

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HMO LOUISIANA, INC.,

Plaintiff,

v.

DEPARTMENT OF HEALTH AND HUMAN
SERVICES, et al.,

Defendants.

Civil Action No. 24-2931 (CRC)

JOINT MOTION TO SET BRIEFING SCHEDULE FOR SUMMARY JUDGMENT

Plaintiff and Defendants, through counsel, have met and conferred regarding a proposed case management and briefing schedule and respectfully request that the Court enter the schedule below.

1. This is an Administrative Procedure Act case that concerns the Medicare Part C and D Quality Star Rating system, which allows Medicare beneficiaries to comparison shop among hundreds of available private health insurance companies offering Part C and Part D benefit plans. The Star Rating system rates health plans on dozens of measures of health outcomes, health care processes, patient experience, and other plan performance measures. Each October, Centers for Medicare & Medicaid Services (“CMS”) publishes the Star Ratings, which assign to each health plan a score from 1- to 5-stars on each performance measure and provides an overall rating that is a weighted average of the plan contract’s scores on the various individual measures.

2. On October 17, 2024, Plaintiff filed a complaint challenging CMS’s Star Rating calculations. ECF No. 1. Plaintiff also filed a motion for temporary restraining order. ECF No. 3.

3. On November 22, 2024, Plaintiff requested to withdraw its motion for a temporary restraining order and sought leave to file an amended complaint by December 6, 2024. ECF No. 9. The Court directed Plaintiff to seek leave to file an amended complaint by December 6, 2024. Minute Order, Nov. 26, 2024.

4. On December 6, 2024, Plaintiff moved for leave to file an amended complaint challenging its score on one of the Star Rating performance measures. ECF. No. 10. Defendants' answer to the amended complaint is currently due December 20, 2024. ECF No. 11; Fed. R. Civ. P. 15(a)(3).

5. The parties, working together cooperatively, have met and conferred and propose the schedule set forth below to govern further proceedings in this case. The parties propose to stay any obligation for Defendants to file an answer and instead enter the following briefing schedule:

January 10, 2025	Defendants to file the certified index of the Administrative Record and serve Administrative Record on plaintiff
February 14, 2025	Plaintiff's Motion for Summary Judgment
March 14, 2025	Defendants' Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment
April 11, 2025	Plaintiff's Opposition to Defendants' Cross-Motion and Reply in Support of Plaintiff's Summary Judgment Motion
April 25, 2025	Defendants' Reply in Support of Their Cross-Motion for Summary Judgment
May 2, 2025	Joint Appendix

6. A proposed order is attached hereto.

Dated: December 19, 2024

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By: /s/ M. Jared Littman

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[PROPOSED] ORDER

UPON CONSIDERATION of the Joint Motion to Set Briefing Schedule for Summary Judgment, and for good cause shown and the entire record herein, it is hereby

ORDERED that the joint motion is GRANTED;

ORDERED that Defendant's duty to file an answer is stayed pending further Order of the Court; and it is further

ORDERED that Defendants shall file the certified index of the Administrative Record and serve the Administrative Record on Plaintiff on or before January 10, 2025; Plaintiff's Motion for Summary Judgment is due on or before February 14, 2025; Defendants' Cross-Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment is due on or before March 14, 2025; Plaintiff's Opposition to Defendants' Cross-Motion and Reply in Support of Plaintiff's Summary Judgment Motion is due on or before April 11, 2025; Defendants' Reply in Support of Their Cross-Motion for Summary Judgment is due on or before April 25, 2025; and the Joint Appendix is due on or before May 2, 2025.

SO ORDERED:

Dated

CHRISTOPHER R. COOPER
District Judge