

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

AETNA HEALTH INC., AETNA
LIFE INSURANCE COMPANY, and
AETNA HEALTH INSURANCE
COMPANY,

Plaintiffs,

v.

RADIOLOGY PARTNERS, INC. and
MORI, BEAN AND BROOKS, INC.,

Defendants.

CASE NO.: 3:24-CV-01343-BJD-LLL

**DEFENDANTS' MOTION FOR LEAVE TO FILE
REPLY IN SUPPORT OF MOTION TO STAY**

Pursuant to Local Rule 3.01(e), Defendants Radiology Partners, Inc. (“RP”) and Mori, Bean, and Brooks, Inc. (“MBB”) (collectively “Defendants”) hereby respectfully move this Court for leave to file a reply to Plaintiffs’ Opposition (“Opposition,” or “Opp.”) [ECF No. 98] to Defendants’ Motion to Stay (the “Motion to Stay”) [ECF No. 92].

Defendants believe that the Court will benefit from the filing of a targeted and narrow reply. The Motion to Stay presents critical issues regarding whether this Court should allow these claims to proceed simultaneously with claims in arbitration, related to an earlier period in time, that present the exact same facts. As

such, a brief reply would benefit the Court in deciding this important motion. Defendants request to have until five business days after the Court rules on the instant motion, to file their reply brief of no more than seven pages, in accordance with Local Rule 3.01(e).

“The purpose of a reply brief is to rebut any new law or facts contained in the opposition’s response to a request for relief before the Court.” *Weiss v. AT&T Inc., et al.*, Case No: 6:23-cv-120-WWB-EJK, 2023 WL 3092631, at *1 (M.D. Fla. April 26, 2023) (citing *Tardif v. People for the Ethical Treatment of Animals*, No. 2:09-cv-537-FtM-29SPC, 2011 WL 2729145, at *2 (M.D. Fla. July 13, 2011)). “The Court will grant leave to file a reply brief where the reply will benefit the Court’s resolution of the pending motion.” *Weiss*, 2023 WL 3092631, at *1 (granting motion to file reply in support of motion to compel arbitration) (citation omitted).

Defendants seek to file a reply addressing new facts and law contained in the Opposition.

First, while Plaintiffs largely ignore the factual similarities, identical allegations, and potentially conflicting rulings that would be made in the pending AAA arbitration and in this litigation, Plaintiffs present new arguments (including attaching the arbitration scheduling order as an exhibit to the Opposition, which is new information presented to the Court) regarding the arbitration schedule. Plaintiffs argue that a stay here would be an improper indefinite stay here despite the

firm trial date set by the arbitrator, and cite new authority for that proposition. Plaintiffs also present new arguments about possibly dual-tracking the arbitration and this litigation (despite simultaneously arguing that the two cases are vastly different). Defendants would respond to those arguments.

Second, Plaintiffs present new authorities and arguments to suggest that Defendants have not demonstrated sufficient justification for a stay here. Defendants would respond to those arguments and distinguish the cases cited, including *Landis v. North Am. Co.*, 299 U.S. 248 (1936), *King v. Cessna Aircraft Co.*, 505 F.3d 1160 (11th Cir. 2007), and *Klay v. All Defendants*, 389 F.3d 1191 (11th Cir. 2004), and their progeny.

WHEREFORE, Defendants respectfully request the Court grant this Motion.

LOCAL RULE 3.01(g) CERTIFICATION

Pursuant to Local Rule 3.01(g), the undersigned certifies that counsel for Defendants conferred with counsel for Plaintiffs via email on January 9 and 12, 2026, and the parties do not agree on the resolution of all or part of the motion.

Respectfully submitted this 12th day of January 2026.

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