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21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA**

23 Anthem Blue Cross Life and Health
24 Insurance Company, a California
25 corporation; Blue Cross of California dba
26 Anthem Blue Cross, a California
27 corporation

28 Plaintiffs,

v.

29 HaloMD, LLC; Alla LaRoque; Scott
30 LaRoque; MPOWERHealth Practice
31 Management, LLC; Bruin
32 Neurophysiology, P.C.; iNeurology, P.C.;
33 N Express, P.C.; North American
34 Neurological Associates, P.C.; Sound
35 Physicians Emergency Medicine of
36 Southern California, P.C.; and Sound
37 Physicians Anesthesiology of California,
38 P.C.,

Defendants.

CASE NO. 8:25-cv-01467-KES

**NOTICE OF MOTION AND
MOTION TO DISMISS**

**Filed concurrently with
Memorandum of Points and
Authorities; Declaration of Matthew
L. Knowles Regarding Meet and
Confer Efforts; [Proposed] Order**

DATE: March 10, 2026

TIME: 10:00 a.m.

COURTROOM: 6D

JUDGE: Karen E. Scott

AMENDED COMPLAINT FILED:
10/17/2025

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 10, 2026 at 10:00 a.m. PDT, or as soon thereafter as the matter may be heard, in the courtroom of the Honorable Karen E. Scott, located at the Ronald Reagan Federal Building and United States Courthouse, 411 West 4th Street, Santa Ana California 92701, Defendants Sound Physicians Emergency Medicine of Southern California, P.C. and Sound Physicians Anesthesiology of California, P.C. (“Sound Physicians”) will, and hereby do, move the Court for an Order granting this motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b). Sound Physicians moves to dismiss Plaintiffs Anthem Blue Cross Life and Health Insurance Company’s and Blue Cross of California dba Anthem Blue Cross’s (“Anthem”) Amended Complaint in its entirety.

This motion to dismiss is filed pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) on the basis that Congress expressly barred judicial review of Independent Dispute Resolution (“IDR”) determinations under the No Surprises Act, except through the narrow vacatur provisions of the Federal Arbitration Act, standards Plaintiffs have neither met nor invoked through a timely, proper motion to vacate. In addition, Plaintiffs cannot circumvent this jurisdictional bar by asserting RICO, ERISA, or state-law theories, all of which fail as a matter of law. Further, Plaintiffs’ fraud-based allegations do not meet Rule 9(b)’s heightened pleading standard. Plaintiffs’ claims are also barred by the First Amendment under the *Noerr-Pennington*

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doctrine because they arise from protected petitioning activity in arbitration. Plaintiffs’ RICO and ERISA claims fail for the additional reasons that: (i) arbitration submissions cannot constitute mail or wire fraud; (ii) Plaintiffs have not alleged a cognizable RICO enterprise or conspiracy; and (iii) Plaintiffs have failed to demonstrate standing to assert ERISA claims for the hundreds of IDR arbitrations they seek to overturn. Finally, Plaintiffs state-law claims fail for the independent reasons set out in Sound Physicians’ concurrently filed Motion to Strike.

This Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, all other pleadings and papers filed or to be filed in this action, and any argument that may be presented to the Court at the hearing on this Motion.

This Motion is made following a meet-and-confer conference of counsel pursuant to Local Rule 7-3, as detailed in Matthew L. Knowles’s declaration, filed concurrently. An agreement could not be reached to avoid the need for this Motion.

Dated: December 12, 2025

MCDERMOTT WILL & SCHULTE LLP

By: /s/ Tala Jayadevan
Tala Jayadevan

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Matthew L. Knowles (*appearing pro hac vice*)
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