

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UFCW LOCAL 1500 WELFARE FUND,
*on its own behalf and on behalf of all
others similarly situated,*

Plaintiffs,

v.

THE NEW YORK AND
PRESBYTERIAN HOSPITAL,

Defendant.

Case No. 2:25-cv-05023-ENV-AYS

Hon. Eric N. Vitaliano, U.S.D.J.

Hon. Anne Y. Shields, U.S.M.J.

CEMENT AND CONCRETE WORKERS
DC BENEFIT FUND, *on its own behalf
and on behalf of all others similarly
situated,*

Plaintiffs,

v.

THE NEW YORK AND
PRESBYTERIAN HOSPITAL,

Defendant.

Case No. 1:25-cv-5571-ENV-AYS

Hon. Eric N. Vitaliano, U.S.D.J.

Hon. Anne Y. Shields, U.S.M.J.

**STIPULATION BETWEEN THE PARTIES AND ANTHEM HEALTHCHOICE
ASSURANCE, INC. AND ANTHEM HEALTHCHOICE HMO, INC. (“ANTHEM”) ¹
REGARDING PROTECTION OF
CERTAIN HIGHLY CONFIDENTIAL INFORMATION**

WHEREAS, pursuant to the January 26, 2026 Scheduling Order from Magistrate Judge Shields, Plaintiffs Cement and Concrete Workers DC Benefit Fund and United Food and Commercial Workers Local 1500 Welfare Fund, and Defendant The New York and Presbyterian

¹ Anthem HealthChoice Assurance, Inc. was formerly known as Empire HealthChoice Assurance, Inc. and Anthem HealthChoice HMO, Inc. was formerly known as Empire HealthChoice HMO, Inc.

Hospital (collectively the “Parties”) are required to produce their respective relevant contracts with Anthem (“Protected Materials”) on or before March 12, 2026 in order to complete Tier I discovery;

WHEREAS, the Parties are in ongoing negotiations regarding the entry of a Protective Order in this case;

WHEREAS, the Parties’ Protective Order may not be executed and approved by the Court before the production of the Protected Materials or the due date for Tier I discovery; and

WHEREAS, the Parties and Anthem have entered into this Stipulation to provide protections for the Protected Materials pending Court approval of a Protective Order;

IT IS SO STIPULATED that:

1. Until a Protective Order is entered by the court, Protected Materials exchanged by the Parties will be accorded a confidentiality status of “Highly Confidential – Outside Attorneys’ Eyes Only”;
2. The Parties shall provide Anthem with at least five days’ advance notice prior to filing any proposed Protective Order with the Court for approval. The notice shall include the provisions of the Protective Order, either in draft or final form, relevant to the confidentiality designation of the Protected Materials;
3. From the submission date of any proposed Protective Order to the Court and pending the Court’s decision on any motion or stipulation regarding entry of any Protective Order, the Protected Materials shall be accorded the “Highly Confidential – Outside Attorneys’ Eyes Only” treatment;
4. Upon the Court’s entry of the Protective Order, the Protected Materials shall be accorded the highest level of confidentiality provided in the Protective Order or any other designation agreed to by the Parties and Anthem;

5. Nothing in this Order shall prohibit any Party from challenging the designation of the Protected Materials pursuant to the terms of any Protective Order entered by the Court, or from otherwise seeking a Court Order redesignating such information or permitting additional uses or disclosures of such information; and
6. Nothing in this Order shall alter or waive the existing or future contractual and common law obligations of each Party on the one hand and of Anthem on the other hand or prohibit any Party or Anthem from exercising any such contractual or legal rights.

/s/ Gregory S. Asciolla

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**Not barred in New York. Only barred in Washington, DC. Practicing under the supervision of New York attorneys.*

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***Pro Hac Vice Forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2026, I electronically filed the foregoing “Stipulation Between the Parties and Anthem HealthChoice Assurance, Inc. and Anthem HealthChoice HMO, Inc. (“Anthem”) Regarding Protection of Certain Highly Confidential Information,” with the Clerk of the Court for the United States District Court for the Eastern District of New York by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I further certify that on March 10, 2026, I caused a true and correct copy of the foregoing Stipulation to be served via electronic mail upon the following non-CM/ECF participant(s):

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Dated: March 10, 2026, New York, NY

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