

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

<p>AETNA HEALTH INC., et al.,</p> <p style="text-align: center;"><i>Plaintiffs,</i></p> <p>v.</p> <p>RADIOLOGY PARTNERS, INC., et al.,</p> <p style="text-align: center;"><i>Defendants.</i></p>	<p>CASE NO.: 3:24-CV-01343-BJD-LLL</p>
--	--

DEFENDANTS’ NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants Radiology Partners, Inc. and Mori, Bean, and Brooks, Inc. submit this notice of supplemental authority pursuant to Local Rule 3.01(i).

Guardian Flight, L.L.C., et al. v. Health Care Serv. Corp., 140 F.4th 271 (5th Cir. 2025) supplements Defendants’ Motion to Dismiss [ECF No. 27] at p. 22, ¶ 1, line 1 to p. 23, ¶ 2, line 11: “In sum, [plaintiff’s] enforcement action depends on the availability of a private right of action not present in the NSA. As a result, the NSA’s plain text bars this suit. We will not find an implied right of action where Congress expressly forecloses it.” *Id.* at 276. And it supplements p. 16, ¶ 2, line 1 to p. 19, ¶ 1, line 3: “CMS maintains an online portal through which providers may submit complaints regarding the IDR process.” *Id.* at 277.

Guardian Flight, LLC v. Aetna Health Inc., 711 F. Supp. 3d 662 (S.D. Tex. 2024), cited at p. 23, ¶ 3, line 4 of Defendants’ Motion to Dismiss, was *aff’d in part, rev’d in part and remanded sub nom.* by *Guardian Flight, L.L.C. v. Med. Evaluators*

of Texas ASO, L.L.C., et al., 140 F.4th 613 (5th Cir. 2025). The Fifth Circuit decision supplements the arguments on p. 23, ¶ 3, line 1 to p. 25, ¶ 1, line 5: “Because the NSA explicitly incorporates the FAA provisions, we interpret ‘fraud or undue means’ to have the same meaning in the NSA as in the FAA. Under the FAA, ‘[f]raud requires a showing of bad faith during the arbitration proceedings, such as bribery, undisclosed bias of an arbitrator, or willfully destroying or withholding evidence.’” *Id.* at 620 (citations omitted). “[B]ecause Providers have not ‘state[d] with particularity the circumstances constituting fraud’ to trigger review under the pertinent provision of the NSA, *see* FED. R. CIV. P. 9(b), the district court did not err in dismissing their claims.” *Id.* at 622.

Respectfully submitted this 29th day of July, 2025.

Glenn Solomon
Admitted Pro Hac Vice
 Christopher Charles Jew
Admitted Pro Hac Vice
KING & SPALDING LLP
 633 West Fifth Street, Suite 1600
 Los Angeles, CA 90071
 Telephone: 213-443-4355
 Email: gsolomon@kslaw.com
 ccjew@kslaw.com

Sara Brinkmann
Admitted Pro Hac Vice
KING & SPALDING LLP
 1100 Louisiana Street, Suite 4100
 Houston, TX 77002-5213
 Telephone: 713-751-3200
 Email: sbrinkmann@kslaw.com

/s/Samantha J. Kavanaugh
 Samantha J. Kavanaugh
 Florida Bar No.: 0194662
 Michael H. Thompson
 Florida Bar No.: 1045189
KING & SPALDING LLP
 Southeast Financial Center
 200 S. Biscayne Blvd., Suite 4700
 Miami, FL 33131
 Telephone: 305-462-6000
 Facsimile: 305-462-6100
 Email: skavanaugh@kslaw.com
 mhthompson@kslaw.com

*Counsel for Defendants Radiology
 Partners, Inc. and Mori, Bean, and
 Brooks, Inc.*