

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

CLOVER INSURANCE COMPANY,

Plaintiff,

v.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, CENTERS FOR MEDICARE &
MEDICAID SERVICES, ROBERT F.
KENNEDY, JR., and MEHMET OZ,

Defendants.

CIVIL ACTION NO.: 2:25-cv-142

ORDER

Defendants filed a Motion for Relief from 26(f) Conference and Report and a Motion for Briefing Schedule. Docs. 43, 45. Plaintiff filed a Response in opposition to Defendants' Motion for Briefing Schedule. Doc. 46. Although the Motions request different relief, I address both in a single Order.

I. Motion for Briefing Schedule, Doc. 45

Defendants ask the Court to enter the following deadlines for the parties' forthcoming summary judgment briefing: April 17, 2026, for Defendants to respond to Plaintiff's motion for summary judgment and file their cross-motion for summary judgment; May 8, 2026, for Plaintiff to reply in support of its for summary judgment and respond to Defendants' cross-motion for summary judgment; and May 22, 2026, for Defendants to reply in support of their cross-motion for summary judgment. Defendants state that Plaintiff filed a "premature" motion for summary judgment but now ask for this schedule, while acknowledging that Plaintiff's motion for summary judgment is no longer premature. Id. at 1.

Plaintiff makes two arguments in opposition. Doc. 46. First, Plaintiff argues that Defendants missed the deadline to respond to its summary judgment motion and the Court should not permit Defendants to file an untimely response to that motion. Id. at 1–2. Second, and alternatively, Plaintiff asks the Court to enter a shorter briefing schedule. Id. at 3. Plaintiff states that Defendants do not need a longer period to respond to the motion for summary judgment because the motion for summary judgment has been pending since February 2, 2026. Id. at 2. Plaintiff also points out that, in Defendants’ motion to stay their response to Plaintiff’s motion for summary judgment, they asked the Court to enter this deadline as 21 days after the District Judge’s ruling on Defendants’ motion to dismiss. Id. at 3. Because the District Judge ruled on Defendants’ motion to dismiss on March 18, 2026, Plaintiff asserts the Court should require Defendants to file their opposition on April 8, 2026. Id.

Defendants should have responded to Plaintiff’s motion for summary judgment sooner, but their failure to do so is understandable given the circumstances. On February 2, 2026, Plaintiff moved for summary judgment; that same day, the Clerk of Court issued a Notice informing Defendants that they needed to respond by February 23, 2026. Docs. 34, 36. On February 19, 2026—before the deadline for Defendants’ response elapsed—Defendants moved to stay that deadline. Doc. 37. The Court did not expressly rule on Defendants’ request to stay the deadline for responding to the motion for summary judgment. Instead, the Court ruled on (and granted) Defendants’ earlier motion to stay discovery. Doc. 39 (granting Doc. 26). Given the wording of the Clerk of Court’s Notice, and the fact that the Court had not ruled on Defendants’ request to stay the summary judgment response deadline, Defendants should have responded on or before February 23, 2026.

However, Defendants' failure to file a summary judgment response by February 23, 2026, is understandable. The parties seemingly believed that Defendants' earlier motion to stay discovery would necessarily also stall summary judgment briefing if the motion was granted. See Doc. 27 at 3 (Plaintiff consenting to a stay of discovery but opposing any stay that delay summary judgment briefing); Doc. 31 at 2–4 (Defendants arguing that summary judgment briefing should not proceed). Thus, Defendants may have assumed that the summary judgment briefing deadlines were stayed when the Court issued its Order staying discovery or may have assumed the Court would take up the request to stay the summary judgment response time separately. Defendants should have responded to the motion for summary judgment sooner, but, again, the failure to do so is understandable in these unique circumstances.

Defendants now ask for a schedule for completion of the summary judgment briefing. Plaintiff asks for the Court to deny that request and prohibit Defendant from responding at all. Even assuming that Defendants missed the response deadline, Plaintiff has not shown that the error was so egregious that Defendants should be precluded altogether from responding to the motion for summary judgment. Plaintiff has not identified any deliberate disregard of the Court's deadlines by Defendants or indicated any sort of unfair prejudice or harm that would arise from allowing Defendants to respond to Plaintiff's motion for summary judgment. The Court, thus, excuses Defendants' non-compliance with the Clerk of Court's Notice. Nonetheless, Plaintiff has shown that an expedited briefing schedule is appropriate.

Thus, I **GRANT in part** Defendants' Motion for Briefing Schedule. Defendants shall respond to Plaintiff's motion for summary judgment and file their cross-motion for summary judgment **on or before April 8, 2026**. Plaintiff shall respond to Defendants' cross-motion for summary judgment and reply in support of its motion for summary judgment **on or before April**

29, 2026. Defendants shall reply in support of their cross-motion for summary judgment **on or before May 8, 2026.**

II. Motion for Relief from 26(f) Conference and Report, Doc. 43

Defendants also ask the Court to excuse the parties from conducting a Rule 26(f) conference and submitting a report. Doc. 43 at 1. Defendants explain that Plaintiff brought this action under the Administrative Procedures Act and this action is accordingly exempt from initial disclosures under Rule 26(a)(1)(B). Id. at 1. By extension, Defendants explain, this case is one where a 26(f) conference is unnecessary under the Federal Rules of Civil Procedure. Id. at 1–2 (citing Fed. R. Civ. P. 26(a)(1)(B)(i)). Defendants also state that the parties do not dispute that discovery is unnecessary in this case. Because I am ordering the parties to brief the summary judgment motions, I **GRANT** Defendants’ Motion for Relief from 26(f) Conference and Report and **STAY** discovery and all other Rule 26 obligations.

SO ORDERED, this 3rd day of April, 2026.



BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA