment, P.C. (the “Georgia Medical Groups”), by and through undersigned counsel, respectfully request that this Court stay the deadline for (1) filing dispositive motions and (2) responding to Plaintiffs’ Motion for Summary Judgment, pending the Court’s ruling on Defendants’ Motion to Dismiss Amended Complaint for Lack of Subject-Matter

Jurisdiction (the “12(b)(1) Motion”). In support thereof, the Georgia Medical Groups state the following:

BACKGROUND

Upon service of the Complaint in this action, Defendants challenged Plaintiffs’ purported basis for subject matter jurisdiction, contending that no actual controversy exists between Defendants and the Georgia Medical Groups. (Doc. 29). Accordingly, Defendants moved to dismiss the action, with the supporting declaration of Mr. Kent Bristow, who attested that the Defendants had no present intent to sue Plaintiffs for any of the litigation claims at issue in the lawsuit (the “Litigation Medical Claims”). Plaintiffs rejected the declaration, instead providing their own version of a declaration that would satisfy Defendants that there was no case and controversy. After the motion was fully briefed, the Court denied the Motion to Dismiss, finding that the record reflected only a present intent not to sue – not a binding covenant not to sue. Therefore, the Court concluded that the declaration did not foreclose the possibility of a future lawsuit concerning the Litigation Medical Claims. (Doc. 43 at 9-10).

Thereafter, the parties engaged in discovery, and Plaintiffs have now identified the Litigation Medical Claims. Based upon this specifically identifiable universe of claims, including a total of 21 claims from January 2022 to present, the Georgia Medical Groups executed United’s proposed Declaration—verbatim—

adding only a reference to the specific Litigation Medical Claims at issue. In a good faith effort to resolve this litigation, Defendants' counsel provided United with the executed declaration via letter on April 8, 2025. This release, however, was insufficient for Plaintiffs, who were unsatisfied with the scope of their own declaration. On April 11, 2025, Plaintiffs' counsel identified specific issues with the April 8, 2025 Bristow Declaration, which Plaintiffs contend "too narrowly" defines the Litigation Medical Claims. In a good faith effort to resolve these issues, counsel for the parties conferred to address Plaintiffs' purported concerns, and Defendants revised the April 8, 2025 Bristow Declaration to include additional clarity on the scope of the declaration and the at-issue Litigation Medical Claims. That revised declaration properly divests the Court of jurisdiction over Plaintiffs' Amended Complaint.

Accordingly, filed concurrently with this Motion to Stay, Defendants filed the 12(b)(1) Motion. If granted, the 12(b)(1) Motion would dispose of the case in its entirety, rendering further briefing related to dispositive motions unnecessary. The deadline for filing motions for summary judgment is April 30, 2025. Plaintiffs filed their motion for summary judgment on April 11, 2025, for which, pursuant to Local Rule 7.1(B), Defendants have until May 2, 2025 to file a response. Granting a stay of these upcoming dispositive motion deadlines until the threshold jurisdictional

issue is resolved will preserve judicial resources and avoid unnecessary expenditure of the parties' time and resources.

LEGAL STANDARD

This Court has broad discretion and inherent authority to manage its docket, including staying proceedings to promote judicial efficiency and avoid unnecessary expenditure of time and resources. *See, e.g., Four Seasons Hotels & Resorts, B.V. v. Consorcio Barr S.A.*, 377 F.3d 1164, 1172 n.7 (11th Cir. 2004) (“[A] district court . . . retains the inherent authority to issue a stay for the purposes of managing its own docket.”); *see also Life Ins. Co. of N. Am. v. Williams*, No. 1:15-cv-62, 2015 WL 10961833, at *3 (N.D. Ga. May 22, 2015) (“District Courts enjoy the authority to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel and for the litigants.”).

ARGUMENT

The Georgia Medical Groups have executed a binding declaration, the April 18, 2025 Bristow Declaration, unequivocally disclaiming any intent to pursue any state-law or common law claims against United or any of its subsidiaries or affiliates any additional payment on the identified claims. As a result, there is no longer any live controversy between the parties for the Court to adjudicate, and therefore the Court lacks subject matter jurisdiction. Accordingly, the threshold jurisdictional

issue should be resolved before requiring the parties to engage in further merits briefing.

Granting a stay will preserve both judicial and party resources by avoiding unnecessary briefing on dispositive issues that may never need to be decided. Courts routinely grant stays under similar circumstances. *Huffman v. The Davey Tree Expert Co.*, CV418-184, 2024 WL 200930, *1 (S.D. Ga. Jan. 18, 2024) (granting in part plaintiff's motion to defer ruling on the partial summary judgment motion filed by defendants until final adjudication of all the pending motions to dismiss); *see also Montana v. City of Portland*, Case No. 3:23-cv-00219-YY, 2023 WL 8452447, *1, 2 (D.OR. Oct. 12, 2023); *Furniture Brands Int'l, Inc. v. U.S. Int'l Trade Comm'n*, 2011 WL 10959877, at *1 (D.D.C. April 8, 2011) (“[S]taying further briefing on the plaintiff's summary judgment motion will allow the parties to avoid unnecessary expense, the undue burden, and the expenditure of time to brief a motion that the Court may not decide.”).

Plaintiffs will not suffer any prejudice from a brief stay. Discovery is complete, and Plaintiffs have already filed their Motion for Summary Judgment. (Doc. 54.) A short delay to allow the Court to consider the dispositive jurisdictional issue will not impair their position or rights.

Accordingly, the Georgia Medical Groups respectfully request that the Court stay the dispositive motion deadlines pending resolution of the 12(b)(1) Motion.

CONCLUSION

For all the foregoing reasons, Defendants respectfully request the Court stay the deadlines for filing and responding to dispositive motions.

Respectfully submitted, this 18th day of April, 2025.

/s/ James W. Cobb

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CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), I hereby certify that the foregoing document was prepared using Times New Roman font in 14 point, one of the font and point selections approved by L.R. 5.1(C).

This 18th day of April, 2025.

/s/ James W. Cobb

James W. Cobb

Georgia Bar No. 420133

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing to be filed with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

This 18th day of April, 2025.

/s/ James W. Cobb

James W. Cobb

Georgia Bar No. 420133

Counsel for Defendants