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April 2, 2025

By Email and ECF

The Honorable John P. Cronan
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, New York 10007-1312

Re: *Doe v. Anthem Healthchoice Assurance, Inc.*; No. 1:24-cv-08012

Dear Judge Cronan:

Pursuant to Rules 1.A. and 6.A. of Your Honor's Individual Rules and Practices in Civil Cases, Defendant Anthem HealthChoice Assurance, Inc. ("Anthem") submits this letter motion to stay discovery pending disposition of Anthem's motion to dismiss, filed March 28, 2025 (ECF No. 24). Plaintiffs consent to this request. The Parties agree that a stay of discovery pending the Court's decision on the motion to dismiss will preserve both the Parties' and the Court's resources and that neither side will be prejudiced by the stay.

Plaintiffs filed the instant Complaint on October 22, 2024. Anthem agreed to waive service on November 6, 2024, and the Parties stipulated to extend Anthem's responsive pleading deadline to February 14, 2025 to allow the Parties to meet and confer regarding, among other things, the appropriate parties to this putative class action and Anthem's grounds for seeking dismissal of the Complaint. On February 14, 2025, Anthem filed a pre-motion letter regarding its anticipated motion to dismiss, and the Court on February 21, 2025 entered an order establishing the briefing schedule for Anthem's motion. Anthem filed its motion to dismiss on March 28, 2025.

That same day, the Court entered an order observing that the Parties had not moved the Court for a stay of discovery pending disposition of Anthem's motion to dismiss, and ordering the parties to file a proposed Civil Management Plan and Scheduling Order by April 4, 2025 (ECF No. 22) (the "Discovery Order"). The Parties now request a stay of discovery and vacatur of the Discovery Order pending disposition of Anthem's motion to dismiss.

Under Rule 26(c) of the Federal Rules of Civil Procedure, the Court has discretion to stay discovery "for good cause shown." *Spencer Trask Software & Info. Servs., LLC v. RPost Int'l Ltd.*, 206 F.R.D. 367, 368 (S.D.N.Y. 2002). "Good cause may be shown where a party has filed a dispositive motion, the stay is for a short period of time, and the opposing party will not be prejudiced by the stay." *Id.* Here, the proposed stay will be short, as Anthem has already filed its motion to dismiss, and the stay will last only until the motion is determined by the Court. And the Parties agree they will not be prejudiced by the stay, as each has consented to the entry of a stay of discovery. Even if the Court ultimately denies Anthem's motion to dismiss, "a temporary and finite delay in attaining discovery" does not constitute prejudice that would weigh against granting

BY EMAIL AND ECF

April 2, 2025
Page 2

a stay. *In re AOL Time Warner, Inc. Secs. & ERISA Litig.*, 2003 WL 22227945, at *2 (S.D.N.Y. Sept. 26, 2003).

The Parties therefore respectfully request that the Court stay discovery pending the disposition of Anthem's motion to dismiss.

Respectfully submitted,

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cc: All counsel of record (via ECF)