

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA *ex rel.*
ANDREW SHEA,

Plaintiff,

v.

eHEALTH, Inc., *et al.*,

Defendants.

No. 21-cv-11777-DJC

**REPLACEMENT JOINT MOTION REGARDING MOTION TO DISMISS BRIEFING
(WITH DATES CERTAIN)**

Defendants eHealth Inc. and eHealthInsurance Services, Inc.; GoHealth, Inc.; SelectQuote, Inc.; Humana Inc.; CVS Health Corporation; Aetna Life Insurance Company; Aetna Inc.; and Elevance Health, Inc. intend to move to dismiss the United States of America's Complaint in Partial Intervention (ECF No. 41) (the "Complaint"). Undersigned counsel for Defendants met and conferred with undersigned counsel for the Government, pursuant to L.R., D. Mass. 7.1(a)(2), and the parties jointly moved for the Court to set a briefing schedule and approve aggregate page limits (ECF No. 105). In response to the Court's Order today that the parties revise their joint proposal to include dates certain, the parties now propose as follows (mooting and replacing ECF No. 105):

1. The Complaint names nine Defendants. Instead of filing nine separate motions with up to 20 substantive pages of briefing each (per L.R., D. Mass. 7.1(b)(1),(4)), Defendants will file up to three memoranda in support of their motions, totaling up to 75 substantive pages in length, on or before Tuesday, August 19, 2025.
2. The Government may then file up to the same number of joint memoranda in response to the Defendants' motions, totaling up to 75 substantive pages in length, on or before Monday, October 20, 2025.

3. The Defendants may then file up to the same number of reply memoranda in support of their motions, totaling up to 35 pages in length, on or before Friday, December 19, 2025.

The parties believe that briefing in this manner will be most efficient for the Court and for the parties, while still affording the parties sufficient space to appropriately address the Defendants' arguments for dismissal and the Government's responses thereto. A proposed order accompanies this motion.

Dated: August 14, 2025

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CERTIFICATE OF COMPLIANCE WITH L.R., D. MASS. 7.1(A)(2)

I hereby certify that counsel for all parties have met and conferred in good faith regarding the subject matter of this motion, and that those consultations have resulted in the parties' joint proposal to the Court that is outlined in the motion.

/s/ David Quinn Gacioch
David Quinn Gacioch
Dated: August 14, 2025

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document will be served upon all counsel of record via ECF on the date of this filing.

/s/ David Quinn Gacioch
David Quinn Gacioch
Dated: August 14, 2025

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA *ex rel.*
ANDREW SHEA,

Plaintiff,

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eHEALTH, Inc., *et al.*,

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No. 21-cv-11777-DJC

[PROPOSED] ORDER

Upon joint motion of the United States of America and Defendants eHealth Inc. and eHealthInsurance Services, Inc.; GoHealth, Inc.; SelectQuote, Inc.; Humana Inc.; CVS Health Corporation; Aetna Life Insurance Company; Aetna Inc.; and Elevance Health, Inc. (together, “Defendants”), the Court rules as follows:

IT IS HEREBY ORDERED that the Defendants may file up to three motions to dismiss the United States of America's Complaint in Partial Intervention (ECF No. 41), with memoranda in support of these motions totaling up to seventy-five (75) substantive pages in length. The Defendants shall file their motions on or before August 19, 2025.

IT IS FURTHER ORDERED that, on or before October 20, 2025, the United States may file up to the same number of memoranda in response to Defendants' motions, also totaling up to seventy-five (75) substantive pages in length.

IT IS FURTHER ORDERED that, on or before December 19, 2025, the Defendants may then file up to the same number of reply memoranda in support of their motions to dismiss, totaling up to thirty-five (35) substantive pages in length.

Dated: _____

DENISE J. CASPER
CHIEF UNITED STATES DISTRICT JUDGE