UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

AETNA HEALTH INC., et al., *Plaintiffs*, v. RADIOLOGY PARTNERS, INC., et al., *Defendants*.	CASE NO.: 3:24-CV-01343-BJD-LLL

DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Pursuant to Local Rule 3.01(j), Defendants Mori, Bean, and Brooks, Inc. and Radiology Partners, Inc. ("Defendants") hereby provide notice to the Court of supplemental authority relevant to their pending Motion to Dismiss [ECF No. 84], and respectfully state as follows:

(1) Citation of authority: *Anthem Blue Cross Life and Health Ins. Co. v. HaloMD LLC*, No. 8:25-cv-01467, 2026 WL 982629 (C.D. Cal. April 9, 2026).

(2) Specification of argument in Motion to Dismiss to which authority relates: Section IV – "AETNA CANNOT VACATE THE IDR AWARDS (COUNT SIX)" – pages 19-21, 25-26, 37-39.

(3) Succinct quotations from supplemental authority:

> "'Undue means' in the context of § 10(a)(1) refers to conduct that 'is immoral if not illegal.' [*A.G. Edwards & Sons, Inc. v.* McCullough, 967 F.3d 1401, 1403 (9th Cir. 1992)]. Vacatur under this provision 'requires a showing of bad faith during the arbitration proceedings, such as bribery, undisclosed bias of the arbitrator, or willfully destroying evidence, and further requires that such evidence of fraud was unavailable to the arbitrator during the course of the proceeding.' *Dandong Shuguang Axel Corp. v. Brilliance Mach. Co.*, No. C 00-4480SC, 2001 WL 637446, at *5, 2001 U.S. Dist. LEXIS 7493,at *18 (N.D. Cal. June 1, 2001) (citation omitted). Like fraud, the undue means must be (1) not discoverable upon the exercise of due diligence prior to or during the arbitration, (2) materially related to an issue in the arbitration, and (3)established by clear and convincing evidence. *A.G. Edwards*, 96 F.3d at 1404." *HaloMD*, 2026 WL 982629, at *6.

> "Here, Plaintiffs argue that IDREs have issued awards for ineligible claims and thus strayed from their 'assigned task.' (Dkt. 93 at 48 n.11.) But movants counter that part of the IDREs' assigned task is to decide eligibility. (Dkt.117 at 19.) Plaintiffs do not (and cannot) allege that IDREs failed to rule in Anthem's favor in the complete absence

of factual support for eligibility, because Plaintiffs allege that Defendants consistently represent (albeit falsely) to the IDREs that the claims are eligible. (FAC at 3, ¶ 3; id. at 23,¶ 90.) Such allegations collapse the analysis under § 10(a)(4)into the same test as § 10(a)(1)." *Id*. at *9.

"Movants argue that the NSA's above-discussed limitations on judicial review bar the Court from exercising subject matter jurisdiction over Plaintiffs' other federal claims, because those claims seek review of IDRE determinations, regardless of the legal label. (Dkt. 69-1 at 26.) None of Plaintiffs' responses to this argument (discussed below) are persuasive." *Id.*

"Plaintiffs argue that jurisdiction to hear its federal claims is conferred by ERISA or the federal Declaratory Judgment Act. (Dkt. 93 at 84.) These laws generally provide that district courts can hear certain kinds of claims, but neither specifically allows claims that require judicial review of IDR awards, as Plaintiffs' federal claims do. These federal laws' general jurisdictional language does not supplant the NSA's specific limitations on judicial review." *Id.* at *10.

"Plaintiffs request leave to amend. (Dkt. 93 at 87.) But in neither briefing nor oral argument have Plaintiffs identified any facts that they could add that would (1) qualify a particular IDE determination for vacatur or (2) put its other federal claims beyond the jurisdiction-stripping provisions of 42 U.S.C. § 300gg111(c)(5)(E)(i)(II). Since leave to amend would be futile, the Court declines to grant leave to amend." *Id.* at *11.

Respectfully submitted this 15th day of April 2026.

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