

**United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007**

DEBRA ANN LIVINGSTON
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE
CLERK OF COURT

Date: May 6, 2025

Docket #: 25-1167

Short Title: Long Island Anesthesiologists PLLC v. United
Healthcare Insurance Company of New York Inc.

DC Docket #: 2:22-cv-4040

DC Court: EDNY (CENTRAL
ISLIP)

DC Judge: Trial Judge - Hector
Gonzalez

DOCKETING NOTICE

A notice of appeal filed by Long Island Anesthesiologists PLLC in the above referenced case was docketed today as 25-1167. This number must appear on all documents related to this case that are filed in this Court. For pro se parties the docket sheet with the caption page, and an Acknowledgment and Notice of Appearance Form are enclosed. In counseled cases the docket sheet is available on PACER. Counsel must access the Acknowledgment and Notice of Appearance Form from this Court's website <http://www.ca2.uscourts.gov>.

The form must be completed and returned within 14 days of the date of this notice. The form requires the following information:

YOUR CORRECT CONTACT INFORMATION: Review the party information on the docket sheet and note any incorrect information in writing on the Acknowledgment and Notice of Appearance Form.

The Court will contact one counsel per party or group of collectively represented parties when serving notice or issuing our order. Counsel must designate on the Acknowledgment and Notice of Appearance a lead attorney to accept all notices from this Court who, in turn will, be responsible for notifying any associated counsel.

CHANGE IN CONTACT INFORMATION: An attorney or pro se party who does not immediately notify the Court when contact information changes will not receive notices, documents and orders filed in the case.

An attorney and any pro se party who is permitted to file documents electronically in ACMS must notify the Court of a change to the user's mailing address, business address, telephone number, or e-mail. To update contact information, a Filing User must access PACER's Manage My Appellate Filer Account, <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-login.pl>. The Court's records will be updated within 1 business day of a user entering the change in PACER.

A pro se party who is not permitted to file documents electronically must notify the Court of a change in mailing address or telephone number by filing a letter with the Clerk of Court.

CAPTION: In an appeal, the Court uses the district court caption pursuant to FRAP 12(a), 32(a). For a petition for review or original proceeding the Court uses a caption pursuant to FRAP 15(a) or 21(a), respectively. Please review the caption carefully and promptly advise this Court of any improper or inaccurate designations in writing on the Acknowledgment and Notice of Appearance form. If a party has been terminated from the case the caption may reflect that change only if the district court judge ordered that the caption be amended.

APPELLATE DESIGNATIONS: Please review whether petitioner is listed correctly on the party listing page of the docket sheet and in the caption. If there is an error, please note on the Acknowledgment and Notice of Appearance Form. Timely submission of the Acknowledgment and Notice of Appearance Form will constitute compliance with the requirement to file a Representation Statement required by FRAP 12(b).

For additional information consult the Court's instructions posted on the website.

Inquiries regarding this case may be directed to 212-857-8551.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
LONG ISLAND ANESTHESIOLOGISTS PLLC, , :

Plaintiff, :

vs. :

Case No. 22-cv-04040-HG

NOTICE OF APPEAL

UNITEDHEALTHCARE INSURANCE :
COMPANY OF NEW YORK INC., as Program :
Administrator, THE EMPIRE PLAN :
MEDICAL/SURGICAL PROGRAM and :
MULTIPLAN, INC., :

Defendants. :

----- X

PLEASE TAKE NOTICE that the Plaintiff, Long Island Anesthesiologists, PLLC., by its attorneys, Harris Beach Murtha Cullina PLLC, hereby appeals in accordance with Fed. R. App. P. 4 to the United States Court of Appeals for the Second Circuit, from the attached Judgment of this Court, filed April 8, 2025 (Dkt 70), and from each and every part thereof.

Dated: Uniondale, New York
May 2, 2025

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Attorneys for Defendant MultiPlan, Inc.

Exhibit A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
LONG ISLAND ANESTHESIOLOGISTS PLLC,

Plaintiff,

v.

JUDGMENT
22-CV-04040 (HG)

UNITED HEALTHCARE INSURANCE COMPANY
OF NEW YORK INC., as Program Administrator for
the Empire Plan Medical/Surgical Program, and
MULTIPLAN INC.,

Defendants.

-----X

A Memorandum and Order of the Honorable Hector Gonzalez, United States District Judge, having been filed on April 7, 2025, granting with prejudice Defendants’ motions to dismiss Plaintiff’s Sherman Act and Donnelly Act claims; and declining to exercise supplemental jurisdiction over Plaintiff’s unjust enrichment claim, which it dismisses without prejudice, *See* ECF No. 61-1; ECF No. 62-1; it is

ORDERED and ADJUDGED that Defendants’ motions to dismiss Plaintiff’s Sherman Act and Donnelly Act claims are granted with prejudice; and that the Court declines to exercise supplemental jurisdiction over Plaintiff’s unjust enrichment claim, which it dismisses without prejudice. *See* ECF No. 61-1; ECF No. 62-1.

Dated: Brooklyn, New York
April 8, 2025

Brenna B. Mahoney
Clerk of Court

By: /s/Jalitzia Poveda
Deputy Clerk

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:22-cv-04040-HG**

Long Island Anesthesiologists PLLC v. United Healthcare
Insurance Company of New York Inc. et al
Assigned to: Judge Hector Gonzalez
Cause: 15:1 Antitrust Litigation

Date Filed: 07/11/2022
Date Terminated: 04/08/2025
Jury Demand: Plaintiff
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff

Long Island Anesthesiologists PLLC

represented by **Daniel Scott Hallak**
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V.

Defendant

**United Healthcare Insurance Company
of New York Inc.**
*as Program Administrator for The
Empire Plan Medical/Surgical program*

represented by **Karl Geercken**
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Date Filed	#	Docket Text
07/11/2022	<u>1</u>	COMPLAINT against Multiplan Inc., The Empire Plan Medical/Surgical Program, United Healthcare Insurance Company of New York Inc. filing fee \$ 402, receipt number ANYEDC-15733910 Was the Disclosure Statement on Civil Cover Sheet completed -No., filed by Long Island Anesthesiologists PLLC. (Attachments: # <u>1</u> Civil Cover Sheet) (Breitenbach, Roy) Modified on 7/12/2022 (Jakubowski, Laura). (Entered: 07/11/2022)
07/11/2022	<u>2</u>	Corporate Disclosure Statement by Long Island Anesthesiologists PLLC (Breitenbach, Roy) Modified on 7/12/2022 (Jakubowski, Laura). (Entered: 07/11/2022)
07/11/2022	<u>3</u>	Proposed Summons. Re <u>1</u> Complaint, by Long Island Anesthesiologists PLLC (Breitenbach, Roy) Modified on 7/12/2022 (Jakubowski, Laura). (Entered: 07/11/2022)
07/11/2022	<u>4</u>	Proposed Summons. Re <u>1</u> Complaint, by Long Island Anesthesiologists PLLC (Breitenbach, Roy) Modified on 7/12/2022 (Jakubowski, Laura). (Entered: 07/11/2022)
07/12/2022	<u>5</u>	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made. (Jakubowski, Laura) (Entered: 07/12/2022)
07/12/2022		Case Assigned to Judge Hector Gonzalez. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Jakubowski, Laura) (Entered: 07/12/2022)
07/12/2022	<u>6</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Jakubowski, Laura) (Entered: 07/12/2022)
07/12/2022	<u>7</u>	Summons Issued as to Multiplan Inc., United Healthcare Insurance Company of New York Inc. (Jakubowski, Laura) (Entered: 07/12/2022)

07/21/2022	<u>8</u>	SCHEDULING ORDER: Counsel for all parties are directed to file on the docket a joint letter describing the case and a completed civil case management plan by AUGUST 25, 2022 as further described in the attached mandatory requirements. Requests for adjournment of the deadline for these submissions will be considered only if made in writing and otherwise in accordance with Section I.D of the Court's Individual Practices. Ordered by Judge Hector Gonzalez on 7/21/2022. (Duffy, Matthew) (Entered: 07/21/2022)
07/25/2022	<u>9</u>	NOTICE of Appearance by Karl Geercken on behalf of United Healthcare Insurance Company of New York Inc. (aty to be noticed) (Geercken, Karl) (Entered: 07/25/2022)
07/25/2022	<u>10</u>	Corporate Disclosure Statement by United Healthcare Insurance Company of New York Inc. identifying Corporate Parent UnitedHealth Group Incorporated, Other Affiliate United HealthCare Services, Inc., Other Affiliate UHIC Holdings, Inc., Other Affiliate UnitedHealthcare Insurance Company for United Healthcare Insurance Company of New York Inc.. (Geercken, Karl) (Entered: 07/25/2022)
07/25/2022	<u>11</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by United Healthcare Insurance Company of New York Inc.. (Geercken, Karl) (Entered: 07/25/2022)
07/26/2022		Order granting MOTION <u>11</u> for Extension of Time to File Answer: Defendant United Healthcare Insurance Company of New York Inc. may have its extension to answer until September 8, 2022. The deadline for submitting the joint letter describing the case and the case management plan <u>8</u> remains the same. Ordered by Judge Hector Gonzalez on 7/26/2022. (Duffy, Matthew) (Entered: 07/26/2022)
08/02/2022	<u>12</u>	Letter MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by Multiplan Inc.. (Creed, Aimee) (Entered: 08/02/2022)
08/03/2022		ORDER granting Motion for Extension of Time to File Answer <u>12</u> . Defendant MultiPlan Inc.'s time to respond to Plaintiff's Complaint <u>1</u> is extended to September 8, 2022. The deadline for submitting the joint letter describing the case and the case management plan <u>8</u> remains the same. Ordered by Judge Hector Gonzalez on 8/3/2022. (Duffy, Matthew) (Entered: 08/03/2022)
08/17/2022	<u>13</u>	MOTION to Appear Pro Hac Vice <i>Errol King</i> Filing fee \$ 150, receipt number ANYEDC-15854993. by Multiplan Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit Certificate of Good Standing) (King, Errol) (Entered: 08/17/2022)
08/17/2022	<u>14</u>	Letter MOTION for Extension of Time to File <i>Case Management Plan (Joint)</i> by United Healthcare Insurance Company of New York Inc.. (Geercken, Karl) (Entered: 08/17/2022)
08/19/2022		ORDER granting <u>13</u> Motion for Leave to Appear <i>Pro Hac Vice</i> . Attorney Errol J. King, Jr. is granted permission to appear <i>pro hac vice</i> on behalf of Defendant MultiPlan, Inc. The attorney shall register for ECF, registration is available online at www.pacer.gov . Once registered, the attorney shall file a notice of appearance and ensure that he receives electronic notification of activity in this case. Ordered by Judge Hector Gonzalez on 8/19/2022. (Duffy, Matthew) (Entered: 08/19/2022)
08/19/2022		ORDER granting Motion for Extension of Time to File <i>Case Management Plan (Joint)</i> <u>14</u> . Parties' deadline to file their joint case management plan is extended to September 26, 2022. The deadline for submitting the joint letter describing the case <u>8</u> remains the same. Ordered by Judge Hector Gonzalez on 8/19/2022. (Duffy, Matthew) (Entered: 08/19/2022)
08/19/2022	<u>15</u>	NOTICE of Appearance by Errol J. King on behalf of Multiplan Inc. (notification declined or already on case) (King, Errol) (Entered: 08/19/2022)
08/25/2022	<u>16</u>	Letter <i>Joint pursuant to the Court's July 21, 2022 Order</i> by Long Island Anesthesiologists PLLC (Breitenbach, Roy) (Entered: 08/25/2022)
08/29/2022	<u>17</u>	MOTION to Appear Pro Hac Vice (<i>Craig L. Caesar</i>) Filing fee \$ 150, receipt number ANYEDC-15889094. by Multiplan Inc.. (Attachments: # <u>1</u> Affidavit of Craig L. Caesar in Support, # <u>2</u> Certificates of Good Standing) (Caesar, Craig) (Entered: 08/29/2022)

08/31/2022	<u>18</u>	MOTION to Appear Pro Hac Vice <i>Katherine C. Mannino</i> Filing fee \$ 150, receipt number ANYEDC-15894891. by Multiplan Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit Certificate of Good Standing) (Mannino, Katherine) (Entered: 08/31/2022)
08/31/2022	<u>19</u>	MOTION to Appear Pro Hac Vice <i>Taylor Crousillac</i> Filing fee \$ 150, receipt number ANYEDC-15895026. by Multiplan Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit Certificate of Good Standing) (Crousillac, Taylor) (Entered: 08/31/2022)
09/01/2022		ORDER granting <u>17</u> Motion for Leave to Appear Pro Hac Vice. Attorney Craig L. Caesar is granted permission to appear <i>pro hac vice</i> on behalf of Defendant MultiPlan, Inc. The attorney shall register for ECF, registration is available online at www.pacer.gov . Once registered, the attorney shall file a notice of appearance and ensure that he receives electronic notification of activity in this case. Ordered by Judge Hector Gonzalez on 9/1/2022. (Duffy, Matthew) (Entered: 09/01/2022)
09/02/2022		ORDER granting <u>18</u> Motion for Leave to Appear Pro Hac Vice. Attorney Katherine C. Mannino is granted permission to appear <i>pro hac vice</i> on behalf of Defendant MultiPlan, Inc. The attorney shall register for ECF, registration is available online at www.pacer.gov . Once registered, the attorney shall file a notice of appearance and ensure that she receives electronic notification of activity in this case. Ordered by Judge Hector Gonzalez on 9/2/2022. (Duffy, Matthew) (Entered: 09/02/2022)
09/02/2022		ORDER granting <u>19</u> Motion for Leave to Appear Pro Hac Vice. Attorney Taylor Crousillac is granted permission to appear <i>pro hac vice</i> on behalf of Defendant MultiPlan, Inc. The attorney shall register for ECF, registration is available online at www.pacer.gov . Once registered, the attorney shall file a notice of appearance and ensure that he receives electronic notification of activity in this case. Ordered by Judge Hector Gonzalez on 9/2/2022. (Duffy, Matthew) (Entered: 09/02/2022)
09/08/2022	<u>20</u>	Letter (<i>Pre-Trial Conference Request</i>) by Multiplan Inc. (Caesar, Craig) (Entered: 09/08/2022)
09/08/2022	<u>21</u>	Letter MOTION for pre motion conference <i>for Anticipated Filing of Motion to Dismiss</i> by United Healthcare Insurance Company of New York Inc.. (Geercken, Karl) (Entered: 09/08/2022)
09/12/2022		ORDER: In lieu of a pre-motion conference, see ECF Nos. <u>20</u> <u>21</u> , Defendants are permitted to file their motions to dismiss by OCTOBER 10, 2022. Plaintiff shall file its opposition to the motion by NOVEMBER 7, 2022. Defendants shall file their reply, if any, by NOVEMBER 17, 2022. Ordered by Judge Hector Gonzalez on 9/12/2022. (Duffy, Matthew) (Entered: 09/12/2022)
09/26/2022	<u>22</u>	Proposed Scheduling Order by Long Island Anesthesiologists PLLC (Hallak, Daniel) (Entered: 09/26/2022)
09/26/2022	<u>23</u>	Letter MOTION for pre motion conference <i>for Anticipated Filing of Motion to Stay Discovery</i> by United Healthcare Insurance Company of New York Inc.. (Geercken, Karl) (Entered: 09/26/2022)
10/03/2022	<u>24</u>	Letter MOTION for Leave to File Excess Pages by United Healthcare Insurance Company of New York Inc.. (Geercken, Karl) (Entered: 10/03/2022)
10/04/2022	<u>25</u>	REPLY in Opposition re <u>23</u> Letter MOTION for pre motion conference <i>for Anticipated Filing of Motion to Stay Discovery</i> filed by Long Island Anesthesiologists PLLC. (Breitenbach, Roy) (Entered: 10/04/2022)
10/05/2022	<u>26</u>	MOTION to Appear Pro Hac Vice <i>for Brian D. Boone</i> Filing fee \$ 150, receipt number ANYEDC-16009783. by United Healthcare Insurance Company of New York Inc.. (Attachments: # <u>1</u> Affidavit of Brian D. Boone, # <u>2</u> Certificates of Good Standing) (Boone, Brian) (Entered: 10/05/2022)
10/05/2022	<u>27</u>	MOTION to Appear Pro Hac Vice <i>for Emily C. McGowan</i> Filing fee \$ 150, receipt number ANYEDC-16009826. by United Healthcare Insurance Company of New York Inc.. (Attachments: # <u>1</u> Affidavit of Emily C. McGowan, # <u>2</u> Certificate of Good Standing) (McGowan, Emily) (Entered: 10/05/2022)
10/05/2022	<u>28</u>	MOTION to Appear Pro Hac Vice <i>for Jordan Elise Edwards</i> Filing fee \$ 150, receipt number ANYEDC-16009845. by United Healthcare Insurance Company of New York Inc.. (Attachments: # <u>1</u> Affidavit of Jordan Elise Edwards, # <u>2</u> Certificate of Good

		Standing) (Edwards, Jordan) (Entered: 10/05/2022)
10/05/2022	<u>29</u>	MOTION to Appear Pro Hac Vice <i>for D. Andrew Hatchett</i> Filing fee \$ 150, receipt number ANYEDC-16009861. by United Healthcare Insurance Company of New York Inc.. (Attachments: # <u>1</u> Affidavit D. Andrew Hatchett, # <u>2</u> Certificates of Good Standing) (Hatchett, David) (Entered: 10/05/2022)
10/07/2022		ORDER granting <u>24</u> Motion for Leave to File Excess Pages. Defendant UnitedHealthcare is granted 5 extra pages for its motion to dismiss. Ordered by Judge Hector Gonzalez on 10/7/2022. (MD) (Entered: 10/07/2022)
10/07/2022		ORDER: The Court construes Defendants' premotion conference letter <u>23</u> , as well as Plaintiffs' response <u>25</u> , as Defendants' Motion to Stay. The Court grants the motion in part and denies it in part and sets a partial discovery schedule pursuant to Rule 16. The Court will set a schedule for additional discovery later this year, after it has reviewed Defendants motions to dismiss. Initial disclosures required by Fed. R. Civ. P. 26(a)(1) will be due by November 17, 2022; Procedures for producing Procedures Electronically Stored Information (ESI) will be discussed by December 1, 2022; Confidentiality order to be submitted for court approval by December 1, 2022. Requests for production of documents and interrogatories will be due November 17, 2022; Response to requests for production of documents and interrogatories will be due December 18, 2022. Requests for admissions will be due December 18, 2022. Ordered by Judge Hector Gonzalez on 10/7/2022. (MD) (Entered: 10/07/2022)
10/10/2022	<u>30</u>	MOTION to Dismiss for Failure to State a Claim by Multiplan Inc.. (Attachments: # <u>1</u> Memorandum in Support) (Creed, Aimee) (Entered: 10/10/2022)
10/10/2022	<u>31</u>	MOTION to Dismiss for Failure to State a Claim by United Healthcare Insurance Company of New York Inc.. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Karl Geercken, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4) (Geercken, Karl) (Entered: 10/10/2022)
10/12/2022		ORDER granting <u>26</u> Motion for Leave to Appear Pro Hac Vice. Attorney Brian D. Boone shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that he receives electronic notification of activity in this case. Also, the attorney shall ensure the \$150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Judge Hector Gonzalez on 10/12/2022. (MD) (Entered: 10/12/2022)
10/12/2022		ORDER granting <u>27</u> Motion for Leave to Appear Pro Hac Vice. Attorney Emily C. McGowan shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that she receives electronic notification of activity in this case. Also, the attorney shall ensure the \$150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Judge Hector Gonzalez on 10/12/2022. (MD) (Entered: 10/12/2022)
10/12/2022		ORDER granting <u>28</u> Motion for Leave to Appear Pro Hac Vice. Attorney Jordan Elise Edwards shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that she receives electronic notification of activity in this case. Also, the attorney shall ensure the \$150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Judge Hector Gonzalez on 10/12/2022. (MD) (Entered: 10/12/2022)
10/12/2022		ORDER granting <u>29</u> Motion for Leave to Appear Pro Hac Vice. Attorney David Andrew Hatchett shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that he receives electronic notification of activity in this case. Also, the attorney shall ensure the \$150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Judge Hector Gonzalez on 10/12/2022. (MD) (Entered: 10/12/2022)

10/14/2022	<u>32</u>	NOTICE of Appearance by Brian David Boone on behalf of United Healthcare Insurance Company of New York Inc. (notification declined or already on case) (Boone, Brian) (Entered: 10/14/2022)
10/14/2022	<u>33</u>	NOTICE of Appearance by Emily McGowan on behalf of United Healthcare Insurance Company of New York Inc. (notification declined or already on case) (McGowan, Emily) (Entered: 10/14/2022)
10/14/2022	<u>34</u>	NOTICE of Appearance by Jordan Elise Edwards on behalf of United Healthcare Insurance Company of New York Inc. (notification declined or already on case) (Edwards, Jordan) (Entered: 10/14/2022)
10/14/2022	<u>35</u>	NOTICE of Appearance by David Andrew Hatchett on behalf of United Healthcare Insurance Company of New York Inc. (notification declined or already on case) (Hatchett, David) (Entered: 10/14/2022)
10/28/2022	<u>36</u>	Letter <i>regarding Participation of Lawyers</i> by United Healthcare Insurance Company of New York Inc. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Geercken, Karl) (Entered: 10/28/2022)
11/02/2022	<u>37</u>	MOTION to Appear Pro Hac Vice <i>for Karla Doe</i> Filing fee \$ 150, receipt number ANYEDC-16098992. by United Healthcare Insurance Company of New York Inc.. (Attachments: # <u>1</u> Affidavit in Support, # <u>2</u> Certificate of Good Standing) (Doe, Karla) (Entered: 11/02/2022)
11/02/2022	<u>38</u>	Letter MOTION for Extension of Time to File Response/Reply as to <u>30</u> MOTION to Dismiss for Failure to State a Claim , <u>31</u> MOTION to Dismiss for Failure to State a Claim <i>Extension of the briefing schedule on Defendants' motion to dismiss Complaint</i> by Long Island Anesthesiologists PLLC. (Breitenbach, Roy) (Entered: 11/02/2022)
11/03/2022		ORDER granting <u>38</u> request for an extension of time to file response. The deadline for Plaintiff's opposition to Defendants' motion to dismiss is now November 14, 2022. The deadline for Defendants' reply in support of the motion is now December 5, 2022. Ordered by Judge Hector Gonzalez on 11/3/2022. (MD) (Entered: 11/03/2022)
11/03/2022		ORDER granting <u>37</u> Motion for Leave to Appear Pro Hac Vice. Attorney Karla Doe shall register for ECF, registration is available online at www.pacer.gov. Once registered, the attorney shall file a notice of appearance and ensure that she receives electronic notification of activity in this case. Also, the attorney shall ensure the \$150 admission fee be submitted to the Clerks Office via filing the event <i>Pro Hac Vice Filing Fee</i> . Ordered by Judge Hector Gonzalez on 11/3/2022. (MD) (Entered: 11/03/2022)
11/03/2022	<u>39</u>	NOTICE of Appearance by Karla M. Doe on behalf of United Healthcare Insurance Company of New York Inc. (notification declined or already on case) (Doe, Karla) (Entered: 11/03/2022)
11/09/2022	<u>40</u>	Letter MOTION for Leave to File Excess Pages <i>10 page enlargement of page limit</i> by Long Island Anesthesiologists PLLC. (Breitenbach, Roy) (Entered: 11/09/2022)
11/14/2022		ORDER granting <u>40</u> Motion for Leave to File Excess Pages. Ordered by Judge Hector Gonzalez on 11/14/2022. (MD) (Entered: 11/14/2022)
11/14/2022	<u>41</u>	DECLARATION re <u>31</u> MOTION to Dismiss for Failure to State a Claim , <u>30</u> MOTION to Dismiss for Failure to State a Claim by Long Island Anesthesiologists PLLC (Attachments: # <u>1</u> Exhibit Breitenbach Decl. Exh. 1, # <u>2</u> Exhibit Breitenbach Decl. Exh. 2, # <u>3</u> Exhibit Breitenbach Decl. Exh. 3, # <u>4</u> Exhibit Breitenbach Decl. Exh. 4, # <u>5</u> Exhibit Breitenbach Decl. Exh. 5, # <u>6</u> Exhibit Breitenbach Decl. Exh. 6, # <u>7</u> Exhibit Breitenbach Decl. Exh. 7, # <u>8</u> Exhibit Breitenbach Decl. Exh. 8, # <u>9</u> Exhibit Breitenbach Decl. Exh. 9, # <u>10</u> Exhibit Breitenbach Decl. Exh. 10, # <u>11</u> Exhibit Breitenbach Decl. Exh. 11, # <u>12</u> Exhibit Breitenbach Decl. Exh. 12, # <u>13</u> Memorandum in Opposition MOL in Opposition to Defendants' Motion to Dismiss) (Breitenbach, Roy) (Entered: 11/14/2022)
11/15/2022	<u>42</u>	MEMORANDUM in Opposition re <u>30</u> MOTION to Dismiss for Failure to State a Claim , <u>31</u> MOTION to Dismiss for Failure to State a Claim filed by Long Island Anesthesiologists PLLC. (Breitenbach, Roy) (Entered: 11/15/2022)

11/28/2022	<u>43</u>	Letter MOTION for Extension of Time to File <i>Procedures for Producing Electronically Stored Information (ESI) and Confidentiality Order (Joint)</i> by United Healthcare Insurance Company of New York Inc.. (Geercken, Karl) (Entered: 11/28/2022)
11/30/2022		ORDER granting <u>43</u> Motion for Extension of Time to File. Parties' deadline to file procedures for producing electronically stored information (ESI) and the proposed confidentiality order is extended to December 8, 2022. Ordered by Judge Hector Gonzalez on 11/30/2022. (MD) (Entered: 11/30/2022)
12/05/2022	<u>44</u>	REPLY in Support re <u>30</u> MOTION to Dismiss for Failure to State a Claim filed by Multiplan Inc.. (Creed, Aimee) (Entered: 12/05/2022)
12/05/2022	<u>45</u>	REPLY to Response to Motion re <u>31</u> MOTION to Dismiss for Failure to State a Claim filed by United Healthcare Insurance Company of New York Inc.. (Geercken, Karl) (Entered: 12/05/2022)
12/08/2022	<u>46</u>	Joint MOTION for Protective Order (<i>Motion for entry of stipulated protective order and protocol regarding the discovery of electronically stored information</i>) by United Healthcare Insurance Company of New York Inc.. (Attachments: # <u>1</u> Exhibit 1) the Stipulated Protective Order, # <u>2</u> Exhibit 2) ESI Protocol) (Geercken, Karl) (Entered: 12/08/2022)
12/09/2022	<u>47</u>	ORDER: The Court adopts <u>46</u> the parties' Stipulated Protective Order. Ordered by Judge Hector Gonzalez on 12/9/2022. (MD) (Entered: 12/09/2022)
07/14/2023	<u>48</u>	Letter by United Healthcare Insurance Company of New York Inc. (Attachments: # <u>1</u> Exhibit 1) copy of decision in Wayne Joseph v. Rebecca Corso) (Boone, Brian) (Entered: 07/14/2023)
09/18/2023	<u>49</u>	Letter <i>Response to July 14 Letter attaching decision in Joseph v. Corso</i> by Long Island Anesthesiologists PLLC, Mail receipt (Breitenbach, Roy) (Entered: 09/18/2023)
11/21/2023	<u>50</u>	ORDER: For the reasons set forth in the attached Order, the Court GRANTS Defendants' motions to dismiss. <i>See</i> ECF Nos. <u>30</u> , <u>31</u> . Plaintiff may file a motion seeking leave to amend its complaint, as described in the attached Order, on or before December 12, 2023, and Defendants may file a joint opposition brief by January 4, 2023. If Plaintiff does not seek leave to amend by December 12, 2023, judgment shall be entered, and the case closed. Ordered by Judge Hector Gonzalez on 11/21/2023. (ICP) (Entered: 11/21/2023)
12/07/2023	<u>51</u>	Letter MOTION for Extension of Time to File <i>Plaintiff's motion for leave to file an amended complaint</i> , by Long Island Anesthesiologists PLLC. (Breitenbach, Roy) (Entered: 12/07/2023)
12/07/2023		ORDER granting <u>51</u> Motion for Extension of Time. Plaintiff may file its motion seeking leave to amend its complaint on or before January 16, 2024, and Defendants may file a joint opposition brief on or before February 16, 2024. Ordered by Judge Hector Gonzalez on 12/7/2023. (ICP) (Entered: 12/07/2023)
01/10/2024	<u>52</u>	Letter MOTION for Extension of Time to File <i>a motion seeking leave to file an amended complaint</i> by Long Island Anesthesiologists PLLC. (Breitenbach, Roy) (Entered: 01/10/2024)
01/10/2024		ORDER granting <u>52</u> Motion for Extension of Time. Plaintiff may file its motion seeking leave to amend its complaint on or before January 26, 2024, and Defendants may file a joint opposition brief on or before February 26, 2024. No further extensions will be granted in the absence of extraordinary circumstances. Ordered by Judge Hector Gonzalez on 1/10/2024. (ICP) (Entered: 01/10/2024)
01/23/2024	<u>53</u>	MOTION for Extension of Time to Amend <u>1</u> Complaint, by Long Island Anesthesiologists PLLC. (Breitenbach, Roy) (Entered: 01/23/2024)
01/24/2024		ORDER granting <u>53</u> Motion for Extension of Time. Plaintiff may file its motion seeking leave to amend its complaint on or before February 2, 2024, and Defendants may file a joint opposition brief on or before March 4, 2024. This is Plaintiff's third extension request and Plaintiff is warned that no further extensions will be granted. Ordered by Judge Hector Gonzalez on 1/24/2024. (ICP) (Entered: 01/24/2024)

02/02/2024	<u>54</u>	MOTION for Leave to File Document <i>Notice of Motion for Leave to Amend Complaint</i> by Long Island Anesthesiologists PLLC. (Attachments: # <u>1</u> Declaration Breitenbach Declaration in support of Motion for Leave to Amend, # <u>2</u> Exhibit Exhibit 1 to RWB Declaration – LIA Proposed Amended Complaint, # <u>3</u> Exhibit Exhibit 2 to RWB Declaration – LIA Proposed Amended Complaint to Original Complaint) (Breitenbach, Roy) (Entered: 02/02/2024)
02/02/2024	<u>55</u>	MEMORANDUM in Support re <u>54</u> MOTION for Leave to File Document <i>Notice of Motion for Leave to Amend Complaint Memorandum of Law in support of Plaintiff's Motion for Leave to Serve an Amended Complaint</i> filed by Long Island Anesthesiologists PLLC. (Breitenbach, Roy) (Entered: 02/02/2024)
02/22/2024	<u>56</u>	Letter MOTION for Extension of Time to File Response/Reply as to <u>54</u> MOTION for Leave to File Document <i>Notice of Motion for Leave to Amend Complaint</i> , Letter MOTION for Leave to File Excess Pages by United Healthcare Insurance Company of New York Inc.. (Geercken, Karl) (Entered: 02/22/2024)
02/23/2024		ORDER granting <u>56</u> Motion for Extension of Time. Defendants shall file their joint opposition to Plaintiff's motion for leave to amend, <i>see</i> ECF No. <u>54</u> on or before March 18, 2024. Defendants may file a 25–page opposition. Ordered by Judge Hector Gonzalez on 2/23/2024. (ICP) (Entered: 02/23/2024)
03/18/2024	<u>57</u>	MEMORANDUM in Opposition re <u>54</u> MOTION for Leave to File Document <i>Notice of Motion for Leave to Amend Complaint (Joint)</i> filed by United Healthcare Insurance Company of New York Inc.. (Geercken, Karl) (Entered: 03/18/2024)
05/15/2024		ORDER GRANTING <u>54</u> Motion for Leave to File an Amended Complaint. The Court has reviewed Plaintiff's proposed Amended Complaint, <i>see</i> ECF No. [54–2] and its memorandum in support of its motion to amend, <i>see</i> ECF No. <u>55</u> , as well as Defendants' memorandum in opposition to Plaintiff's motion, <i>see</i> ECF No. <u>57</u> . The Second Circuit "strongly favors liberal grant of an opportunity to replead after dismissal of a complaint under Rule 12(b)(6)," <i>see Noto v. 22nd Century Grp., Inc.</i> , 35 F.4th 95, 107 (2d Cir. 2022), because of its "strong preference for resolving disputes on the merits," <i>see Williams v. Citigroup</i> , 659 F.3d 208, 213 (2d Cir. 2011). Leave to amend should be "freely given" in the absence of factors such as "undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party..., [and] futility of amendment." <i>Foman v. Davis</i> , 371 U.S. 178, 182 (1962). Here, Defendants argue that the Court should deny Plaintiff's motion because the proposed amendment would be futile. <i>See</i> ECF No. <u>57</u> at 6. Upon a review of the proposed amended complaint and the parties' briefs, the Court disagrees. Plaintiff has pled additional facts that may be sufficient to overcome the defects that the Court identified in its Order granting Defendants' motion to dismiss, <i>see</i> ECF No. <u>50</u> . Plaintiff shall file and serve its amended complaint on or before May 28, 2024. Defendants shall answer or otherwise respond to the amended complaint on or before June 27, 2024. If Defendants intend to move to dismiss the Amended Complaint, they need not follow the process of filing a pre–motion letter required by Section IV.A of the Court's Individual Practices. Instead, Defendants shall file their papers in support of their motion to dismiss on or before June 27, 2024. Plaintiff shall file its opposition papers on or before July 29, 2024. Defendants' reply papers, if any, shall be filed on or before August 12, 2024. The parties are directed to review Section IV.B. of this Court's Individual Practices and to comply with the page limitations outlined therein. Ordered by Judge Hector Gonzalez on 5/15/2024. (ICP) (Entered: 05/15/2024)
05/28/2024	<u>58</u>	AMENDED COMPLAINT against Multiplan Inc., The Empire Plan Medical/Surgical Program, United Healthcare Insurance Company of New York Inc., filed by Long Island Anesthesiologists PLLC. (Breitenbach, Roy) (Entered: 05/28/2024)
06/20/2024	<u>59</u>	MOTION for Extension of Time to File Answer : <i>Joint Stipulation to Extend Deadline to Respond to Plaintiff's Amended Complaint [DE 58]</i> by United Healthcare Insurance Company of New York Inc.. (Geercken, Karl) (Entered: 06/20/2024)
06/21/2024		ORDER granting <u>59</u> Motion for Extension of Time. Defendants shall answer or otherwise respond to the amended complaint on or before July 18, 2024. If Defendants move to dismiss the Amended Complaint, Plaintiff shall file its opposition papers on or before August 19, 2024. Defendants' reply papers, if any, shall be filed on or before

		September 4, 2024. Ordered by Judge Hector Gonzalez on 6/21/2024. (ICP) (Entered: 06/21/2024)
07/18/2024	<u>60</u>	MultiPlan, Inc.'s ANSWER to <u>58</u> Amended Complaint by Multiplan Inc.. (King, Errol) (Entered: 07/18/2024)
07/18/2024	<u>61</u>	MOTION to Dismiss for Failure to State a Claim <i>the Amended Complaint</i> by United Healthcare Insurance Company of New York Inc.. (Attachments: # <u>1</u> Memorandum in Support) (Geercken, Karl) (Entered: 07/18/2024)
07/18/2024	<u>62</u>	MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> by Multiplan Inc.. (Attachments: # <u>1</u> Memorandum in Support) (King, Errol) (Entered: 07/18/2024)
07/19/2024		ORDER: Defendant Multiplan Inc. filed its motion seeking to dismiss Plaintiff's Amended Complaint as an Answer to Plaintiff's Amended Complaint, <i>see</i> ECF No. <u>60</u> , before re-filing the same document as a motion to dismiss, <i>see</i> ECF No. <u>62</u> . The Court therefore strikes ECF No. <u>60</u> . Ordered by Judge Hector Gonzalez on 7/19/2024. (PN) (Entered: 07/19/2024)
08/13/2024	<u>63</u>	Letter MOTION for Extension of Time to File <i>Ext. of Briefing Sched. – Plaintiffs opposition deadline from 8.19.2024 to 9.9.2024 and to extend Defendants response deadline from 9.4.2024 to 10. 9, 2024</i> by Long Island Anesthesiologists PLLC. (Breitenbach, Roy) (Entered: 08/13/2024)
08/13/2024		ORDER re <u>63</u> Motion for Extension of Time to File. Plaintiff's opposition papers are due on or before September 9, 2024. Defendant's reply papers, if any, are due on or before September 30, 2024. Ordered by Judge Hector Gonzalez on 8/13/2024. (ICP) (Entered: 08/13/2024)
09/09/2024	<u>64</u>	MEMORANDUM in Opposition re <u>62</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by Long Island Anesthesiologists PLLC. (Breitenbach, Roy) (Entered: 09/09/2024)
09/13/2024	<u>65</u>	Joint MOTION for Extension of Time to File Response/Reply <i>In Support of Their Motion to Dismiss</i> by United Healthcare Insurance Company of New York Inc.. (Geercken, Karl) (Entered: 09/13/2024)
09/13/2024		ORDER granting <u>65</u> Motion for an Extension of Time to File. Each Defendant may file its reply in support of its motion to dismiss Plaintiff's amended complaint on or before October 14, 2024. Ordered by Judge Hector Gonzalez on 9/13/2024. (ICP) (Entered: 09/13/2024)
10/14/2024	<u>66</u>	MEMORANDUM in Support re <u>62</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by Multiplan Inc.. (King, Errol) (Entered: 10/14/2024)
10/14/2024	<u>67</u>	REPLY in Support re <u>61</u> MOTION to Dismiss for Failure to State a Claim <i>the Amended Complaint</i> filed by United Healthcare Insurance Company of New York Inc.. (Boone, Brian) (Entered: 10/14/2024)
10/29/2024	<u>68</u>	Letter <i>re: Joseph v. Corso Decision</i> by Long Island Anesthesiologists PLLC (Attachments: # <u>1</u> Exhibit Joseph v. Corso NY Opinion and Order) (Boone, Brian) (Entered: 10/29/2024)
04/07/2025	<u>69</u>	ORDER: For the reasons set forth in the accompanying Order, the Court GRANTS with prejudice Defendants' motions to dismiss Plaintiff's Sherman Act and Donnelly Act claims and declines to exercise supplemental jurisdiction over Plaintiff's unjust enrichment claim, which it dismisses without prejudice. <i>See</i> ECF No. 61-1; ECF No. 62-1. The Clerk of Court is respectfully requested to enter judgment and close this case. Ordered by Judge Hector Gonzalez on 4/7/2025. (DF) (Entered: 04/07/2025)
04/08/2025	<u>70</u>	CLERK'S JUDGMENT: hat Defendants' motions to dismiss Plaintiff's Sherman Act and Donnelly Act claims are granted with prejudice; and that the Court declines to exercise supplemental jurisdiction over Plaintiff's unjust enrichment claim, which it dismisses without prejudice. <i>See</i> ECF No. 61-1; ECF No. 62-1. Signed by Deputy Clerk, Jalitza Poveda, on behalf of Clerk of Court, Brenna B. Mahoney, on 4/8/2025. (JP) (Entered: 04/08/2025)

05/05/2025	<u>71</u>	NOTICE OF APPEAL by Long Island Anesthesiologists PLLC. Filing fee \$ 605, receipt number ANYEDC-19015428. (Attachments: # <u>1</u> Exhibit Exhibit A – Judgment) (Breitenbach, Roy) (Entered: 05/05/2025)
05/05/2025		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>71</u> Notice of Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (VJ) (Entered: 05/05/2025)