

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

CLOVER INSURANCE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:25-cv-142
)	
U.S. DEPARTMENT OF HEALTH AND)	
HUMAN SERVICES, ET AL.,)	
)	
Defendants.)	

MOTION FOR RELIEF FROM 26(F) CONFERENCE AND REPORT

On January 26, 2026, Defendants moved to stay discovery until after this Court ruled on the motion to dismiss. Doc. 26. Plaintiff opposed, arguing in part that because the case arose under the Administrative Procedure Act (“APA”), the Court would resolve the case on the administrative record and discovery was likely unnecessary. Doc. 27. This Court nonetheless granted Defendants’ motion and stayed discovery. Doc. 39. The Court also ordered the parties to confer and submit a Rule 26(f) report within 14 days of the Court’s ruling, if the case remained in the Southern District of Georgia. *Id.* at 1. The Court subsequently denied Defendant’s motion to dismiss, and the case is still pending in this District. *See* Doc. 40.

Defendant now requests that this Court relieve the parties of the instruction to conduct a Rule 26(f) conference and submit a report. The Federal Rules of Civil Procedure explicitly state that a 26(f) conference is unnecessary when the proceeding is “exempt[] from initial disclosure under Rule 26(a)(1)(B).” Fed. R. Civ. P. 26(f)(1). Civil actions brought under the APA—such as this civil action—are exempt from

initial disclosures under Rule 26(a)(1)(B). *See id.* 26(a)(1)(B)(i). Therefore, the requirement to hold a 26(f) conference and submit a report does not apply. The reasons for this rule are straightforward: an APA challenge is resolved on the administrative record, not on discovery. *See, e.g., Pres. Endangered Areas of Cobb's Hist., Inc. v. U.S. Army Corps of Eng'rs*, 87 F.3d 1242, 1246–47 (11th Cir. 1996). There is also no dispute that discovery is unnecessary in this case *because* Plaintiff brought this case under the APA. *See* Docs. 27 at 1; 38 at 5. Nevertheless, because the Court's order instructed the parties to hold a 26(f) conference and submit a report, Defendants ask for the parties to be relieved from that instruction.

Prior to filing this Motion, undersigned counsel sought consent from counsel for Plaintiff, who stated: “We’re not agreeable to blowing past or modifying Judge Cheesbro’s Rule 26(f) deadline[.]”¹

A proposed order is attached.

Respectfully submitted,

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¹ Although the Court has not yet ruled on the issue of transfer subject to 28 U.S.C. § 1404(a), *see* Doc. 40 at 41, counsel have scheduled a conference call to confer regarding a briefing schedule for summary judgment.