

**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., in his official capacity as Secretary of the United States Department of Health and Human Services; MEHMET OZ, in his official capacity as Administrator, Centers for Medicare & Medicaid Services,

Defendants.

Civil Action No. 2:25-cv-142

PLAINTIFF’S MOTION TO EXPEDITE

Plaintiff Clover Insurance Company’s (“Clover”), by and through counsel, respectfully moves this Court, pursuant to Southern District of Georgia Local Rule 7.6, to expedite its decision of Defendants’ Motion to Dismiss or Transfer, Dkt. 21, to the extent feasible and consistent with the Court’s existing schedule. In support of this request, Clover states as follows:

1. On November 07, 2025, Clover filed its Complaint for Declaratory and Injunctive Relief. Dkt. 1. The Complaint alleges that Defendants have calculated Clover’s 2026 Medicare Advantage Star Rating contrary to Congress’s express instructions and in a manner that harms Clover’s reputation, goodwill, and operations in the Southern District of Georgia. *Id.* ¶ 51, 112-273. Clover thus requests that the Court order Defendants to recalculate Clover’s Star Rating in a manner consistent with applicable laws. *Id.* at 66 (Prayer for Relief).

2. In its Complaint, Clover requested that the Court expedite resolution of this matter

such that the parties receive a decision by May 29, 2026, Dkt. 1 ¶ 43, which is the time period that Defendants have previously identified, in other Star Ratings cases, that they may readily update a plan's Star Rating in response to judicial decision-making and make resulting changes to quality bonus payments to plans resulting from those Ratings for the next calendar year, *i.e.*, that Defendants may make necessary changes to increase Clover's funding for the next year. Additionally, Clover's annual "bid" to participate in the Medicare Advantage program is due by June 1, 2026, which requires Clover's Star Rating to determine plan funding and submit that bid.

3. To that end, Clover is coordinating with Defendants on an expedited schedule. Defendants have represented that they intend to produce the administrative record by December 22, 2025 and Clover intends to file for expedited summary judgment in January 2026.

4. Defendants filed a Motion to Dismiss or Transfer on December 11, 2025. Dkt. 21.

5. Clover respectfully requests an expedited resolution of Defendants' Motion to Dismiss or Transfer, which would allow the parties to brief this matter in a swift and orderly fashion, under the law of this Circuit or alternatively the D.C. Circuit in the event of a transfer.

6. An expedited resolution of this motion would also ensure that this Court, or the transferee court in the event the Court determines transfer is warranted, has sufficient time to review and decide motions for summary judgment prior to May 29, 2026.

7. Counsel for Clover has conferred with counsel for Defendants, who state that they take no position on the relief requested herein.

8. There will be no prejudice to any party if the requested relief is granted.

WHEREFORE, for the foregoing reasons, Clover respectfully requests that the Court expedite its decision of Defendants' Motion to Dismiss or Transfer, Dkt. 21.

Dated: December 17, 2025

Respectfully submitted,

/s/ James B. Durham

James B. Durham
Hall Booth Smith, P.C.
3528 Darien Highway
Suite 300
Brunswick, GA 31525
Tel: (912) 554-0093
Email: JDurham@hallboothsmith.com

Andrew D. Prins*
Rachael L. Westmoreland*
LATHAM & WATKINS LLP
555 Eleventh Street NW, Suite 1000
Washington, DC 20004
Tel: (202) 637-2200
Fax: (202) 637-2201
Email: andrew.prins@lw.com
rachael.westmoreland@lw.com

Nicholas L. Schlossman*
LATHAM & WATKINS LLP
300 Colorado Street, Suite 2400
Austin, TX 78701
Tel: (737) 910-7300
Fax: (737) 910-7301
Email: nicholas.schlossman@lw.com

**pro hac vice*

*Attorneys for Plaintiff Clover Insurance
Company*

CERTIFICATE OF SERVICE

On December 17, 2025, I caused a copy of the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF filing system, which will send notification of such filing to all registered participants.

/s/ James B. Durham
James B. Durham