

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

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HEALTH CARE SERVICE CORPORATION, A  
MUTUAL LEGAL RESERVE COMPANY,

*Plaintiff,*

vs.

ZOTEC PARTNERS, LLC,

*Defendant.*

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Case No. 5:25-cv-00186-RWS

**PLAINTIFF'S RESPONSE TO DEFENDANT'S THIRD NOTICE  
OF SUPPLEMENTAL AUTHORITY**

The U.S. District Court for the District of Hawaii's recent opinion in *UnitedHealthcare Insurance Company v. Maui Memorial Emergency Medical Associates, Inc. et. al.*, No. 26-cv-00040-DKW-WRP, 2026 WL 1965882 (D. Haw. July 7, 2026) (*Maui*), is neither binding nor persuasive as it pertains to Defendant Zotec Partners, LLC's pending Motion to Dismiss, and should not be considered by the Court.

In *Maui*—a case from the District of Hawaii, and accordingly, not binding here—the Court dismissed UnitedHealthcare's claims based *entirely* on a lack of federal subject matter jurisdiction, which is not an issue in this case. The *Maui* court addressed two claims brought by UnitedHealthcare: (1) a claim under the federal Declaratory Judgment Act; and (2) a state common-law fraud claim based on Maui Memorial's false attestation that services submitted to the NSA's IDR process were eligible for said process. D.E. 65-1 at 5. United argued, relying on *Grable/Gunn* jurisdictional principles, that because its second claim required interpretation of the NSA, the claim necessarily implicated a substantial federal issue and conferred federal subject

matter jurisdiction. *Id.* at 9-10. United did not argue that it had diversity jurisdiction, or that its declaratory judgment claim provided any basis for jurisdiction. *Id.* at 7 n.2 & 8.

In granting dismissal, the *Maui* court disagreed with United's arguments, holding that any interpretation needed of the NSA was only relevant to one element of United's fraud claim, was not substantial, and that, as a result, United's claims did not "turn" on a substantial federal issue and did not provide a basis for federal subject matter jurisdiction. *Id.* at 10-11. As United lacked any other basis for jurisdiction, the *Maui* court dismissed the case *without* prejudice. *Id.* at 11-12. This holding is entirely inapplicable to this matter because, unlike *Maui*, Plaintiff rests its federal subject matter jurisdiction on the complete diversity of the parties. *See* Pl.'s First Am. Compl., D.E. 22 at ¶¶ 17-19.

Knowing this, Defendant claims this Court should consider a footnote tacked on to the end of the *Maui* court's decision containing a passing comment about the NSA's supposed "federal-state balance." D.E. 65 at p. 2-3 (referencing footnote 5 in *Maui*). But the *Maui* court explicitly stated that the contents of the footnote were "unnecessary to the Court's findings". D.E. 65-1 at 11 n.5. As a result, by definition, the footnote and its contents are non-persuasive dictum. *Int'l Truck & Engine Corp. v. Bray*, 372 F.3d 717, 721 (5th Cir. 2004) ("A statement is dictum if it 'could have been deleted without seriously impairing the analytical foundations of the holding' and 'being peripheral, may not have received the full and careful consideration of the court that uttered it.'"). Nor does the *Maui* decision in any way impact the Court's analysis of HCSC's claim for fraudulent inducement.

For these reasons, *Maui* provides no basis for dismissal and Defendant's Third Notice of Supplemental Authority should be disregarded.

Respectfully submitted,

Dated: July 17, 2026

By: /s/ John K. Harting

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 17, 2026, a true and correct copy of the above was served via email through the Eastern District of Texas's CM/ECF system.

/s/ Joseph T. Janochoski  
Joseph T. Janochoski